Examining the Nature and Impact of Ethics Panels in UK Policing

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SUMMARY

Ethics Panels are utilised by organisations to provide advice, guidance and opinion to aid decision-making and policy setting, amongst other roles, and to increase the ethical integrity of such decisions. EPs in policing are still a relatively new phenomena and academic scrutiny is still in its infancy. This doctoral research is the first of its kind, and is a longitudinal study undertaken between 2018 and 2024. The research has mapped the landscape of ethics panel use in UK policing then conducted an in-depth examination of the establishment, operation, outputs and outcomes of ethics panels, and how this has evolved during the period of this research.

This research contributes to policing research, progressing existing discussions of applied ethics across multiple planes, including how ethics is defined in a policing context, ethics training and the valuable contribution ethics can have in achieving 'good' policing. Importantly, the research also presents and drives forward significant but previously unexplored themes in policing research. These include the importance of organisational positioning, the need for cognitive diversity, the concept of an effective feedback loop and the value that can be added through the development of a shared or collaborative resource that can provide both guidance in the establishing of ethics panels, and as a central repository of learning.

KEY RECOMMENDATIONS FOR POLICY AND PRACTICE:

1. Develop National Guidance and Standards
2. Position ethics and ethics panels to maximise effectiveness
3. Consider cognitive diversity in the composition of ethics panels
4. Invest in Members, Ethics Champions and Chair Development
5. Secure administrative and strategic support
6. Establish effective feedback loops
7. Create central repositories of learning

Introduction

The morally developed and ethical thinking of the police has been relevant throughout the near 200-year history of modern-day policing and is at the core of the British policing model of consent and the maintenance of public trust and confidence. Ethics is described as a 'golden thread' running through policing (Macvean and Neyroud, 2012), and this is as true for policing as an activity and profession, as it is for academic interest in policing. The discourse relating to police ethics has evolved from one focused on the eradication of unethical behaviour, driven by changes in society, high-profile crises or lapses in ethical standards and allegations of corruption, to one of aspiration, where ethics and ethical policing are recognised as pre-requisites for good policing (Wood, 2020). Ethics training, thinking and structures, such as ethics panels, are key enablers to support the achievement of this.

There is, however, an absence of research and writing on the topic of ethics panels in policing and so this paper will explore how ethics has developed as a topic of academic and practitioner interest and importance, and how the use of ethics panels has become established in UK policing. This paper is informed by doctoral research that initially mapped the landscape of ethics panel use in UK policing providing a clear understanding of when and why ethics panels were introduced, their purpose and role, and the diverse range of structures and processes in place across the UK. The research then took an in-depth look at these themes through case studies with a range of police forces representing differing policing contexts and operating very different ethics and ethics panel structures and processes. This was achieved through ethnographic observations of ethics panels and semi-structured interviews with key stakeholders.

This paper will provide an insight into this research, highlight the prevalence yet diversity of ethics panel use, and identify the good practice found. It will set out the findings of this research and highlight several recommendations for policy and practice, intended to support the effective use of ethics panels in pursuit of ethical policing and the maintenance of public trust and confidence in the UK police.

Current issues

ACADEMIC RESEARCH

The development of police ethics can be traced back to the Policing Principles of Sir Robert Peel in 1829 that embody the philosophies which define an ethical police force and are set out in a manner similar to a modern-day Code of Ethics. These principles begin to express and codify the basic mission of policing, establish the model of policing by consent and set out that the police should "seek and preserve public favour, not by pandering to public opinion; but by constantly demonstrating absolutely impartial service to law" (College of Policing, 2014). Wood (2020) highlights the tensions in achieving this balance, with the police having to ensure that public consent is rooted in a sense of duty or in doing the right thing, not simply populism, and that the service to the law is informed and ethical, not slavish and unconsidered.

