



Professional Standards Department Scrutiny Panel

Thursday, 13th February, 2025, 3.00pm

Exchange Room 7 (County Hall)

PRESENT

Tricia Whiteside (TW) (Chair)
Dr Julie Cook (JC)
Dr Gill Strachan (GS)
Dr Camilla De Camargo (CC)
Mark Hindle (MH)
Dr Janet Howe (JH) (via Microsoft Teams)

IN ATTENDANCE

Zahid Dudhia (ZD)	Lancashire Constabulary
Sarah McGuirk (SM)	Lancashire Constabulary
Richard Harrison (RH)	Office of the Police and Crime Commissioner
Amy Robertson (AR)	Office of the Police and Crime Commissioner

1. Welcome and Introduction from the Chair

It was noted that TW and JC would alternate the role of Chairperson, with TW taking the Chair for this meeting.

The Chair welcomed all in attendance.

2. Apologies for Absence

No apologies had been received for the meeting.

3. Minutes of the previous meeting held on 8th July 2024

The minutes were agreed to be a true and accurate record.

4. Declaration of Interest/Confidentially

Panel Members were reminded of the need to consider and disclose any declarations of interest relating to any individuals, officers or matters under consideration.

No declarations of interest were disclosed.

5. Review of Cases (5)

The Panel was presented with details/outcomes of five finalised misconduct cases. Members were asked to consider each case and advise whether they felt the outcome determined and Lancashire's Constabulary's handling of the case was reasonable and proportionate.

It was noted that for future meetings, the Constabulary would also include live misconduct cases, complaint cases and vetting cases.

Misconduct Case 1

Case 1 related to a police officer who had been undertaking additional employment whilst on sickness absence. The officer had not declared a business interest.

ZD outlined to the Panel the considerations that were made by the Constabulary when investigating this case.

MH felt that the incident of misconduct in this case could be argued to be less severe in comparison to the nature of other misconduct cases. He noted it was important for the Constabulary to consider the severity of misconduct incidents when determining whether to dismiss officers, due to the financial implications associated with police dismissals.

Whilst MH recognised the financial implications of police dismissals on the Force, he acknowledged the officer in this case was dishonest and as such, felt this amounted to gross misconduct.

The Panel was presented with additional details regarding the case, including personal circumstances that may have influenced the individual's decision to commit misconduct.

TW felt this case could be used as a case study to encourage officers to seek support from the Constabulary if experiencing personal issues.

JH noted that further exploration of the mitigations in place to prevent such misconduct was required.

Due to the nature of the work undertaken by the officer, it was argued that there could be a perception that this individual was performing favours and as such, could be vulnerable to corruption.

The Members felt that the case presented amounted to gross misconduct.

Misconduct Case 2

Case 2 related to an officer who had a business interest to undertake additional employment however had continued to carry out work whilst on sickness leave from the Constabulary. The officer had been ordered by a senior manager to stop working whilst under investigation, however it was alleged they had continued to conduct this work.

It was noted that the officer had been receiving support from the Constabulary in relation to the personal issues he had been experiencing.

TW and JC noted that the officer had clearly disobeyed orders.

ZD informed Members that there had been cases previously whereby the Constabulary had allowed officers to undertake this form of employment whilst on sickness leave. However, having reviewed the officers sickness file, management did not feel it was appropriate to authorise in this instance.

The Members felt that both of the cases presented (case one and two) amounted to gross misconduct, which was also the outcome reached by the Constabulary.

ZD informed the Panel that despite the officer in the case resigning, the Constabulary still conducted an investigation and it was determined that the Officer's actions were considered to be gross misconduct.

In relation to the support available to officers via the Constabulary, it was noted there was sometimes a reluctance from officers to seek help for personal matters. However, it was noted that the Constabulary were working to change the culture by actively encouraging staff to ask for help when needed and ensure effective support mechanisms were in place.

Whilst remaining mindful of an individual's right to privacy, a Member asked whether it would be worthwhile publicising instances whereby support had been provided by the Constabulary to staff/officers and a positive outcome achieved.

ACTION 1: ZD to look into the possibility of recording/publicising instances whereby a positive outcome has been achieved due to the support mechanisms in place for staff and officers.

Misconduct Case 3

The Panel was informed that the police officer in case 3 had recorded Body Worn Video (BWV) footage of police incidents on their personal mobile phone and had shown the footage to non-police personnel.

