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Our reference: jh/EIP

Date: 6 March 2015

AGENDA

TO: THE MEMBERS OF THE ETHCS AND INTEGRITY PANEL

CUMBRIA POLICE & CRIME COMMISSIONER AND CUMBRIA CONSTABULARY ETHICS AND INTEGRITY PANEL

A Meeting of the Ethics and Integrity Panel will take place on **Friday 13th March 2015** in **Conference Room Two**, Police Headquarters, Carleton Hall, Penrith, at **1.00 pm**.

S Edwards
Chief Executive

Note: Members are advised that allocated car parking for the meeting is available in the Visitors Car Park to the left of the main Headquarters building.

The Panel members will meet at 9.00 am and then carry out a dip sample of Constabulary public complaint files from 09.30 am until 12.00 noon.

PANEL MEMBERSHIP

Mr Paul Forster (Chair)
Mrs Lesley Horton
Mr Peter McCall
Mr Alan Rankin

AGENDA

1. APOLOGIES FOR ABSENCE

2. DISCLOSURE OF PERSONAL INTERESTS

Members are invited to disclose any personal/prejudicial interest which they may have in any of the items on the Agenda. If the personal interest is a prejudicial interest, then the individual member should not participate in a discussion of the matter and must withdraw from the meeting room unless a dispensation has previously been obtained.

3. ETHICS & INTEGRITY PANEL - TERMS OF REFERENCE

To note the terms of reference for the panel (copy enclosed)

4. ETHICS & INTEGRITY PANEL – ANNUAL WORK PROGRAMME

To agree the details of the panel's work programme (copy enclosed) – *To be presented by the OPCC Governance & Business Services Manager.*

5. INTEGRITY – COMPLAINTS BY THE PUBLIC

- (a) To receive and note a report by Cumbria Constabulary on public complaints (copy enclosed) – *To be presented by Deputy Chief Constable Skeer.*
- (b) To raise any overall issues identified during the dip sample session.

6. INTEGRITY – ANTI-FRAUD & CORRUPTION

To receive and note a report by Cumbria Constabulary on work undertaken by the Anti-Fraud and Corruption Unit (copy enclosed) – *To be presented by Deputy Chief Constable Skeer.*

7. GRIEVANCES

To receive and note a report by Cumbria Constabulary regarding Grievance statistics at the end of the most recent quarter (copy enclosed) – *To be presented by Deputy Chief Constable Skeer.*

8. REPORT TO THE EXECUTIVE BOARD

To agree upon the contents of a report to be presented to the Executive Board meeting.

Ethics & Integrity Panel Terms of Reference

Introduction

This report sets out the proposed terms of reference for the Ethics and Integrity Panel. The purpose of this panel is to provide a forum which challenges, encourages and supports the Police and Crime Commissioner and the Chief Constable in monitoring and dealing with integrity and ethical issues within Cumbria Constabulary and the Office of the Police and Crime Commissioner.

The panel will consider ethics and integrity issues within both organisations providing strategic input and support in relation to such issues. The panel will have no decision making powers.

Recommendations

- That, the Panel note and accept the terms of reference.

Terms of Reference

- 1) Promote and influence professional ethics in all aspects of policing with the ability to test the Commissioner and the Chief Constable on the integrity of both organisations.
- 2) Regularly review Constabulary public complaint files to ensure procedures, investigations and outcomes have been followed and addressed in accordance with statutory guidelines published by the Independent Police Complaints Commission (IPCC). Ensuring best practice and lessons learned are acted upon and disseminated appropriately.
- 3) To maintain an overview and monitor performance in relation to conduct, complaints, claims against the force, quality of service, procurement and integrity matters to ensure statutory responsibilities are met and ensure good governance.
- 4) Monitor the Police and Crime Commissioner and the Office of the Police and Crime Commissioner with regard to their implementation and adherence to the Code of Ethics/Code of Conduct.

- 5) To review registers maintained by the Constabulary and OPCC including gifts and hospitality, interests, secondary employment and Freedom of Information compliance. Cross reference these with Chief Officer/Commissioner expenses.
- 6) To undertake and scrutinise thematic areas of work, identifying lessons and reporting the Panel's findings to the Commissioner and the Chief Constable. Terms of reference for each review would need to be agreed by the PCC.
- 7) To undertake reviews of other ethical work as and when required.
- 8) To support the Commissioner and Chief Constable in the development of policies and procedures in relation to integrity, ethical issues and confidential reporting.
- 9) 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 Executive Board and be published on the Commissioner's website.
- 10) Where appropriate the Panel Chair may invite advisors to provide specialist or legal advice to support the work of the panel.
- 11) 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 Executive Board.

Ethics & Integrity Panel Annual Work Programme

Purpose of the Annual Work Programme

An annual work programme has been developed to enable the panel to fulfil its terms of reference and scrutiny role.

The annual work programme aligns the work to be undertaken by the panel at each of their scheduled meetings. The alignment is managed to ensure wherever possible meetings are balanced in terms of volume of work and annual reviews are incorporated at the correct time of year.

In addition to the cyclical information to be reviewed and considered, the panel could be asked to review additional areas of work. These would include:

- Critical Incidents
- HMIC Inspections
- Serious Case Reviews
- Thematic areas of Performance
- Public Concerns

How such reviews were undertaken would need to be agreed, and where necessary terms of reference being agreed by the Police & Crime Commissioner and/or the Chief Constable, ensuring that the panels work did not interfere with any ongoing or appeal processes. The findings of the panel would be reported to the Police and Crime Commissioner and the Chief Constable.

The panel will be required to provide an annual report to the Police and Crime Commissioner and the Chief Constable on the work they have carried out during the year and what issues and learning have been identified.

Ethics & Integrity Panel Annual Work Programme 2015

March 2015 (February)	May 2015	August 2015	November 2015
<p>PUBLIC COMPLAINT FILES: Dip sample finalised public complaint files held by the Constabulary. Where appropriate live cases may also be reviewed.</p> <p>PUBLIC COMPLAINTS PERFORMANCE DATA: To receive reports containing data on how the Constabulary have met their statutory requirements.</p> <p>ANTI-FRAUD & CORRUPTION UNIT REPORT: To receive a report on the cases being dealt with t by the Anti-Fraud & Corruption Unit.</p> <p>GRIEVANCES: To receive a report on Grievances against the Constabulary identifying any trends or issues.</p>	<p>PUBLIC COMPLAINT FILES: Dip sample finalised public complaint files held by the Constabulary. Where appropriate live cases may also be reviewed.</p> <p>PUBLIC COMPLAINTS PERFORMANCE DATA: To receive reports containing data on how the Constabulary have met their statutory requirements.</p> <p>ANTI-FRAUD & CORRUPTION UNIT REPORT: To receive a report on the cases being dealt with t by the Anti-Fraud & Corruption Unit.</p> <p>GRIEVANCES: To receive a report on Grievances against the Constabulary identifying any trends or issues.</p>	<p>PUBLIC COMPLAINT FILES: Dip sample finalised public complaint files held by the Constabulary. Where appropriate live cases may also be reviewed.</p> <p>PUBLIC COMPLAINTS PERFORMANCE DATA: To receive reports containing data on how the Constabulary have met their statutory requirements.</p> <p>ANTI-FRAUD & CORRUPTION UNIT REPORT: To receive a report on the cases being dealt with t by the Anti-Fraud & Corruption Unit.</p> <p>GRIEVANCES: To receive a report on Grievances against the Constabulary identifying any trends or issues.</p>	<p>PUBLIC COMPLAINT FILES: Dip sample finalised public complaint files held by the Constabulary. Where appropriate live cases may also be reviewed.</p> <p>PUBLIC COMPLAINTS PERFORMANCE DATA: To receive reports containing data on how the Constabulary have met their statutory requirements.</p> <p>ANTI-FRAUD & CORRUPTION UNIT REPORT: To receive a report on the cases being dealt with t by the Anti-Fraud & Corruption Unit.</p> <p>GRIEVANCES: To receive a report on Grievances against the Constabulary identifying any trends or issues.</p>
<p>MISCONDUCT /STAFF DISCIPLINE: To receive a report on staff discipline and dip sample cases reviewing the initial assessment and outcome to confirm consistency/fairness in approach to misconduct cases.</p> <p>CONSTABULARY/OPCC COMPLIANCE WITH REGISTERS:</p> <ul style="list-style-type: none"> ▪ Gifts and Hospitality Register ▪ Cross reference above with PCC & Chief Constable Expenses ▪ Register of interests ▪ Secondary employment ▪ Procurement/Contracts - cross reference staff's register of interests and gifts and hospitality entries. 	<p>CIVIL CLAIMS: To receive a report on Civil Claims to monitor any trends/issues and how learning/training has been implemented.</p> <p>FOI COMPLIANCE: To receive a report on the Constabulary and OPCC's compliance with statutory legislation</p> <p>OPCC COMPLAINTS & QSPI: To receive a report on complaints and quality of service issues received by the OPCC.</p> <p>ANNUAL REPORT: To consider the annual report to be provided to the Commissioner on the work carried out by the Panel.</p>	<p>MISCONDUCT /STAFF DISCIPLINE: To receive a report on staff discipline and dip sample cases reviewing the initial assessment and outcome to confirm consistency/fairness in approach to misconduct cases.</p> <p>CODE OF ETHICS/CODE OF CONDUCT: To annually review Constabulary compliance and implementation of the Code of Ethics; and Police & Crime Commissioner and OPCC compliance with the Code of Conduct.</p> <p>REVIEW OF POLICIES AND PROCEDURES: Where appropriate be consulted on new/developing policies and procedures regarding integrity and ethics following any annual review. To give assurance that up to date policies and procedures are in place.</p>	<p>CIVIL CLAIMS: To receive a report on Civil Claims to monitor any trends/issues and how learning/training has been implemented.</p> <p>FOI COMPLIANCE: To receive a report on the Constabulary and OPCC's compliance with statutory legislation</p> <p>OPCC COMPLAINTS & QSPI: To receive a report on complaints and quality of service issues received by the OPCC.</p>