Despite these roots, academic study often had a focus on unethical practices, including corrupt behaviours. These studies, such as those of Banton (1964) and Van Maanen (1978), focus on police culture and the relationship with the public, considering themes including corruption, unlawful violence and discrimination. A different and more controversial UK-oriented perspective was proffered by Simon Holdaway (1979). As a serving officer at the time of his research, Holdaway identified and examined police culture and the dubious, arguably corrupt practices that were present at the time. More recently the concept of corruption continues to be a significant topic within policing research and it can be argued that the term 'corruption' is in fact a continuum with low level indiscretions or inappropriate decisions at one end, through factors such as 'noble cause corruption' and the 'blue wall of silence', through to corrupt practice for gain, whether that be financial, power, sexual gratification or other such factors. Crank et al (2007) undertake an empirical assessment of 'the noble cause' in which they review the history of the phenomena, finding that the main characteristic of the literature relating to this is that it focuses on the ethical element of decision-making, and Westmarland (2013) considers code of silence behaviours and references studies which show that the problem of non-reporting is due to organisational systems.

The ethical narrative has shifted, however, with an emerging focus on ethics being aspirational. Neyroud and Beckley (2001) are the first to make the case that positioning ethics as an enabler to improve practice and decision-making moves the discussion from one of addressing unethical behaviour to aspiring towards good practice. This aspirational ethos is yet more evident when Neyroud co-authors with Macvean the 2012 book, 'Policing Ethics and Values' (Macvean and Neyroud, 2012). They open with a reference back to Neyroud and Beckley (2001) setting the direction for the book to be one where ethics is at the core of decision-making within policing, recognising the tension of competing rights, needs and responsibilities. Several years later, Wood (2020) continues this evolution reinforcing the view that a focus on professional standards does nothing to achieve ethical policing as this is concerned with the investigation of, and punishment for, wrongdoing. He asserts that the eradication of unethical behaviour may still fall short of achieving ethical

policing, which "has to be seen as aspirational and it needs to remain as such throughout the journey, a journey that never ends" (Wood, 2020, p.25), creating an ethos of continual improvement in what would be described as a learning organisation. Wood (2020) also argues that ethical policing can only prosper in a learning organisation, where people are encouraged to acquire new skills and knowledge on an ongoing basis. Wood further argues that ethical policing is a socially reflective practice and one method in which policing in the UK has embraced reflective practice, is through the establishment of ethics panels.

Yet there is a lack of research dedicated to police use of ethics panels, acknowledged by Snelling, Macvean and Lewis (2022), who published the single example found of publications or specific research relating to police use of ethics panels following their exploratory research in 2021. This research provided a picture of ethics panel use amongst the 22 responding UK police forces, establishing that there is variety in structure and composition and that the discussion of ethical dilemmas was a key role of an ethics panel. The authors conclude that while ethics committees themselves cannot create an ethical culture, they "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" (Snelling, Macvean and Lewis, 2022, p.13) and while it is not conclusive without further enquiry, they suggest that ethics panels can be effective and can enhance ethical decision-making in policing. This research provides that further enquiry.

PRACTICE, POLICY AND PROFESSIONAL CONTEXT

Alongside the development of academic interest in policing ethics, practice and policy has developed in recent years adding to the context in relation to current issues. Following the significant publications by Neyroud and Beckley (2001) and Macvean and Neyroud (2012) which highlighted the link between ethical principles and practice, with ethics being at the core of decision-making, we saw the introduction of Codes of Ethics within policing. Initially, this was with the Association of Chief Police Officers (ACPO) adopting the first Code of Ethics in UK policing in 2006, followed by their Scottish counterparts a year later. In 2014 the newly formed Police Service of Scotland introduced a Code of Ethics and in the same year, the College of Policing published a Code of Ethics for the Policing Profession of England and Wales with the stated aim to support police officers "to deliver the highest professional standards in their service to the public" (College of Policing, 2014, p.iv), recognising the difficult decisions made in complex situations by police officers every day and giving a commitment to help them make the right decisions. At this time, the College of Policing also suggested that policing organisations should consider using ethics panels and it is from this point that most ethics panels have been established.

