

LANCASHIRE CONSTABULARY

A VIEW FROM THE TACTICAL ETHICS COMMITTEE

Report for the Joint Audit and Ethics Committee

DRAFT

Date of meeting: 23/02/2022

Time: 10am to 12pm

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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 23rd of February 2022. The second section will provide the Committee's initial views.

BACKGROUND

Ethical Dilemma for discussion:

'Is it ethical for staff members to report misconduct/criminality concerning others within the organisation but then refuse to provide a statement?'

An overview of the question posed was provided. It was explained how this ethical dilemma links to the work of the Professional Standards Department and the links to the Code of Ethics. It was noted that it is important to strike a balance between being victim focused and being held to a higher standard than members of the public. A follow up question asked: *"Does someone coming forward absolve them of further involvement in the subsequent investigation?"* A distinction was made to identify that this dilemma arises both in relation to informants who do not come forward with full details after reporting and also witnesses who are identified as a result of subsequent investigation but are not willing to discuss the matter or provide evidence.

The second Ethical Dilemma for discussion:

'Is it proportionate to prohibit officers and staff from having tattoos on certain parts of the body?'

An overview of the dilemma was provided by a member of the Committee. With the recent changes to the Standards of Dress policy there is an opportunity to scrutinise it and ensure that as an organisation we are alive to changing mindsets of the community. A query was also raised to clarify the makeup and role of the Tattoo Panel to ensure that decisions made by the panel are objective and consistent.

VIEW OF THE COMMITTEE

'Is it ethical for staff members to report misconduct/criminality concerning others within the organisation but then refuse to provide a statement?'

A Committee member proposed a debate around “victimless prosecution” and compelling witnesses to provide evidence to remove the burden from victims and reduce the risk of victims being antagonised. It was recognised that there is a risk of reduction in reporting, however, at the fear of being compelled to provide further evidence.

Another Committee member stated that when officers join the organisation, they enter a contract which requires them to adhere to the Code of Ethics. They are no longer considered to be ordinary members of the public and therefore there is a higher level of expectation around their behaviour and personal standards.

A point was raised around the fact that if investigations are finalised as “no further action” due to a lack of cooperation from witnesses, this can lead to the workforce feeling that there is no point in reporting offences as nothing is done about them anyway – not realising that the reason that the investigation did not proceed was due to evidential difficulties, rather than the organisation’s unwillingness to act. This therefore stresses the knock-on effect that the lack of cooperation from witnesses can have by leading to a reluctance to come forward in future investigations.

It was noted that non-reporting already happens in communities and it appears that we are beginning to replicate this internally – through a culture where victims or witnesses are worried about the consequences of their reporting.

The Committee agreed that the organisation must look after the victims and witnesses and a wraparound should be put in place, particularly in situations where they are ostracised by their colleagues. It must also be noted that this wraparound must continue after an investigation is concluded.

The Integrity line was mentioned as a tool which assists with intelligence gathering around individuals and provides the organisation with an opportunity for a “health check”, or as it was also described, “puts people on the radar”.

The discussion was then brought back to the main two points: the first one being around our ability as an organisation to legally compel victims and witnesses to cooperate further and the second one being around the behaviours, culture, care and support surrounding the issue.

It was acknowledged that victims often think long and hard before making disclosures and often have a bad experience once they have reported with their account scrutinised publicly. Although the organisation appoints welfare officers, supervisors are often not included in the process and do not attend gross misconduct hearings with their staff.

The Committee agreed that there is a need to understand the journey of a victim or witness in a misconduct investigation and learn why they feel that they cannot fully engage. It was also mentioned that historically, there has been an undercurrent of threat when officers were asked to provide statement about their colleagues. Witnesses can on occasion be contacted by external solicitors which creates further confusion. There can also be a lack of understanding about the nuances of satisfying some details in an investigation – merely providing a statement to discharge the duty does not help an investigation.

A member mentioned the need for support to staff to come from all levels of the organisation and not just immediate line management support. It was also acknowledged that Human Resources are not entirely familiar with Professional Standards processes and therefore feel unable to offer support to staff, for example prior to attending court.

In summary, we must not underestimate the impact that the process has on the workforce and we need to provide a sufficient wraparound for both victims (or persons making the initial report) and witnesses. The Committee has suggested introducing an initiative similar to Op Hampshire which would set out a “gold standard” for misconduct investigations and provide clarity to all parties.

Actions following on from the discussion:

1. Ch Supt Osiowy to discuss with DCC Hatchett around how we can work Committee’s suggestions into the wider programme of work around values and standards which is coming soon and to discuss the delivery of an input on values and standards more widely, including this specific area as discussed, as part of the away days for the wider Senior Leadership Team.

‘Is it proportionate to prohibit officers and staff from having tattoos on certain parts of the body?’

Due to the length of the discussion on the first ethical dilemma, the Committee had significantly less time to discuss the second dilemma.

Three aspects of the dilemma were discussed: the makeup of the Tattoo Panel and the consistency around Panel's decision making, culture around tattoos – both inside and outside of the organisation, and lastly, the application of the policy to currently serving officers and staff.

A member of the Committee clarified that the aforementioned Tattoo Panel consists of several members from across different departments and that the Panel is open to new members.

The Committee agreed that there has been a lot of change in the views of the society on tattoos.

Consistency is needed to include currently serving officers as there are officers and staff who have tattoos on their hands who work for the organisation at present. Additional guidance would help, although it was also acknowledged that if a policy is too prescriptive that may also pose a risk, for example from a gender bias point of view. An example of this could be microblading – which is a form of an eyebrow tattoo.

The Committee shared a common view on what can be considered offensive.

Actions following on from the discussion:

1. Hamza Foy to join the Tattoo Panel.
2. Ch Supt Osiowy to share the views of the Committee with ACC Procter for a further discussion.

NEXT STEPS

The next Committee meeting has now been arranged and it will place on the 25th of May 2022.