



## OPFCC Community Scrutiny Panel

### Purpose:

The purpose of this independent Panel is to provide a forum that challenges, encourages and supports the Police, Fire and Crime Commissioner, to hold the Chief Constable of Cumbria Constabulary and the Chief Fire Officer of Cumbria Fire and Rescue Service in monitoring and dealing with integrity and ethical issues within these organisations and their public interactions.

Through their independent status and by carrying out their role the Panel can aid the Commissioner to provide transparency and public reassurance.

The Panel will consider information objectively, with a balanced and fair assessment of issues, reflecting local community's views and provide constructive feedback in a collaborative way working with the Commissioner, Constabulary, Fire and Rescue Service and local agencies or partners to identify improvements.

### Panel Membership

Appointment to the Panel will be made through an open and transparent recruitment process and reflect the demographics of the county of Cumbria. A wide range of skills and knowledge is essential for the diverse matters considered by the Panel and this will be reflected in the recruitment process to meet the requirements of the role profile.

An independent Panel Chair will be appointed and carry out the role in line with the agreed role profile. Leading the Panel and ensuring it operates in an effective and transparent way, they must promote a culture of openness and integrity and be responsible for effective communication with the Police, Fire and Crime Commissioner, Chief Constable and the Chief Fire Officer.

All Panel members will be vetted before their appointment to the Panel. Each appointment will for a 2-year term, with any future appointments being made following a review and application process and is at the discretion of the OPFCC Chief Executive.

## Organisational Contacts

The OPFCC, Cumbria Constabulary and Cumbria Fire and Rescue Service will make available a point of contact for the Panel. For each organisation this will be

- Office of the Police, Fire and Crime Commissioner - the Governance Manager;
- Cumbria Constabulary - an appointed senior officer; and
- Cumbria Fire and Rescue Service - Head of Safety and Assurance / Head of People and Talent

## Governance

The Panel has no decision-making powers but can make recommendations to the Constabulary, Fire and Rescue Service and Office of the Police, Fire and Crime Commissioner.

A work programme is developed and reviewed on an annual basis to ensure that cyclical areas of business are monitored and reviewed but flexible to add new elements. These can be identified by the Panel membership, emerging national or local issues or any of the organisations that the Panel provides assurance to.

The Panel will meet on a quarterly basis, carrying out dip sample sessions on agreed areas of business on a quarterly or six-monthly basis. Senior officers in all three organisations will attend the meetings, Deputy Chief Constable, Deputy Chief Fire Officer and the OPFCC Chief Executive. The Commissioner, Chief Constable and Chief Fire Officer may attend any of the meetings but will attend at least one meeting per calendar year of the Panel.

## Community Representation / Young People

To ensure that the Panel considers matters from local pressure groups or those with lived experiences of the policing or fire services provided (for example someone who has been subject to Stop and Search procedures) they may be invited to provide their feedback to members of the Panel. This will assist organisational learning and development.

In addition, maintaining trust and confidence of children and young people in the county is crucial for policing and fire service provision. On at least an annual basis representatives from local authority youth councils will be invited to attend a dip sample session and provide their thoughts and views to the Panel.

## Feedback and Escalation

The Panel have the ability to escalate any concerns or issues to the Police, Fire and Crime Commissioner via the OPFCC Chief Executive and/or the OPFCC Governance Manager, if the Commissioner is not in attendance personally at the meeting. The

notes and actions from the meetings are shared on a quarterly basis with the Commissioner.

Feedback from dip sample sessions are shared with the Constabulary or Fire Service at the time with copies of the completed dip sample sheets provided to the relevant organisation. Should there be any concerns or issues raised at that point, the Governance Manager is able to escalate this to the OPFCC Chief Executive or Commissioner at the time rather than delay until the next Panel meeting.

