

In [2020] EWHC 1400 (Admin) the misconduct panel that dealt with the case of “Officer A” was found to have:

“65. ...erred in its failure to adopt the approach laid down in the Guidance; in particular, in omitting to engage with the evidence on actual harm, and in failing to adopt the structured approach required and to return to the question of purpose after considering questions of personal mitigation. Certain of the Panel’s conclusions are also properly to be described as irrational; specifically, its apparently inconsistent approach to the contextual mitigation and its finding of provocation.”

<http://www.bailii.org/ew/cases/EWHC/Admin/2020/1400.html>

1. Please provide the number of individuals who sat on the panel and the rank/job description/position of each. Please also provide the date and brief details of the most recent course each attended on anything related to racism awareness training.

There were three individuals who sat on the panel. A Legally Qualified Chair (LQC), an Independent Panel Member (IPM) and a senior officer.

The most recent training provided was held on Tuesday, 11 February 2020 which the LQC attended.

Each course we have provided for our LQCs and IPMs has included sessions on the culture of policing, and we have ensured that diversity and inclusion have been integral to each course, as well as being a high priority during each recruitment exercise we have undertaken.

The case hinged on a conversation recorded covertly on a mobile phone using the phone's 'record' function. The phone was left in the presence of 'Officer A' who spoke with 'Officer B'.

2. I am interested in information detailing your procedures concerning the obtaining of evidence from mobile phones in cases such as this. Is there a requirement for the actual phone on which the conversation is recorded to be handed over? In the event that a copy of the recording is provided but not the actual phone, can an investigation be undertaken into an officer's alleged misconduct?

If it is a police issued mobile phone then it must be surrendered. However, if it is a personal phone it would depend on whether it is a criminal case and there are any powers to seize (unless it belongs to the IP and they are prepared to provide their phone).

In addition, please refer to the PACE Codes of Practice which outlines police powers to seize, hold and retain property.

<https://www.gov.uk/guidance/police-and-criminal-evidence-act-1984-pace-codes-of-practice#pace-codes-of-practice>

3. In the past three years, how many misconduct panels have considered evidence obtained covertly on mobile phones? I mean in a manner similar to how 'Officer E' obtained his recording; not 'Person A' speaking to 'Person B' whilst covertly recording the conversation over the phone.

In the last 3 years, there has only been the one hearing, which is that relating to officers A and B, where the panel have considered evidence obtained covertly on a mobile phone in a manner described above.

An extract of the recorded conversation (para. 14) contains a racist comment.

This is not the sort of comment one would expect from an officer who has attended a racism awareness course.

4. Please provide brief details of any racism awareness courses/workshops available to serving officers - aims, modules, duration etc. If you provide such courses, please confirm whether they are mandatory.

The below courses are mandatory:

Diversity and Inclusion (Equality and Diversity)

Duration: 1 hour

Aim: To provide a general understanding of equality and diversity and the human dynamics of "difference" between individuals and groups.

Objectives:

1. Define the 'protected characteristics' described in the Equality duty set out in sect 149 of the Equality Act 2010 and explain the general considerations regarding age, disability gender, sexual orientation, race and religious belief.
2. Describe the make-up of a person's identity and the influences that help and shape values, beliefs and preferences.
3. Recognise how a person's personal values, beliefs and preferences affect their attitudes and responses to situations.
4. Define the term 'unconscious bias' and devise strategies to overcome or counteract such bias.

Fairness in Policing

Duration: 1 hour

Aim: To introduce students to the topic of 'Fairness in Policing' and the importance of embedding it into policing.

Objectives:

1. Explain what is meant by 'Fairness in Policing'.
2. Understand the consequences of the public seeing the police service as lacking legitimacy.
3. Understand the meaning of the term 'organisational and procedural justice'.
4. Understand how 'Fairness in Policing' sits alongside similar themes within police training and police service standards and the skills required to embed it.

Effective Communication

Duration: 2 hours 30 minutes

Aim: To enable student police officers to communicate effectively.

