

LANCASHIRE CONSTABULARY

# A VIEW FROM THE TACTICAL ETHICS COMMITTEE

Report for the Joint Audit and Ethics Committee

**Date of meeting:** 08/09/2022

**Time:** 10:30am to 12:30pm

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## **A VIEW FROM THE TACTICAL ETHICS COMMITTEE**

### **PURPOSE OF THE BRIEFING NOTE**

The purpose of this note is to document responses from the Tactical Ethics Committee in respect of two ethical dilemmas. The first section will cover background to both questions and outline the context provided to the Committee on the 8<sup>th</sup> of September 2022. The second section will provide the Committee's initial views.

### **BACKGROUND**

Ethical Dilemma for discussion:

*'Degree Apprenticeships – Fairness of opportunity?'*

An overview of the question posed was provided. It was explained how this ethical dilemma links to the work undertaken by the Organisational Development team in collaboration with education providers to offer degree apprenticeships to officers and staff. Firstly, there may be a perceived lack of fairness of opportunity amongst officers and staff in frontline roles who, due to operational demand, are not able to commit to a degree apprenticeship and whose expressions of interest are then not supported by their line managers. Secondly, it could be seen as problematic that this decision lies with a line manager and perhaps other ways to reach a verdict whether to support an individual's application should be considered. Lastly, if an officer or member of staff is off work due to sickness, how generous should the workplace be with providing extensions, taking into account the impact that a lengthened degree apprenticeship pathway has on abstraction levels across the organisation.

The second Ethical Dilemma for discussion:

*'Is it appropriate for officers and staff to engage in Only Fans as a business interest?'*

An overview of the dilemma was provided by a member of the Committee. Only Fans is a subscription based service for online adult work, whereby members of the platform can sell personalised material such as photographs and videos, often of an explicit nature. In the recent months there has been a reported increase of public sector employees who engage in this type of work alongside their day job. Whilst this type of business interest has not yet been

declared by any member of Lancashire Constabulary, horizon scanning indicates that it would be useful to seek Committee's views on this matter.

## **VIEW OF THE COMMITTEE**

### *'Degree Apprenticeships – Fairness of Opportunity?'*

The degree apprenticeship programme provides an opportunity to achieve a degree or a qualification and is open to both officers and staff. This apprenticeship programme is paid for from the apprenticeship levy. A commitment of 20% off the job training is required, for most officers and staff this equates to one study day per week. Students on this programme are required to complete a portfolio of work.

Line managers are not always confident enough to challenge individuals who they feel are not suitable to undertake a degree apprenticeship. In addition, officers and staff in BCUs are limited their ability to take study leave due to prescribed operating levels, which could create a perception of unfairness.

It was agreed that an individual's line manager should remain involved in decision making around eligibility for the apprenticeship as it is the line manager who has the best knowledge of an individual's circumstances, performance and personal resilience.

It was suggested that degree apprenticeship candidates should be required to justify in writing how their development in the chosen area will benefit the organisation and how the newfound knowledge will be applied in practice to ensure that the chosen course is relevant to the organisation's needs. The Committee also suggested that perhaps some formal commitment (such as a tenure) should be sought from candidates to avoid them becoming upskilled only to then leave to work in the private sector.

The Committee agreed that a panel for decision making in relation to degree apprenticeships would help achieve consistency in decision making between departments and assist with better workforce/resource planning to understand abstractions. An appeals process would further enhance this and help minimise the feelings of disadvantage and unfairness and provide transparency to decision making. It was however acknowledged that there is always going to be a perception of some unfairness as not all roles are simply accommodating enough to be able to commit to a degree, for example due to shift patterns, and there is little that can

be done about this, except for the individual to make a decision to move roles in order to seek development.

It was acknowledged that there are legacy issues surrounding the management of degree apprenticeships in the force which are still being ironed out. There was previously an appetite to use the levy to its full potential which resulted in the approach not being as measured as it perhaps should have been.

In relation to granting of extensions, this decision sits with the education provider and the Constabulary is not able to influence this.

In summary, it was acknowledged that degree apprenticeships are a valuable development opportunity and should continue to be offered.

The Committee agreed that to achieve consistency a decision-making panel is recommended to be implemented. This would ensure that there is fairness across roles (but not necessarily across departments and the Committee acknowledge that it is not possible to provide the exact same opportunities to the frontline as it is to HQ staff) and teams regardless of supervision and that an overall abstraction picture is monitored. Line managers should form part of the panel to provide additional insight.

There needs to be robust management of performance, both pre- and mid-apprenticeship to ensure that the course is not affecting the individual's ability to do their day job, and also robust management and prevention of sickness.

Actions following on from the discussion:

1. Tracey Hailwood, Head of OD, to explore the option of establishing a panel for decision making. Consider best practice in other forces.
2. Tracey Hailwood to consider implementing a clause to degree apprenticeship contracts which would seek formal commitment to the organisation by the applicant to try and prevent the loss of talent once the qualification has been achieved
3. Organisational Development to continue the good work in relation to managing sickness in performance and supporting candidates through the process

*'Is it appropriate for officers and staff to engage in Only Fans as a business interest?'*

Firstly, a Committee member explained that there are a number of Lancashire Constabulary officers and staff who engage in 'influencing' using social media, this is usually related to gym routines and promotion of healthy habits. Although there have been no declarations of adult work as a side business in the Constabulary to date, it will be helpful to discuss this matter to understand the stance of the Committee. This will help inform future decision making in the Professional Standards Department.

The Committee acknowledged that even if officers and staff were permitted to undertake Only Fans as a business interest with the condition of doing so anonymously and in a way which would not be identifiable, there would be a difficulty in proactively monitoring compliance with this. There is a risk that if an officer or a member of staff were identified on the platform and a link was made to connect them to Constabulary, this could result in reputational damage to the organisation. Anonymity online is never truly guaranteed and therefore there will always be a risk of an individual being 'outed'.

In terms of the legal aspect of prohibiting this activity, there could be a difficulty with this due to Article 8 – Right to Private Life, and individuals being able to begin a litigation process against the Constabulary if they were banned from making an extra income during a cost-of-living crisis. A representative from the Legal department has confirmed that this a genuine risk.

It was noted that the individuals who pay for services such as Only Fans can be vulnerable themselves and there could be ethical and legal issues arising from potential exploitation of this vulnerability.

The Committee agreed that consideration should be given to requiring officers and staff to declare their associations with family members and other associates who are involved in adult work as this association puts them at risk so falls into the criteria surrounding reportable associations.

An alternative view was also provided as part of the discussion which explained that as times change, things become more acceptable in the society and perhaps this type of business activity is 'a sign of the times' and something that will become normalised in the future.

Overall, the Committee agreed that engagement in work such as Only Fans carries too much risk for the organisation, provides too much opportunity for exploitation of vulnerability and is

not considered to be compatible with the role of a Constabulary employee. It will be valuable to learn about the stance of other forces in relation to this dilemma as it is recommended that Lancashire Constabulary follows a consistent national approach.

Actions following on from the discussion:

1. Feedback re: Committee views to be provided to the Professional Standards Department to help inform future decision making
2. Professional Standards Department to seek information re: practice in other forces

## **NEXT STEPS**

The next Committee meeting will be arranged in due course and it will place around the week commencing the 5<sup>th</sup> of December 2022.