As such, it is in the evolving dual contexts of academic scrutiny and professional practice described above that this research provides its contribution to the collective body of knowledge.

Research methodology and design

Using a mixed-methods, two-phase approach, this research initially mapped the landscape of ethics panel use through the UK-wide distribution of an online survey to each of the 45 territorial police forces in the United Kingdom via email (Phase 1). This survey received a 67% response rate providing a clear picture of when, how and why ethics panels had been introduced, who was involved in their establishment and operation, the processes and dynamics of how they operate and what they produce in terms of outputs and outcomes.

The survey provided a baseline upon which Phase 2 was built, including identifying several key themes for enquiry and the forces to be invited to participate in the case studies. These case studies included observations of ethics panels in action and semi-structured interviews with key stakeholders in the establishment and operation of ethics panels in UK policing.

The four case study forces collectively provide access to a range of policing contexts as they cover a range of geographical, socio-economic and structural factors across the United Kingdom. They are different policing organisations in terms of size, budget and performance, and offer a diversity of structure, composition, objectives and performance in relation to ethics panels.

The 29 case study observations were undertaken between June 2018 and November 2023 and included internal, external and specialist ethics panels, such as strategic and youth ethics panels. The number of observations enabled a diverse range of topic discussions to be witnessed and the gathering of data on the varied structures, processes and practice in place.

The 19 semi-structured interviews were undertaken between February 2023 and February 2024. Nine police officers were interviewed; four members of police staff and six interviews were with people external to policing. The interviewees held a range of roles relating to the membership of, chairing of, operations and strategic leadership specifically relating to internal, external and specialist ethics panels.

Key findings

ETHICS PANEL ORIGINS AND PURPOSE

Driven by policy entrepreneurs with academic credibility or professional status, access to key decision-makers in policing, and supported by the direction and guidance of the College of Policing, ethics panel adoption began around 2013. All responding forces indicated that they had established or were in the process of establishing ethics panels, demonstrating their prevalence not only in terms of numbers, but also in geographical spread across the UK. This has continued with new forces adopting the use of ethics panels and others evolving the nature and structure of the panels they use, demonstrating the continued growth and active evolution of ethics panels in UK policing.

There is a strong consensus that the purpose of ethics panels is to enhance public trust and confidence in policing. This is inherently tied to perceptions of ethics. A significant theme that has emerged from this research is that ethics is seen as a golden thread running through policing and that the police must be demonstrably fair and have high ethical standards to foster that public trust and confidence (Macvean and Neyroud, 2012; Casey, 2023). However, this must be more than simply negating unethical behaviour, and the research clearly sets out that ethics is regarded as aspirational and aligned with a virtue ethics philosophy. It is a forward-looking concept that supports 'doing the right thing for the right reasons' and seeks optimal outcomes, while recognising the limitation of human decision-making in highly contextually dependent circumstances. To achieve this purpose, the role of ethics panels was explored and while there was some variety in the data gathered, it was found that the key role of an ethics panel is to discuss ethical dilemmas and provide advice to the police force. While this role is primarily advisory, ethics panels play an important symbolic and practical role in demonstrating a commitment to ethical decision-making. Panels offer a reflective space where ethical dilemmas can be openly discussed and recommendations made, often beyond formal governance structures.

ETHICS PANEL OPERATIONS

Ethics panels differ significantly in their organisational positioning, structure, composition, operation and output. This lack of uniformity is found to be a direct consequence of the organic evolution of panels without central oversight or consistent guidance, resulting in both innovation and inefficiency across forces.

