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Board Meeting Minutes

Date & Time: Wednesday 18 October 2023 at 10:30hrs

Venue: Teams/Virtual

Present:

Kathie Cashell	Ag. Deputy DG (Strategy & Corporate Services)
Christine Elliott	Non-Executive Director
Catherine Jervis	Non-Executive Director
Rommel Moseley	Non-Executive Director
Bill Matthews	Non-Executive Director
Julia Mulligan	Senior Independent Director (SID)/Chair
Amanda Rowe	Director of Operations
Tom Whiting	Interim Director-General (from 12:30)

In Attendance:

Rob Barnes	Head of Business Development (Item 8)
Mike Benson	Head of Finance
Margaret Bruce	Governance Secretary
David Emery	General Counsel
Smyth Harper	Head of Communications (Item 6)
Lindsay Harvey	Strategy Unit Manager (Item 7)
Karen Jamieson	Risk and Audit Manager (Item 11)
Stephen Oakley	Head of Policy and Public Affairs (Item 6)

1. WELCOME AND INTRODUCTIONS

The SID chaired a significant part of the meeting in the absence of the Acting Director General who was attending another meeting with the Home Office. The meeting commenced at 10:30hrs and was quorate. The Chair welcomed members and attendees to the meeting.

2. APOLOGIES

There were no apologies received, however the Board noted that the Acting Director General would be joining late as previously discussed with the SID.

3. DECLARATIONS OF INTERESTS

The SID declared that she is Chair of the Gangmaster and Labour Abuse Authority (GLAA).

4. MINUTES OF LAST MEETING HELD WEDNESDAY 27TH SEPTEMBER 2023 (PAPER REF IOPC 10/23/04)

The Board considered and agreed the minutes of the last meeting held on Wednesday 27th September 2023. It noted minor amendments around the presentation of IOD programme (item 13) and attendance during the discussion on review (item 20).

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

5. MATTERS ARISING/ACTION LOG (PAPER REF IOPC 10/23/05)

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

Actions:

- Meeting with Baroness Casey. A meeting was held with Baroness Casey's team and there are plans for a future meeting. A report would be circulated to the Board. **(ACTION)** Proposal to invite Baroness Casey to a future Board meeting. **(ACTION)**
- Discussion around the principles/activities relating to board transparency and visibility. It was agreed that this would be addressed as part of the Board's wider response to the Cabinet Office commissioned independent review. In the meantime, the Head of Private Office and Acting Deputy Director General, Strategy and Corporate Services were asked to consider practical opportunities for the Board to demonstrate the importance it places on both and report back to the November Board meeting. **(ACTION)**
- Present the next quarterly report to the November Board meeting. This is being brought forward and is on the agenda of this meeting (under item 8).
- An update on Improving Operational Delivery (IOD) programme would be added to the Board Forward Plan, with the specific meeting it will be presented to, to be determined. **(ACTION)**

- Statement for assurance around the MTFP – Discussion is ongoing on how this would be reflected in the MTFP.

The Head of Private Office also noted the Impact Report circulated (outside meeting) for approval. The Board agreed the report and noted the publication timeline. It also noted a proposed amendment to the governance documents concerning the Impact Report, not included in the circulate pack (under item 10) for discussion.

Agreed: To note the document.

6. PUBLIC AFFAIRS ACTIVITY/PLAN UPDATE (PAPER REF: IOPC 10/23/06)

The Board recalled the extensive discussion at the last meeting when approval was deferred as the meeting was not quorate. The documents are being re-presented for approval.

The Board briefly discussed clarity around linking the objectives to outcomes to enable better tracking/monitoring and the prioritisation of objectives to ensure achievements are feasible.

Agreed: To approve the documents.

7. QUARTERLY RESOURCES REPORT (PAPER REF: IOPC 10/23/07)

The Chair informed that a future separate meeting on finance has been arranged at which there will be an opportunity for detailed discussion. The Head of Finance noted the key updates and highlighted as follows:

- At a recent meeting with Home Office finance business partners, assurance around the £2.63m was requested as well as additional funding to help address overspend challenges.
- Para 2.4 of the report notes the risks around budget overspend.
- There was discussion at the last ARAC meeting on the impact of budget overspend on regularity in the Annual Report and Accounts. Advice and clarification were provided on the parameters of overspend, ie. prior authorisation required and good quality forecasting being implemented. Details will be provided in future reports. **(ACTION)** The Home Office has been kept informed.
- Budgets in P7 have been reduced for budget holders (to reflect adjustment on savings).