In addition the following will be considered when required:

- **Critical incidents** a referral could be made to the committee from COG, PCC, Gold Group or the panel could ask for the information. The panel could hold the CC / PCC for non-referral of cases. Terms of reference for each review would need to be agreed by the PCC. Learning points for the force would then be made from the panel.
- **Thematic areas of performance** - concerns re areas of performance could be referred by the CC/PCC following identification at performance meetings (eg crime recording).
- **HMIC Inspections / Internal Audit Reports** - where the inspection or audit was in relation to Ethics the whole report and monitoring of actions could be undertaken by the committee. Agreement with the Chair of the Joint Audit & Standards Committee would need to be formulated with regard to the monitoring of audit reports. For other inspections information could be provided if relevant.
- **Serious Case Reviews** - incidents/cases where it is apparent that the Constabulary will be subject to a serious case review. A review could be undertaken when the case is finalized or as part of the process
- **Public Concerns** – where issues or concerns are raised by the public to the Police & Crime Commissioner or the Chief Constable regarding a particular incident or area of work the panel can be asked to undertake a review. Following which they would present their findings to the Commissioner/Chief Constable and where necessary the outcome of their findings could be published to provide public assurance.

Constabulary Report



Agenda Item No 05

TITLE OF REPORT: INTEGRITY – COMPLAINTS BY THE PUBLIC

DATE OF MEETING: 4th February 2015

ORIGINATING OFFICER: DCI Paul DUHIG – Professional Standards

PART 1 or PART 2 PAPER: PART 1 (OPEN)

Executive Summary:

- During 2014 the numbers of complaint cases have been relatively stable with low levels being seen in the last quarter.
- Complaint allegations have also remained stable with the exception of January and July 2015. The levels of allegations have also been relatively low in the last quarter.
- IPCC data continues to show that although Cumbria complaints per 1000 employees were higher in 2014 compared to 2013, Cumbria remains lowest in MSF (most similar forces) and also MSF/national averages:
 - Q2 Apr to Sep 14, Cumbria: 129, MSF average: 180, National average: 147
- The current 12 month rolling figures show that there has been an increase of only 3 cases (1%) and an increase of 138 allegations (33%) mainly due to peaks in allegations seen in January 2014.
- The figures show that the numbers of cases have remained at similar levels when compared to the previous 12 month period. This is a good indication that the increase seen in allegations over the current 12 months has been due to multiple allegations resulting from single cases, which was particularly apparent in January 2014.
- A breakdown of allegations shows that North, West and South TPA's have similar levels of allegations with comparable increases being seen across the TPA's in the current 12 month period.
- Allegations relating to discrimination have increased in the current 12 month period. Of the 13 recorded 7 have been not upheld by PSD, 1 has been locally resolved and 5 are currently Live. Discrimination allegations continue to be assessed individually. No emerging issues have been identified.
- Allegations not upheld by PSD have increased by 29 (18%) when compared to the previous 12 month period which indicates a high proportion of the increase in allegations have been unsubstantiated (i.e. not upheld). Only 19 allegations were upheld by PSD, 4% of the 460 allegations finalised. This indicates that a high proportion of the increase in allegations have been unsubstantiated (i.e. not upheld).
- There were 46 Force Appeals in the current reporting period, of which 28 were not upheld, 8 upheld, 1 withdrawn and 9 are still Live. There were 19 IPCC appeals in the 12 month period of which 15 were not upheld and 4 were upheld.
- The percentage of force appeals upheld is comparable with National and MSF data, but the percentage of IPCC appeals upheld is considerably lower than National/MSF data (and is a significant improvement on previous performance).

Recommendation:

Set out clearly the recommendation to be approved, using bullet points and ensure references are included to previous decisions on this matter. Any alternative options considered should not be outlined here but in the 'introduction and background' section.

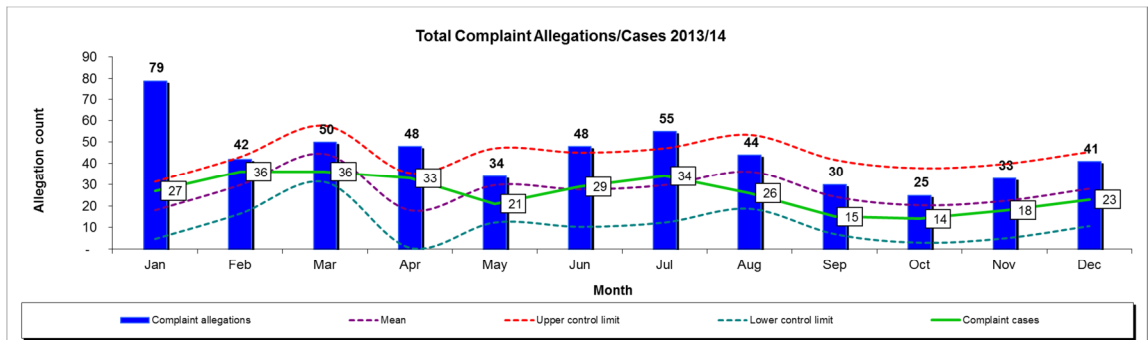
- To continue to issue PASS Newsletters and Best Practice when trends are identified.
- Continue to monitor increases in Discrimination, Oppressive Behaviour, Breaches of PACE and Unprofessional Conduct as part of Tasking and Co-ordinating Group.

MAIN SECTION

1. Introduction and Background

1.1 Complaint Allegations

The below chart shows levels of complaint cases and allegations in the last 12 months from January 2014 to December 2014: -



The chart shows increased levels of complaint allegations and cases in the first two quarters of 2014 with levels reducing in the third and fourth quarters. Every recorded complaint is one case but a single complaint may contain several allegations about a particular interaction with the police. Therefore the better statistical indication regarding the proportion of the public who are dissatisfied with the service provided by the police is the number of cases, not allegations. Peaks in allegations were seen in January and July 2014 however this was mostly due to multiple allegations resulting from single cases.

Between September and December 2014 allegations and cases have reduced to normal levels. December 2014 did see a slight increase in allegations however analysis shows this is again mainly due to multiple allegations from single cases as the levels of cases remained stable.

The table below shows the total number of cases and allegations including direction and control for 12 months to the end of December 2013 and December 2014. The figures show that the numbers of cases over the current 12 month period have remained at the same level when compared to the last 12 month period. This is a good indication that the increase seen in allegations over the current 12 months has

been due to multiple allegations resulting from single cases with the peaks in allegations seen in January and July greatly impacting on the figures.

	12 month rolling to Dec 2014	12 month rolling to Dec 2013	Percent Change
Cases	318	315	1%
Allegations	554	416	33%

*Including Direction and Control cases/allegations.

