CUMBRIA

Peter McCall

Ethics & Integrity Panel

2021 ANNUAL REPORT

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Contents

Forward from the Panel Chair	Page 3
The Police & Crime Commissioner and the Chief Constable	Page 4
About the Ethics and Integrity Panel	Page 5
Work of the Panel	Pages 6-10
▪ Code of Ethics and Code of Conduct	
▪ Public Complaints, Quality of Service & Reviews	
▪ Police Officer & Police Staff Misconduct	
▪ Grievances and Civil Claims	
▪ Officer Recruitment	
▪ Officer and Staff wellbeing	
▪ Thematic Sessions	
Response to Public Interest Issues	Page 11
Panel Member Recruitment	Page 12
Conclusion	Page 12

Forward from the Panel Chair

Welcome to the 2021 Ethics and Integrity Panel Annual Report. 2021 has seen continued challenge and change for the Constabulary, it's officers and staff and the people of Cumbria that they serve. Through strong individual and team working they have supported communities and each other to face the policing of the continued pandemic with integrity and professionalism. The Panel have been hugely impressed by the commitment, focus and determination to serve our county. This is a great credit to not only the Constabulary as an organisation but to each and every officer and member of staff.

I have had the pleasure of being Chair of the Ethics and Integrity Panel since 2016. The Panel is an independent body, and its purpose is to promote and influence high standards of ethical performance in all aspects of policing in Cumbria and the work carried out by the Police and Crime Commissioner's office (OPCC). It seeks to achieve this by holding the mirror up to the Constabulary and the OPCC, by investigating, dip sampling, constructively challenging and reviewing a broad range of aspects of policy, process and performance, through the lens of ethics and integrity.

We have an annual work programme that includes both routine and thematic activities through which we seek to always promote the improvement and value adding aspects of ethical responsibility. We will challenge issues and actions where we believe there could have been an improvement, recognising and highlighting areas of good practice, whilst helping to promote a wider understanding and awareness of the Constabulary's performance and ethical approach.

The work of the Panel is published on the OPCC's website and whilst the Panel membership is from a diverse range of backgrounds and experience, we have two things in common. We and our families all live in the county and are committed to seeing the area thrive and share a strong desire to help ensure that Cumbria Constabulary continues to deliver high quality services to the public, maintaining our county as the safe and secure place to live that it currently is. The Chief Constable, the Commissioner and their teams, fully support us in our work and are open to challenge, feedback and suggestions for improvement. This is an indicator of a strong, open, transparent and ethical culture.

While 2021 has been an incredibly challenging year, we have maintained our work programme, and have adapted to look at a number of thematic areas, including specific issues and activities. The information in this, and our other quarterly reports, helps to promote a wider understanding and awareness of the Constabulary's performance and ethical approach. We hope that you find the report useful and informative.

Alan Rankin

Ethics and Integrity Panel Chair

The Police and Crime Commissioner, Peter McCall

Oversight of policing remains an important part of my role and it is essential that ethical standards remain high. The legitimacy of our police force is critically dependent on the confidence of the public that they can trust the police to `do the right thing' on their behalf. Whilst we are blessed with highly professional, dedicated and commited officers and staff, we must always be ready to examine performance to ensure that every member of the organisation maintains the highest possible standards, when often faced with difficult and challenging circumstances. During 2020 and again in 2021 officers and staff have striven to maintain standards when faced with the challenges of the COVID-19 pandemic.

As Police and Crime Commissioner, it is my role to serve the communities of Cumbria and be their voice for policing matters. Many individuals contact me and it is important that myself and my staff also work to high ethical standards to ensure that public confidence is maintained.

I am grateful for the independent work of the Ethics and Integrity Panel as it is extremely important providing a valuable scrutiny role on the ethical values of both organisations. The variety of issues that they scrutinise continues to evolve to ensure that the Panel remains effective. It seeks to achieve this by holding the mirror up to the Constabulary and the OPCC, by investigating, dip sampling, constructively challenging and reviewing a broad range of aspects of policy, process and performance, through the lens of ethics and integrity.

Peter McCall

Police and Crime Commissioner for Cumbria

The Chief Constable, Michelle Skeer

As a Constabulary, we understand that members of the public have a high expectation of the level of policing service they should receive. This continues to be important during policing, especially in light of recent events over the past 2 years. Now more than ever, policing is scrutinised, and our response is key to maintaining public confidence.

