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Report ref: IOPC12/22/04

Special Unitary Board Meeting

Date & Time: Sunday 4 December 2022 at 18:00

Venue: Virtual platform, MS Teams

Present:

Deborah Bowman	Non-Executive Director
Kathie Cashell	Director, Strategy & Impact
Christine Elliott	Non-Executive Director
Catherine Jervis	Non-Executive Director
Bill Matthews	Non-Executive Director
Rommel Moseley	Non-Executive Director
Julia Mulligan	Senior Independent Director (SID)
Amanda Rowe	Interim Director of Operations
Tom Whiting	Deputy Director General (Strategy & Corporate Services)
	<i>Absent for item 6.</i>

In Attendance:

Miranda Biddle	Observer
David Emery	General Counsel
Marie Morrissey	Head of Private Office (minute taker)

1. WELCOME AND INTRODUCTIONS

The meeting commenced at 18:00 and was chaired by Julia Mulligan as SID. She welcomed members and other attendees to the meeting and summarised the purpose of this special meeting of the Board which had been circulated in writing on 3 December 2022.

In compliance with SO 11.2.2, the purpose of this special meeting is to:

1. Authorise an employee of the IOPC to carry out the functions of the Director General (DG) during the vacancy (further to paragraph 3A(2) of Schedule 2 Police Reform Act 2002 (the PRA)). This authorisation will need to be agreed by the Secretary of State (see paragraph 3A(2) of schedule 2 PRA)

2. Discuss and agree any further action required in the immediate aftermath of former Director General Michael Lockwood's resignation.

Julia Mulligan had circulated an agenda addressing the above via email. Item titles below refer to that agenda.

2. APOLOGIES

There were no apologies.

3. DECLARATIONS OF INTERESTS

Members were invited to declare any interest in the items on the agenda. Tom Whiting declared an interest in the appointment of an interim DG. It was agreed that he would absent himself from the meeting for the duration of the discussion, (item 6) and would therefore not participate in the decision to authorise an employee to carry out the functions of DG during the vacancy (subject to agreement from the Secretary of State).

It was noted that Tom Whiting and David Emery were aware of the allegations made against Michael Lockwood earlier than other members of Unitary Board. Further discussion on this point took place under item 4.

Several Board members noted their interest in the appointment of an interim DG. However, the Board concluded that only Tom Whiting could be considered to have a prejudicial interest and for that reason he alone would absent himself from the Board's discussion and decision regarding this item.

4. OUTLINE OF THE CURRENT SITUATION

Tom Whiting was invited by the Chair to summarise the current situation. He set out the following:

- Michael Lockwood resigned as DG with immediate effect late in the working day on Friday 2 December 2022.
- The Home Secretary had accepted his resignation with immediate effect.
- Tom Whiting had understood from Michael Lockwood that senior Home Office officials had instructed him to resign or face suspension.
- Media enquiries were received on Saturday 3 December. Journalists were aware of allegations against Michael Lockwood.
- Michael Lockwood had informed Tom Whiting of some elements of the allegations in early November 2022.
- Tom had advised Michael that the appropriate action would be to declare the allegations to the Home Office.
- Michael informed Tom that he had a meeting scheduled with the Home Office to make the declaration and later informed Tom that the meeting had taken place on 4 November 2022. Michael advised that he had been advised to continue in his role as normal.
- The IOPC's legal ability to undertake its work is vested in the DG. As such, it is a priority to authorise an employee to act as an interim DG.

The Board discussed the following:

- Their understanding of the historic nature of the allegations, noting that it is unclear how the media had become aware of the situation.
- That it is unclear when the Home Secretary was made aware of the content of the discussion Michael Lockwood described as taking place on 4 November 2022.
- Tom Whiting's and David Emery's actions, when they were advised by Michael of the allegations.
- The Board noted that David kept a record of the conversations he had with Michael and their timeline which he spoke to briefly.

ACTION: David Emery to share his chronology of conversations with Michael Lockwood with the Board

- Its collective expectation to be briefed sooner on any situation that carries corporate risk for the organisation, citing the November Board meeting as a missed opportunity for them to have been informed of the allegations made against Michael. As it was, non- executive members (as well as the majority of executive members) of Unitary Board were notified of his resignation on Friday 2 December and learned the nature of the allegations on Saturday 3 December.
- Appetite to agree a process to evaluate the Board and governance further to recent events noting existing mechanisms such as vetting processes.
- That the SID has responsibility for complaints made against the DG and that Julia Mulligan, as SID, had already instructed records be reviewed

for any allegations or complaints made against Michael during his employment as DG.

5. APPOINTMENT OF AN INTERIM DIRECTOR GENERAL

David Emery outlined the advice he had sought and received to ratify his interpretation of the relevant sections of the PRA and Standing Orders from Anne Studd KC, in order that he might provide greater assurance to the Board.

ACTION: David to share the written advice he received from Anne Studd KC, which he had outlined verbally.

