Peter McCall

Agenda Item No 04

ETHICS AND INTEGRITY PANEL

Notes of a meeting of the Ethics and Integrity Panel held on
Thursday 4 November 2021 via video conference facility at 2.00 pm

PRESENT
Mr Alan Rankin (Chair)
Mr Michael Duff
Mrs Lesley Horton
Mr Alex Rocke

Also present:
Deputy Chief Constable – Mark Webster
Chief Superintendent – Lisa Hogan
Superintendent Matt Kennerley
Detective Superintendent Dave Stalker
Detective Chief Inspector Craig Smith
Inspector Mike O'Hagan
Head of Legal Services – Mr Andrew Dobson
OPCC Deputy Chief Executive – Gill Shearer
OPCC Governance Manager - Joanne Head
OPCC Governance Officer – Lisa Hodgson

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34. APOLOGIES FOR ABSENCE

No apologies for absence were received as all Panel members were present.

35. DISCLOSURE OF PERSONAL INTERESTS

There were no disclosures of personal interest regarding any agenda item.

36. URGENT BUSINESS

There were no items of urgent business to be considered by the Panel.

37. NOTES OF THE PREVIOUS MEETING

The notes of the meeting held on 5 August 2021 previously circulated with the agenda were agreed.

With regards to the Street Triage pilot a member asked whether this had been extended to other area. Superintendent Matt Kennerley advised that this was now also taking place in the West of the county.

Previously the Panel had agreed to dip sample RPRP/PRI cases in relation to complaint outcomes. It was agreed that this would take place during the May 2022 dip sample session.

Agreed; that, the
(i) notes of the meeting held on 5 August 2021 were agreed; and
(ii) Panel dip sample RPRP/PRI cases as part of the May 2022 complaint dip sample session.

38. CONTACT WITH THE PUBLIC REVIEW

Deputy Chief Constable Webster advised that Panel that work was still continuing with Anti-Racist Cumbria and it was envisaged that their report would be provided within the next couple of weeks. Following receipt of the report it would be analysed and an action plan developed. A copy of the report, an update on work undertaken by the Disproportionality Working Group and that of the Contact with the Public review would be provided to the Panel at their meeting in February 2022.

Agreed; that, the
(i) verbal update be noted; and
(ii) that the Panel be provided with a copy of the report and an update on the Constabulary's work at their meeting February 2022.

The Panel Chair advised that agenda item number 6 – Civil Claims would be moved and taken prior to agenda item number 10 - Officer and Staff Update.

39. STOP AND SEARCH ANNUAL REPORT

Inspector O'Hagan presented the Constabulary's Stop and Search Annual report. Overall, the Constabulary had increased the usage of this power from 2,120 in 2019/20 to 3,595 searches during 2020/21; with each of the 3 Territorial Policing Areas (TPA's) remaining consistent in their usage.

During the COVID pandemic there had been lockdown periods creating a natural decrease in night-time economy, resulting in officers undertaking more proactive face-to-face interactions with members of the public and individuals such as those involved in organised crime groups. When members asked whether there was a tactical change in the use of Stop and Search Superintendent Kennerley advised that gathered intelligence allowed officers to be briefed and focus resources to prevent risks. A member asked what considerations were given to potential negative impacts on communities or their perceptions. Superintendent Kennerley advised that the Constabulary would have discussions with the Strategic Independent Advisory Group (IAG).

Individuals had been stopped on numerous occasions and searched for drugs. A member advised that the Police and Crime Commissioner had invested money in drug initiatives and wondered whether or not this was having an impact.

DRAFT

Members asked about the usage of body worn video whilst searches were taking place. When advised by Inspector O'Hagan that the use of BWV averaged at 30% of interactions, the members had expected with a year-on-year increase in the number of stops that the use of BWV would have also increased. They were advised that on occasions proactive teams would not be able to wear BWV equipment, however the Constabulary were looking at covert techniques and solutions to enable BWV to be used.

Agreed; that the report be noted.

(Note: Superintendent Kennerley and Inspector O'Hagan left the meeting at this point)

The Governance Manager advised that due to unforeseen circumstances the Force Data & Information Improvement Advisor was unable to attend the meeting. The Chair agreed that Agenda Item No 8 – Information Management Compliance and Agenda Item No 9 – Data Ethics Advisory Group would be deferred until the next meeting in February 2022.

40. CIVIL CLAIMS

The Head of Legal Services presented a report outlining active and closed Public Liability Claims, Employer Liability Claims, Employment Tribunal applications or proceedings.

Members noted the number of active and closed cases during the past six months. The number of new Public Liability (PL) claims stood at 19, one of which had been deemed significant. This was in addition to the ongoing 8 active claims, 3 of which had arisen from the same incident. During the six-month period 8 claims had been concluded. One new claim had been registered in relation to Employer Liability (EL) claims resulting in their being 6 active claims, all of which were deemed significant. In the reporting period one EL claim had been concluded.