1.2 Allegations broken down into BCU

The table below shows the numbers of allegations and cases (not including Direction and Control) broken down into areas: -

Area	Allegations			Cases		
	12 month rolling to Dec 2014	12 month rolling to Dec 2013	Change	12 month rolling to Dec 2014	12 month rolling to Dec 2013	Change
North	159	110	49	90	86	4
South	154	115	39	98	89	9
West	164	129	35	101	93	8
HQ	35	12	23	15	9	6
UOS	13	14	-1	9	13	-4
OFA	4	1	3	4	1	3
Total	529	381	148	317	291	26

*Not including Direction and Control cases/allegations.

The table shows increases in allegations however the increase has been seen across the areas. The levels of cases have remained stable across the areas with only very slight increases.

1.3 Area Allegation group breakdown

The table below shows the allegations broken down into area and group: -

12 month period	Group	North	South	West	HQ	UOS	OFA	Grand Total
12 month rolling to Dec 2014	Breaches of PACE K,L,M,N,P,R	22	10	15	6			53
	Discrimination F	4	3	5		1		13
	Incivility U	21	19	27	4	2	1	74
	Malpractice G,H,J	8	9	7		1		25
	Oppressive Behaviour A,B,C,D,E,Y	43	29	31	4	3	2	112
	Unprofessional Conduct S,T,V,Q,X	61	84	79	21	6	1	252
12 month rolling to Dec 2014 Total		159	154	164	35	13	4	529
12 month rolling to Dec 2013	Breaches of PACE K,L,M,N,P,R	7	12	15	2			36
	Discrimination F		1		1			2
	Incivility U	17	16	23	3	3		62
	Malpractice G,H,J	10	6	10	1	1		28
	Oppressive Behaviour A,B,C,D,E,Y	24	28	18		4		74
	Unprofessional Conduct S,T,V,Q,X	52	52	63	5	6	1	179
12 month rolling to Dec 2013 Total		110	115	129	12	14	1	381

*Not including Direction and Control case/allegations.

The largest percentage increases in areas have been in the following groups: -

- North – Discrimination, Breaches of PACE and Oppressive Behaviour.
- South – Discrimination and Unprofessional Conduct.
- West – Discrimination and Oppressive Behaviour.
- HQ – Oppressive Behaviour.

It is to be noted that although the above are the largest percentage increases in many of the groups the numbers are low as can be seen in the above table. The table shows increases in allegations of oppressive behaviour and unprofessional conduct. This data is broken down further in the next paragraph.

Analysis of the officers subject to complaints shows that increases have continued to be seen across a variety of ranks and when peaks are analysed it is mainly due to multiple allegations relating to single cases.

Officers who meet the criteria for the repeat officer strategy (3 complaints in 12 months) are brought to the attention of the Professional Standards Department Tactical Tasking and Co-ordination Group on a monthly basis where the complaints made against them are assessed. As a result each identified officer is then managed appropriately to reduce future complaints. For example, if the circumstances do not merit more robust intervention such as formal misconduct proceedings, the officer may be provided with guidance/support/training and a PSD dissemination report sent to TPA supervisors to monitor the officer more closely.

There were 98 dissatisfaction reports recorded in the current 12 months which is a reduction of 37 when compared to the previous 12 month period. The three main categories reported on in the lower level dissatisfaction reports over the 12 month are similar to those reported on in the complaint cases these being neglect/fail duty, oppressive behaviour and incivility.

1.4 Allegation Type breakdown

The table below shows a full breakdown of the allegation types: -

Group	Allegation type Description	12 month rolling to Dec 2014	12 month rolling to Dec 2013	Change in number of allegations
Breaches of PACE K,L,M,N,P,R	Breach of Code A PACE on stop and search	5	3	2
	Breach of Code B PACE on searching of premises and seizure of property	20	17	3
	Breach of Code C PACE on detention, treatment and questioning	26	15	11
	Breach of Code E PACE on tape recording	2		2
	Multiple or unspecified breaches of PACE which cannot be allocated to a specific		1	-1
Breaches of PACE K,L,M,N,P,R Total		53	36	17
Discrimination F	Discriminatory behaviour	13	2	11
Discrimination F Total		13	2	11
Incivility U	Incivility, impoliteness and intolerance	74	62	12
Incivility U Total		74	62	12
Malpractice G,H,J	Corrupt Practice	1	2	-1
	Irregularity in relation to evidence/perjury	6	13	-7
	Mishandling of Property	18	13	5
Malpractice G,H,J Total		25	28	-3
Oppressive Behaviour A,B,C,D,E,Y	Oppressive conduct or harassment	31	7	24
	Other Assault	49	49	0
	Serious Non-Sexual Assault	2		2
	Sexual Assault		1	-1
	Unlawful/unnecessary arrest or detention	30	17	13
Oppressive Behaviour A,B,C,D,E,Y Total		112	74	38
Unprofessional Conduct S,T,V,Q,X	Improper disclosure of information	22	12	10
	Lack of fairness and impartiality	44	106	-62
	Other Irregularity in Procedure	12	11	1
	Other Neglect or Failure in duty	170	46	124
	Traffic Irregularity	4	4	0
Unprofessional Conduct S,T,V,Q,X Total		252	179	73
Grand Total		529	381	148

Discrimination has seen the highest percentage increase however this is low in number – please refer to diversity section.

Allegations of oppressive behaviour have increased by 38 (from 74 to 112) in the current 12 month period. West and North TPA's have seen the largest increases in oppressive behaviour. The types seeing the largest increases in this group are Oppressive conduct or harassment and unlawful/unnecessary arrest or detention.

Analysis of oppressive conduct or harassment complaints shows that complainants mostly believed that officers were harassing in their manner or carrying out unjustified questioning/searching/activity/surveillance. Of the 31 allegations 10 were not upheld by PSD and 12 were resolved by local resolutions (which indicates the

conduct complained about was relatively low level). None of the complaints have currently been upheld by PSD.

The unlawful/unnecessary arrest or detention complaints were resulted as 8 not upheld, 9 Local resolutions, 1 disapplication by force, 1 upheld and 11 currently live.

Breaches of PACE complaints have increased by 17 (from 36 to 53) in the current 12 month period. North TPA has seen the largest increase. The largest increases in complaints in this group are regarding breach of code C on detention, treatment and questioning and breach of code A on stop and search.

The breaches of code C complaints are mainly regarding not being provided with provisions and regarding searches of complainants. Of the 26 breach of code C complaints 8 were not upheld by PSD, 4 were resolved by local resolution, 1 was disapplication by force and 13 are currently live. None of the complaints have been upheld and any learning from these types of complaints is fed back through best practice and PASS newsletters.

Stop and search complaints have increased by 3 to 5 in the current 12 month period. All of the stop and search complaints are assessed every month as part of the PSD Tasking and Co-ordination Group meetings where no significant issues or trends have been identified. 3 of the stop search complaints have been locally resolved and 2 are currently live.

Unprofessional conduct complaints have increased by 40% with the largest increase being in the type "other neglect or failure in duty" which has increased from 46 in the last 12 months to 170 in the current 12 month period. The increase in unprofessional conduct linked mainly to neglect or failure in duty should be considered alongside the significant decrease in lack of fairness and impartiality; the view of the appropriate authority is that recording decisions have played a role in this data as many of these complaints could be categorised in either group. When these two categories are considered together the overall increase in the combined categories is 62 (from 152 to 214). Analysis of neglect or failure in duty complaints also shows that complainants often believe officers have neglected their duty in a variety of means. It is to be noted that many were multiple allegations from single cases, for example 1 case resulted in 9 allegations of other neglect or failure in duty. Currently only 7 of the 170 allegations in this group/type have been upheld by PSD, 46 have been not upheld and 62 have been locally resolved.

Although numbers are relatively low, improper disclosure has increased by 10 complaint allegations (83%) in the current 12 month period. This is currently a focus of the PSD Department Tasking and Co-ordination Group with work undergoing to educate officers and staff. A PASS newsletter is to be circulated to all staff in relation to disclosure of information, this is planned to be circulated in February 2015.

