

10 South Colonnade
The South Colonnade
Canary Wharf
London E14 4PU

T 0300 020 0096
Text Relay 18001 0207 166 3000
E enquiries@policeconduct.gov.uk
W www.policeconduct.gov.uk

Board Meeting Minutes

Date & Time: Wednesday 27th March 2024 at 10:30hrs

Venue: Canary Wharf Room 2.10

Members Present:

Kathie Cashell	Acting Deputy DG (Strategy & Corporate Services)
Christine Elliott	Non-Executive Director
Catherine Jervis	Non-Executive Director
Rommel Moseley	Non-Executive Director (via Teams)
Julia Mulligan	Senior Independent Director (SID) (via Teams)
Steve Noonan	Director of Operations
Tom Whiting	Acting Director-General

In Attendance:

Rob Barnes	Head of Business Development (Item 8)
Margaret Bruce	Governance Secretary
David Cryer	Director of Finance and Corporate Services
David Emery	General Counsel
Marie Morrissey	Head of Private Office
Amanda Rowe	Director of Operations

Others

Neil Amos – PA Consulting
Alison Sykes – PA Consulting

VERBAL UPDATE ON MEDICAL TERMS USED FOLLOWING DEATHS AFTER POLICE RESTRAINT

The Acting Deputy DG (S&CS) noted an article recently published in a newspaper (The Observer) around a disputed and unproven medical condition - 'excited delirium' and 'acute behavioural disturbance' - which have been considered racist stereotypes. She explained the condition which is to be applied in a racial manner to explain deaths in custody. She noted the IOPC position on the matter (and how it uses the term) and sought Board support. She noted that:

- It was not up to the IOPC to determine the medical validity of the term and does not necessarily endorse it but it is known that the Royal College of Emergency Medicine do recognise the term of 'acute behavioural disorder' but not 'excited delirium'.
- There is no external/published position but the internal position is to use the term where it has been used by others. The IOPC uses the term (for example) in its 'Death in Custody' statistics when it is noted as the pathologist cause of death. The term is on the IOPC referral form and there is a case for removal but may cause complexity where it continues to be used by the police. The recommended position is to only use the term where it is used by others.

The General Counsel briefly provided context and noted that this is a practical matter (whilst acknowledging the related politics), noting that the police use of the term does influence the response of medical services.

The Board noted and discussed the implication of the use of the term 'excited' and the related concern. It also noted that 'delirium' is a generally recognisable state but 'excited' could be problematic. It considered and recommended alternative term. It was explained that the organisation does not use 'excited' but uses the term 'ABD'

It agreed that this is a systemic (rather than IOPC) issue, noting that police officers are not medical experts but need to have the tool to do what is necessary in facilitating medical assistance to those needing them. It also agreed that usage of the term by medical service does not make it right.

The Board noted the matter and was informed that the term 'excited delirium' will no longer appear in IOPC case factors and referral form. Also, where the term 'excited delirium' is used there will be clarity that this is being used to reflect the views of others and the IOPC does not endorse usage of the term.

1. WELCOME AND INTRODUCTIONS

The meeting commenced at 10:30hrs and was quorate. The Chair welcomed members and attendees. He also introduced and welcomed David Cryer, the new Director of Finance and Corporate Services.

2. APOLOGIES/DECLARATION OF INTERESTS

- There were no apologies. The Chair briefly recalled the previous discussion around quoracy and the proposal under item 5 (below).
- The Chair and General Counsel both declared an interest under part of item 6 (para 2.1 of the recommendation in the cover report – dealing with the consideration and acceptance of the report of the Independent Reviewer) and would recuse themselves for that part of the meeting.
- All executive members declared an interest under item 7. It was agreed that noting their interest was sufficient particularly as no decision on structure is sought through that item.

Agreed:

- That the Chair and General Counsel will recuse themselves during part of the discussion under item 6 (para 2.1 of the cover report). The SID will chair that item.
- That executives will remain during the discussion on item 7.

3. MINUTES OF LAST MEETING HELD WEDNESDAY 28TH FEBRUARY 2024 (PAPER REF IOPC 03/24/03)

The Board considered the minutes of the last meeting held on Wednesday 28th February 2024.

Agreed: To note and approve the minutes (for signature) as an accurate record of the meeting.

