

# Police ethics committees in England and Wales: Exploratory online and web surveys

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**Abstract** Drawing from practice and learning of Clinical Ethics Committees, Police Ethics Committees began to emerge in the years following the statutory creation of the College of Policing in 2012, but there is little research on their form and effectiveness. This paper reports the results of exploratory online and web surveys undertaken in 2021. The surveys revealed committees with the word 'ethics' in their title fell within two different types. First, discursive and advisory committees, largely inclusive but with those operated by the large forces in London and Greater Manchester functioning more like expert panels. Second, some committees operated within formal governance structures, receiving reports and scrutinizing aspects of police performance including complaints. Variation in operation between Police Ethics Committees was evident in respect of composition, web presence and reporting mechanisms. Further research on the operation and effectiveness of Ethics Committees is required.

## Introduction

The ethics and governance of policing in the UK undergo continual change, accelerating in the years of the 21st century driven in part by scandals such as the murder of Stephen Lawrence and its flawed investigation, the Hillsborough disaster, the Rotherham abuse scandal (Wood, 2020), and the wider perception of police misconduct. The College of Policing was established in 2012 as the 'professional body for everyone working across policing' (College of Policing, nd), though in comparison with other recently professionalized groups, especially in the healthcare sector, its principal functions are more aligned to regulatory

than professional organizations. While there is no formal register of police professionals, the College of Policing maintains a list of 'barred' individuals who have been dismissed from police forces in England and Wales, sets standards and approves educational courses prior to application for entry as a police officer, and issues a Code of Ethics.

In 2005, the influential Taylor Review of police disciplinary arrangements recommended that a single code (incorporating ethics and conduct) should replace the existing Code of Conduct (Taylor, 2013), and in 2014, The College of Policing published its Code of Ethics<sup>1</sup> (College of Policing, 2014a), based upon the Nolan

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<sup>1</sup> Section 39A of the Police Act 1996 (as amended by the Anti-social Behaviour, Crime and Policing Act 2014) gives the College of Policing in England and Wales power to issue codes of practice, with the approval of the Secretary of State. Though the legislation refers to chief officers, the Code applies to 'everyone who works in policing in England and Wales'. Different arrangements operate in Scotland and Northern Ireland. In Scotland, a separate Code of Ethics has no statutory basis. In Northern Ireland, the Section 52 of the Police (Northern Ireland) Act 2000) required the Northern Ireland Policing Board to publish a Code of Ethics, first published in 2003.

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Principles for public life. These principles formed part of the establishment of the Committee on Standards in Public Life in response to a number of scandals by politicians and have largely been accepted by the public (Committee on Standards in Public Life, 2013; Bew, 2015). As part of the challenge to police organizations to make ethics more visible and embed the Code of Ethics into practice, the College of Policing recommended that organizations should consider ethics committees (College of Policing, 2014b, c). The establishment of police ethics committees (PECs) drew upon established principles and practice of clinical ethics committees (CECs), introduced into medical practice in the 1980s and now commonplace (McLean, 2007). Though CECs are more firmly established within practice in the USA, in the UK they allow visible demonstration of ethical discussion and advice in NHS organizations and there is an informal national network which supports their functions.<sup>2</sup>

In 2015, the Committee on Standards in Public Life published the report *'Tone from the Top: Leadership, ethics and accountability in policing'*, which detailed the development of ethics committees in police forces and Offices of Police and Crime Commissioners (OPCC),<sup>3</sup> reporting that by the end of 2013 over 20 ethics committees had been established. Variation between committees was noted, inevitable in the absence of common terms of reference. It was reported that eight forces had agreed to pilot an ethics committee in conjunction with the College of Policing and the Association of Police and Crime Commissioners. The report identified encouraging findings about the effectiveness of ethics committees noting:

[...] that ethics committees are an adjunct to, but not an answer to, embedding a standards culture. Nor are they part of the formal accountability system for holding Chief Constables to account. The Committee believes that the remit of ethics committees needs to be sharply focussed, and clearly differentiated from other groups such as Independent

Advisory Groups. As new bodies in an already crowded landscape their effectiveness should be regularly reviewed.

(Committee for Standards in Public Life, 2015, p. 44)

The Report further documented the importance,

to recognise that ethics committees are still new to policing, so their value and effectiveness is difficult to judge. As ethics committees continue to establish and develop, the periodic review of their impact will be important to help determine their effectiveness.