Our principles and standards are underpinned by the Police Code of Ethics. By having an Ethics and Integrity Panel we are making a public commitment to ethical policing in Cumbria that is subject to rigorous independent review and advice. Promoting openness, transparency, and public confidence.

The Panel provides me with continued reassurance of our transparency and through their constructive challenge, supports our determination in delivering an outstanding policing service to keep the communities of Cumbria safe.

Michelle Skeer

Chief Constable, Cumbria Constabulary

About the Ethics and Integrity Panel

The membership of the Panel in 2021 was:

Mr Mike Duff
Ms Lesley Horton
Mr Alan Rankin
Mr Alex Rocke

The purpose of the Ethics and Integrity Panel is to promote and influence high standards of professional ethics, to challenge; encourage and support the Police and Crime Commissioner and the Chief Constable in their work. Ensuring that standards and inclusion are effective within both organisations. This report provides an overview of the work that the Panel has carried out during 2021.

The Panel meets privately on a quarterly basis to enable open and frank discussions. The agenda and reports are published on the Commissioner's website following each meeting, with only sensitive or confidential information being excluded. Reports are provided by the Panel to the Commissioner's public meeting to provide information about the Constabulary and OPCC's performance in areas that relate to ethics and integrity. The purpose of this is to promote openness, transparency and public confidence.

The Panel decide upon an annual work programme to enable it to fulfil its terms of reference and scrutiny role. As well as having issues referred to them by both Cumbria Constabulary and the Office of the Police and Crime Commissioner.

The work of the Panel has once again continued to develop during 2021 to reflect the changing dynamics of policing in Cumbria and the challenges it faces. Even though the COVID-19 pandemic drastically affected how everyone worked, the Panel held virtual meetings to continue with their oversight; carry out some of their dip sampling processes and undertook a number of thematic sessions to look at specific issues or areas of business. This enabled the Police and Crime Commissioner and the Chief Constable to be provided with independent reassurance.

Further information regarding the Panel, its membership, and the work it carries out can be found on the Commissioner's website:
https://cumbria-pcc.gov.uk/what-we-do/ethics-integrity-panel/

Work of the Panel During 2021

Code of Ethics and Code of Conduct

The Panel's role is to ensure that both the Constabulary and the Police and Crime Commissioner have embedded within their organisations the **Code of Ethics** and **Code of Conduct** respectively.

The Panel have been provided with assurance whilst carrying out their role that both organisations take the ethos of the Code of Ethics and Code of Conduct seriously and this has been evident in the reviews and dip samples they have undertaken in other areas of business. During their various dip sample sessions, the Panel saw first-hand that policies and procedures within the Constabulary had the ethos of the Code of Ethics embedded within them.

Similarly, the Commissioner upon re-election in May 2021 swore an oath to act with integrity and signed a Code of Conduct and Ethics. It sets out how the Commissioner has agreed to abide by the seven standards of conduct recognised as the Nolan Principles. This Ethical Framework allows transparency in all areas of work of the Police and Crime Commissioner. These principles encompass the Commissioner's work locally and whilst representing Cumbria in national forums. Equally important the OPCC members of staff adhere to a **Staff Code of Conduct** which is based upon the model Code of Conduct for Local Government Employees and incorporates the principles arising from the Nolan Report, providing a framework for all employees in terms of official conduct

During 2021 the Panel did not identify any complaints received from either members of staff or the Commissioner regarding conduct or integrity.

Public Complaints

At their quarterly meetings the Panel received performance data from the Constabulary on the number of complaints received and how these have been managed, including whether they were within the required timescales. During 2021 the Panel carried out two dip sample sessions in which they reviewed a total of 55 files. They carried out the dip samples directly via the Centurion system within the Professional Standards Department, enabling members to view all information, actions and outcomes on the live system. Speaking directly with case workers regarding any issues or concerns. Following the sessions any recommendations or comments were collated within an action sheet to ensure that they are completed and where appropriate implemented in a timely manner. Some of these include:

- Officers not using body worn video when dealing with incidents or members of the public continued to be an issue. A number of complaints could have been dealt with quicker and more effectively if this independent evidence had been available.
- The use of the Practice Requires Improvement (PRI) process had increased during the year allowing officers and their supervision to reflect on matters and how their service could improve in the future.

