

For Information	
Public/Non public	Public
Report to:	Strategic Resources and Performance Meeting
Date of Meeting:	18th September 2020
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Agenda Item:	10

Code of Ethics Update September 2020

1. Purpose of the Report

- 1.1 The purpose of this report is to update the Police and Crime Commissioner of on-going activity regarding the Policing Code of Ethics within Nottinghamshire Police.

2. Recommendations

- 2.1 It is recommended that the OPCC notes the update and the progress made. With the Code of Ethics having been embedded in the force since its launch in 2014, the report sets out how the understanding of ethics across the workforce and its response to ethical issues / dilemmas will be enhanced.

3. Reasons for Recommendations

- 3.1 To ensure that the NOPCC is kept informed of the progress made.

4. Summary of Key Points

- 4.1 The Policing Code of Ethics (hereafter termed the Code) was introduced by the College of Policing (CoP) and approved by Parliament on 15th July 2014.
- 4.2 Each Police Force was required to undertake action to effectively embed the Code within activity locally. In Nottinghamshire, the lead command officer is Deputy Chief Constable (DCC) Rachel Barber and the operational lead is Temporary Detective Superintendent Michael Allen, having taken over from Superintendent Matthew MacFarlane.
- 4.3 An implementation plan to introduce the Code of Ethics into Nottinghamshire Police was delivered in 2014 into 2015.
- 4.4 The strategic direction for the work of embedding the Code within Nottinghamshire included:
- Clear personal leadership from Command regarding the importance of the Code;

- The Code would be recognised as an expansion to detail within the 'Professional element' of our existing PROUD values. It does not replace those values;
- The Code would be applied to decision making in whatever context those decisions are made. It would not be approached in a 'tick box/audit' manner.

4.5 Key work within the implementation plan included:

- a) Communicating the Code individually to all members of Nottinghamshire Police staff;
- b) An ongoing communication plan to raise awareness of the Code, including items such as 'ethical dilemmas' on the force intranet.
- c) Briefing senior managers on the Code;
- d) Incorporating the Code explicitly within relevant training;
- e) Incorporating the Code explicitly within management development, also within promotion processes;
- f) Including the Code within recruitment and also induction processes;
- g) Identifying business area leads across all business areas of Nottinghamshire Police, to embed the Code within the activity of each area;
- h) Developing the Force Professional Standards, Integrity & Ethics Board to explicitly include and consider ethical issues;
- i) Ensuring the Code is at the heart of decision making within Nottinghamshire Police, (recognising the position of the Code at the centre of the National Decision Making Model). This includes action such as explicitly including the Code within policy logs;
- j) Maintaining contact with the CoP and regional forces to share best practice;
- k) Interactive sessions with management teams on the Code, including how to practically apply it to decision making within situations.

4.6 Summaries of the Her Majesty's Inspectorate of Constabulary and Fire and Rescue (HMICFRS) PEEL inspection programmes for Nottinghamshire Police in 2015, 2016 and 2017 were reported in the Code of Ethics update to the Strategic Resources and Performance (SR&P) meeting on 28th May 2018.

4.7 In the 2019 HMICFRS integrated PEEL inspection report, Nottinghamshire Police were assessed as 'good' in respect to the question '*How legitimately does the force treat the public and its workforce?*'. The force was assessed as good at behaving ethically and lawfully. It was assessed that officers and staff understood the standards of behaviour expected by the force, had a range of data available for review to monitor this and leaders were judged to be positive role models. HMICFRS suggested it would be good if there was a separate forum where the workforce could refer ethical dilemmas.

- 4.8. HMICFRS noted that the Professional Standards Directorate (PSD) engaged with the workforce, enabling those serving with the force to understand the limits of acceptable behaviour and keep pace with current issues having a bearing on police legitimacy, thus promoting procedural fairness within the community and the delivery of internal organisational justice.
- 4.9 Extending on paragraph (para.) 4.8, whilst the Standards of Professional Behaviour as prescribed by schedule (sch.) 2 of the Police (Conduct) Regulations (PCR) 2020 are well understood by the workforce, the distinction between those standards and what is meant by ethics, is less well understood. The main reason is that in general terms, the Code conflates ethical behaviour with the Standards of Professional Behaviour; the published document rehearsing (i) the content of the secondary legislation [sch.2 PCR 2020] defining acceptable behaviour for officers and (ii) the content of the Police Staff Council joint circular number 54 (2018) governing Standards or Professional Behaviour for police staff.
- 4.10 Given the conflation of ethics and Standards of Professional Behaviour within the Code and its embedded position within the force since its launch in 2014, the workforce have a strong comprehension of binary Standards of Professional Behaviour i.e. what it is acceptable and that which is improper, however their understanding of the nuanced position of ethics is less well understood. Improving this position, which is mirrored nationally, will be the focus for the operational lead for ethics over the next 12 months. Indicators of the current understanding of ethics can be summarised as follows:
- a) Matters referred to the force ethics forum that are patently issues of Standards of Professional Behaviour;
 - b) Submissions by peers, supervisors and the PSD that person serving with the force has 'breached the Code of Ethics.'
 - c) An acknowledgement by members of the United Kingdom Police Ethics Guidance Group (UKPEGG) and the CoP that a new iteration of the Code is required.
- 4.11 The issue set out above at para. 4.10(a) is important to acknowledge, in that when examining misconduct, it is the Standards of Professional Behaviour, prescribed by sch.2 PCR 2020, that is breached and not the Code. The workforce therefore needs an enhanced understanding of ethics, recognising the importance of making decisions based on conscience, where matters are not prohibited by the Standards of Professional Behaviour and / or force policy, but are defined by intuition in the absence of binary rules. That said, on the vast majority of occasions those serving with the force make sound ethical decisions; this is more a case of augmenting practice with theory to provide for continuous personal development and organisational learning.