Organisational positioning has emerged as a key theme during this research. The survey identified three dominant models for where within a police force the ethics function is placed, or where an external ethics panel engages – a standalone ethics function or department, an ethics function that is part of an executive portfolio, or a sub-function of a Professional Standards Department. A deeper examination of this in the case studies found a strong consensus that ethics panels should be distinct from Professional Standards Departments (PSDs), which are often perceived as punitive rather than supportive. Informed by the earlier definition of ethics as aspirational and forward-looking, the role of PSD to investigate breaches of the standards of professional behaviour was considered by participants to be incompatible with ethics and a barrier to real engagement with ethics and ethics panels. Yet, there is no uniform agreement on the optimal organisational home for ethics

functions raising questions about their long-term strategic integration. There were several suggestions offered in addition to the other dominant models, including an alignment with a corporate development or learning function, however this theme is the subject of subsequent recommendations and is an area that offers the opportunity for future enquiry.

The structures utilised vary with internal, external and mixed ethics panels in operation in different forces, along with specialist ethics panels such as those composed solely of young people, or subject matter experts participating in, for example, ethics panels that consider police use of data. Some forces have more than one of these structures in place. This research explored the value of each model, highlighting the benefits of externality and 'independence from policing' when providing advice and feedback on ethical dilemmas or in policy and strategy setting. This structure, internal, external or specialist, then informs the composition of the panel.

In terms of composition, while diversity is important in the membership of ethics panels, there are multiple elements of diversity to consider dependent on structure. A range of roles and disciplines are involved in internal panels along with the use of Ethics Champions as panel members. Demographic diversity is evident in all panels, but the overarching finding is that cognitive diversity is required to avoid 'groupthink' and epistemic bubbles or echo chambers. The research considered how this is achieved, comparing and contrasting representation and qualification and thus models of democratic and epistocratic membership (Malik, 2016, 2017b; Lennon and Fyfe, 2023). The research finds that there is value found in each structure but that value increases with diversity.

The operation of ethics panels was found to often rely on a small team or single individual who have the responsibility for managing the end-to-end ethics panel process which may lead to single points of failure or an over-reliance on those individuals meaning that there is a fragility to the establishment of ethics panels. A key person identified, to which this applies, is the chair of the ethics panels. This role is integral in the effective operation of the panels. Participants identified that a good chair requires more than just good meeting management skills, as much as they are also relevant, but must recognise their own positionality within the dilemma discussions, must have a collaborative style and have a clear ethical insight to focus discussions on the ethical dilemma in the issues posed.

The way ethics panels operate is also variable with some forces adopting a model in which ethics panels have a stable or consistent membership and meetings are scheduled on a regular basis. Business passes from one meeting to the next and agendas include standing items and other business not directly related to the discussion of ethical dilemmas. Other forces have ethics panels that are one-off, standalone meetings convened for the singular purpose of discussing an ethical dilemma. This research explores the benefits and challenges of the different models and found that while the discussion of dilemmas is present all panels, prioritising and identifying dilemmas is often found to be a challenge with some participants considering that the alignment with PSD being a barrier in this regard.

The logistics associated with operating ethics panels also demonstrate a diversity of practice, with the provision of administrative or secretariat support as a universal challenge that hampers the effective operation of ethics panels and raises questions of agenda control and in the extreme, ethics washing. This was seen through the research where a lack of robust administration allowed senior officers to have unchallenged control over the topics discussed or seek to use ethics panels to 'rubber stamp' policies. This lack of administrative support also hampers the creation and publication of outputs, in the form of minutes, reports or summaries.

ETHICS PANEL OUTCOMES

The outcomes of ethics panels, distinct from the outputs, are the impacts on policy and practice. The value of both outputs and outcomes were widely recognised by participants as having a positive impact on the accessibility of ethical reflection, transparency and organisational learning, and a direct relationship with the impact and influence of ethics panels was demonstrated by mapping the impacts articulated by participants against each category of the "Continuum of Impact" framework (Animating Democracy, 2010).