(Committee for Standards in Public Life, 2015, p. 123)

In the same year, a College of Policing rapid evidence assessment entitled *'Promoting Ethical Behaviour and Preventing Wrongdoing in Organisations'* (McDowall et al., 2015) did not mention ethics committees. While there are limited writings on police ethics and the Code of Ethics (for example see Kleinig, 1996; Miller and Blacker, 2005; Caldero et al. 2018; Westmarland and Rowe, 2018; Westmarland and Conway, 2020; Harfield, 2014, 2021), no systematic evaluation of the pilot sites could be found and no published research on the operation or effectiveness of PECs could be located in the academic literature.

## Research methods

The aim of the research was to provide an insight into the structures, function and purpose of PECs, and their web presence in England and Wales.<sup>4</sup> Methods utilized included an exploratory questionnaire survey, web searches, and an analysis of police force regulatory assessments.

The questionnaire, administered via JISC online survey, was piloted with members of a PEC. The survey asked closed questions about the structure, function, and role of ethics committees with the opportunity to elaborate upon categorical answers in comment

<sup>2</sup> UKCEN: UK Clinical Ethics Network at <https://www.ukcen.net/>.

<sup>3</sup> Police and Crime Commissioners were introduced by the Coalition Government following the Police reform and Social Responsibility Act 2011. Police and Crime Commissioners are elected officials who set priorities and hold Chief Constables to account (Loveday 2018).

<sup>4</sup> The process of accountability for policing are different in Scotland and Northern Ireland where there are national police forces and different codes of ethics.

boxes using full text. The survey questionnaire was distributed utilizing the network of the United Kingdom Police Ethics Guidance Group (UKPEGG), now renamed the National Police Ethics Committee whose functions are to guide the work of regional committees and to consider any ethical dilemmas submitted. The survey was sent to the named regional leads for onward distribution to the forces within that group. All respondents were police officers ranging in rank from Constable to Deputy Chief Constable. Two reminders were sent. Twenty-nine responses were received. Two forces sent two replies from different individuals, and there were responses from two national organizations and an organization outside England and Wales. These were excluded from the analysis. The survey ran from 23 November 2020 to 30 April 2021. Two forces indicated they had no ethics committee but one of these was clearly an error and data were included. Therefore, 23 responses from the survey were included in the analysis, representing 53% of territorial police forces in England and Wales.

Web surveys were undertaken by accessing the webpages of each of the 43 police forces and OPCC organizations in England and Wales, identified at the webpage 'for policing in England, Wales and Northern Ireland' at <https://www.police.uk/>. Once accessed, the webpages were searched using the terms 'ethics', 'ethics committee', and 'ethics panel'. The search was undertaken during January 2021. The web search revealed that 18 force areas (either Police or OPCC) had an externally visible webpages relating to an ethics committee. Where available, Terms of Reference (ToR) and minutes were accessed. Nine forces that had a website did not complete the questionnaire survey.

Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) independently assesses police forces using the Police Effectiveness, Efficiency and Legitimacy (PEEL) assessment tool, grading police performance against a number of criteria against a four point scale: Outstanding, Good, Requires Improvement, and Inadequate.<sup>5</sup> The last complete available cycle was 2018/19. Complete assessments were accessed

via the HMICFRS website. One of three questions relating to legitimacy was 'How well does the force ensure that its workforce behaves ethically and lawfully?' For each force, the assessment for this question was accessed and searched using the terms 'ethics', 'ethics committee', and 'ethics panel'. Twenty-seven of the 43 police forces' assessments mentioned an ethics committee. Overall, data from one source or another were obtained from 38 of 43 police areas.

One of the main limitations of the survey was the response rate, which despite reminders represented about half of forces in England and Wales. Though disappointing, this is in line with response rates for institutional surveys, for example *Slowther et al.'s* (2012) survey on clinical ethics services that had a response rate of 62% for a survey that used electronic and postal distribution.

## Ethical issues

This was an unfunded study. The online questionnaire was distributed through the UKPEGG which is chaired by RL. PS is Independent Chair of West Mercia Police Internal Ethics Committee. AM is vice chair of Avon and Somerset Police ethics committee. Respondents were assured that identities of forces would be protected and data from the survey are anonymized. Data from force web pages and PEEL assessments are cited in full as they are publicly available. Ethical approval was obtained through Bath Spa University.