## **Case Sampling**

In line with the approved Case Sample Protocol, all case sampling sessions will be arranged in advance to ensure that relevant staff are available to attend and provide further information to the Panel. The Panel are able to make a selection of cases and incidents from lists of finalised cases provided in advance. There may be occasions where the Commissioner will ask the Panel to look at an ongoing matter.

All records and material in relation to the incident or case must be made available to the Panel to scrutinise.

Where required an officer or member of staff will attend the session to provide specific or technical knowledge or support to the panel to assist them with the dip sample. This could include provision of Body Worn Video footage or information relating to an incident held on force or fire systems. Information in advance of the session, such as policies or procedures will assist the members to understand the areas of business they are scrutinising.

Outcomes of some of the Constabulary sessions are added to the force feedback register (for example Stop & Search and Use of Force) for action by officers and their supervision. Responses are then monitored by the Constabulary and the Panel updated at the next quarterly session.

## **Information and Data**

Any information, records or data provided as part of case sampling processes must adhere to disclosure, data protection/GDPR protocols and organisational guidance. Individual data protection implications will only be viewed for that session and will not be retained by the Panel members. Each organisation will be responsible for the retention and secure storage of the information.

All confidentiality requirements, data protection or other legal requirements will be clearly explained to all panel members, and all members must sign confidentiality agreements when appointed.

## **Safeguarding**

Adequate safeguarding must be undertaken to ensure the Panel members are able to safely and fully engage with the work and processes they are required to carry out. Advice and support will be provided at each session to ensure that members are able to carry out their role or can advise if they are not without any fear of repercussions.

## **Panel Training**

The Panel will be provided within initial induction training when appointed. This will be supplemented with ongoing training and information provision when reviewing new or changed areas of business within policing, fire or the OPFCC.



## Community Scrutiny Panel Terms of Reference:

The terms of reference for the Community Scrutiny Panel are:

- 1) To provide community scrutiny on aspects of policing and fire service to provide assurance to communities and assist the Police, Fire and Crime Commissioner to hold chief officers to account.
- 2) Promote and influence professional ethics in all aspects of policing and fire and rescue, with the ability to test the Commissioner, the Chief Constable and the Chief Fire Officer on the integrity of their respective organisations. Including the monitoring of each organisations compliance with their respective Codes of Ethics and Code of Conduct. They will carry out scrutiny and review work to achieve improvements within local policing and fire services.
- 3) To maintain an overview and monitor performance in relation to conduct, complaints, civil claims and grievances against Cumbria Constabulary or Cumbria Fire & Rescue Service, quality of service and integrity matters to ensure statutory responsibilities are met and ensure good governance.
- 4) Regularly review Cumbria Constabulary and Cumbria Fire & Rescue Service external complaint files to ensure procedures, investigations and outcomes have been followed; and are addressed in accordance with statutory guidelines published by the Independent Office of Police Conduct (IOPC) or other relating legislation (Grey book / Green book). Ensuring best practice and lessons learned are acted upon and disseminated appropriately.
- 5) Regularly examine complaint review files completed by the Office of the Police, Fire and Crime Commissioner (OPFCC) to ensure they are carried out in accordance with legislation and statutory guidelines published by the IOPC.
- 6) Regularly review misconduct files and grievance files to ensure cases are dealt with in a fair and timely manner in line with legislation, processes and procedures for Cumbria Constabulary and Cumbria Fire and Rescue Service.
- 7) To regularly review employee establishment, recruitment and sickness/wellbeing for Cumbria Constabulary and Cumbria Fire and Rescue Service.
- 8) To review registers maintained by the OPFCC, Cumbria Constabulary and Cumbria Fire and Rescue Service including gifts and hospitality, registered interests, and secondary employment.