In the current 12 month period the following PASS Newsletters and Best Practice guidance have been issued in respect of identified issues: -

- CJU (January 2014) – Wanted markers on PNC need to be removed once a warrant has been executed to avoid potential for further arrest.
- Online News (All Staff) (January 2014) – Appropriate use of systems for policing purpose/obtain authority for access from supervisor should access be required to a family members/associates records.
- Firearms Staff (January 2014) – Issue surrounding reactionary gap between firearms officers and subject – necessary to prevent/minimize the risk of persons forcefully gaining access to a weapon.
- West SMT (March 2014) – Custody protocol regarding complainant.
- Issue 12 (March 2014) – Business Interests – Letting a Secondary Property.
- Issue 13 (April 2014) – Individual Voluntary Agreements.
- Custody Forum (April 2014) – Issues surrounding late entry re breath test on custody record with no explanation.
- Issue 14 (April 2014) – Appropriate Use of Systems / General Guidance in relation to Alcohol.
- CID (May 2014) – Incorrect information entered on Sleuth regarding association.
- Online News (All Staff) (May 2014) – Implications from incorrect recording of address details on Voluntary Attendance Record.
- Online News (All Staff) (July 2014) – Re seizure and retention of property ensuring procedures followed in respect of return.
- Individual (Oct 2014) – Standard Operating Procedures re use of Bodycam to announce recording to individuals present.
- Force Disclosure Manager/PNC Manager (Nov2014) - Reiteration of process re medical referrals to DVLA.
- Review Team (Nov 2014) – Issues surrounding the release of evidence following coroner’s inquest and storage of items within transit stores.
- Force Orders (Nov 2014) - Good practices to be used when updating victims of crime i.e. to document update process which has been agreed with victims and consideration given to secondary process in event original process fails.
- Individual (Nov 2014) - Good practice in respect of providing more detailed updates to Comms for logs in future.
- Individual (Nov 2014) - Reiteration of importance of NCRS complaint entries on logs regarding counter allegations.

1.5 Diversity

There have been 13 allegations of discriminatory behaviour by the police recorded during the 12 month period which is an increase of 10 when compared to the previous 12 months. 8 were not upheld by PSD, 1 was locally resolved, 3 are sub judice and 1 is still a live investigation.

- 1 allegation relates to racism towards offenders on arrest. Currently sub judice.

- There were two allegations from the same complainant regarding officers being homophobic whilst carrying out enquiries. Both of these allegations were not upheld by PSD.
- One of the allegations was relating to various unknown officers discriminating against a family within the travelling community over a number of years. This allegation was not upheld by PSD.
- One allegation was regarding a complainant who feels police did not respond effectively to incidents due to his Polish nationality. This complaint is currently sub judice.
- One allegation where the complainant states over a number of years has been subject to a number of homophobic attacks and the police who dealt with these attacks took sides with the suspects. This allegation was not upheld by PSD.
- There were three allegations from female complainants regarding officers discriminating against them due to their gender. 2 were not upheld by PSD and 1 is currently Live.
- One allegation where the complainant felt that the officer had mocked her mental health by asking her if she was going to harm herself. This allegation was locally resolved.
- One allegation where the complainant states that officers had a racial and homophobic attitude. Officers allegedly called the complainants criminals from Romania. This allegation was not upheld by PSD.
- One allegation where the complainant believes officer refused to investigate due to the complainant's ethnicity. This allegation was not upheld by PSD.
- One allegation where complainant believes officer was bullying and believes the officer's motive was racist. Currently sub judice.

1.6 Performance

Allegations finalised in the period regardless of when the allegations were recorded.

Allegation Result Description	12 month rolling to Dec 2014	12 month rolling to Dec 2013	Change in number of allegations
De Recorded	5	9	-4
Disapplication - by Force	26	27	-1
Discontinued - by Force	1		1
Dispensation - by Force		3	-3
Local Resolution - by Division	137	76	61
Local Resolution - by PSD	63	78	-15
Not Upheld - by Division	5	6	-1
Not Upheld - by PSD	193	164	29
Upheld - by PSD	19	16	3
Withdrawn - by Force	11	10	1
Withdrawn - Not proceeded with		1	-1
Grand Total	460	390	70

The performance targets for Investigations and Local resolutions have been set at 89.90% of local resolution allegations to be dealt with in 40 days and 94.70% of investigations to be dealt with in 120 days.

It has previously been identified that the data that has been used in Cumbria to assess performance against these targets contains inaccuracies. To date it has not been possible to address this issue. Therefore the most reliable data in respect of timeliness of investigations and local resolutions has been included in this report: national IPCC data (Q2 Apr 14 to Sep 14) for average number of days to finalise Local Resolution and Investigations:

- Average number of days to locally resolve allegations – Cumbria 41, MSF average 53 and National average 66.
- Average number of days to finalise allegations by local investigation – Cumbria 105, MSF average 118 and National average 141.
- Cumbria is the 5th best in the country for average number of days to locally resolve allegations and also 5th best for average number of days to finalise allegations by local investigation.

In the current 12 month period, 460 allegations were finalised compared to 390 in the previous period the biggest increase was in Local resolutions being dealt with by TPA in the current period 137, in the last period 75.

In the current period the number of allegations not upheld by PSD also increased by 29 (18%) and only 19 allegations were upheld by PSD (4%) of the 460 allegations finalised. This indicates that a high proportion of the increase in allegations have been unsubstantiated (i.e. not upheld).

There were 46 Force Appeals in the current 12 month period of which 28 were not upheld, 8 were upheld, 1 withdrawn and 9 are still Live. There were 19 IPCC appeals in the 12 month period of which 14 were not upheld, 4 were upheld and 1 is currently Live. Therefore there were 35 force appeals finalised in this period of which 8 (23%) were upheld and 18 IPCC appeals finalised of which 4 (22%) were upheld. The force figures are similar to national and MSF data, but the IPCC data is considerably better than national and IPCC data (a significant improvement for the force compared to previous year's performance).

1.7 Direction and Control Complaints

Direction and control complaints are from members of the public complaining about wider policing issues rather than individuals. Over the current 12 month period direction and control complaints have reduced by (29%) when compared to the previous 12 month period. This is partly due to a change in the recording of complaints as previously some complaints that were recorded as direction and control would now be recorded as a complaint against individuals. The table below shows a breakdown of direction and control complaints.

Direction and Control Type	Issue	Current 12 months to Mar 2014	Last 12 months to Mar 2013	Change in number of complaints
General Policing Standards	Investigation		1	-1
	Lack of Action	1		1
	Not a Police Matter	1		1
General Policing Standards Total		2	1	1
Operational Management Decisions	Arrest/detention	1	1	0
	Hunting/Sporting events	2		2
	Investigation	5	6	-1
	Lack of Action	3	4	-1
	Traffic	2	2	0
	Vehicle recovery		1	-1
Operational Management Decisions Total		13	14	-1
Operational Policing Policies	Arrest/detention	1	2	-1
	Information Sharing	1		1
	Investigation		5	-5
	Lack of Action	1	2	-1
	Officer Management		2	-2
	Traffic	1		1
	Vehicle recovery		1	-1
Operational Policing Policies Total		4	12	-8
Organisational Decisions	Investigation	2	5	-3
	Lack of Action	1	1	0
	Media issues	1	1	0
	Not a Police Matter	1	1	0
	Officer Management	1		1
Organisational Decisions Total		6	8	-2
Grand Total		25	35	-10

1.8 Custody Adverse Incidents

Incident keyword	12 month rolling to Dec 2014	12 month rolling to Dec 2013	Change in number of allegations
Damage		1	-1
For Advice	3		3
Hazard		3	-3
Illness	7	8	-1
Injury	3	3	0
Items Later Found	7	3	4
Items later used	2	4	-2
Ligature	10	24	-14
PCs injured/at risk		7	-7
Self harm	10	11	-1
Solicitor injured/at risk		1	-1
Substance	5	12	-7
Sucessful Search	1		1
Violent	4	6	-2
Grand Total	52	83	-31

The current 12 month period has seen a decrease in the number of incidents reported across the majority of the incident types. Work has been undertaken and is continuing to encourage the reporting of Adverse Incidents through presentations to supervisory staff and on-line disseminations.

The most frequent incident types in the 12 month period although reduced in number are Ligature and Self Harm. There have been 10 reported ligature incidents, all of which involved male detainees with 4 of the detainees being in the age group 30 – 39. The items used as ligatures in the period were items of clothing, safety suit/cell blankets and cords from clothing such as tracksuit bottoms. No medical attention was required as a result of the ligature incidents.

There were 10 incidents of self-harm in the 12 month period with 9 of the detainees being male and 1 being female. The peak age group for detainees to self-harm is 20 – 29 with 6 male detainees being in this group. There were various methods used to attempt self-harm in the period including: - using a digitiser pen to stab eye, by placing head in lavatory water, using TV remote, head butting cell walls/door/floor, using electronic tag, using latex glove, using glasses lens and throwing hot drink on self. During the majority of incidents early intervention prevented harm coming to the detainees.