1. Knowledge relates to what people know, their awareness and understanding
2. Discourse considers how people communicate
3. Attitudes is about what people think and feel, their values, motivations and vision
4. Capacity relates to know-how and resources, including things like social capital, skills and civic engagement
5. Action moves up the continuum to consider what people do in terms of participation and their mobilisation
6. Policies demonstrate lasting change to systems, physical conditions, access and equity

The research did identify real and positive impacts and the relevance of ethics panels in achieving ethical policing and enhancing public trust and confidence. Many of the positive impact found in the research could be enhanced or amplified through an effective feedback loop. However, consistent and effective feedback loops remain underdeveloped, hampered by a lack of effective governance, administrative support, reflective practice or strategic sponsorship, undermining the ability to fully evaluate or enhance the influence of panel outputs.

Conclusion

The research shows that ethics panels are a developing feature of UK policing that offer important contributions to organisational learning, ethical decision-making, and public accountability. However, their potential is only partially realised due to inconsistent structures, limited resources, and underdeveloped impact evaluation mechanisms, such as an effective feedback loop.

Importantly, the research has demonstrated that ethical leadership in policing must extend beyond compliance with codes and regulations as demonstrated by participants view that ethics is aspirational. It must be embodied in practice, supported through reflective forums such as ethics panels, and embedded in organisational culture. Ethics panels, when appropriately resourced and strategically supported, are valuable vehicles to facilitate this transformation.

Recommendations

Emerging from this research are several recommendations for the future policy and practice development of ethics panels and for further research in this area.

1. DEVELOP NATIONAL GUIDANCE AND STANDARDS

Ethics panels have evolved organically without any central guidance or standards, and while this has enabled innovation, it also brings inefficiencies that have been documented in this research. To address this, national bodies, such as the College of Policing, National Police Chiefs Council and National Ethics Committee should collaborate to produce a national framework for the establishment and operation of ethics panels. A key element of this would include a clear articulation of the role and purpose for ethics panels, and should outline the principles, considerations for structure and processes, and guidance in relation to composition and optimising learning and impact. This should be flexible to accommodate local contexts but detailed enough to standardise good practice and should also include guidance to enable each ethics panel to develop a written Terms of Reference, which could be co-produced with stakeholders, setting out its scope, purpose, role, processes and membership expectations. Of specific note, a clear articulation of the panel's function is vital – not only for efficiency and legitimacy, but also for evaluating its impact. Where objectives are well defined and communicated, panels can have greater organisational integration and perceived credibility. An ethics panel Terms of Reference should be regularly reviewed and shared with the wider organisation and external stakeholders.

2. POSITION ETHICS AND ETHICS PANELS TO MAXIMISE EFFECTIVENESS

Organisational positioning shapes trust and effectiveness. This research clearly defines ethics as aspirational and about far more than simply negating the unethical and combating corrupt behaviours. As such, there should be a clear delineation between an ethics function that seeks to empower and enhance ethical policing, and a Professional Standards function that is concerned with addressing corrupt behaviours. The evidence demonstrates that where ethics panels are managed by Professional Standards Departments they were often perceived as extensions of disciplinary processes, which limited openness, trust and engagement and so forces should consider alternative options for an organisational home for ethics, with suggestions including corporate or organisational development, or including it as part of a learning function.

3. CONSIDER COGNITIVE DIVERSITY IN THE COMPOSITION OF ETHICS PANELS

The composition of ethics panels emerged as a crucial factor in determining their legitimacy, value and perceptions of impact. In this research the relative values of 'internal', 'external' or 'independent' and 'mixed panels' was explored. This research suggests that police

forces should consider not only who is on their ethics panels, but why they were members of the ethics panel. Demographic diversity is an important consideration to ensure that the right groups and communities are represented, however this in itself will not stop echo chambers and epistemic bubbles. In addition to ensuring a democratic approach is achieved through this representative diversity, forces should consider combining this with an epistocratic approach to membership with some members of an ethics panel being there due to their expertise, experience or qualification to achieve diversity of thought, or 'cognitive diversity' (Miller, Burke and Glick, 1998; O'Rourke, 2018). Cognitive diversity enables richer, more nuanced discussions, with greater challenge and insight, therefore improved advice and support to the receiving officer, staff member or police force.