## Findings

### Survey questionnaire

Responses from 22 police force areas confirmed that they operated an ethics committee and the police force that reported that there was no ethics committee stated that it was being actively considered. One force reported that the ethics committee had been in operation since 2014 with other ethics committees across other forces being established

<sup>5</sup> These categories are used in other state regulatory regimes for example hospitals (by the Care Quality Commission—CQC) and schools (Office for Standards in Education, Children's Services and Skills—OFSTED). The PEEL assessment process has been revised for the current round of assessments in 2021/22.

every year thereafter. These findings are consistent with *Tone from the Top*.

There was an even split in the role of ethics committees, with 11 of the 23 ethics committees reported as being part of the formal governance structure and the remainder being informal and advisory—not part of governance structure in terms of structure and function. More than half of the ethics committees (57%) are chaired by an individual independent of the police force. In these cases, the most common profession of the independent chair was an academic or retired academic ( $n = 8$ ). Other committees are chaired by a surgeon, business leaders, and public servants. Almost 40% of chairs were serving police officers. An open application process for the position of chair was only employed by three committees, with 10 forces making appointments internally from within the ethics committee. In a further 10 forces, the committee is chaired by the Chief Constable or other senior officer. Responses to the open text questions suggested that in some forces, the ethics committee was initially set up by a senior officer. This is perhaps not surprising given the additional obligations placed on senior officers within the police Code of Ethics including ‘show(ing) by personal example how the principles and standards of (the code) apply’ and to ‘create and maintain an environment where you challenge and feedback’ (College of Policing, 2014a). These obligations neatly fit into the work of ethics committees

and evidence efforts made by Chief Officers. The success of early ethics committees led some forces to appoint a Chief Officer to establish a committee in their own forces to create an impetus that may have been harder for more junior officers or staff to achieve.

The survey also asked about the composition of ethics committees. The results highlighted a wide range of participants, including police departments and associations and some included members of the public. Each force had established their own protocols for representation within the committee. However, some departments were common to most committees, including the Professional Standards Department, Human Resources, Civilian Staff, Police Federation and Trade Unions, and the Office of the Police and Crime Commissioner (Table 1).

Some ethics committees sought representatives from specific groups, for example BAME groups and the church. There were also open invitations for police officers. One force reported a highly developed system of meetings with many contributors:

We currently have around 130/140 Officers and Staff in total from the four member organisations with diverse backgrounds, roles, ranks, specialisms, lengths of service etc whom are ‘Ethics Associates’ (Panellists). One panel will normally comprise of a panel chair

**Table 1:** Composition of ethics committees

Group	Number	Percentage
Civilian Staff	18	82
Professional Standards Department	17	77
Police Federation	17	77
Office of the Police and Crime Commissioner	17	77
Human Resources	16	72
Trade Union	16	72
Community Policing	15	68
Specialized Police Departments	15	68
Superintendent Association	12	55
Legal Department	11	50
Training and Development	11	50
Gold Command	10	46
Chaplaincy	8	36
Other	14	64

(Chief Superintendent or above) with 10–15 Ethics Associates invited to participate in a three-hour long meeting to discuss up to 5 separate policing ethical dilemmas. Approximately every 8–12 weeks 2 of these panels are called to discuss the same 4/5 dilemmas. Neither panel is advised of the other panels 'findings/advice' until after they've produced their own. Both sets of advice/guidance are then offered to the 4 organisations for their consideration.

Half the responses (11/23) stated that members of the public in addition to community groups were represented on the committee. However, an open application process to become a member of the ethics committee was indicated in only three responses, with the rest of the members being appointed directly by the committee ( $n = 6$ ) or by the OPCC. In one committee, a formal application process was in place:

Open advert has been placed out by the OPCC and candidates subject to interview panel conducted by chair, co-chair and OPCC managers.

In another:

Internal—initially [*the ethics committee was*] set up with representation level at every department. However, since then there has been a force wide email for expressions of interest—to broaden the membership/discussion and engagement.

External—[We] thought what would add value to the board and then what key contacts we had in those identified areas and then gained interest from those identified.