The Board noted and discussed as follows:

- P6 report has already been submitted to the Home Office. The discussion is now focussed on the extent of permission received (from the Home Office) and the level of assurance around forecasting (recognising this is a secondary measure).
- The scenarios across the different financial years of our corporate strategy provided at the ARAC meeting and the ongoing work with the Home Office concerning this. It noted the potential exits and the associated costs and recommended that oversight continue to be provided by the People and Culture Committee (PCC) as agreed at its previous meeting. **(ACTION)**.

- Clarity on ARAC's role around resources/budgets (internal control) and the Board's responsibility for decisions/approval of budget/resources.
- Options/proposals considered at the last meeting on balancing the budget next year and the related risks. It was noted that the Home Office has been informed on ability to cover related costs. A report (including planning for Hillsborough exits) will be presented to Management Board meeting in November (and a future Unitary Board meeting) for consideration.
- The discussion at ARAC around articulating financial risks and a broad agreement to classify them.
- The cost of the Canary Wharf Office lease and the potential options to realise savings by exiting this. It was noted that the related complexity had been discussed with the Home Office, which is likely to be reflected in the Cabinet Office commissioned review.
- The ongoing internal communications need to cascade information across the business to ensure colleagues are suitably informed about the challenges we face.
- Efficiencies expected from considered recruitment, the impact of decisions to defer or deny recruitment and the greater assurance sought to bolster confidence in the approach. The provision of consolidated data in this area would inform the MTFP discussion scheduled for the November Board.

Agreed: To note the report.

8. QUARTERLY (Q2) PERFORMANCE REPORTS (PAPER REF: IOPC 10/23/08)

The meeting noted that the Q2 report is yet to be discussed by Management Board. The Head of Business Development and the Strategy Unit Manager explained that the report updates on the delivery of the strategy over the preceding quarter, the delivery of efficiency savings identified in the Medium Term Financial Plan (MTFP) v1 in February and progress made to date. Also, the horizon scan for October and whether this impacts on Mode of Investigation (MOI) decisions.

They noted the challenges around affordability and the impact on current delivery and of the strategy. This has resulted in MTFP version 2 being developed, with ongoing discussion with the Home Office for additional funding. Also, resource pressures this year, including considered recruitment, and the probable financial scenario for 2024/25 has impacted on delivery. The following were highlighted:

- There is increased awareness of the IOPC and increased public confidence around the police dealing fairly with complaints. However, the percentage of respondents on IOPC effectiveness at improving public confidence has decreased. Work has been developed to address this but given the work on the MTFP, that may not commence until 2025-26.
- More work has been done on improving reviews and good progress is being made.
- MOI decisions are still higher than expected (reducing from 11 working days and currently at 9 working days against a target of five working days). Work is ongoing to reduce further.
- The percentage of non-policing stakeholders who think the organisation is effective at sharing learning to improve police practice has decreased (for the 3rd year running). This is currently at 37% (against a set target is 46%). The work around learning strategy is reflected in the MTFP and this may impact/delay the related work.

- The risks around EDRMS and CMS have now been mitigated with a new supplier which means the CMS is being launched in February 2024. However, there is related overspend, which was reported to the last ARAC meeting.
- An end of strategy RAG of amber is being projected (pending clarity on funding next year). Although solutions have been identified to address some of the issues raised around performance, timeliness and targets, some may not be progressed until 2025/26 depending on implementation of the MTFP. There are also other impacting factors such as the ongoing the Cabinet Office review and other reviews. It may be necessary to undertake work to determine the impact across the organisation on work that could not be progressed by the end of the year and how this affects the business plan.
- The Change Delivery Board has been activated. It is working well and has been instrumental in supporting and mitigating the risks around EDRMS and CMS.
- The MTFP version 1 had a deficit, and more work is being done to identify options to balance that baseline. Proposals will be presented to the November meeting around the MTFP and implementation.
- The report notes the horizon scanning work done by the policy team around MOI decisions.

The Head of Business Development drew attention to the affordability work being done and the effect on deliverability. He said the discussion at the November Board meeting would include compromise/trade-offs to help understand how best to balance the budget (in the right areas). Also, the impact on delay. A pre-meet (**ACTION**) would be held prior to the November Board meeting to consider the revised assumptions and the impact on strategy.

The Board noted the consequences of funding challenges and impact on the organisation's risk appetite. Also, the impact of external factors and how the organisation might engage with stakeholders and influence this. It recommended setting up a sub-group for a broader discussion around the challenges and impact. (**ACTION**)

Agreed: To note the risks and issues raised and the efficiency report.

This next item was addressed after item 13 when the Acting Director General joined the meeting and chaired the rest of the meeting.

9. **ACTING DIRECTOR GENERAL – UPDATE (PAPER REF: IOPC 10/23/09)**

The Acting Director General presented his report and highlighted the following:

External engagements included events and meetings with:

- Phil Golding, Chief Executive Association of Police and Crime Commissioners (APCC). Discussion around the Home Secretary's recent announcement on the review on use of force and the work done with PCCs around how they are investigated within IOPC remit.
- Keith Fraser, Youth Justice Board (YJB). Discussion around learning and collaborating to improve confidence among young people using the complaints system.

