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Operation Talla Independent Ethics Committee

Minutes of the meeting of 5th October 2020, 14:00pm – 16:00pm

1. In Attendance

Bishop David Walker
Mike Stamp
Owen Weatherill

Committee Chair
Vice Chair
National Police Chiefs' Council (NPCC) – Op.

NR

NR

Apologies

NR

2. Review of minutes for accuracy

Minutes were agreed by the Committee and no issues were recorded.

3. Matters arising for discussion and outstanding actions

An update was provided by PH regarding outstanding actions. PH to circulate summary documents from previous IEC meetings ASAP. **ACTION 004/0209 – ongoing.**

4. Matters for discussion

Test, Track & Trace App – 008PH

An overview was provided regarding an operational decision to forces (23/09) to wait for further details around the security feature of the NHS Test, Track and Trace App and guidance that the NPCC produces which originally advised officers not to download the App on work devices, and if they downloaded the App on personal devices to consider not carrying these devices whilst on duty. The rationale for this was that the security and data sharing information around the App was not yet known and this was a position supported by the Police Federation. Following consultation with the App providers, further correspondence was shared by the NPCC on 29/09 advising officers and staff to download the App but make considerations around the roles in which they performed. Some forces raised concerns that the impact of the TTT App may lead to significant abstraction rates from the workplace. Op. Talla sought the views of the Committee on the following questions:

1. Should officers/staff be mandated to download the app to support the contact tracing as a duty of care to officers/staff/public during the current pandemic?

2. Should individual Forces have operational independence to decide the best processes as to whether or not the app is supported and downloaded on work and personal devices?

Comments and Questions

The Committee discussed what the App was supposed to do and what the purpose was, and the general agreement within the group was the primary purpose is to protect the public, protect colleagues and family of police officers and staff, and heighten the awareness of everyone to ensure that those that may have been exposed to Covid-19 self-isolate to slow the pandemic. The group felt that whilst workforce concerns should be noted, this couldn't drive the decisions made by Police and other blue light emergency services in suppressing the virus. The Committee acknowledged that there needs to be consistency not only across UK policing in the stance taken, but across Ambulance and Fire & Rescue colleagues as well. The group discussed that police should be no different to a member of the public that receives a "ping" via the App and that if police officers / staff failed to do so this would put other members of the public at increased risk.

By stipulating that the police were exempt would stop officers and staff taking part in the social efforts to prevent the spread of Covid-19 and interfere with their right along with society to fight the pandemic. The Committee felt that encouraging rather than mandating officers and staff to download the App on personal devices was in line with the "Peelian" principles of UK policing by consent, but understood concerns that have been raised around reliability and mitigating factors which the App could not consider.

In conclusion, the Committee felt that officers and staff should not be exempt from self-isolating should they choose to download the NHS TTT App and receive a notification, and that whilst individual force resilience levels could be considered, the overarching consideration for UK policing and the NPCC/Talla should be suppressing the virus, therefore encouraging the download of the App was proportionate.

Self-Isolation Regulations – 010PH

Following on from the previous dilemma, the Committee was provided an overview regarding the dynamics of managing the implementation at pace with wider cross-government colleagues and weighing it against the need to support officers and staff enforcing the regulations. The overview

included some difficulties encountered by Talla / NPCC as a result of not seeing any draft legislation for the self-isolation regulations and therefore the inability to influence key factors which policing would have to navigate as a result. A practical example of the missing data sharing agreement was provided which would enable information regarding those that should be self-isolating to be shared to police forces and implement processes so that it was understood. Whilst these details were worked through, this led to frontline officers and staff unable to enforce the legislation even after the legislation was passed in law as the guidance documents and briefings to support their understanding could not be produced. This put UK policing in a difficult situation trying to support the prevention and spread of the virus through ensuring compliance of the self-isolation and associated public perceptions, against the lack of legislation to do so effectively. The Committee was asked to consider the following:

- 1. The committee's views on whether or not policing should begin to enforce these new regulations prior to an agreed data sharing MOU being in place?**
- 2. The committee's views on whether and how this position should be communicated to the public.**
- 3. On the basis that the police will initially be the primary enforcement agency, how should the police approach enforcement in these cases taking into account: the need to limit transmission of the virus, removal of peoples' freedom of movement and the possible increased exposure of officers to the virus?**

Comments and Questions

The Committee highlighted the difficulty for police to enforce the legislation given the number of chances which officers have been asked to adapt to over the past six months, and the necessity for officers to ensure that they are satisfied personally about what is actually being enforced. The Committee agreed that any response should be proportionate and that there were a number of requirements for officers to check first ahead of enforcement as a last resort.

It was highlighted to the Committee that in the absence of the data sharing agreements, referrals from members of the public were still being made to forces regarding those suspected of testing positive and not self-isolating, leading to difficulty for policing to manage expectations of what can be done and followed through by officers.

The Committee agreed that there must be satisfactory checks and measures in place ahead of officers checking to see if people are self-isolating to ensure that the public trusts the process and that personal data is being used correctly, and also maintain the safety of police officers and staff. Without these checks this could lead to public distrust and in the absence of sufficient MOU's and data sharing agreements to be put in place then the use of the 4E's to ascertain information is still correct.

To ensure officer safety during these enforcement visits, the need to provide officers and staff with the correct PPE is vital, but also ensuring that they have sufficient evidential basis to satisfy thresholds should enforcement be required. The Committee felt that asking officers to visit residents without evidential basis through data sharing checks would put officers at undue risk of contraction of Covid. There was a discussion around the role of wider government agencies to support the enforcement of the self-isolation regulations, including the use of Covid Marshalls in the future and also the Local Authorities and their responsibilities.

The Chair provided a summary that the Committee felt was consistent to the discussion in that to maintain public trust and ensure the correct legal basis for enforcement, police should not enforce the legislation until MOUs and data sharing agreement were in place. In relation to sharing the information with the public, this may lead to public distrust and therefore lack of compliance with self-