4. INVEST IN MEMBERS, ETHICS CHAMPIONS AND CHAIR DEVELOPMENT

Investing in ethics capability through effective training across the police force, ethics panel membership and specifically the ethics panel chairperson is recommended. Ethical issues are complex and context-sensitive, requiring more than personal intuition and the application of experience. Providing training to members will enable more focused discussions and improve the quality of the advice and feedback provided. This also offers the opportunity to create a cadre of Ethics Champions which offers the additional benefits of helping to identify emerging dilemmas to support ethical policing and contribute to the learning derived from ethics panels, reinforcing a culture of ethical awareness.

Across all case studies, the role of the chairperson was found to be pivotal. Skilled chairs fostered inclusive, structured, and reflective discussions. They ensured balanced contributions and maintained focus on ethical analysis rather than operational expediency. Conversely, where the chairperson was overly dominant or lacked experience in ethics or facilitation, the quality of deliberation suffered. Forces should provide their chairpersons with role-specific training in ethics, facilitation, leadership, and inclusion. Regular support and reflective debriefs should be offered to prevent chair fatigue or dominance. Investing in chair training and role clarity is essential for ensuring that panels fulfil their purpose.

Training for all roles could cover core ethical theories, decision-making models, procedural justice, unconscious bias, and reflective practice. Continuing professional development and peer learning should be embedded within panel operations.

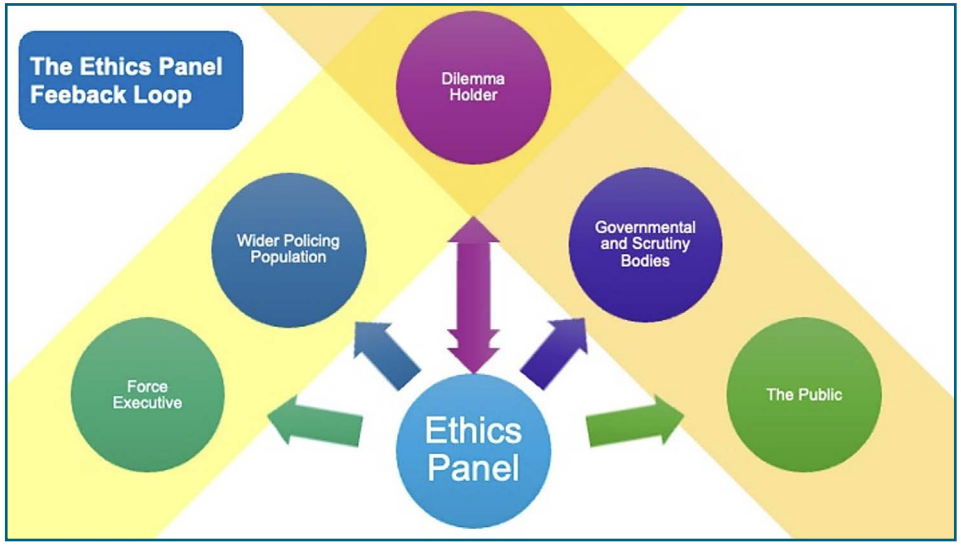
5. SECURE ADMINISTRATIVE AND STRATEGIC SUPPORT

Ethics panels need strategic support and effective administration to operate effectively. Forces require a senior sponsor for ethics and ethics panels to ensure strategic support and buy in, and to provide direction and be an enabler to ensure ethics is appropriately positioned and invested in. Failing to maintain executive support has been evidenced in this research to inhibit the progress of ethics panels, hinder their operation and lessen the impact and value added. This strategic sponsorship will also enable ethics and ethics panels to integrate into organisational learning, feed into leadership development, policy formation and training design, allowing the insights gained to inform strategic planning, risk management and public engagement.