The Panel discussed several ongoing cases, what stage they were currently at and whether the estimated potential costs had remained the same. Some of the claims related to issues encountered on a national basis and therefore Legal Services were liaising with other forces.

Agreed; that, the report be noted.

41. OFFICER AND STAFF UPDATE

(a) <u>Operation Uplift</u>

Detective Superintendent Stalker presented a report which illustrated that the Constabulary had achieved it's recruitment of new officers against that set within the national Operation Uplift programme. Further intakes of new officers were planned through November and each month up to the end of the financial year in March 2022.

DRAFT

With regards to Positive Action being undertaken, support was being provided to those candidates and overall, the Constabulary's representation of Black, Asian and Ethnic Minority officers stood at 1.8% which was double previous figures. The target was to achieve 5% to ensure the Constabulary was representative of the communities in Cumbria.

It was pleasing to see that the Constabulary were on track to achieve the targets set by Government. The Panel noted that at the end of the financial year a significant proportion of serving officers would be young in service including those at the ranks of sergeant and inspector. It was therefore essential that the Constabulary continued to monitor their progression and ensure that standards were maintained.

Agreed; that,

(i) the report be noted; and

(ii) a six-monthly update be provided to the Panel to coincide with the Civil Claims reports.

(b) Absences

The members were presented with a report indicating officer and staff absences. They noted that absences were lower during COVID than in previous years, although it was now increasing to pre-COVID levels. A member asked that as some of the civil claims they had previously discussed related to stress and work pressures, what work was the Constabulary doing to ensure sufficient and appropriate support was in place. D/Supt Stalker advised during the previous 18 months many members of staff and some officers had the ability to work from home and therefore reducing the number of reported non-COVID illness.

A member asked why there had been a large increase the `unknown' category. D/Supt Stalker explained that in February 2021 the Constabulary had introduced a new duties management system, CROWN, which initially did not have the ability to record COVID related illness under the Dorset Twelve Sickness Reason classification, which establishes twelve categories of sickness absence. This had meant that the `unknown' category had been used. Further work was being carried out to improve the system and its usage.

Agreed; that,

(i) the report be noted; and

(ii) a six-monthly update be provided to the Panel to coincide with the Civil Claims reports.

(c) Conscious Inclusion

Chief Superintendent Hogan advised the Panel that the Constabulary were awaiting the Anti-Racist Cumbria report which would be received within the next couple of weeks. Two officers from the force were visiting Durham Constabulary to see what their training package entailed. These would then form part of how the Constabulary identified and shaped its future training. To enable the Constabulary to carry out this work it was agreed that an update would be provided to the Panel at their May meeting.

DRAFT

Agreed; that
(i) the verbal update be noted; and
(ii) an update be provided to the Panel at their May 2022 meeting.

42. GRIEVANCES

The Panel Chair provided a summary of the finalised cases the members had seen as part of their six-monthly dip sample process. They had noted a significant number of cases were still ongoing with a proportion of these relating to the new CROWN system.

Having received reports on Civil Claims, Absences and Grievances the members sought assurance that officers and staff were given appropriate support to carry out their duties. With the ongoing recruitment programme and introduction of new officers there was concern that there were enough experienced officers to ensure that the pressure of work was reasonable. The members were also noticing complaints being received for officers' young in service. D/Supt Stalker advised that work was being carried out with the University of Central Lancashire (UCLAN) to understand the attrition rate and recognise that young officers don't always fully appreciate the role they are signing up to do. The Constabulary were looking at how support could be provided to facilitate their retention.

Agreed; that the report be noted.

(Note: Andrew Dobson left the meeting at this point.)

43. INTEGRITY

The Panel Chair briefed the meeting on the findings of the recent complaint and misconduct dip sample sessions. He highlighted that a number of cases identified that officers were not using their body worn video equipment and some cases required further information or evidence of their conclusion. In relation to one case a member raised a question of whether or not firearms department staff were issued with body worn equipment especially when they were attending properties with the potential for firearms to be removed. DCC Webster assured them that these staff would following the national decision-making model and would carry out appropriate risk assessments. The members felt that in a rural county the removal of a person's firearm could be emotive and therefore safety of the staff was paramount.

A number of complaints related to the retention of mobile devices whilst being processed as part of an ongoing criminal investigation. The Panel recognised digital media now played a significant part in investigations and placed a great strain on the department. Many individuals could not afford to replace mobile telephones if they were being held by the Constabulary for long periods of time and therefore the reality of digital poverty was being recognised by sometimes the poorest in society. The Panel Chair proposed that they potentially look at this area of work as part of their 2022 work programme.