Quality of Service

The Office of the Police & Crime Commissioner received 612 letters, emails and telephone calls from members of the public who wish to raise issues or dissatisfaction with the Commissioner. Where the matter related to operational policing the OPCC liaised with the Chief Constable's Staff office to provide information or a solution for the individual. The types of issues raised are varied and detailed below are some of the categories:

- The Police Service Dissatisfaction in relation to the standard of service provided or received.
- Driving Issues – anti-social driving and speeding.
- Crime – drug dealing, rural crime and ongoing `in progress' ASB neighbour issues.
- Miscellaneous – how crime figures are recorded, DBS check process and CCTV cameras.

The OPCC also received a number of compliments thanking the Commissioner or the Constabulary for the service they provide.

Reviews

From 1 February 2020 the Office of the Police and Crime Commissioner has undertaken reviews of the outcomes of public complaints when requested by the complainant. The Panel dip samples a number of reviews and felt that they had been dealt with appropriately and within a timely manner.

Police Officer & Police Staff Misconduct

The Panel received information on a quarterly basis relating to **Police Officer and Police Staff Misconduct** from the Constabulary's Professional Standards Department. This enables the Panel to monitor performance in relation to these areas of business and consider any patterns or trends across the whole organisation.

As part of their work programme the Panel have reviewed misconduct files twice during 2021. During the session the Panel reviewed all completed files, providing views and recommendations for any improvement in the way information was provided, how cases were handled or the public perception of the handling of such cases. They were pleased to note that the quality of the files was being maintained and that actions were being fully recorded within each case.

Grievances

On a six-monthly basis the Panel have reviewed **Grievances** being processed by the Constabulary. Although the Constabulary's HR Department dealt with all grievances, they link in with the Anti-Corruption Unit to ensure matters were cross referenced. In April and October 2021, the Panel reviewed a total of 8 finalised cases and discussed each one in turn with the HR Manager. Generally, the grievances were regarding policies and procedures or action taken against an individual. The Panel were keen to ensure that those who raised issues via the Grievance process or by using the Whistleblowing Policy were dealt with fairly; and will look at Whistleblowing Procedures as part of their 2022 work programme.

Civil Claims

On behalf of the Police and Crime Commissioner the Panel also monitor **Civil Claims** being processed by the Constabulary's Legal Department. They received information about the types of claims being made, the stage the proceedings had reached and about the claims that had been resolved. As part of this oversight the Panel seek assurance that any trends are being identified and how the organisation has learnt from particular cases; disseminating such information throughout the organisation to avoid future risks and claims.

Following issues raised by the Panel in November 2020 regarding property, the Constabulary had carried out a review of this area of business and actions taken to ensure that the findings were incorporated into any changes made. This was monitored by the Panel during 2021, who were satisfied with the changes made. The Panel noted that many of the potential court cases had not been progressed due to the impact of the COVID-19 pandemic

Officer Recruitment

The Panel monitored the Constabulary's progress on **Officer Recruitment** following the Government's announcement to appoint 20,000 officers across England and Wales. During 2020 Cumbria Constabulary saw an additional 51 officers recruited. This was the first phase of a 3-year programme. The Constabulary had received a significant number of applications and utilised Positive Action to attract applicants from diverse backgrounds. The Panel monitored how recruitment had been progressed and were keen to ensure that support mechanisms were also in place once all candidates had been appointed to the Constabulary to enable retention and progression.

Officer & Staff Wellbeing

During 2021 the Panel monitored **Officer and Staff Wellbeing and Sickness.** Although the COVID-19 pandemic had affected both officers and staff within the Constabulary, the provision of agile working afforded many the opportunity to work from home where they were able to and prevent the spread of infection, thereby reducing the overall levels of sickness within the force.

Thematic Sessions

Since its inception, the Panel has delivered a significant programme of work on a planned and responsive basis. During 2020 and 2021 the Panel adapted their style of working due to the pandemic and looked at a number of COVID specific issues and activities such as the issuing of Fixed Penalty Notices for COVID restriction violations. The work programme has also considered thematic topics such as Stop and Search, Mental Health Detention; Spit Guards; and the use of Body Worn Video usage. Detailed below and overleaf are some of the areas the Panel reviewed during 2021:

In February they reviewed **Mental Health Detention** in custody suits throughout Cumbria. In particular, those relating to detention under Section 136 of the Mental Health Act and those detained under Common Law. The Panel felt that the detention of the individuals had been justified but recognised service provision by health trusts often hindered the quick release of detainees resulting in custody staff having to deal with individuals for long periods of time. Changes to the provision of mental health services had seen the county split in two. Work was being carried out across partner agencies to increase staff training to deal with mental health patients and to have fit for purpose vehicles to be able to transport them to mental health facilities.