4. MATTERS ARISING/ACTION LOG (PAPER REF IOPC 03/24/04)

The Board considered the action log on matters arising from the last/previous meetings.

Actions:

- Meeting with Baroness Casey – the meeting was held on 26 March.
- Hold a special meeting on the report of the Independent Reviewer on governance – this is in progress.
- Amend the Standing Orders around quoracy – this is addressed under item 5.
- The Independent Reviewer's (IR) report is presented under item 6. Convening a Task and Finish group is in progress.

The Board discussed and agreed that a coordinated approach will be adopted by the task and finish group on governance matters arising from the IR report and the Cabinet Office Review. The group will be supported by the Head of Private Office and the Acting Deputy DG (S&C). **(ACTION)**

Agreed: To note the document.

ACTION: AG DEPUTY DG (S&CS)/HEAD OF PRIVATE OFFICE

5. MOTION TO AMEND STANDING ORDERS (PAPER REF IOPC 03/24/045)

The Chair noted the previous discussion on the continuing challenges around quoracy and the proposal to amend the Standing Orders. He confirmed that one NED member will attend her last Board meeting in April. The SID's term will end in May and there is no feedback on succession planning. The uncertainty further impacts on quoracy at a critical time for the Board on decision-making

The motion before the meeting proposed reducing quoracy to 5 (with NED majority). The proposal (by Kathie Cashell) is being reviewed to reduce quoracy to 3 (with NEDs) majority.

The Board discussed and agreed that this is not a desirable approach but (despite its best endeavours) this is necessitated by the position the Board has found itself in. Given the circumstances, it was agreed that it would be prudent to make the necessary provision to address the position and to safeguard decisions being validly made. It also recommended that the Acting DG write to the new Head of HoSU (attaching a copy of the minutes) and explain that all reasonable steps had been taken to avoid this situation arising. **(ACTION)**

Agreed following unanimous vote:

- To amend the motion (by Kathie Cashell, seconded by Christine Elliott) to reduce Board meeting quorum to 3 (with NEDs majority).
- That meeting quorum will now be 3 (with NEDs majority) until Board membership returns to full strength when the quoracy will be considered again, with a view to increasing to six members (with NEDs majority).
- That the Standing Orders will be amended accordingly and published. **(ACTION)**

(ACTION: HEAD OF PRIVATE OFFICE)

6. INDEPENDENT REVIEW COMMISSIONED BY UNITARY BOARD (PAPER REF: IOPC 03/24/06)

The Chair (i.e. Acting DG) and the General Counsel recused themselves during part of the discussion of this item (i.e. recommendation (a) below). The SID chaired this item aimed at considering the independent review undertaken by David Calvert-Smith, Independent Reviewer (IR) on governance commissioned by the Board following the resignation of the former Director General. The following recommendations were made.

- a. **To CONSIDER** and **ACCEPT** the report of the Independent Reviewer (IR) and its findings.
- b. **To CONSIDER** and **ACCEPT** the recommendations made in the report.
- c. **To AGREE** an action plan to address the accepted recommendations, a lead Board member to oversee it and a timeframe for delivery.
- d. **To AGREE** the approach to determining internal and external communications in line with the previously agreed publications schedule, a lead Board member to oversee it and a timeframe to publish.

The Review Team (comprising the SID and ARAC Chair) briefly noted the findings in the report and the factual inaccuracies which have now been addressed by the Independent Reviewer, in the report circulated.

For assurance, the Head of Private Office reported that following the action from the February Board meeting, she had met with the IR to offer support. There were submissions following factchecking from colleagues (including the Acting DG and General Counsel) to correct the inaccuracies in the report. All the inaccuracies raised at the February Board meeting had now been resolved. The revised report was circulated to all members of the Board in advance of the meeting and no further inaccuracies had been raised.

Agreed:

- To thank the review team, the Head of Private Office and others who supported the work.
- To accept the report/findings.

The Chair/Acting DG and General Counsel returned to the meeting. The Chair invited comments on the other recommendations (noted below):

- **CONSIDER** and **ACCEPT** the recommendations made in the report.
- **AGREE** an action plan to address accepted recommendations. Agree, a Board member to lead/oversee it and a timeframe for delivery.
- **AGREE** the approach to determining internal and external communications in line with the previously agreed publications schedule. Agree a Board member to lead/oversee it and a timeframe to publish.