Objectives:

1. Describe what communication is.
2. Describe a communication model
3. Identify potential barriers to successful communication
4. Identify the core skills involved in communication: non-verbal; listening; thinking and speaking.

Reflective Practice

Duration: 2 hours

Aim: To introduce students to the process of reflective practice

Objectives:

1. Describe the importance of continuous professional development
2. State how reflective practice is used in police training
3. Describe the term "Reflective Practice"
4. Identify the need to know themselves and how their values and beliefs can impact on reflective practice. (covered sufficiently in Introduction to Equality & Diversity)
5. Identify factors that may affect their ability to reflect accurately.
6. Describe how to give and receive feedback
7. Outline the elements of the Adult Learning Cycle (ALC) and how it may affect them during the course.
8. Outline the elements of the Experiential Learning Cycle (ELC) and apply it to a previous experience.
9. Demonstrate use of the ELC for an event that has happened on the course
10. State the relevant behaviours within the Policing Professional Framework

11. Describe the process used to complete a Reflective Record entry.
12. Complete practice entries for a Reflective Record using the ELC and behaviours from Policing Professional Framework.
13. Identify the component parts of Development Planning (SMART)

In addition, sessions are delivered on the PCDA and DHEP. The subject of human rights, ethics, diversity and inclusion is a thread that runs through the delivery across all of the three programs but is specifically delivered as follows:

Year 1 PCDA:

Understanding and Application: The terms 'ethics', 'diversity', 'equality' and 'human rights'
- Delivered in the Introduction to Policing Communities module.

Year 1 DHEP/DC-DHEP:

Understanding and Application: The terms 'ethics', 'diversity', 'equality' and 'human rights'
- Delivered in the Understanding Policing module.

Year 2 PCDA:

Apply professional approaches to policing, demonstrating fairness, ethics and integrity: The case for adopting a professional approach that values inclusivity and diversity (within the organisation, community and wider society) - Delivered in the Policing Communities module.

Evaluate how the diversity of individuals and society impact on the criminal justice system: How the diverse nature of society impacts upon the criminal justice system; the importance of valuing diversity and inclusion - Delivered in the Policing Communities module.

Evaluate how the diversity of individuals and society impact on the criminal justice system: How socio-economic, mental health, diversity issues can impact on individuals progressing through the criminal justice system - Delivered in the Policing Communities module.

Police Diversity: key issues relating to the complexity and challenges of operational policing - Delivered in the Response Policing module.

Year 2 DHEP/DC-DHEP:

Values and ethics in diverse communities: The case for adopting a professional approach that values inclusivity and diversity (within the organisation, community and wider society) - Delivered in the Advanced Knowledge & Concepts module.

The individual and society: impact on the criminal justice system: How the diverse nature of society impacts upon the criminal justice system; the importance of valuing diversity and inclusion - Delivered in the Delivering Professional Policing module.

The Youth Offender Service: How socio-economic, mental health, diversity issues can impact on individuals progressing through the criminal justice system - Delivered in the Professional Policing module.

- **Police Diversity:** Public perceptions of policing in a response context of Critical incidents (roles and responsibilities); Dealing with major incidents and JESIP in an operational policing context - Delivered in the Professional Policing module.

The below courses are not currently mandatory:

Understanding Unconscious Bias

Duration: 1 hour

Aim: Understanding Bias takes an in-depth look at the nature of bias and how it impacts on the workplace.

Objectives:

- how unconscious bias can impact on the workplace and on working relationships
- what we can do to reduce or eliminate bias from our decision-making process
- how to address bias in specific situations, such as recruitment and performance management.

Tackling Race Bias at Work

Duration: 40 minutes

Aim: look at the nature of 'modern racism' and its influence in the workplace

Objectives:

- the changing nature of racism
- how racial bias, prejudice and discrimination manifest themselves in the workplace
- the impact of racial and religious stereotypes
- how to find out the extent to which racial bias is a problem in your organisation
- key steps for leaders, HR teams and Learning and Development departments to take in tackling racism and race bias.