The Panel continued to monitor **Body Worn Video** usage within the Constabulary. As has been identified earlier in this report, there remains a number of areas of Constabulary business where Body Worn Video is not used to its full potential. These include Stop and Search, responding to incidents following which a complaint is made. The use of Body Worn Video provides an independent viewpoint of a matter or incident. When it is not used where it should have been leaves the officer and Constabulary open to complaint, criticism and potentially civil litigation.

The Panel carry out an annual review of **Stop and Search** forms to ensure continued compliance. Of the 40 forms reviewed 17 were identified as requiring improvement and more than 10% indicated that Body Worn Video had not been activated during the stop and search. Had the recording of the incidents on the forms been of a better quality it would have provided a better picture of the circumstances of the stop and would stand up to scrutiny should there be a challenge. None of the forms indicated that the stop and search was not legally carried out.

To provide assurance to the Constabulary and transparency for the communities of Cumbria the Panel again carried out a dip sample in January 2021 of **COVID-19 Fixed Penalty Notices** which were issued during lockdown to individuals who did not comply with the guidance. They assessed whether Fixed Penalty Notices were being issued appropriately and without bias.

Throughout 2021 the Panel have met as the **Data Ethics Consultation Group** with Cumbria Constabulary. The purpose is to consider new processes and technologies being considered to improve service delivery. It facilitates an open environment to examine and discuss the impacts, risks, opportunities and consequences of any new methods of using personal data. The independence of the Panel helps to identify and capture potential societal attitudes and any unintentional consequences arising from changes to how personal data is processed.

Response to Public Interest Issues

Contact with the Public Review

In January 2021 all Chief Constables undertook a commitment to act on issues of diversity, inclusion and concerns about racial inequalities, including the experiences of black people in policing and the criminal justice system. The Panel have monitored the work carried out by the Constabulary during the course of the year. In early 2022 they will be provided with a copy of the Anti-Racist Cumbria report and will monitor the implementation of subsequent action and work plans of the Constabulary, identifying where the Panel can assist by providing a public perspective.

Sarah Everard Case Outcomes

Following the outcome of the Sarah Everard case and its recommendations, in November 2021 the Panel were briefed on the work the Constabulary were due to undertake. Internally the force had implemented a process for members of the public to verify an officer's identity; reviewing their vetting procedures; ensuring student officers were suited to the role; expanding the PREVENT officer role and carrying out due diligence on officers and staff appointed. Externally officers and staff were ensuring they were more visible in communities, monitoring behaviours during the night-time economy and publicising safety processes for anyone who felt in danger or who thought their drink had been `spiked'.

The Panel will continue to monitor both of these areas of work as part of their 2022 work programme.

Panel Member Recruitment

Some of the current Panel members are due to end their membership in 2023 and 2024. To enable succession planning a recruitment process commenced in September 2021. A successful candidate was identified and joined the Panel in January 2022. This will enable them to work with the Panel during 2022, gaining knowledge and insight on the various elements that the Panel undertake during the year.

A further recruitment campaign will be carried out during 2022 when the Office of the Police and Crime Commissioner and the Constabulary will seek to extend the membership and look to members of the public both within and out with Cumbria to attract different skill sets.

Conclusion

The Panel continues to develop their role, expanding into other areas of business to assist not only the Constabulary but enable the Police and Crime Commissioner to have further and more detailed oversight.

2021 has continued to present many challenges for Cumbria Constabulary in dealing with the COVID-19 pandemic across the communities it serves. The dedication of officers and staff to maintain a `business as usual' approach to the many facets of both the Constabulary and the staff within the Office of the Police and Crime Commissioner (OPCC) is to be applauded. This has been very apparent within the work the Panel has overseen and carried out during the year.

The Panel have shown their ability to respond to emerging and changing situations; adapt to understand the issues; work with the Constabulary and OPCC to carry out work in addition to that scheduled within their work programme; and provide reassurance to both organisations and the public. Recommendations and guidance given by the Panel continues to be welcomed by both the Constabulary and OPCC; resulting in a number of positive changes and developments to processes and procedures. The Panel's 2022 work programme will continue to ensure that the Panel remain an independent body in their oversight of the Constabulary and OPCC.