

GWENT POLICE AUTHORITY
PROFESSIONAL STANDARDS COMMITTEE

Date: 10th November 2009

Item No: 4c

Heading: Member/Officer Report

Report Author: Chief Executive

SUMMARY

To receive details of visits made/meetings attended by Members/Officers and any actions arising from those visits/meetings.

RECOMMENDATION(S)

That the Committee notes the visits made/meetings attended and the action taken/to be taken.

1. BACKGROUND

The following reports have been received:

1.1 Mr R Derricott 27th July 2009 All Wales Courts Board

The issue of no Queen's Counsel who practices in Wales being included on the Home Office approved list for chairs of Police Appeals Tribunals had been raised beforehand. This had caused surprise in the Courts Service. The Presiding Judge for the Wales Circuit had agreed that the matter be referred to the Circuit Leader for the Bar in Wales.

1.2 Councillor W J Williams 30th September 2009 Animal Welfare

Key issues raised:

Partnership Working
What are Legislative priorities in Wales
What are enforcement priorities
What other priorities can be identified
Special projects WAG and funding

1.3 Councillor W J Williams 10th October 2009 Independent Custody Visitors. Mr A Elliott and Mr E Smith were also in attendance

Key issues raised:

Interactive session identifying good practice in consistency in custody visiting.

DVD clips 'Keeping Wales Safe'

HMI Custody Visiting

Value for Money and Meeting Standards

Detainees' Rights

Preventive Steps to Protect Life

Self Harm/Deaths whilst in Custody/Mental Health

Actions Identified:

More training needed for new and existing visitors

The Force need to ensure that Custody Sergeants have the correct training

**1.4 Mr N Taylor 15th October 2009 Standards Conference for Wales
Also in attendance Mr B Hughes**

Hosted by Cardiff City Council, the 2009 Conference sought to engage with all the organisations governed by the ethical framework in Wales.

Mr Byron Davies, the Chief Executive of Cardiff Council, opened the event with a very interesting presentation on the challenges for the public service organisation and how they will need to adapt to the requirements of the customer. Focussing on the need to examine partnership working with the private sector, during this time of tough challenges, Mr Davies suggested that the systems and trust required to make this work effectively would need to be underpinned by sound values, standards and ethics that the Code of Conduct could be used to underpin.

The Chair of Cardiff Council Standards and Ethics Committee, Mr Akmal Hanuk, called for Standards Committees to be more proactive in their outlook and to encourage the next generation to become actively involved in the future. To support this, he provided some food for thought in relation to promoting and maintaining public trust in the democratic services and the services they are required to deliver to communities.

The conference also received an input from Dr Brian Woods – Scawen, from the Committee on Standards in Public Life. Dr Woods again discussed the issue of trust and the need for it to be re-earned continuously as it has a direct impact on public confidence. He also highlighted the need to ensure that the Code of Conduct becomes part of the culture of an organisation if it is to support people's expectations in public services provision effectively. He informed us that guidance on the member's code in Wales is due imminently.

Mr Peter Tyndall. The Public Ombudsman for Wales provided the conference with some information relating to the activities of his offices to date and informed us that complaints had risen by 23% for the period of April to October this year when compared to the same period last year. More and more legal

representation is now evident in the process which does cause cases to be longer than previously. Discussing the pending Guidance on the Code of Conduct, draft due in November 2009. Mr Tyndall gave some examples of areas to be covered such as; Bullying, Equality and Respect and the Advice Provided process which asks for members to give a reason for not following advice given by officers.

Workshop sessions rounded off a very informative and worthwhile event.

1.5 Mr J Hathaway and Councillor H Andrews Police Appeals Tribunals Training

The course was presented by two highly knowledgeable barristers with relevant practical expertise of the impact of the Police Performance and Conduct Regulations 2008. Those regulations have caused an entirely different culture in the Police service to be needed, based upon the need to manage people's performance and misconduct through effective management practices. These changes require a shift from 'blame and shame' to development and improvement. Managers will now be expected to manage performance, attendance and conduct issues, with resolution of issues at the lowest possible level.