External Members of the committee, those not employed by the police force, were generally unpaid. Only one force paid a fee for external committee members with a further two forces paying for incurred expenses, including travel costs.

## Business of the Committee

All forces that responded reported that a key purpose of the ethics committee was to consider and discuss submitted ethical dilemmas. In addition, about half of the respondents reported that reports were compiled at the request of the Chief Officer Group or OPCC (Table 2).

The survey also asked an open question asking about areas of police practice that are frequently referred to the committee. Many reported that it was too early to tell or that there was a broad spectrum of issues. However, it was reported by several that there was a general theme in relation to some Human Resources and policy matters being referred with fairness at work being identified:

Continuously, our committee receive 'fairness at work' related referrals relating to promotion processes and job opportunities. The Force are making efforts to raise awareness of what constitutes as an ethical dilemma.

Other issues reported were the use of police powers during the early stages of the Covid pandemic, acceptance of gifts and gratuities, unconscious bias, police use of social media, body-worn video, policing in mental health, and relationships at work.

Ethical dilemmas can be referred to committees by many groups and departments, with almost all accepting referrals from any member of staff in the organization and the OPCC. In addition, three committees accepted referrals from members of the

**Table 2:** Business of ethics committees

Group	Number	Percentage
Consider ethical dilemmas referred to it	23	100
Compile reports at the request of chief officers / OPCC	12	52
Decide on its own agenda for discussion	11	48
Compile reports at its own discretion	10	44

public. Most committees ( $n = 21$ ) allowed direct referral from serving officers and two committees had established a process in which the dilemma is referred through the chain of command. Most committees ( $n = 18$ ) accepted anonymous referrals and almost all ( $n = 22$ ) accepted confidential referrals.<sup>6</sup>

## Meetings

Two thirds of ethics committees ( $n = 15$ ) met quarterly, while almost a quarter ( $n = 7$ ) met more frequently, including two which met monthly. All committees reported that they had established processes in which extraordinary or additional meetings could be convened if necessary. No committees held their meetings in public. However, almost 50% of respondents reported that their ToR are publicly available either on the web ( $n = 3$ ) or on request ( $n = 8$ ). Minutes are available similarly—four on the web and nine on request.

## Survey of web presence

Only four (9%) police force websites have external pages relating to an ethics committee, two of which included ToR (Table 3). Minutes of meetings were available on one website. Sixteen (37%) OPCC websites have pages related to ethics committees. Eleven included the ToR or information about the committee, and also 11 have minutes of meetings available. Three police forces and OPCC areas (Cheshire, Gloucestershire, and Humberside) have ethics committee/panel pages on both websites. In all three cases, the pages clearly relate to separate committees. In total, 17 of the 43 (39%) police force areas have a webpage for ethics committees of various descriptions. The quality and content of the websites vary significantly, from a few paragraphs of text with no links, to extensive multi-page sites. Leicestershire OPCC, for example, hosts a site for its Ethics, Integrity and Complaints Committee containing biographies of panel members, and full agendas, papers, and minutes. In the pre-covid

period, the ethics committees met in public, and during the covid pandemic, meetings have been held virtually, with a full recording of the meeting available on the Leicestershire OPCC YouTube channel (Leicestershire OPCC 2021a).

## Terms of reference

Eleven ToR documents were obtained from the survey of web presence, and five more were obtained through responses to the online survey. The documents varied by length and form, with the shortest being 200 words and the longest just over 1,500 words. All have the word 'ethics' or its cognates in the title—although the structures of the ToR vary widely across Forces and OPCCs. Seven ToR documents explicitly referred to the Code of Ethics. Broadly, two different types of function were identified.

## Discursive and inclusive

Some Committees were discursive and educative in nature, with a focus on allowing individuals to refer dilemmas and issues for discussion, with several ToR documents explicit in their purpose to generate organizational learning. Frequently, this function is operationalized from within police forces, but it is also seen in committees operated from within OPCC organizations, for example, from Humberside OPCC, which operates an Independent Ethics and Scrutiny Board whose aim is to:

Objectively explore ethical issues and matters raised by Scrutiny Group volunteers, in depth and from multiple perspectives, with the purpose of generating genuine and positive organisational learning, informing police and OPCC (Office of the Police and Crime Commissioner) policy and priorities, challenging things when appropriate and creating openness and transparency. [Humberside Police and Crime Commissioner \(2021\)](#)

<sup>6</sup> An anonymous referral was defined as the referrer did not need to give a name. A confidential referral is where a name is supplied but not disclosed.