The Board discussed and noted:

- That all the qualifications required of the substantive DG appointment apply to the interim DG. These preclude candidates who have prior employment with the police and/ or have served custodial sentences of 3 months or more.
- That once an employee is authorised to carry out the function of interim DG in this circumstance, the Office (Unitary Board) and/ or the Secretary of State may withdraw that authority at any time for any reason.
- The permanent recruitment process for which the Home Office is responsible. Julia Mulligan as SID had received assurance from Home Office officials that advice on recruitment will be with the Home Secretary for consideration before Christmas. As comparable processes for senior leadership ALB roles have been lengthy, the Board should prepare for a possible timeline of six to nine months once the vacancy had been advertised.
- That following conversation with a Home Office official, David Emery had received written confirmation that the Home Secretary *has authorised the Board to appoint Tom Whiting as acting Director General*. The Board noted that technically the Home Secretary should consider and be asked to agree to the Unitary Board's appointment, after it made its decision. Nonetheless, the Board welcomed the Home Secretary's support.

As the only proposed candidate Tom Whiting was invited to speak to what his priorities and approach would be should he to be authorised by the Board to act as interim DG:

- Tom had noted in discussions with the Home Office on the afternoon of 2 December that whilst he would be prepared to act as interim DG, the decision rests with Unitary Board, and the agreement of the Home Secretary.
- Although the vacancy had arisen in difficult circumstances and unexpectedly, Tom considered that his experience of the organisation together with his recently expanded responsibilities mean he is well placed to take on the interim position.

- He described his affinity with our work and his previous experience as an interim Chief Executive.
- He outlined the work he had undertaken / set in train, alongside other Management Board members, such as:
 - working through our governance and decision-making authority, resulting in this special meeting.
 - Ensuring all staff were alerted, as soon as possible on Friday, of Michael Lockwood's departure as well as planning to bring staff together for discussion early next week.
 - Determining our initial media response.
 - Following due process to safeguard IOPC data.
 - Consideration of Michael Lockwood's welfare, ensuring appropriate support is made available to him.
 - Identifying key operational risks in order to work to mitigate them.
 - Identifying key stakeholders and drafting appropriate reassuring messaging regarding Michael stepping down as DG.
- He described his approach as one of ensuring that we continue to make progress against our five-year strategy, rather than operating in a holding pattern, and the importance of the continued support of Unitary Board members.
- He noted the need to create capacity should he be asked to take on the interim DG role, particularly given the following priorities:
 - The upcoming Cabinet Office review
 - Establishing the agreed Quality Committee
 - The Hillsborough Salmon process
 - Developing the medium term budget plan for February UB
 - Capacity and allocation of work in Operations.
 - Staff welfare; and
 - The importance of collective leadership

The Board discussed the following:

- The importance of addressing public confidence particularly in light of media coverage and the role of the interim DG in being visible to reassure stakeholders of our organisational resilience. There was agreement that increasing the number of spokespeople could benefit the organisation and public confidence in our work.
- Aligning resource to deliver against our new strategy.
- Increasing communication with UB, particularly in the short term.
- Our communications strategy for this period.
- Utilising non-executive directors' experience in navigating the coming weeks.
- That the current strategy was agreed for the whole organisation and does not depend on individuals in specific roles but effective cross-organisational leadership.

- Current commitments to service users from the DG and ensuring suitable communication and assurance to them.

Tom Whiting left the meeting.

6. AUTHORISATION OF AN EMPLOYEE TO CARRY OUT THE FUNCTION OF DG

Julia Mulligan invited members to comment on Tom Whiting's candidacy following which the Board unanimously agreed that he be authorised to serve as interim DG. As the Home Secretary had already given her approval, Tom Whiting was confirmed in the role of interim DG with immediate effect.

The Board discussed the following to bring to Tom's attention / be addressed in planning upcoming communications:

- Tom and Michael's working relationship predates the IOPC and some negative coverage at the time of Tom's joining the organisation had accused Michael/ the IOPC of 'cronyism'. It was noted that due process had been followed in Tom's appointment. External perception should be continued to be monitored.
- Ensuring there is suitable cover and capacity for the DDG Strategy and Corporate Services role that Tom will vacate to act as DG. There was recognition that cover arrangements may create resourcing issues elsewhere and this should be monitored and mitigated.
- That the Youth Panel are contacted early and briefed about the transition in leadership.
- That external spokespeople are suitably media trained.
- There was agreement that this Board should meet formally before Christmas.
- There was agreement to review the timeline of what was known to whom in the weeks leading up to Michel Lockwood's resignation.

ACTION: Agree an additional meeting date ahead of Christmas.

ACTION: Catherine Jervis as ARAC Chair and Julia Mulligan as SID, to lead on a review to establish the facts.

7. FURTHER ACTION REQUIRED FOLLOWING THE DG'S RESIGNATION

Tom Whiting re-joined the meeting. Unitary Board were pleased to inform him of his unanimously agreed appointment as interim DG.


The following actions were agreed.

- An additional Board meeting will be scheduled, to take place before Christmas.

- Executive members to consider how NEDs may support and advise, especially in the short term.
- Kathie Cashell to convene a sub-group of this Board which should include Bill Matthews and Christine Elliott to discuss communications and stakeholder reputational risks.

8. ANY OTHER BUSINESS

- There was no other business.

NAME	J. MULLIGAN
SIGNATURE	
DATE	25.01.23.