- 4.12 Over the next 12 months, promoting ethics within the force, there will be focus on the nine policing principals, built on the 'Nolan principals for public life,' specifically: accountability, integrity, openness, fairness, leadership, respect, honesty, objectivity and selflessness.
- 4.13 In June 2020, drafting of an internal communications plan began, with the aim of delivering a campaign to raise the workforce's understanding of ethics in policing. That campaign entitled 'Let's Talk Ethics' is intended to commence in September 2020 and has a number of objectives that are designed to foster a culture of openness in the discussion and resolution of ethical issues and dilemmas. Key objectives are:
- (a) Enable the workforce to understand the broad categories of ethics relevant to policing, in particular deontology, utilitarianism and virtues; ensuring knowledge as to the clear differentiation with the Standards of Professional Behaviour;
 - (b) Recruit grassroots membership to the force ethics forum.
 - (c) Empower the workforce to raise ethical dilemmas to the force ethics forum who can on return provide guidance and / or escalate issues for resolution to the force Organisational Risk and Learning Board.
 - (d) Encourage open and safe discussion of ethical issues within the workplace environment and raise awareness as to how internal mechanisms can be instigated to resolve such issues at force, regional and national levels.
- 4.14 Historically, the ethics forum has comprised both strategic managers and senior support network representatives, but such membership mirrors other meetings that already exist in force where such persons can influence change. The forum has therefore been re-designed in an effort to gain a more representative view from officers, staff and volunteers operating at a tactical level across the force. Membership at a grassroots level has been encouraged i.e. officers, staff and volunteers who are closest to our communities and / or are affected by decisions made by the force's senior leadership teams (SLTs). Support has also been welcomed from those within the core membership of staff support networks, as opposed to the executive members who already have a regular audience with the Chief Officer Team.
- 4.14 Re-designing the ethics forum involved consultation with the PSD and it was the consensus of opinion was that their membership was unnecessary given the purposeful separation of ethics from the Standards of Professional Behaviour. Given the lead officer for Ethics also acts as the staff officer for the National Police Chiefs' Council (NPCC) complaints and misconduct portfolio, they have the requisite knowledge to identify disciplinary issues should such arise within the ethics forum.

- 4.15 Whilst open discussion of ethical issues is encouraged and will continue to be promoted (see para. 4.13(d)), it is recognised that for a diverse range of legitimate reasons, on some occasions those wishing to raise an ethical issue or dilemma for resolution, will wish to remain anonymous. A number of avenues are available to support such persons, including the force's confidential reporting channel maintained by the force's Counter Corruption Unit (CCU) or the raising of issues to the ethics forum through advocacy support.
- 4.16 The national situation regarding ethics forums is varied, with several different approaches being taken across the country. Some forces have external representation on their ethics forums / committees, but there can be a lack of clarity regarding a distinction between the roles provided by such membership and the purpose of other external reference groups (ERGs) such as Independent Advisory Groups (IAGs), the latter of which exist within Nottinghamshire. Whilst the concept of external membership has not been precluded, given the infancy of the force's re-designed ethics forum and the impending campaign that should provide for a better informed workforce, consideration as to such membership is currently pending until there is more assurance that true ethical issues will be identified and those serving with the force have greater confidence in raising such dilemmas and discussing them openly.
- 4.16 The operational lead sits on the national Professional Standards and Ethics working group and is therefore sighted on strategic progress within the NPCC ethics portfolio.

5. Financial Implications and Budget Provision

- 5.1 There are no financial implications because work is conducted within mainstream activity.

6. Human Resources Implications

- 6.1 The Code applies to all staff, and is applicable to all policing decisions.

7. Equality Implications

- 7.1 The Code is an essential element in continuing to demonstrate legitimacy to all communities and the force's workforce.

8. Risk Management

- 8.1 There are no risks identified within this report.

9. Policy Implications and links to the Police and Crime Plan Priorities

- 9.1 The activity updated on is consistent with existing priorities.
- 9.2 This area of business is linked with the 'Transforming Services and Delivering Quality Policing' policing plan priority.

10. Changes in Legislation or other Legal Considerations

- 10.1 The Code comes after the CoP was granted powers under the Anti-Social Behaviour, Crime and Policing Act 2014 to set codes of practice for the police.

11. Details of outcome of consultation

- 11.1 There has been no consultation in relation to this update report.