**Table 3:** Web presence in territorial police forces and OPCCs in England and Wales

Police Force Area	Police web sites			Office of Police and Crime Commissioner website			HMICRFS website		PEEL assessment	
	Ethics page	Name	TOR	Mins	Ethics page	Name	TOR	Mins		mention in PEEL assessment
Avon and Somerset	<a href="#">link</a>	Ethics Committee							✓	Good
Bedfordshire									✓	Good
Cambridgeshire										Good
Cheshire	<a href="#">link</a>	Ethics Advisory Forum	✓		<a href="#">link</a>	Independent Ethics Panel	✓			Good
City of London										Requires Improvement
Cleveland					<a href="#">link</a>	Ethics Committee		✓	✓	Inadequate
Cumbria					<a href="#">link</a>	Ethics and Integrity Panel	✓	✓	✓	Good
Derbyshire										Good
Devon and Cornwall									✓	Good
Durham									✓	Good
Dorset					<a href="#">link</a>	Independent Ethics and Appeals Committee	✓	✓	✓	Good
Dyfed-Powys									✓	Requires Improvement
Essex									✓	Requires Improvement
Gloucestershire	<a href="#">link</a>	Ethics Committee	✓		<a href="#">link</a>	Ethics Panel		✓	✓	Good
Greater Manchester					<a href="#">link</a>	Ethics Committee	Info		✓	Good
Gwent									✓	Requires Improvement
Hampshire									✓	Good
Hertfordshire									✓	Good
Humber-side Police	<a href="#">link</a>	Ethics panel			<a href="#">link</a>	Independent Ethics and Scrutiny Board	Info		✓	Good
Kent									✓	Good
Lancashire					<a href="#">link</a>	Joint Audit and Ethics Committee	✓	✓	✓	Good

Table 3. Continued

Police Force Area	Police web sites		Office of Police and Crime Commissioner website				HMICRFs website		PEEL assessment
	Ethics page	Name	TOR	Mins	Ethics page	Name	TOR	Mins	
Leicestershire					<a href="#">link</a>	Ethics, Integrity and Complaints Committee	✓	✓	Good
Lincolnshire									Requires Improvement
Merseyside									Good
Metropolitan Police Service					<a href="#">link</a>	London Policing Ethics Panel	✓	✓	Requires Improvement
Norfolk								✓	Good
North Wales								✓	Good
North Yorkshire									Requires Improvement
Northamptonshire								✓	Good
Northumbria								✓	Good
Nottinghamshire								✓	Good
South Wales		Independent Ethics Committee		✓				✓	Good
South Yorkshire								✓	Outstanding
Staffordshire					<a href="#">link</a>	Ethics, transparency and audit panel		✓	Good
Suffolk									Good
Surrey								✓	Good
Sussex									Good
Thames Valley					<a href="#">link</a>	Professional and Ethical Standards Panel	✓		Requires Improvement
Warwickshire					<a href="#">link</a>	Joint Audit and Standards Committee		✓	Good
West Mercia					<a href="#">link</a>	Trust Integrity and ethics Committee	✓	✓	Good
West Midlands					<a href="#">link</a>	Ethics Committee		✓	Requires Improvement
West Yorkshire					<a href="#">link</a>	Joint Independent Audit and Ethics Committee	✓	✓	Requires Improvement
Wiltshire								✓	Good

ToR documents frequently make clear that the committees are not empowered to make decisions but offer advice, suggestion, and guidance.

### 'Expert' panels

A related model of the discursive committee, can be considered as more of an expert panel: 'The "London Policing Ethics Panel" (LPEP) is an independent panel set up by the Mayor of London to provide ethical advice on policing issues that may impact on public confidence' ([London Policing Ethics Panel, nd](#)). This model, supported by clear web presence, is operated by two of the largest police force areas in England and Wales—the Metropolitan Police Service and Greater Manchester Police, both overseen by elected Mayors. In London, The London Policing Ethics Panel webpage identifies (in April 2022) four independent panel members, all academics. The panel meets monthly in private with the minutes being very brief, for example from February 2021: 'The Panel reflected on and discussed the issues that were raised'. Several detailed reports have been produced, for example on Live Facial Recognition ([London Policing Ethics Panel, 2019](#)) and detailed discussion notes, for example on ethical considerations to guide recovery and renewal following Black Lives Matter protests and Coronavirus ([London Policing Ethics Panel, 2020](#)).