The Board discussed:

- The new/incoming DG and her awareness of (and any interaction with) the report. The Chair informed that this will be part of his handover note.
- The position on legislative change to address the Fairfield recommendation regarding the Chair/DG role and utilising a governance working group to consider feasible options to implement the change recommended, on behalf of the Board
- The importance of timing around the work. It recommended that the working group produce a proposal around the range of recommendations in the Cabinet Office review for consideration by the next meeting.
- The approach to inducting new NEDs informed by the previous work following the last Board Development Day

Agreed:

- To accept the recommendations made in the report.
- That governance working group be convened (comprising Julia Mulligan, Christine Elliott, Rommel Moseley, Kathie Cashell, David Cryer and David Emery and Marie Morrissey) to:
 - consider the report and recommendations. Also, the recommendations from the Cabinet Office Review.
 - develop a draft governance action plan encompassing areas to be addressed. **(ACTION)**
 - consider the initial work on NEDs induction. **(ACTION)**

- provide progress report (for feedback) to the April Board meeting.
(ACTION)
- That the report will be shared with the Crown Prosecution Service (CPS) given the related sensitivities on publishing.
- That Julia Mulligan will oversee and work with Kathie Cashell and her communications team to determine the related (internal and external) communications around the work in line with the previously agreed publications schedule, noting the timeframe to publish. **(ACTION)**

ACTION: DEPUTY DG(S&CS)/HEAD OF PRIVATE OFFICE

7. SENIOR MANAGEMENT REVIEW (PAPER REF: IOPC 03/24/07)

The Chair briefly introduced the item noting the development of the work around the review of the senior management structure (supported by PA Consulting – external consultants) and the scrutiny/oversight provided by the People and Culture Committee.

He noted that the work with PA Consulting began by focussing on the senior management review and evolved (given developments in the external/policing landscape) into the need to take stock of the organisational strategy. The work with PA Consulting is nearing completion and a further presentation will be on the April Board meeting agenda. The incoming DG will need time to consider the emerging proposed structures.

PA Consulting spoke to the documents circulated before the meeting and briefly highlighted the following:

- The background including the workshops and design conversations held with Management Board (with one planned for later that day). Discussion included the related challenges.
- The work done (before pausing for strategy stocktake) such as agreeing the design principles around the new structure. The assumptions around the broader operating model etc. Also, to progress the integrated police oversight and corporate services model, noting where fundamental changes were needed to those areas already agreed.
- The unanimous position on the strategy stocktake. Consequent to the strategy stock take, the requirement to focus on certain roles and features such as the leadership of strategic front door function and balancing investigative leadership with regulatory leadership over time and having clear focus on day-to-day productivity performance, digital change, the flexibility for cost recovery etc. Also, reduced emphasis on thematic learning. The areas are noted in the slide presented. The Board supported the position that there would be no change in the core areas.
- The 2 areas of significant difference around the regional structure (reduced focus on regional approach and removing language like ‘operations’ and ‘delivery’ – allowing for the integration of those work into a single function of police oversight).

The Board briefly discussed:

- The potential impact of increased funding. Also, the significant level of change (e.g. from regional to national) and the need for more details on the implementation journey and related risks.
- Clarity on proposed change (around leadership rather than the operating model).
- The nuance around 'national' given that this does not mean being specifically based in London. It was explained that this is part of addressing silos. There had been significant discussion around 'regional' and 'national' (which is part of the operating model and aligning with the IOD programme which is not part of this work) - there is no plan to shift focus from local delivery. The shift is to ensure efficient use of resources for operational delivery and manage productivity.
- Review the use of 'delivery' terminology – it was explained that 'delivery' is fundamental to the IOPC given that the work is primarily focussed on maximising the ability to deliver on the organisational strategy. However, there are efforts to (a) remove the word from job titles (as this implies that others are not delivering) and (b) broaden the meaning of delivery to cover the organisation's ability to deliver on its core/statutory responsibilities.
- The possibility of including a Chief Technology Officer in any revised structure.