All adverse incidents have been raised with the custody forum so that any trends and best practice is captured and circulated to appropriate staff.

2. Issues for Consideration

2.1 Drivers for Change

Links to Police & Crime Plan and priorities; legal requirement; efficiency requirement; improvement.

-

2.2 Consultation processes conducted or which needs to be conducted

-

2.3 Impact assessments and implications on services delivered

-

2.4 Timescales for decision required

-

2.5 Internal or external communications required

-

3. Financial Implications and Comments

Budget implications – one off and/or on-going costs, savings, growth, capital and revenue.

3.1

4. Legal Implications and Comments

Including advice received.

4.1

5. Risk Implications

Including any mitigating actions that can be taken.

5.1

6. HR / Equality Implications and Comments

Including any actions arising from Equality Assessment.

6.1

7. ICT Implications and Comments

7.1

8. Procurement Implications and Comments

8.1

9. Supplementary Information

9.1 List any relevant documents and attach to report

Such as Business Cases, Equality Assessments, PIDs, Media Strategy.

-

9.2 List persons consulted during the preparation of report

- Name / Rank/Role

10. Update on Action Plan



Constabulary Report

Agenda Item No 07

TITLE OF REPORT:	GRIEVANCIES
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DATE OF MEETING:	4th February 2015
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ORIGINATING OFFICER:	Sarah Dimmock Diversity Manager
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PART 1 or PART 2 PAPER:	PART 1 (OPEN)
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Executive Summary:

The attached Grievance Statistics Report shows the number of grievances lodged up to 20th January 2015 and a summary of the past 3 year financial years. Currently, there have been 3 grievances lodged in the current financial year.

-

Recommendation:

That the Ethics and Integrity Panel notes the report.

MAIN SECTION

1. Introduction and Background

Included in the report is a breakdown of those lodging grievances. The report identifies the gender and race of those submitting grievances as well as an over view as to the subject of the grievance. In addition there are statistics relating to whether the aggrieved is a police officer or police staff and whether the grievance relates to unlawful discrimination.

The report provides data from the last 3 years to enable a comparison to be taken.

2. Issues for Consideration

There are no emerging trends or patterns at the time of submission of this report. As of today, there have been only 3 grievances submitted this financial year.

3. Financial Implications and Comments

3.1 Please see Equality Implications

4. Legal Implications and Comments

4.1 Please see Equality Implications

5. Risk Implications

5.1 In accordance with policy, if time limits are not adhered to, there could be cost and status implications for the Constabulary

6. HR / Equality Implications and Comments

If any of the convention rights are breached and unlawful discrimination is proven then there would be implications for the Constabulary which could incur status and financial loss.

If any race, equality or diversity issues are identified that would lead to unlawful discrimination being proven then there would be implications for the Constabulary which again could lead to financial and status loss.

7. Supplementary Information

- Appendix 1 – Grievance statistics for 2014-15
- Appendix 2 - Data for the last 3 financial years

Grievances

Please see below the figures for the financial year 20014/2015 up to and including 20/01/15.

	No. 2014/15
Total No. of grievances submitted to date	3
Resolved Stage 1	2
Resolved Stage 2	0
Resolved Stage 3	0
Not Resolved	1
Awaiting Action/Resolution	0
Withdrawn	0
On Hold (completed but not signed off/other issues)	0

Gender and Ethnicity Breakdown

	No. 2013/14
Male	1
Female	2
Black Minority Ethnic	0
Officers/Staff with Disabilities	0
Police Officers	2
Police Staff	1

BCU Areas

	Resolved	Further Action	Withdrawn	On Hold	Not Resolved
West	0	0	0	0	0
North	1	0	0	0	1
South	0	0	0	0	0
HQ	1	0	0	0	0
CID	0	0	0	0	0
UOS	0	0	0	0	0

Types of Grievance

Policy – Selection Process	Treatment By Colleague(s)	Care/ confidentiality	Bullying/ Discrimination	Disability	Race/Culture
2	1	0	0	0	0

	2011 / 2012	2012 / 2013	2013 / 2014
Total number of Grievances	18	16	10
Of which:			
Resolved Stage 1	8	6	5
Resolved Stage 2	3	1	2
Resolved Stage 3	1	0	0
Withdrawn	3	4	0
Awaiting Resolution	0	2	0
Not Resolved to Satisfaction	3	3	1
On Hold (completed but not signed off/other issues)			2
TOTAL	18	16	10

Breakdown of Aggrieved by Gender and Race			
Total Males	11	9	5
Total Females	7	7	5
TOTAL	18	16	10
Minority Ethnic staff (male and female)	0	1	0

Police Staff Grievances			
Male	0	3	1
Female	5	6	3
Police Officers			
Male	11	6	4
Female	2	1	2
TOTAL	18	16	10

Area		5	
West	2	4	3
North	6	0	0
South	4	0	3
UOS/CID	2	7	2
HQ	4	0	2
TOTAL	18	16	10

Subject of Grievance			
Other Individuals	7	5	4
Force Policy	11	11	6
TOTALS	18	16	10

Grievances involving alleged discrimination			
Race	0	0	0
Sex	0	0	0
Disability	1	0	0
Age	0	1	0
Sexual Orientation	0	0	0
Religion and Belief	0	0	0
Transgender	0	0	0
TOTAL	1	1	0



Enquiries to: Mrs J Head
Telephone: 01768 217734

Our reference: jh/EIP

Date: 30 April 2015

AGENDA

TO: THE MEMBERS OF THE ETHCS AND INTEGRITY PANEL

CUMBRIA POLICE & CRIME COMMISSIONER AND CUMBRIA CONSTABULARY ETHICS AND INTEGRITY PANEL

A Meeting of the Ethics and Integrity Panel will take place on **Monday 11 May 2015** in **Conference Room Two**, Police Headquarters, Carleton Hall, Penrith, at **2.00 pm**.

S Edwards
Chief Executive

Note: Members are advised that allocated car parking for the meeting is available in the Visitors Car Park to the left of the main Headquarters building.

The Panel members will meet at 9.00 am and carry out a dip sample of Constabulary public complaint files.

PANEL MEMBERSHIP

Mr Paul Forster (Chair)
Mrs Lesley Horton
Mr Peter McCall
Mr Alan Rankin

AGENDA

PART 1– ITEMS TO BE CONSIDERED IN THE PRESENCE OF THE PRESS AND PUBLIC

1. APOLOGIES FOR ABSENCE

2. DISCLOSURE OF PERSONAL INTERESTS

Members are invited to disclose any personal/prejudicial interest which they may have in any of the items on the Agenda. If the personal interest is a prejudicial interest, then the individual member should not participate in a discussion of the matter and must withdraw from the meeting room unless a dispensation has previously been obtained.

3. URGENT BUSINESS AND EXCLUSION OF THE PRESS AND PUBLIC

To consider (i) any urgent items of business and (ii) whether the press and public should be excluded from the Meeting during consideration of any Agenda item where there is likely disclosure of information exempt under s.100A(4) and Part I Schedule A of the Local Government Act 1972 and the public interest in not disclosing outweighs any public interest in disclosure.

PART 2– ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PRESS AND PUBLIC

4. NOTES OF THE PREVIOUS MEETING

To confirm the restricted notes of the meeting of the Ethics and Integrity Panel held on 13 March 2015 (copy enclosed)

5. CIVIL CLAIMS

To receive and note a report by Cumbria Constabulary on Civil Claims (copy enclosed) - *To be presented by Mr A Dobson, Director of Legal Services.*
(Not for publication by virtue of paragraphs 1 & 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended))

6. INTEGRITY – COMPLAINTS BY THE PUBLIC

- (a) To receive and note a report by Cumbria Constabulary on public complaints (copy enclosed) – *To be presented by Deputy Chief Constable Skeer.*
- (b) To raise any overall issues identified during the dip sample session.