In Greater Manchester, the Mayor's Office operates its Ethics Committee, chaired by the Bishop of Manchester. Eight members are listed on their website (April 2022), with a wide range of occupations and backgrounds. The webpage gives a range of information but no ToR. Dilemmas are presented: 'The committee always aims to ensure it does not have to rely on the word of senior officers from GMP or the Police and Crime Commissioner's office and, where possible, hears from the front-line when considering ethical dilemmas' ([Greater Manchester Combined Authority, 2020](#)). There is a list of subjects discussed but no details of the results of the discussions, except for a report on body-worn video ([Greater Manchester Combined Authority, 2015](#)).

### Part of formal governance

Some committees with the word 'ethics or ethical' in the title, particularly those operated by OPCC organizations, have a remit that includes receiving reports and scrutinizing aspects of police activity, for example complaints:

[...] regularly review a selection of complaints files so that the panel can satisfy itself that the Force's working policies and procedures for handling and resolving complaints made against police officers and staff comply with current legislation, regulation and statutory guidance. [Thames Valley Police and Crime Commissioner \(2020\)](#)

In some OPCC organizations, scrutiny forms a discrete part of a Joint Audit Committee. ToR documents can be lengthy and detailed, for example the Ethics, Integrity and Complaints Committee, a Committee jointly operated by Leicestershire Police and OPCC. The ToR for this committee suggest both governance and discursive functions ([Police and Crime Commissioner for Leicestershire, 2015](#)).<sup>7</sup> Some force areas operate two committees which separate these functions, typically a discursive committee hosted by the police force and a governance function by the OPCC. A review of a small number of ToR documentation is consistent with the findings of the survey, identifying that committees containing the word 'ethics' in their title have distinct functions, such that a fully discursive committee and a fully governance committee, though similarly named, cannot be meaningfully considered the same thing. It must also be noted that the quality of webpages is variable, and it is possible that some of the documents mined from the websites are out of date. Some websites for example, have minutes of meetings up until 2018 and no further.

### HMICFRS PEEL assessments

A formal periodic performance review including of how ethics and ethical practice is embedded into

<sup>7</sup> The website states that 'This Committee is being replaced by the new Ethics and Transparency Panel which is better in sync with the Commissioner's Police & Crime Plan and the high standards expected.'

practice by police forces in England and Wales is undertaken by HMICFRS, as part of PEEL assessments. The presence and effectiveness of ethics committees are frequently referred to under the definition articulated by HMICFRS as:

Group of people brought together to consider ethical dilemmas or decisions. Members are often from diverse backgrounds and sometimes do not work for the police force to provide an independent view. (HMICFRS, 2019)

Arguably, this definition covers the activities of all types of committees, but the primary purpose for which the groups of people brought together—to consider ethical dilemmas—appears to favour the discursive approach. In the latest full PEEL assessment round, an ethics committee is noted in 27 of the 43 force assessments, including South Yorkshire, the only force to be rated as ‘outstanding’. Their assessment provides a narrative of best practice, reporting:

The force has established processes into which the workforce can refer difficult ethical issues. It acts on any learning and feeds this back to the workforce. Its internal Ethics Committee has good representation from all areas of the force. It meets quarterly to discuss ethical questions submitted by the workforce either through representatives on the committee or through the ethics portal on the force’s intranet site. Feedback from the recent staff survey was positive regarding the workforce ‘having an ethical voice’. Officers and staff feel that they can speak up about ethical issues and feel supported. (HMICFRS, 2018a)

Eleven forces are rated ‘inadequate’ or ‘requires improvement’, and in seven of these, an ethics committee is referred to in the PEEL assessments. Though not restricted to these forces, a number of assessments make note that while ethics committees are operating, staff appear unaware of them. Gwent Police’s report (rated ‘requires improvement’) for example states:

Gwent Police has a well established Ethics Committee that includes representation from independent members. The workforce can refer ethical dilemmas to the committee easily using the intranet. The force makes changes as a result.