The Board noted the top level proposal presented and was invited to consider the proposal for the restructure and agree in principle to enable more detailed work and presentation to the April Board meeting. In this context PA Consulting further noted the following:

- The final report will include some considerations around the opportunity for making further adjustments to the structure for efficiencies as part of the broader change going forward.
- The proposed structure reflects the discussion at the last Committee meeting around grouping capabilities and reflecting/identifying areas of (more and less) capability following the strategy stocktake. It notes the choices made around structures which have been shared with the Committee and Management Board. Also, the assumptions made on cost noting that same levels may not necessary mean same grades.
- Capability groupings around strategy engagement and communications and integrated police oversight etc. This should be supported by effective governance. Significant progress has been made in the discussion around levels, the different (and number of) roles and what feels right.
- Focus on how this will work in practice - for example, one of the key design principles is to focus on the national service/delivery without losing the community link. This requires a level of seniority (in particular for areas requiring difficult conversations). This raises the question of how to ensure the right model (and retain the necessary points of contact). The HMICFRS structure was considered and found suitable given the engagement level required to enable colleagues do their jobs. Also, avoid duplication. Discussions have been held and further discussion is being held with Management Board later in the afternoon.
- Previous discussion around coordinating the level 1 corporate resource role, bringing all the corporate functions together/coordinating them. There was significant debate around this and it was noted that this requires significant change and would bring too much pressure/burden on the DG impacting on the external facing aspect of their work. This is another area of discussion where different options could work.

The Board discussed the following:

- Reason for reflecting the senior role in the engagement function (as opposed to the integrated police oversight) given that in a significant part of the high profile investigations, the preference is to hear from those dealing with the matter rather than the communications colleagues.
- Having the right supporting structure/team in place to enable successful delivery in the senior role. Also, the importance of ensuring the right capabilities exist in the level 2 roles (to support Level 1 roles).
- Clarity of roles and capabilities and ensuring coordination. Also, ensure the right level of competence.
- Managing internal expectations and communications going forward (in implementation).
- Moving beyond responsibility and accountability and reflecting cultural issues in this area given the impact on the underlying process assurance and the framework for decision-making, to allow colleagues to do their jobs and make those decisions.
- Accept 'integrated' but recommend alternative to the term 'oversight' given that this does not sufficiently cover the breadth of work being done. It was agreed that this is a language issue.
- Acknowledge the many capable and committed colleagues in the organisation and recommend that in the context of change, there is opportunity for reskilling and reorientation (rather than new recruitment) as part of resource efficiency. The Chair confirmed that this is part of the plan.

PA Consulting noted the next steps including:

- Previous discussion around Level 3 (within the IPO) to determine the right number of roles. Also, the discussion around having a pool of senior investigators and changing the title of Operations Managers (OMs). Also, looking at what the engagement side could look like.
- Review of the recommendation around where engagement should sit in the IPO and the size of the IPO. It was agreed that where engagement sits in the structure should not preclude those working at different levels of engagement from routinely communicating with each other and adopting a joined up approach. This is part of the discussion to be held later that day.
- Consideration of the HMICFRS equivalent and concluding that this could logically be replicated in the IOPC (covering London, national eastern and northern and Wales). This is also helpful from a partner/counterpart perspective. In this context, 3 options are being presented to Management Board later that day.

PA consulting drew attention to governance aspect and noted as follows:

- The challenges identified and the parameters set around (the 5 areas on) what the governance model should achieve to support the senior team structure. She noted that initial assessment has been conducted against the design principles and more work done around costing.
- The next steps before completing the final design and presenting to the April Board meeting – this includes holding workshops with the new DG and Management Board, conducting analysis around level 3 and developing base cost. Overall, good progress have been made

The Board discussed as follows:

- Recommend highlighting areas for policy thinking - these appear to be reflected in some areas such as standards and learning space but needs clarity on where policy thinking should sit.
- Recommend considering the structure from a 'demand' perspective (as opposed to geography) to ensure the organisation is sufficiently agile to meet demand. It was noted that demand is reflected in areas such as those proposing a pool of investigators with flexibility to manage (increase or decrease in) demand.
- Reiterate the importance of reflecting culture, ensuring there is understanding of the related barriers and enablers for addressing them (to avoid pushback).
- Acknowledge the significant work to be done and recommend prioritising and developing a clear route/map with phased (and spaced) implementation. It was explained that flexibility is a key part of the shaping the design further.
- The interconnections with the recommendations from Cabinet Office Review. It agreed that the senior structure review is one way of delivering some of the recommendations (such as addressing the many interim appointments to ensure effective delivery of the strategy). It also noted that the proposed governance working group will absorb all governance related recommendations and adopt a holistic approach.