7. INTEGRITY – ANTI-FRAUD & CORRUPTION

To receive and note a report by Cumbria Constabulary on work undertaken by the Anti-Fraud and Corruption Unit (copy enclosed) – *To be presented by Deputy Chief Constable Skeer.*
(Not for publication by virtue of paragraphs 1 & 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended))

8. OPCC COMPLAINTS AND QSPI

To receive and note a report by the Office of the Police and Crime Commissioner regarding complaints and quality of service issues received (copy enclosed) – *To be presented by the OPCC Chief Executive .*

9. FREEDOM OF INFORMATION ACT COMPLIANCE

- (a) To receive and note a report by the OPCC on their compliance with the Freedom of Information Act (copy enclosed) - *To be presented by the OPCC Chief Executive.*
- (b) To receive and note a report by Cumbria Constabulary on their compliance with the Freedom of Information Act (copy enclosed) – *To be presented by Deputy Chief Constable Skeer.*

10. GRIEVANCES

To receive and note a report by Cumbria Constabulary regarding Grievances (copy enclosed) – *To be presented by Deputy Chief Constable Skeer.*

11. ANNUAL REPORT

To note the draft report and agree upon further contents for the report to be presented to the Police & Crime Commissioner at his Executive Board meeting in June 2015 (copy enclosed) – *To be presented by the OPCC Chief Executive.*



Agenda Item No 04

ETHICS AND INTEGRITY PANEL

Notes of a meeting of the Ethics and Integrity Panel held on
Friday 13 March 2015 in Conference Room 2, Police Headquarters,
Carleton Hall, Penrith, at 1.00 pm

PRESENT

Mr Paul Forster (Chair)
Ms Lesley Horton
Mr Peter McCall
Mr Alan Rankin

Also present:

Deputy Chief Constable (Michelle Skeer)
Detective Chief Inspector (Paul Duhig)
OPCC Chief Executive (Stuart Edwards)
OPCC Governance & Business Services Manager (Joanne Head)

The Chair thanked everyone for attending the first meeting of the Ethics and Integrity Panel.

1. APOLOGIES FOR ABSENCE

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

2. DISCLOSURE OF PERSONAL INTERESTS

There were no disclosures of any personal interest relating to any item on the Agenda.

3. TERMS OF REFERENCE

The Chief Executive presented the terms of reference which had been drawn up when creating the Panel. The terms of reference had been used as part of the recruitment process and illustrated the role which would be carried out by the Panel.

A member asked what would be the process to enable the Panel to monitor the Constabulary's implementation of the Code of Ethics and how would they raise any issues or concerns. The Governance & Business Services Manager advised that the Constabulary would provide the Panel with a report on the work they had carried out to implement the Code of Ethics and the results of this work. If the Panel had cause for concern or required further information these could be raised at the meeting with actions taken to provide information or assurance for future meetings.



With regard to the Police & Crime Commissioner's Code of Conduct, the Chief Executive advised that it was his role to ensure that the Commissioner had in place a code of conduct and that he adhered to it. A report would be presented to the Panel to provide assurance. He also explained that the Commissioner and staff within the Office of the Police and Crime Commissioner (OPCC) worked within agreed protocols and completed registers of interests to enable an open and transparent working environment.

The Governance & Business Services Manager explained to the Panel the statutory role of the Police & Crime Panel in dealing with any complaints made against the Commissioner.

Agreed; that, the panel note and accept the terms of reference.

4. ANNUAL WORK PROGRAMME

The Governance & Business Services Manager presented a proposed annual work programme which had been developed to enable the panel to fulfil its terms of reference and scrutiny role. The programme detailed on a quarterly basis what areas of Constabulary and OPCC work the Panel would monitor and scrutinise. It would also enable the workload of the Panel to be balanced in terms of volume and that any annual reviews were incorporated at the correct time of year.

The Panel members were guided through the programme. Regarding each item an explanation was provided on what information would be received and how it would be presented.

AGREED, that, the panel note and accept the annual work programme.

5. INTEGRITY

(a) COMPLAINTS BY THE PUBLIC

The Deputy Chief Constable presented a report which detailed public complaints that the Constabulary had received during the reporting period and for the whole of 2014. It was noted that during 2014 the number of complaint cases had been relatively stable with lower levels being seen in the last quarter of 2014. The exception to this had been in January and July when numerous allegations had been made within one or two complaints.

Compared with other forces nationally and within their Most Similar Force grouping (MSF), Cumbria still had one of the lowest rates of complaints. Allegations which were not upheld by the Constabulary had increased by 18% and this was due to the allegations not being substantiated. The decisions made regarding complaints could be substantiated by the outcome of any appeals which were considered. During the reporting period the Constabulary had received 46 Force Appeals of which 28 were not upheld, 8 were upheld, 1 was withdrawn and 9 were still live. The IPCC had received 19 appeals of which 15 were not upheld and the remaining 4 upheld. Again this trend was comparable with national and MSF data, although the number of IPCC appeals upheld was considerably lower than national and MSF data.



Complaints were dealt with in a timely manner by Cumbria taking an average of 41 days to locally resolve allegations compared with the national average of 66 days. The Panel were advised that the Constabulary received a low number of complaints which related to diversity issues. The Panel were assured that each one was looked at to see if any trends or issues could be identified and to date none had been identified.

The Deputy Chief Constable explained to the Panel the education and preventative work which the Constabulary's Professional Standards Department undertook with all officers and staff to try and prevent incidents becoming issues. She advised of the PASS Newsletter which was issued to all officers and staff and generally published following an identified issue or trend.

A Task and Co-ordination group would look at a variety of issues and specifically regarding officers who had received 3 or more complaints within a 12 month period. They would look at each complaint and ensure that any trends or issues were identified and were being addressed with the officer as appropriate.

A member asked how many officers currently had more than 3 complaints within a 12 month period against them. DCI Duhig advised that on average there was between 2 and 3 officers per month, approximately 30 per year. There were no issues and trends emerging regarding individual officers. A member asked whether it would be possible to have a correlation between local resolution complaints and those not recorded regarding officers. DCI Duhig stated that as some officers were more proactive in their work than others they subsequently attracted more complaints. He also advised that information regarding complaints which were not upheld and local resolution were included in the 3 complaints within 12 months data.

The Deputy Chief Constable stated that if there were any concerns regarding officers but no sanctions were supported then they may be moved to try and eradicate the number of complaints or the environment which was causing the complaints.

A member commented that within the report and breakdown information of categories there were 'other' categories which appeared to have high numbers of allegations/complaints within them. DCI Duhig advised that the current categories and guidelines were often quite narrow and therefore on occasions allegations and complaints were categorised as 'other'. He assured the Panel that the Constabulary's Professional Standards Department Analyst did analyse such data and look for trends. The Members felt it would be helpful to have an understanding of what types of allegations and complaints were being categorised as 'other' in future reports would give greater confidence to the public.

The Panel thanked the Deputy Chief Constable for her report. They asked whether more context and explanation could be provided for future reports as although there was a large amount of data held within the report it would be useful for explanations to be provided in order to provide context. This would include fuller explanations to give the Panel more assurance on matters and identify what the Diversity and Discrimination issues were. The Chief Executive explained that the report had previously been written specifically to allow questions to be raised to aid in the Commissioner's scrutiny of the Constabulary.



The Panel members discussed the Custody Adverse Incidents information which was contained within the report. The Chief Executive advised that this information had previously been included within such reports to inform the Commissioner. As custody did not fall within the remit of the Panel such information would not be included within future reports and the information would be reported to the Commissioner by other means.

- AGREED,** that,
- (i) the report be noted;
 - (ii) further explanations of issues be included within future reports;
 - (iii) future reports identify what allegations and complaints are categorised as 'other'; and
 - (iv) Custody Adverse Incident information not be included within future reports; and

(b) PUBLIC COMPLAINT FILES – DIP SAMPLE

During the morning the Panel members had attended the Professional Standards Department and undertaken a dip sample of public complaint files which had been finalised within the period September 2014 to the end of November 2014. The members were provided with anonymised lists from which they selected files at random that they wished to review. The Panel reviewed 13 files.

As this was their first session they were provided with a briefing prior to commencing the process to enable to understand the complaints process and the different types of files they would be reviewing. Following their review of each category of file they discussed the files as a group to assist with the learning of systems and processes.

The members raised questions in relation to the complaint files including the process for dealing with complaints, issues regarding force policies, officer performance management, dealing with vexatious and persistent complainants and proactive work carried out by the Professional Standards Department.

Whilst reviewing the files the members commented upon the information which was provided to the complainant, especially in the 28 day update letter. Often these letters contained minimal information or merely stated that the Constabulary were required to provide an update but did not tell the complainant anything new. Within some reports the members recommended that the department think about the terminology that they were using when writing to complainants. On occasions it was not clear in the final response letter whether it was the organisation who were apologising for the matter or the officer.