Examples include a review of uniform policy, and whether the force’s mobile devices should be used for personal use. The committee also provides chief officers with its views in a report after each meeting. However, knowledge of the committee’s work varied among officers and staff. The force could promote its existence more widely. (HMICFRS, 2018b)

## Discussion

Consistent with College of Policing advice, a significant majority of police force areas (possibly all) have an ethics committee, and these operate in a number of different ways. *Tone from the Top* did not undertake a full survey and noted that over 20 committees had emerged. Six years later, our surveys are also incomplete but suggest a significant increase. In 2015, it was recognized that some forces areas chose not to establish an ethics committee, referring in a footnote (p. 123) to a visit to Northumbria, a force that now has, according to their PEEL assessment, an ethics committee with a role including ‘[...] to advise staff on ethical dilemmas, and people can submit dilemmas for feedback’ (HMICFRS, 2018c).

As articulated by a response from the online survey, the nature of dilemmas is not always clear. Discussing biomedical dilemmas, the highly influential textbook, *Principles of Biomedical Ethics* offers two versions of a moral dilemma (Beauchamp and Childress, 2019). First when evidence and arguments suggest that a course of action is both morally permissible and morally wrong, and second when an agent believes that they are required, on moral grounds, to undertake mutually exclusive acts. The first of these definitions is seen in discussions where the focus is on discussing or formulating policy,

but arguably both may be visible in the dilemma presented to Leicestershire's Ethics Integrity and Complaints Committee ([Police and Crime Commissioner for Leicestershire, 2021a](#)):

#### Vigils and Gatherings

In March 2021 Sarah Everard was tragically killed and a police officer in the Metropolitan Police Service was arrested and charged with her kidnap and murder. The circumstances of the incident prompted national concern around female safety and policing. Sarah's death led to a proposed vigil on Clapham Common. The MPS discouraged the gathering, as did the Home Office, NPCC and Minister for Policing due to the Covid-19 pandemic and national lockdown that was in place. Specifically, The Health Protection (Coronavirus Restrictions) Regulations 2020 restricted gatherings in public of more than two people. There are defined exceptions in the restriction, but none allowed for public protest or vigils.

On the 13th March the gathering went ahead against the requests of the bodies outlined above and it was attended by a significant number of people who were in close proximity to each other. The MPS provided a policing response to the gathering that led to arrests and the dispersal of attendees, at times through the use of physical force. The policing response was widely condemned as excessive and inappropriate.

Other forces, such as Sussex Police, have also had to manage a policing response to gatherings in the name of Sarah and their responses have also faced criticism for being "too heavy handed".

The right to gather to pay respects or to raise political awareness of rights are fundamental actions of a democratic society that are normally supported positively by the police and partner agencies. However, under the exceptional national lockdown and statutory

requirements they are not permitted and the police are left with the challenge of protecting public health through the use of legal powers in extremely emotive circumstances.

The issue was formulated as three questions:

What are the committee's views on such gatherings taking place?

Should gatherings like this be dispersed and if so is the use of force appropriate?

What considerations should Leicestershire Police have if similar events are planned/occur in our force area?"

And the minutes report the discussion:

Members felt that the gatherings would happen whether people wanted them to or not because when people feel very strongly about something, they will happen. Members reflected this scenario to the Black Lives Matter demonstrations, and felt that this was not handled very well by the Met, but fully understand it is not always possible to have liaison with the organiser but there are different ways of looking at physical spacing without the heavy handedness which occurred in London. Members expressed strong views that if events are planned in Leicestershire the importance of liaising with the organisers as much as possible, sympathise with that's going on and not to issue advise that the Met did "please stay off the street 'women'". ([Police and Crime Commissioner for Leicestershire, 2021b](#))

Leicestershire OPCC operates a mixed-function committee, with a Deputy Chief Constable present, and the opinion reported in the minutes recognized operational and ethical elements of the issue without fully answering all the questions posed. While illuminating the issue, operational decisions or policies of this nature cannot be decided in ethics committees and a view clearly expressed one way or the other may cause some discomfort for public

accountability in the light of subsequent operational judgements and decisions. The reticence expressed by the ethics committee and reported in the minutes is reflective of subsequent judgments at the High Court which found that the Metropolitan Police Service acted unlawfully (Lowerson, 2022).