The Chair proposed setting up a group (comprising wide ranging experiences to consider the document before April. It was **agreed** that the group will include the Director, People, Director of Finance and Corporate Services and the Acting Deputy DG (S&CS). **ACTION**

The Director, People also briefly noted the next step including meeting with PA consulting tomorrow for a formal handover. She acknowledged the likely participation of the incoming DG and emphasised the importance of having a phased (and spaced) implementation of the work (starting at the top); and adopting a degree of flexibility/adaptability. Also, reflecting culture – to develop understanding of culture change (with good planning and strong message through communications).

The Chair summarised noting the progress to date and the feedback from the Board which is being taken forward, updating the April meeting. The Board agreed that the work done provides an emerging view of a structure to support the organisational strategy (noting the strategy stocktake undertaken) and other recent/related developments/reviews aimed at ensuring fitness of purpose and heading in the right direction.

Agreed:

- To endorse/agree the proposal for the restructure subject to more work being done and updating the April meeting.
- There is more work to be done but the work is progressing in the right direction in view of the strategy stocktake and ongoing developments.
- To thank PA Consulting and the Acting DG and his team for the work done.
- To look forward to receiving the April update.

8. VERBAL UPDATE ON BUDGET AND 2024/25 BUSINESS PLAN

- **Budget** – The Director of Finance and Corporate Affairs briefly noted that the budget is being finalised. He noted the letter to the PS and assumption of £2.47 million overspend. More efficiencies are being delegated to budget holders to ensure budgets are comprehensive and complete with clarity on headcount and expectations on recruitment etc as well as alignment to the business planning priorities. There is also follow up on some concerns around the increasing number of reviews (discussed in item 10) and identifying resources to support/address the reviews. There is also ongoing discussion with the Home Office about the level of spending allowed and the possibility of extra/additional spending, noting the current assumptions in the letter to the PS.

The Chair recalled the trajectory set (and discussed at the last Board meeting) around £2.47m overspend next year. Also, the 2 related scenarios presented and awaiting Home Office response.

- **Business Planning** – The Head of Business Development briefly informed that the business planning has been primarily based on the Medium Term Financial Plan (MTFP) and the communication with the PS. Also, the priorities agreed at the February meeting based on the strategy stocktake. Following the February meeting, detailed conversations have been held with the business looking at those priorities, the implication on the MTFP and the capacity on the back of considered recruitment in this financial year and the cabinet office recommendations. It was agreed that there are key areas for effective delivery and areas to pause (where necessary). This means for the first time there is a flexible business planning cycle reflecting a stop list and reprioritising (as necessary). He noted the 3 teams where there are concerns based on a variety of issues including those around better data reporting, public affairs (with NEDs change) and other ongoing reviews.
- He also noted the IOD programme, impact of the MTFP, recruitment and the National Operations Turnaround Plan (NOTP). Further the significant increase in referrals/reviews from the Metropolitan Police. This has significantly impacted resources and is being considered across operations including what this means for priorities. Update will be provided to the April Board meeting.

Agreed: to note the report.

9. HEADLINE RESOURCES REPORT (PAPER REF: IOPC 03/24/09)

The Director of Finance & Corporate Services briefly noted that some adjustments are being made in the running to the year end. A small overspend is expected in resource (around legal costs/judicial review). Minor underspend is also expected under capital (in view of dilapidations in Birmingham office). Overall, budgets are as forecast.

The Board briefly discussed the effect of considered recruitment and noted that this remains below target. It noted that ARAC considered the matter in detail and noted the related learning, decision-making and target setting. It agreed/accepted the target was ambitious but noted the impact made (on delivery and capacity). Work is ongoing to consider options and setting a realistic assumptions for next year. ARAC's concern was around the need to improve budget holders' understanding and training to ensure

they have the tools to be effective in that role. Update on how the approach has changed should be provided to the April ARAC and Board meetings. **(ACTION)**

The Chair briefly recalled the position around 14 months previously, the budgetary challenges faced and the rationale for introducing considered recruitment. He was satisfied with the progress made. He commended the support and advice of Mike Benson (Head of Finance) who is retiring in May after many years' service.