- Speaking at UNISON Police and Justice Conference on “Rebuilding Trust and Confidence”. Also, noted working together to improve the uptake of learning identified during our work.
- Gavin Stephens (National Police Chiefs’ Councils (NPCC) – discussion included Chief Constables decision-making/thresholds for gross misconduct as well as ensuring the NPCC are engaged on any national recommendations arising from our reports.
- Sarah Kincaid, Lead reviewer to discuss the Baroness Casey Review.

He also noted:

- Some positive feedback on our work arising from meetings with external stakeholders.
- His recent letter to the Home Secretary, circulated in the Board pack.
- That excerpts of the draft report from the Cabinet Office commissioned Review team had been received to review for factual accuracy, for example in their descriptors of our processes and to comment on the report overall. The Board will be updated as the timeline for receipt of the final report becomes clear.
- Senior management structure review – an external partner has been appointed following a tendering process and work has begun. Consultation is ongoing with the Corporate Leadership Network (CLN), starting with Management Board. The People and Culture Committee will oversee the work on behalf of Unitary Board.
- Senior recruitment – this is ongoing as reported at the last meeting (ie. People Director, Director, Finance and Change and Operations Director). Interviews are underway.
- His concern regarding Board quoracy in February 2024, given NED roles are yet to be advertised, and his recommendation that this risk be reflected in the Strategic Risk Register. **(ACTION)**
- A delay to the advertised recruitment timeline for DG recruitment.

The Board discussed:

- Concern around the impact of a potential delay to NED recruitment. It discussed the mode of recruitment and considered room for flexibility (such as interim appointments), given the impact on public confidence. The General Counsel advised on the rules around the appointment of NEDs by the Home Office.
- The Cabinet Office commissioned review and the need to cluster and prioritise the recommendations, including in the short-term and over the longer term. It recommended having a preliminary discussion at the November meeting followed by separate sub-group meetings (of NEDs and executives) to allow a dedicated discussion on the recommendations, including factors such as a change in governance. This would be followed by Board discussion (with external facilitators). **(ACTION)**

Agreed:

- To note the report.
- To endorse the recommendation to add the delay in NED recruitment to the Strategic Risk Register.

- To have a dedicated discussion on the recommendations of the Cabinet Office Review. This will be preceded by a preliminary discussion at the November Board meeting. **(ACTION)**

ACTION: AG. DG/RISK AND AUDIT MANAGER

10. ANNUAL REVIEW OF GOVERNANCE DOCUMENTS (PAPER REF: IOPC 10/23/10)

The Head of Private Office presented the documents (deferred at the last Board meeting). She drew attention to the recommended amendments tracked in the documents. She also proposed, as referenced in discussion under item 5, that the Impact Report, which is currently a matter reserved for Unitary Board on the existing Decision Making Framework, be amended, with approval reverting to staff, albeit with provision for Unitary Board members to provide feedback, out of meeting, before the final version is published.

The Board briefly discussed the documents. It acknowledged the significant impact of the Cabinet Office Commissioned Review and agreed that a substantive review will be undertaken following its recommendations. Meanwhile, it agreed the proposed current minor amendments.

Agreed: To adopt the recommended amendments set out in the circulated papers and undertake a substantive review following the recommendations of the Cabinet Office Commissioned Review. **(ACTION)**

ACTION: HEAD OF PRIVATE OFFICE

11. STRATEGIC RISK REGISTER (HALF-YEARLY REPORT) PAPER REF: IOPC 10/23/11)

The Risk and Audit Manager presented the register (also considered by the recent ARAC meeting). She noted the main changes such as the new risk around the requirements of the forensic regulator, the reviewed scoring around budget restrictions and the political landscape. Also, the risks removed through de-escalation.

Overall, there is an increased risk profile. An amendment was recommended to the risk appetite statement to broaden the risk around business planning.

The ARAC Chair noted:

- The related discussion held at the meetings of the Quality Committee and the ARAC around quality and the risk register. The ARAC endorsed the discussion on quality.
- The earlier discussion on financial resource and the view that the current risks around real term financial issues are (particularly this year) around regulatory issues. ARAC recommended that this be split into two types of strategic risks (immediate and medium term).
- The last year has seen a shift in the risk register from the middle to the far right with a significant cluster of risks which has exceeded the organisational risk appetite with insufficient clarity on mitigation. It called for executive clarification on the risks and mitigation.

- That the Committees discussed the risk drivers of quality, the need to integrate quality across the organisation and have a better articulation of quality. It recommended that quality be reflected as a risk in the risk register. Also, quality is currently perceived as a QSI (rather than organisational) matter. A holistic approach was recommended.