DRAFT

Detective Chief Inspector Smith guided members through the Professional Standards Department report advising that the number of complaints dealt with via Schedule 3 had increased. It was projected that this would continue due to increasing number of officers within the force. Reflective Practice would become an important tool to allow officers to understand and learn from the complaints raised. Out of 21 finalised cases 20 had resulted in no case to answer but of those 20, 14 had had Reflective Practice actions made to ensure individual learning.

Agreed; that the report be noted.

44. SARAH EVERARD CASE OUTCOMES AND CONSTABULARY WORK

DCC Webster briefed the meeting on the work carried out by the Constabulary following the outcome of the Sarah Everard case and its recommendations. A process had been implemented for members of the public to verify an officers identity, with warrant cards having been replaced 2 years previously to mitigate and prevent impersonation.

Internal work within the force included reviewing the vetting procedure, monitoring complaints and misconduct cases to ensure nothing untoward was being reported; ensuring student officers were suited to the role; expanding the PREVENT officer role and carrying out due diligence on officer and staff appointed to the force.

Externally officers and staff were monitoring behaviours and drink spiking. Although it was noted that in Cumbria there were not the same number of cases being experienced elsewhere in the country. A member of the panel advised that Police Scotland had issued a YouTube Video – *"That Guy"* which was currently running on a number of social media platforms. It urged men to take responsibility for their actions and language and was aimed at helping to affect a culture change to tackle sexual crime against women.

Agreed; that,
(i) the verbal report be noted; and
(ii) an update report on the work being carried out by the force be presented to the Panel at their February meeting.

45. ETHICAL STANDARDS POLICY

The Constabulary had recently updated their Ethical Standards Policy following the introduction of the 2020 Police Conduct Regulations and to amalgamate a number of different polices and procedures. The aim of the policy was to seek to maintain the highest standards of professional behaviour expected of police officers and staff.

As part of the required Ethical Standards it encouraged preventative measures requiring everyone to prevent unprofessional conduct by questioning behaviour and supporting reporting or taking action against such behaviour.

Agreed; that the updated policy be noted.

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46. OPCC COMPLAINTS, REVIEWS AND QSPI

The OPCC Governance Manager presented two reports which outlined complaints dealt with by the OPCC and complaint reviews; and regarding areas of dissatisfaction which members of the public had contacted the Commissioner about. It also highlighted the work being carried out by the Police and Crime Commissioner and the OPCC to make a different to the communities in Cumbria.

The OPCC had seen a continued increase in members of the public writing to the Commissioner to make a complaint regarding a police officer or staff member. As the OPCC had no statutory authority to deal with these, the individual was provided with the contact information for the Constabulary's Professional Standards Department.

During 2021 2 complaints had been received regarding the Commissioner and one was still ongoing and being progressed. Two of the four complaints regarding the Chief Constable received during 2021 were still live and also being progressed.

From 1 January to 30 September 2021 the OPCC had received 40 requests for reviews of the outcome of their complaint with Cumbria Constabulary, of which 12% were upheld. The OPCC were receiving on average 4 review requests per month with completion taking an average of 15 days to complete.

The number of QSPI's received by the OPCC continued to increase with 463 being received up to 30 September 2021. The report identified the 4 main issues raised as being – driving issues, miscellaneous (including coronavirus issues), crime and police service dissatisfaction. Correspondence from members of the public highlight to the Commissioner issues that are concerning local communities. In addition to individuals receiving a response, the information gathered is used to look at how assistance or changes can be provided throughout Cumbria.

These included Safer Streets funding with members being advised that more funding applications were being submitted to the Home Office to expand the programme; £600,00 from the Ministry of Justice Sexual Violence and Domestic Abuse Fund to develop a new service for children and young people affected by domestic abuse; and the Pathway programme which aims to listen to both victims and prevent offenders returning to crime.

Agreed; that, the reports be noted.

47. OPCC INTERNAL AUDIT – COMPLAINT REVIEWS

The OPCC's Internal Auditors had carried out an audit of the complaint review process. As the Policing and Crime Act 2017 placed a mandatory requirement upon local policing bodies to

DRAFT

review the outcome of a police complaint when requested by the complainant it was important that the process was accessible and clear for complainants.

At the conclusion of the audit the OPCC had been awarded Substantial Assurance.

Agreed; that the report be noted.

48. 2022 ANNUAL WORK PROGRAMME AND MEETING DATES

A draft of the 2022 work programme and meetings dates were provided to the Panel. In addition to the cyclical work of the Ethics Panel a discussion was held on what areas of business they could look at as part of the Thematic review work and a number of topics were discussed. These included – Children in Custody, TASER usage, whistleblowing, 101 live chat and digital media.

Agreed; that, the proposed areas be included within the Panel's 2022 work programme

Meeting ended at 4.50 pm

Signed: _____ **Date:** _____

Panel Chair

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