Agreed: To note the report.

10. **HEADLINE PERFORMANCE REPORT (PAPER REF: IOPC 03/24/10)**

The Board noted the circulated report and receiving the following update:

- **Investigations** – there are 19 older cases with no (closure) target date and the impact on the KPI. There are some optimism bias within the projected closure. The 12 month timeline (KPI) is 83.74% and slightly better than anticipated (and around 1% below the target for last year). The 6-month KPI is 34.95% (this is above the projected 30%). This will impact on performance next year as KPI will be under pressure – given the challenges of closing those (hard to close) cases going forward. Performance should begin to improve significantly with the proactive approach adopted. Also, despite considered recruitment, productivity data has shown an upward trend in productivity over the course of the year, more work will be done to understand this. 280 cases have been opened this year and it is anticipated that this will increase to 282-283 by the end of the financial year. Overall, there is good news on targets.
- **Referrals/Reviews** – this has increased (15% increase from the previous year) and around 7000 referrals are expected by the end of the financial year. The interventions implemented (to increase impact) are now showing impact around changes to process or approach etc. This is likely to continue into next year. The average time for making an MOI decision has also reduced. The significant referrals have been from the Metropolitan Police and discussion is ongoing on how to address this including the related resources and oversight interventions. This also impacts on visibility given the importance of highlighting how much work goes into reviews and the numbers completed. The work on the National Operations Turnaround Plan (NOTP) is ongoing, noting the challenges around sustaining the increase in the last 15 months. This is part of the next phase of work.

The Board discussed as below.

- It welcomed and commended the report. It recalled the previous discussion around what counts as cases, noted that reviews (such as the Cabinet Office Review) also takes the form of investigations. In view of this, it recommended a review of how data is categorised. The Director of Operations agreed that there are areas of work which are not currently visible but this will change from April.
- The increasing referrals from the Metropolitan Police, understanding the underlying reasons and the ramifications for independence, resources and other areas. It was informed that discussion is ongoing on implications and how to address them. Update will be provided in the quarterly report for the April meeting. **(ACTION)**

- The rising demand across the regulatory sector in general. Also, visibility of review work through areas such as the impact report. It was informed that reviews work is reflected in the impact report, noting how outcome was secured for complainants, but more work is required on visibility on the depth of work involved (e.g. around reinvestigation).

FORENSIC SERVICE REGULATIONS - The Director of Operations recalled the briefing in January and updated on the position with investigation accreditation with the Regulator. This is ongoing.

Agreed: To note the report and receive quarterly report at the April meeting.

11. BOARD MEETING ATTENDANCE (PAPER REF IOPC 03/24/11)

The Board considered the document presented by the Governance Secretary.

Agreed: To note the document.

12. FORWARD PLAN (PAPER REF IOPC 03/24/12)

The Board considered its Forward Plan. This is aimed at ensuring effective forward planning for Board meetings. It provides the opportunity for members to propose and discuss items for future meeting agendas.

Agreed: To note the document.

13. DATES, TIMES AND VENUE OF FUTURE MEETINGS (PAPER REF IOPC 03/24/13)

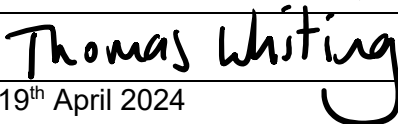
The Board considered and noted the document including the proposed meeting dates/venues for 2024/25.

Agreed: To note the document.

ACTION: GOVERNANCE SECRETARY/HEAD OF PRIVATE OFFICE

14. ANY OTHER BUSINESS

There was no other business. The Data Protection training was deferred pending the new NEDs joining the Board.

NAME	Tom Whiting
SIGNATURE	
DATE	19 th April 2024

Schedule of actions

Agenda Item	Action by
4	Head of Private Office/ Ag. Deputy DG (S&CS)
5	Head of Private Office
6	Head of Private Office/ Ag. Deputy DG (S&CS)
7	Ag. Deputy DG (S&CS)