The second form of dilemma, more specified and often with considerable detail, can expect to be faced by police professionals in their daily work and does not appear so often in the accessed documents. Discussion on these less hypothetical situations can be expected to offer individual and organizational learning and inform policy but relies on the willingness of often junior practitioners to bring their dilemmas and actions for discussion, and therefore some scrutiny, including by senior officers and sometimes in public or at least publicly reported. Referral of issues to a committee represents a significant challenge, compounded by the lack of knowledge of ethics committee processes reported in some PEEL assessments.

### Assessment of effectiveness

Some PEEL assessments suggest that the effectiveness of the committee should be reviewed, echoing *Tone from the Top*, though the survey revealed some encouraging comments about the effectiveness of the ethics committee:

The ethics committee has proved an invaluable tool in decision making, particularly in contentious issues where the responses received from the committee play a central part in the decision-making process. The ethics committee has continued to gather momentum with ethical dilemmas regularly submitted for consideration and the committee provides important, balanced arguments. [...] Police have also made use of extraordinary meetings when views on emerging issues are required urgently to help shape force processes and policy.

As Williamson *et al.* (2007) noted in relation to evaluating the effectiveness of CECs in the UK, it is sometimes assumed that provision of ethics advice

can be evaluated exclusively by satisfaction, but while comments like those above provide some evidence of time well spent in discussion, satisfaction is subjective and not necessarily related to quality. A recent systematic review evaluating the effectiveness of CECs (Crico *et al.* 2021) noted that the matter of evaluation remains unclear after 40 years of CEC operation, and there are very few studies investigating how the committees directly affect healthcare. Their search identified 29 studies, none of which were undertaken in the UK, and found that the three functions typically attributed to the committee are consultation, training, and development of policies. All of these functions can also be seen, in varying forms and strength, in the activities of PECs.

It is possible to trace policy development and referrals to training departments generated through discussions of ethical issues and dilemmas in ethics committees, and satisfaction of individuals submitting dilemmas can also be evaluated. These measures and their accompanying narratives would provide some justification for the activities of PECs but would not, in themselves, provide evidence of the impact that PECs have on professional policing practice. As part of a range of measures designed to improve and promote ethical policing, including the development and review of the Code of Ethics and the professionalization process more generally, it would be very challenging to demonstrate the impact of PECs on police practice, and perhaps unreasonable to expect it, especially in light of the failure of CECs, with their 35 year head start, to demonstrate this link.

However, further evaluation is clearly needed, and this may be enhanced if the role and purpose of the committees were more clearly articulated as suggested by *Tone from the Top*. Currently, the nature and form of the committees are unclear from their titles, and there is inconsistency about membership and other issues. This is not to suggest that uniformity is required or desired, only that a fuller evaluation of the operation of PECs will need to take account of variety in both stated functions and operation. The fact that the present exploratory study appears to be the first published on PECs is itself a finding worthy of note. Local evaluation of ethics committees tailored to their specific function

could be augmented by more generalized academically led research, for example, into the barriers preventing practitioners discussing their ethical dilemmas at committees and the most effective way that members of the public can contribute.

## Conclusion

Since the publication of *Tone from the Top* in 2015, there has been some progress in the development of ethics committees in police organizations in England and Wales. However, two issues in the report highlighted at the beginning of this article remain to be resolved: First, what is the specific function and purpose of committees within the wider activities of the force and OPCC, and second, what is the desired impact of committees and how can it be assessed or measured. There are a number of different models of committees-with-ethics-in-their-title, and while their position within organizational structure is clear, there may be confusion for individuals outside organizations about their specific function and purpose.

Ethics committees can provide a mechanism for consideration and reflection on professional practice and the wider implications for police organizations and the communities they serve. While ethics committees are themselves insufficient to create a robust ethical culture, they appear to have a supporting role in examining ethical decision making and can provide an additional, discursive forum for decision making to be subjected to wide consultation and critical enquiry. In an environment where the activities and decisions of policing and other professionals are increasingly visible and criticized, not least via social media, PECs have a potentially significant role in enhancing the quality of ethical decision making and its public visibility.

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