- 9) To monitor the OPFCC, Cumbria Constabulary and Cumbria Fire and Rescue Service in their data legislation compliance responsibilities. Including Freedom of Information and Subject Access Request compliance.
- 10) To undertake and scrutinise thematic areas and other work when required. Identifying issues or lessons and reporting the Panel's findings to the Commissioner, the Chief Constable or the Chief Fire Officer. These could include:
  - a. Critical Incidents
  - b. HMICFRS Inspections
  - c. Serious Case Reviews
  - d. Thematic areas of Performance – including those identified by HMICFRS
  - e. Internal Audit recommendations
  - f. Public Concerns
- 11) To support the Commissioner, Chief Constable and the Chief Fire Officer in the development of policies and procedures in relation to integrity, ethical issues and confidential reporting.
- 12) To provide a quarterly report and annual report on the work carried out by the panel, including the raising of any issues or concerns. The report to be presented to the Police, Fire and Crime Commissioner's public meeting and be published on the Commissioner's website.
- 13) Where appropriate the Panel Chair may invite advisors to provide specialist or legal advice to support the work of the panel.
- 14) To consider any appeals following on from OPFCC HR policies or complaint outcomes.
- 15) To annually review the Terms of Reference and annual work programme to ensure they allow the panel to fulfil its role effectively. Any amendments to be approved by the Police, Fire and Crime Commissioner.
- 16) To monitor and oversee any issues or areas of business identified by the Panel membership, emerging national or local issues, or by any of the organisations that the Panel provides assurance to.

### **Cumbria Constabulary:**

Detailed below are areas of business which the Community Scrutiny Panel scrutinise or review which are specific to Cumbria Constabulary.

#### **Stop & Search and Use of Force**

To provide external scrutiny of the Constabulary Use of Force and Stop and Search incidents through a quarterly dip sample process. The Panel will consider any authorisations of the use of S60 Powers by senior officers. By reviewing incident logs,

body worn video or CCTV footage and completed paperwork they ensure that the powers are not used disproportionately. The Panel can identify any issues or concerns thereby providing assurance and transparency regarding these police activities to local communities. The Panel may also consider use of police powers such as arrest, S163 vehicle stops, strip searches or other key police interactions.

Annual and quarterly data reports to the panel will enable them to assess disproportionality, fair application of policing powers and allow focus or thematic elements for future dip sample sessions. The outcomes of all dip sample sessions are reported at the Panel meeting and provided to the Commissioner to assist in his holding to account.

### Custody Detention

The focus of this Panel will be shaped by either local or national data or local concerns raised that might point to evidence of any form of disproportionality (in particular, racial disproportionality) within the police detention environment.

The primary objective is to independently:

- assess and report on detention and custody processes.
- review and advise on matters of disproportionality.
- review strip searches, particularly those relating to vulnerable groups and young children; and
- assist in generating a transparent product suitable for public consideration at the end of each annual Panel cycle.

### Data Ethics Advisory Group

The Constabulary may routinely or periodically set up a Data Ethics Advisory Group, a sub-group of the Ethics and Integrity Panel to raise awareness of new processes and technologies being considered to improve service delivery. The purpose of this group would be to facilitate an open environment to examine and discuss the impacts, risks, opportunities and consequences of any new methods of using personal data. The group would engage with independent members to identify and capture societal attitudes and any unintentional consequences arising from changes to how personal data is processed.

The work undertaken by this group and subsequently agreed work programme will be reported to the Ethics and Integrity Panel on a quarterly basis where work is being undertaken. This will allow them to have a view on the wider ethical issues of both the Constabulary and the OPFCC. An identified member of the Ethics and Integrity Panel will sit as part of this group to provide continuity.

## **Cumbria Fire and Rescue Service**

Detailed below are areas of business which the Community Scrutiny Panel scrutinise or review which are specific to Cumbria Fire and Rescue Service.

### **Employee Absences**

As the Commissioner is the Cumbria Commissioner Fire and Rescue Authority he is ultimately the employer of all staff within the Fire and Rescue Service. It is therefore essential that cases are dip sampled to ensure that the Fire Service are dealing with employee absence in a fair and appropriate manner.