When dealing with foreign nationals it was not clearly indicated within the file whether or not the Constabulary had ascertained what language the complainant would like to communicate in. DCI Duhig advised that in the main complaints were received in English, however suitable adjustments would be made to someone who requested it. He also informed members of the different methods in which someone could make a complaint, including through Complaint Access Points who provided support to a variety of different communities and disability groups.



For each of the files reviewed the Panel member provided feedback on how they felt that the complaint had been dealt with and where appropriate provided advice on specific areas which could be dealt with differently in the future.

At the conclusion of the dip sample process the members complimented the Professional Standards Department on how they had dealt with the complaints in a professional manner. The Panel was struck by the fact that most of the complaints that it looked at were of a lower level. All complaints are very important for the people who make them and any complaint has the potential to damage the integrity of the force. As previously stated, the Professional Standards Department adopts a professional approach to each case. The numbers alone can give the impression that all the complaints received are about very serious matters. The nature of police work is likely to bring officers into conflict with the public and complaints are to be expected. The Panel, which has come new to these matters, was reassured by the way in which complaints were handled.

AGREED, that, the update be noted.

6. INTEGRITY – ANTI-CORRUPTION UNIT

The Deputy Chief Constable presented a report regarding the work undertaken by the Constabulary's Anti-Corruption Unit for the reporting period September 2014 to December 2014. Also included within the report was information for the whole of 2014 and comparison figures for previous years. To assist the Panel members she explained the work carried out by the Anti-Corruption Unit and how they dealt with the information they received. They were advised that if an officer was suspended from work that this would indicate a serious issue and that they were unable to work within the Force during the investigation.

A member asked how the Panel could be assured that work was being carried out to address identified issues. Deputy Chief Constable Skeer stated that as mentioned in the previous agenda item, the Professional Standards Department were carrying out educational and preventative roadshows and meetings throughout the force. By engaging with officers and staff and the production of a newsletter which drew officers and staff attention to particular areas where breaches or incidents had occurred. Deputy Chief Constable Skeer provided members with examples of matters that would be reported to the Unit.

A member asked what types of issues were contained within the 'other' category and whether there were any issues or trends identified. DCI Duhig explained that again the categories were set nationally some within narrow guidelines, therefore anything not within the national categories were placed in the 'other' category. The members raised concerns that within the 'other' categories there were 180 reports and asked what was being done to manage and monitor these issues. DCI Duhig assured the members these matters were often of a less serious nature and that each report was assessed by a Detective Inspector within the Unit, with a large proportion being referred to area to be dealt with by supervisors who could closely monitor officers and staff.



The publication of PASS newsletters would often prompt officers and staff to self-refer issues to the Constabulary in order to get advice and any appropriate support. This could often be attributed to the spike in the number of referrals and incidents reported. Members had previously been provided with copies of the PASS Newsletter and although they found it useful advised that it could be more informative by giving more detail and providing context to situations and issues. They felt it important to reiterate why identified behaviour or actions were not acceptable to enable officers and staff to have a full understanding.

A discussion took place on the nine officers currently suspended from duty, this being 0.8% of the current officer establishment. A member asked what stance the Constabulary took in relation to officers and suspending them from duty. The Deputy Chief Constable advised that the Constabulary would look at each individual case, assess the severity of the issues and make a decision on whether or not they should be suspended. Included within an assessment would be deciding whether or not the individual would have the ability to interfere with, or hinder, any investigation or process. She re-iterated that suspension was a neutral act and did not imply guilt. Some officers had been removed from front line policing when they had been summonsed to court for an offence which did not require them to be suspended.

A member asked whether there was an MSF comparison with other forces. Deputy Chief Constable Skeer advised that this was not reported nationally and therefore comparison figures were not available. She did state that nationally corruption of officers and staff was a strategic threat, and one which all forces monitored.

In response to a member's question DCI Duhig explained the difference between Management Action and Management Advice to assist them in understanding different sanctions. Management Action was a more informal process whereas Management Advice was formally recorded.

AGREED, that,
 (i) the report be noted;
 (ii) future reports identify what allegations are categorised as 'other'.

7. GRIEVANCES

The panel received a report which illustrated the number of grievances that had been lodged in the current financial year up to 20 January 2015. Included within the report was a summary of the past 3 financial years to aid comparison. It was noted that three grievances had been lodged in the current financial year. This was a dramatic reduction when comparing the previous 3 years.

A discussion took place on the content of the report and how it could be improved for future meetings to provide more information and context. The members felt the report should illustrate what the issues were; and how they had been resolved. They were concerned that the numbers had dramatically reduced and questioned what the reason for this was. The Deputy Chief Constable advised that there was a large amount of change taking place within the Constabulary including structural change and a need to reduce the workforce following



budget reductions. The Constabulary's support groups had been tasked to evaluate whether or not this had a bearing on the number of grievances being lodged. To date the Support Groups and staff unions had not identified any such issues, although they did recognise that the Constabulary were going through a major period of change that may change an individual's perspective. In the main grievances had been lodged due to individuals believing they had been disadvantaged by a policy or were unsuccessful in securing a promotion or post.

A member asked whether the Constabulary had any indication of officer and staff morale. They were advised that the Constabulary undertook staff satisfaction surveys and a cultural survey. Public satisfaction currently stood at 90% therefore officers and staff were carrying out their roles to high standards as increased complaints would indicate that they were not performing well.

In response to a member's question the Deputy Chief Constable explained that an officer or member of staff could raise a grievance through a variety of methods and not necessarily through their line manager. This was to ensure that officers and staff did not feel intimidated not to raise a grievance.

A member asked why the Constabulary currently had a number of temporary or acting posts within the organisation. The Deputy Chief Constable advised that this was due to awaiting the outcome of reviews which were currently taking place, or in the near future, and ensuring the organisations ability to slim down its staffing levels if required. It also afforded officers the opportunity to act up into roles which may not be available as part of the promotion process for some time. Another member asked whether any of the current grievances related to the change programme and any subsequent redundancy processes. Deputy Chief Constable Skeer stated that due to the inclusive way in which the change programme and any redundancy process was conducted there had been no subsequent grievances. The Constabulary tried to accommodate voluntary redundancy and staff re-deployment where possible in order to retain staff who wished to remain within the organisation and their knowledge and expertise.

AGREED, that,
 (i) the report be noted;
 (ii) future reports identify what the issues were and how they had been resolved

8. REPORT TO THE EXECUTIVE BOARD

As this was the first meeting of the Panel, the Governance and Business Services Manager explained the process which would be followed to report the work of the Panel to the Commissioner at his Executive Board.

AGREED, that the process be noted.



Meeting ended at 3.45 pm

Signed: _____

Date: _____

Panel Chair



TITLE OF REPORT: INTEGRITY – COMPLAINTS BY THE PUBLIC

DATE OF MEETING: 5th May 2015

ORIGINATING OFFICER: DCI Paul DUHIG – Professional Standards

PART 1 or PART 2 PAPER: PART 1 (OPEN)

Executive Summary:

- IPCC data continues to show that although Cumbria complaints per 1000 employees were higher in 2014 compared to 2013, Cumbria remains lowest in MSF (most similar force) and also MSF/national averages:
 - Q3 Apr to Dec 14, Cumbria: 177, MSF average: 282, National average: 223
- The current 12 month rolling figures show that there has been a decrease of 32 cases (9%) and an increase of 33 allegations (7%) in comparison to the last 12 months.
- There has been an increase in cases and allegations in the month of March 2015.
- The figures show that the numbers of cases have remained at similar levels when compared to the previous 12 month period. This is a good indication that the increase seen in allegations over the current 12 months has been due to multiple allegations resulting from single cases. This partly due to changes in recording practices.
- A breakdown of allegations shows that North, West and South TPA's have similar levels of allegations.
- Allegations upheld by PSD have increased from 19 allegations (4%) in the last period to 24 allegations (5%) in the current 12 months.
- The percentage of allegations not upheld by PSD has increased from 37% to 40% in the current period. This is an increase of 37 allegations when compared to the previous 12 month period
- This indicates a high proportion of the increase in allegations have been unsubstantiated, i.e. not upheld
- The number of IPCC appeals has reduced by 23% when compared to the previous reporting period (31 to 24) and the number of force appeals has remained at similar levels (39 to 40).
- The percentage of upheld appeals for both Force and IPCC appeals has reduced compared to the last period: Upheld Force Appeals have reduced from 18% to 15% and upheld IPCC Appeals have reduced from 39% to 29%.