The provision of effective administrative support has multi-faceted implications. On one level, it ensures that the operation of ethics panels can happen efficiently, with the effective production of briefing documents, agendas and reports. This can enable an effective flow of dilemmas to be managed, with several dilemmas at varying stages of development being timeously introduced for discussion and progression as suggested as good practice by the chair of the UK national police ethics panel. The absence of this administrative support has been found to limit the success of ethics panels in this research. Additionally, with the appropriate provision of administrative support, the integrity of ethics and ethics panels can be maintained, to provide transparency and avoid implications of agenda control or ethics washing (Ali, Bernheim, Bloedel and Battilana, 2023; Lukes, 2005).

6. ESTABLISH EFFECTIVE FEEDBACK LOOPS

Aligning with concepts of procedural justice, an effective feedback loop enables ethics panels and police forces to be demonstrably fair and transparent. This concept of a feedback loop is much wider than this, albeit all elements are to tacitly contribute to this one overall purpose, recognising the needs of all stakeholders in the process. This is demonstrated in the diagram below, which shows the information flow, back and forth with the dilemma holder and then out to other stakeholders from within the police service (shown in the yellow section) and outwith the police service (shown in orange). The overlap demonstrates that the dilemma holder may be submitting a dilemma coming to the ethics panel from any of the stakeholders described.



On a fundamental level, an ethics panel's initial responsibility is to serve the needs of the dilemma holder who has brought their ethical dilemma for discussion, seeking advice and guidance. As such, the ethics panel must be able to effectively provide feedback from their discussions to the dilemma holder.

This same feedback could also be shared with the wider policing population to ensure the benefit of this learning or advice is provided to others who may face the same dilemma. Additionally, this will ensure that those in senior positions can make decisions, set strategies and create policies that are informed by the feedback from the ethics panel to ensure consistency of practice. This also demonstrates to senior leaders the value that ethics panels can add in achieving ethically informed practice, thus reinforcing support and further engagement with the ethics panel process.

Directly related to this, by sharing externally with scrutiny bodies and with the public the advice and guidance that are the outputs of ethics panels, and the impacts in terms of policy, practice and culture, the outcomes, it can again be demonstrated that the police are engaged in ethical discussions and are seeking to make ethically-informed decisions and implement ethically-informed practice. This provides the reassurance described in procedural justice that processes are open and fair and therefore helps to achieve that core purpose of enhancing public trust and confidence. This may also show that policing is open to cognitive diversity and engaging with voices outside their 'epistemic bubble', subsequently increasing engagement between the public and policing, reinforcing that trust and confidence needed for effective policing.

Finally, the evidence from this research suggests that it is essential that the ethics panel themselves are considered a key stakeholder in the Feedback Loop. Good practice has been found during this research that suggests there is real value added by ensuring ethics panel members are made aware of the impact and influence that they have through their participation in ethics panels. This may result in greater commitment and engagement, becoming somewhat self-fulfilling that through the positive reinforcement received by understanding the success and influence they have achieved, that panel members seek to become more involved and influential.

7. CREATE CENTRAL REPOSITORIES OF LEARNING

Aligned with the two recommendations above, with effective strategic and administrative support, and establishing effective feedback loops, the impact of ethics panels can be amplified through the creation of a central repository of learning.

By applying a similar model to the College of Policing's 'What Works' initiative, a central repository for guidance on the establishment and operation of ethics panels, and the learning from the discussions and advice produced by ethics panels, the whole UK policing population can benefit and ensure that decisions are informed by the most effective strategies to achieve better outcomes. This can provide greater reach and achieve increased efficiencies, whilst broadening participation and integrating ethics more easily into decision-making.

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