The Board discussed the risks around the expansion of remit and the forensic regulator. It was explained that the risks remain live with potential impact around the political environment and police accountability. It noted that the forensic science regulator had initially mistakenly omitted us from early discussions it had held with other relevant bodies and the resulting impact on our ability to be compliant with the new regulations (on handling digital materials) but this is now being addressed.

Agreed: To note the report and the recommendations.

12. REPORT FROM THE QUALITY COMMITTEE MEETING (HELD 02/10/23) (VERBAL)

The second meeting of the Quality Committee was held on Monday 2nd October 2023. The minutes would be circulated in due course. The Committee Chair noted the variety of discussions around:

- Data and the resource - quality of data/access to the right data resource and budgets as we discussed.
- Developing a culture of quality across the organisation.
- Impact of QSI team turnover and the importance of getting the right team in place with the right experience going forward.
- Organisational quality assurance reports and the merits of brevity in reporting highlighting key areas of concerns, mitigations and themes the committee could support going forward.
- Broadening the focus to the organisation (not just Operations) as a whole.
- Encouraging discussion around dip sampling work (with external input).
- Appetite and commitment to improving quality.
- Work done around the definition of quality (ensuring definition is universal and measurable).
- Gap analysis conducted on the NAO model and assurance on focus around the related challenges. Also, the NAO offer to attend committee meeting in the future to provide guidance.

Agreed: To note the report.

13. REPORT FROM THE AUDIT AND RISK ASSURANCE COMMITTEE (ARAC) MEETING (HELD 09/10/23) (VERBAL)

The meeting of the Audit and Risk Assurance Committee was held on Monday 9th October 2023. The minutes would be circulated in due course. The Committee Chair noted the variety of discussions including those already covered above around financing and understanding the potential regulatory impact of budget constraints and risk. Other discussions were around the following:

- Positive reporting on the arrangements for cyber security with good assurance.

- Contractual underperformance around EDRMS impacting on the CMS programme. The audit review of IT related contract management last year which received a partial assurance rating. This impacted on the rating in the end of year internal audit opinion. It was clarified that the contract was signed in 2020 (predating the audit work). A rigorous contract management process is now in place.
- The Committee also discussed the secondary contract with the same supplier. The Committee asked for a more robust assurance around contract management processes as this would appear to be an area of further financial risk.
- Update on the IT strategy which is progressing well alongside other programmes and adapting to available resources and priorities.
- Bi-annual report on civil claims – noting the positives around court decisions which had organisational significance and areas of concerns around judicial review and cost which is being monitored.
- Internal audit report on the CMS programme which received a moderate rating with recommendations.
- Review of internal audit recommendations – noting those outstanding and overdue, with the committee satisfying itself that those overdue did not represent significant risk. There was additional assurance received on the internal review of progress against the recommendations.
- Laying of Annual Report and Accounts – update on progress around laying.
- NED Recruitment – concerns and risks around delay (also discussed under item 9).

14. BOARD MEETING ATTENDANCE (PAPER REF IOPC 10/23/14)

The Board considered the document presented by the Governance Secretary.

Agreed: To note the document.

15. FORWARD PLAN (PAPER REF IOPC 10/23/15)

The Board considered the Forward Plan presented. 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.

16. DATES, TIMES AND VENUE OF FUTURE MEETINGS (PAPER REF IOPC 10/23/16)

The Board considered the document including the proposed meeting dates/venues for 2024/25. It noted the following amendments:

- November meeting will now be a BAU (rather than seminar) meeting.
- The date for September 2024 meeting is yet to be confirmed.

Agreed: To note the document and amendments.

ACTION: GOVERNANCE SECRETARY

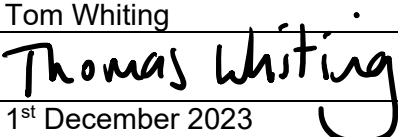
17. ANY OTHER BUSINESS - There was no other business.

18. MEETING REFLECTION

The Director Ops commended the opportunity for a lengthy discussion and led the reflection around:

- resources and considered recruitments/exits etc. and future actions.
- Data efficiency
- Influencing and increased engagement with others around risks, learning and reviews etc.
- Risks around the political landscape and the forensic regulator.
- Quality and risks feedback from the committees.
- Governance arrangements and the impact of the Cabinet Office Commissioned review.

Agreed: That Rommel Moseley will lead reflection for the next meeting.

NAME	Tom Whiting
SIGNATURE	
DATE	1 st December 2023

Schedule of actions

Agenda Item	Action by
5	Ag. Deputy DG (S&CS)
7	Head of Finance
9	Risk and Audit Manager/Ag. DG
10	Head of Private Office