The new regime is based upon dealing with performance and conduct via regulations enacted on 1 December 2008. New Standards of Professional Behaviour, expressed in possible terms of acceptable and expected behaviour, replaced the previous Code of Conduct. There is now a clear distinction based upon 'Misconduct' and 'Gross Misconduct', with a movement from punishment to learning based upon clearly understood outcomes in this 2-tier approach.

The course was divided into several parts focussing upon the main changes resulting from the new regulations. The procedures apply to all police constables and special constables and are intended to be fair, open and enable proportionate methods of dealing with alleged misconduct and unsatisfactory performance or attendance.

The new standards of professional behaviour

These are

- written in a positive style to reflect what officers do
- reflect what the service and public expect of officers
- intended to be used as a 'yard stick' to assess officer conduct
- reflect international and national legislation on human rights
- intended to reflect the expectation that officers will challenge the poor behaviour of others

- written to include off duty conduct
- requiring the challenging and reporting of improper conduct (there is a duty to support 'whistle-blowers')
- based upon supervisors and senior officers leading by example

Other areas covered:

Key Changes in the 2008 Misconduct Regime
 Outcomes
 Police Appeals Tribunal – Practice and Procedure

Summary

The course was presented to a particularly high standard by two individuals well versed in the subject. They did an excellent job of presenting the subject in a clear, concise manner but were very willing to deal with regular questions from the participants.

It is likely that the size of the group enabled the course fee to represent excellent value for money, given the Central London venue. Sadly the course concluded a little early, without time being devoted to study and discuss prepared case studies.

The course content left us both with a very clear impression that the new regulations should bring substantial benefits to the Force and public. Managers are challenged to deal with performance and conduct in a manner found in most other types of employment settings. Officers should be dealt with much more quickly, based upon practices very similar to those in employment law. Only the most serious cases are going to be dealt with by Police Appeals Tribunals, and cases are no longer likely to be subject to long time delays in reaching conclusions. The new regulations, supported by Home Office Guidance, pose a real challenge for all levels of management. The future performance and conduct of officers will also pose each individual with a new approach and this will undoubtedly take some time for all officers to respond appropriately.

It is recommended that a report on the implications of these changes be presented to the Equality and Human Resource Committee with particular reference to the training to date, or planned for Sergeants, Inspectors, Superintendents and ACPO officers. This is one of the biggest cultural changes faced by Police Officers and Forces in many years and it is imperative that Members are aware of the implications for the Authority.

2. PROPOSAL FOR CONSIDERATION BY COMMITTEE/CURRENT POSITION

- 2.1 The Committee is asked to note the issues raised and any actions required to address those issues.

3. STAFFING/PERSONNEL IMPLICATIONS

3.1 There are none arising directly from the content of this report.

4. FINANCIAL IMPLICATIONS

4.1 There are none arising directly from the content of this report.

5. CONSULTATION

5.1 There has been no consultation on the content of this report.

6. PROJECT ASSESSMENT FOR EQUALITY AND DIVERSITY MATTERS

6.1 This project/proposal has been considered against the general duty to promote equality, as stipulated under the Police Authority's Single Equality Scheme, and has been assessed not to discriminate against any particular group.

7. RISK ASSESSMENT

7.1 Member/Officer reports which identify risks, will be reported to the appropriate Committee of the Authority.

8. STAYING AHEAD (2011 REVIEW)

8.1 We have considered the implications of the 2011 project in the production of this report and there are no issues we want to raise in this report at this particular time.

9. CONCLUSION

9.1 Member/Officer reports which identify follow up/further action, will be reported to the appropriate Committee of the Authority.

10. CONTACT OFFICER

10.1 Committee and Member Services Officer

11. BACKGROUND PAPERS

11.1 There are no background papers relating to this report.

12. APPENDICES

12.1 There are no appendices to this report.