TW noted this was a breach of GDPR and against the law.

CC and JH agreed this was a breach of GDPR and that it was particularly unacceptable of the Officer to have shown the footage to non-police personnel.

GS felt that officers should not be permitted to carry personal mobile phones whilst on shift. The Constabulary had recognised that the younger generation were more inclined to use digital media and the difficulties this presented.

The Members felt that the case presented amounted to gross misconduct, which was also the outcome reached by the Constabulary. In addition, the Panel felt there was organisational learning in relation to the use of personal mobiles whilst on duty.

ACTION 2: It was suggested that an ethical dilemma around the use of personal mobile devices on work shifts be proposed to the overarching Joint Independent Ethics Committee.

Members were informed that the officer in this case had felt a sense of pride having made their first arrest and wanted to share this by showing the footage of the BWV to non-police personnel. With this in mind, it was noted that the officer had not acted with malice.

The Panel recognised that, whilst the Officer had not acted maliciously, measures needed to be set in place to support officers in managing the emotions associated with performing the role of a police officer (i.e. pride).

Misconduct Case 4

The Officer in this case had used derogatory language when speaking about/to their supervisor.

The Panel felt that the text message that had been sent by the officer to their supervisor was threatening, aggressive and unacceptable.

MH recognised that for some officers, it was not out of the ordinary to use bad language.

The majority of the Panel felt that learning via the Reflective Practice Review Process (RPRP) was appropriate. This was also the outcome reached by the Constabulary.

Misconduct Case 5

The Officer in this case had alleged that their supervisor and team had been discriminatory towards them. The Constabulary had worked closely with the officer to understand the allegations and had asked them to provide examples so that an assessment could be made.

The Panel were informed of the comments that had been made towards the officer.

Some members felt that determining whether the comments were discriminatory was subjective. However, CC recognised that comments could not be considered within a vacuum; significant weight was added to certain comments when considering historical discrimination, which must be acknowledged when determining whether allegations were founded.

ZD noted it was important to understand the feelings of the victim and to ensure the appropriate support was provided.

The majority of the Panel felt that learning via the Reflective Practice Review Process (RPRP) was appropriate. This was also the outcome reached by the Constabulary.

ZD informed the Panel that learning was identified for the supervisor in this case. The officer was instructed to work on understanding their team i.e. dynamics, backgrounds, and the support they require.

It was noted that victims were supported through Human Resources rather than the Professional Standards Department.

It was recognised that the Constabulary had a responsibility to inform officers of the requirements of the job whilst also being mindful of cultural difference. For instance, as part of their role, a police officer of Muslim faith may be required to attend a policing incident in a pub, despite this being considered haram. It was important for the Constabulary to ensure that requirements were clearly outlined to officers and that appropriate considerations given to cultural differences. In addition, it was recognised that appropriate support mechanism were required to support officers in policing different ethnic minority communities. It was noted this was being captured within the recruitment process.

MH queried whether restorative justice could have been used in this case. It was noted that restorative justice formed part of the RPRP process.

6. Draft Terms of Reference

The Panel approved the proposed Terms of Reference subject to the following amendments/considerations: -

- A structured consideration to be made in relation to dip-sampling rather than discretionary consideration.
- In relation to the quoracy, an amendment be made to state three Members; and
- A reporting mechanism to feedback to the Joint Independent Ethics Committee be outlined.

TW felt the Panel would benefit from being presented with data around misconduct, as this would provide assurances to Members that the sample of cases presented were representative.

ACTION 3: ZD to provide data around misconduct/breaches to the Panel for the next meeting.

ACTION 4: AR to make amendments to the Terms of Reference, circulate to Members and submit to the Joint Independent Ethics Committee for approval.

7. Any Other Business

Members were asked to reflect on the meeting and provided feedback. It was recognised that the debates undertaken by Members and the feedback provided was extremely useful. In addition, it was noted that the meeting provided a safe environment to discuss issues of contention.

In summary, the Panel acknowledged the financial implications of misconduct on the force and the importance of the Constabulary supporting officers to manage the emotions associated with their role.

The Panel were mostly in agreement with the outcomes reached by the Constabulary in the cases presented.

ACTION 5: Members requested information/an input around RPRP.

ACTION 6: AR to draft dip-sampling schedule.

ACTION 7: Future meeting dates of the Joint Professional Standards Department Scrutiny Panel to be arranged by AR.

8. Date of the Next Meeting

TBC