National Oversight Group Minutes

11th Meeting – Wednesday 19th January 2017, 11.00am at Riverside House, Southwark.

Attendees:

Name	Role	
Alex Marshall (Chair)	College of Policing	
Sue Mountstevens	APCC	
CC Mick Creedon	NPCC lead – Serious and Organised Crime	
David Tucker	College of Policing	
Joe McGuigan	HMRC	
Chris Farrimond	NCA	
John Dilworth	CPS,	
Teena Chowdhury	College of Policing – Undercover Registrar	
An NUWG representative	NUWG	
Andy Ward	NPCC, Public Inquiry Coordinator	
Natalie Williams	Kent Police	
Brian Quinn	HMIC	
Chris Nathan	University of Warwick – by phone	
Apologies:		
Matt Parr	HMIC	

Name	Role	
A psychologist		
Simon McKay	Barrister	
Katerina Hadjimatheou	Warwick University	
Michael Lupton	A/Det Chief Supt – Head of Operations - NCTPOC	
D/Ch Supt Chris Green	North West ROCU	
Sam Lincoln	Former regulator	

1. **Welcome & Introductions (Alex Marshall)**

   1.1. Alex Marshall welcomed all attendees. Introductions were made. The Chair wished to note the contribution of a psychologist who has been a member of the Panel but is no longer able to attend. All members offered their thanks to that individual for his contribution to and passion for the work of the Panel.

2. **Apologies noted**

3. **Previous minutes**

   3.1. The minutes of 19th October 2016 had been circulated ahead of the meeting and were accepted as accurate and approved for publication on the College website.

4. **Actions**
   4.1 Four actions were outstanding.
   4.2 The Panel's terms of reference and the HMIC Action Plan update were added to the agenda for this meeting.
   4.3 A meeting is scheduled to discuss the interactive exercise.
   4.4 The Panel had discussed how to make significant and contentious issues around undercover policing more central to their work. Four specific items had been identified at the October 2016 meeting;

- Ensuring that changes are happening, both at policy level and on the ground

- Supporting more consistent practice through the work of the Registrar

- Scrutinising the development of guidance

- Ensuring that ethical considerations are an integral part of decision making and operational work

4.5 The first two items were discussed and felt to be likely to receive consideration through the accreditation of undercover policing units. Teena Chowdhury commented that she intended to produce a regular report to inform undercover units of recurring issues and that this could inform debates at the Panel. This was thought to be a good way forward.

4.6 The Panel had been involved in the development of guidance contained in the Undercover APP that had been published for consultation. A final version is anticipated for publication in March 2017 and the Panel will have the opportunity to scrutinise contents prior to publication.

4.7 A discussion took place regarding the place of 'Neither confirm nor deny' in police responses to questions about undercover policing. Kat Hadjimatheou had circulated a paper on the subject to Panel members in advance of the meeting. CC Creedon reminded members of the paper on the subject that he had circulated. He and other operational people were keen to emphasise the importance of seeing NCND in the context of all covert policing. Undercover policing is one tactic and relaxation of rules around NCND could have unintended consequences, enabling people to piece together apparently unconnected pieces of information to identify an undercover operative or expose a covert tactic. It is operational leaders who then must manage the risks to individuals.

4.8 Sue Mountstevens was keen to emphasise that, notwithstanding the risks, the dangers for policing adopting NCND in response to all enquiries, as a blanket response, was unlikely to build confidence in the tactic and will often appear as if the service is seeking to avoid its responsibilities. The issue is likely to be examined as part of the Public Inquiry.

Action – NCND to be added to the agenda for the next meeting.

5. **HMIC Action Plan**

   5.1. The NUWG representative set out details of the HMIC review from October 2014. There were 49 recommendations and a copy of the action plan has been previously supplied to the Commons' Library.

5.2. Eight actions remain outstanding, mainly relating to the accreditation process.

5.3. APP has been published in consultation form and will be published in its final version in March 2017.

5.4. One action that continues to cause concern relates to mandatory drugs testing. The HMIC report made the recommendation but there have been concerns among many organisations and bodies about the power to order random testing and the fact that the same approach is not taken in other high risk roles.

5.5. Some forces and organisations do have a random testing policy, whereas others have a policy of testing 'with cause'.

5.6. The non-police members expressed the view that there should be random drugs testing because of the very high levels of public concern around the tactic. They asked that this view be taken back to the NUWG for that group to consider the issue further.

Action - Scrutiny Panel views about random drugs testing to be conveyed to NUWG

5.7 There were further discussions about 'undercover online'. Panel members felt that the tactic is a vital part of the future of policing. The Panel was told that NUWG is reviewing its work groups and one change will be the introduction of a 'futures' group. This group will endeavour to identify new challenges and ensure that undercover policing is a modern and current tactic.

5.8 The total number of undercover operations is published in the OSC annual report.

5.9 HMIC updated on their inspection plans which does not currently include revisiting undercover policing. There was a view that the Public Inquiry will be effective in scrutinising the tactic and that the accreditation process will also help to ensure standards are maintained and, where necessary, improved.

5.10 There was a continuing interest in the HMIC plan and members wish to be informed when it is completed.

6. <u>Undercover Policing Public Inquiry (UCPI)</u>

6.1 Andy Ward updated the meeting on UCPI. The Inquiry team continues to request Large amounts of information. The focus appears to be National Public Order Intelligence Unit and Special Demonstration Squad.

6.2 Information requests are coordinated through Andy Ward's team to make sure that the potential for apparently unrelated pieces of information to be joined together is recognised. Undertaking the work is using significant existing undercover capacity.

7. **Accreditation Process**

7.1 Teena Chowdhury, the Accreditation Registrar, updated the Panel with work to establish the accreditation process. A key consideration has been the focus that the process should take. . Teena thanked the members for their comments on the accreditation process.

7.2 A previous accreditation process, run by NUWG, had emphasised policy and procedures. Teena stated that, whilst the accreditation process would draw on expertise of current practitioners, she felt that the College would not have the expertise to examine policy and procedure in detail. In addition, an approach based on checking compliance with policies and procedures would be bureaucratic and was not the most effective way of improving public confidence. The College process focuses on management and governance of units, with a focus on ensuring units support legal, safe and ethical practice. Policy and procedure will be part of the evidence required as part of the accreditation process but will not be the defining criteria to achieve accreditation. The Panel supported this approach.

8. **Terms of Reference**

8.1 The Panel's terms of reference were discussed and amendments suggested to reflect the work more accurately.

Action – Revised terms of reference to be circulated at next meeting

9. **Any other business**

9.1 None raised

10. **Next meeting**

3rd May 2017 – 11:00 – 13:00 – Riverside House

Meetings for Remainder of 2017

19th July 2017 – 11:00 – 13:00 – Riverside House

18th October 2017 – 11:00 – 13:00 – Riverside House