Recommendation:

Set out clearly the recommendation to be approved, using bullet points and ensure references are included to previous decisions on this matter. Any alternative options considered should not be outlined here but in the 'introduction and background' section.

- To continue to issue PASS Newsletters and Best Practice when trends are identified.
- Continue to monitor increases in Oppressive Behaviour and Unprofessional Conduct as part of PSD Tasking and Co-ordinating Group.

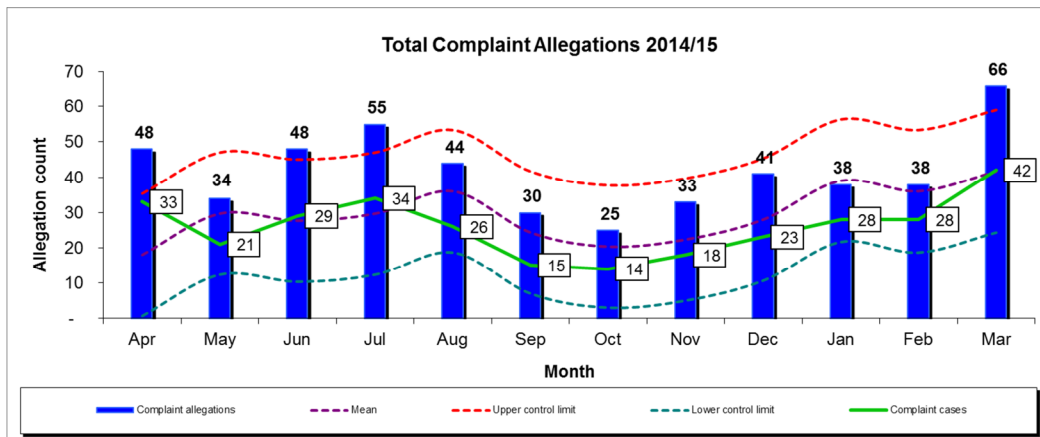
MAIN SECTION

1. Introduction and Background

Alternative options considered, evaluation, benefits – anything not covered in sections below etc.

1.1 Complaint Allegations

The below chart shows levels of complaint cases and allegations in the last 12 months from April 2014 to March 2015: -



The chart shows fluctuating levels of complaint allegations and cases between April 2014 and March 2015. Peaks in allegations were seen in July 2014 with 55 allegations and March 2015 with 66 allegations. Allegations and cases were at their lowest between September 2014 and November 2014.

Between December 2014 and February 2015 allegations and cases were at fairly stable levels however a sharp increase/peak in levels has been seen in March 2015.

In March 2015 a large proportion of the complaints resulted from incidents occurring in West TPA with the largest increase being in relation to the complaint type Unprofessional Conduct- Other Neglect or Failure in Duty. Analysis of the other neglect or failure in duty allegations in West TPA in the month of March 2015 shows a variety of issues such as: - taking too long to investigate, failing to take action, lack of action, not taking the complainant seriously, failing to examine a vehicle correctly, writing an incorrect court on a summons and unprofessional comments. It is also to be noted that West TPA complaints have been the lowest in 2015 until the increase seen in March 2015 which has brought the 3 TPA's to similar levels.

The nature of complaint cases and allegations will continue to be monitored closely to identify any potential future trends.

The table below shows the total number of cases and allegations including direction and control for 12 months to the end of March 2014 and March 2015. The figures show that the numbers of cases over the current 12 month period have remained at similar levels when compared to the last 12 month period.

	12 month rolling to Mar-14	12 month rolling to Mar-15	Percent Change
Cases	340	308	-9%
Allegations	489	522	7%

*Including Direction and Control cases/allegations.

1.2 Allegations broken down into BCU

The table below shows the numbers of allegations and cases (not including Direction and Control) broken down into areas: -

Area	Allegations			Cases		
	12 month rolling to Mar-14	12 month rolling to Mar-15	Change	12 month rolling to Mar-14	12 month rolling to Mar-15	Change
North	112	154	42	90	89	-1
South	138	149	11	94	100	6
West	150	156	6	100	90	-10
HQ	34	17	-17	13	15	2
UOS	15	18	3	14	13	-1
OFA		6	6	0	6	6
Total	449	500	51	311	313	2

*Not including Direction and Control cases/allegations.

Complaint cases have remained at similar levels when comparing the current 12 month period with the previous 12 months and are evenly spread across the 3 TPA's.

The table shows increases in allegations with the largest increase in the current 12 month period being in North TPA. Although allegations have increased in North TPA it is to be noted that the numbers of complaint cases have remained at a similar level (reduction of 1) this shows that there has been a number multiple allegations resulting from single cases in North TPA. Although North TPA allegations have increased the three TPA's all have similar numbers of allegations over the current 12 month period.

1.3 Area Allegation group breakdown

The table below shows the allegations broken down into area and group: -

12 Month Period	Group	North	South	West	HQ	UOS	OFA	Grand Total
12 month rolling to Mar 15	Breaches of PACE K,L,M,N,P,R	20	9	15	1	0	1	46
	Discrimination F	3	1	3	0	1	0	8
	Incivility U	25	24	17	7	4	1	78
	Malpractice G,H,J	9	7	8	0	3	0	27
	Oppressive Behaviour A,B,C,D,E,Y	41	34	25	2	3	2	107
	Other W	0	2	1	1	0	0	4
	Unprofessional Conduct S,T,V,Q,X	56	72	87	6	7	2	230
12 month rolling to Mar 15 Total		154	149	156	17	18	6	500
12 month rolling to Mar 14	Breaches of PACE K,L,M,N,P,R	10	13	19	7	0	0	49
	Discrimination F	1	3	2	0	0	0	6
	Incivility U	17	16	27	3	3	0	66
	Malpractice G,H,J	5	9	10	0	0	0	24
	Oppressive Behaviour A,B,C,D,E,Y	27	27	28	2	4	0	88
	Other W	0	0	0	0	0	0	0
	Unprofessional Conduct S,T,V,Q,X	52	70	64	22	8	0	216
12 month rolling to Mar 14 Total		112	138	150	34	15	0	449

*Not including Direction and Control case/allegations.

The largest increases have been seen in the following: -

- North TPA- Oppressive Behaviour increase of 14 complaint allegations (52%).
- West TPA- Unprofessional Conduct increase of 23 complaint allegations (36%).

The group/allegation type that saw the largest percentage increase in the current 12 month period when compared to the previous 12 months was Oppressive Behaviour- oppressive conduct or harassment. The allegation type oppressive conduct or harassment increased by 11 allegations (73%). The largest increase in this type was seen in North TPA. Analysis of the total 26 oppressive conduct or harassment complaint allegations shows that complainants believed officers were intimidating either verbally or in their behaviour and carried out unjustified activities. Of the 26 allegations 9 were not upheld by PSD, 7 were locally resolved by TPA, 3 were locally resolved by PSD, 2 were disapplication – by force, 1 was De Recorded and 4 are currently live. None of these complaint allegations are currently shown as being upheld by PSD.

Unprofessional Conduct allegations have remained at similar levels when compared to the previous 12 months. There has however been an increase within this group in the allegation type other neglect or failure in duty which has seen an increase of 64 allegations (67%). The largest increase in this type was seen in West TPA. Although there has been an increase in other neglect or failure in duty it is to be noted that the complaint allegations for lack of fairness and impartiality have decreased which could indicate a change in recording. Analysis of the other neglect or failure in duty allegations shows that complainants feel that officers failed to investigate crimes/incidents sufficiently, that officers misinformed complainants or other parties such as CPS and also failed to keep them informed with adequate updates. The complaints recorded in this allegation type are mostly against Police Constables rather than other ranks of officers however you would expect this as Police Constables are more likely to be in contact with members of the public. Of the 160 complaint allegations relating to other neglect or failure in duty the complaints were finalised as follows: - 36 Not Upheld –by PSD, 34 Locally Resolved by TPA, 22 Locally Resolved by PSD, 8 Upheld by PSD, 1 De recorded, 1 Disapplication by force, 3 withdrawn and 55 currently Live being investigated. The 8 upheld complaints included 2 cases which had 2 allegations upheld. In 6 of the 8 upheld complaints the complainants had been given incorrect information/advice. There were no repeat officers within the 8 upheld complaints. There were 8 PSD best practise items circulated in the period relating to the following: - Providing detailed updates to Comms, NCRS compliant entries on logs, correct process re medical referrals to DVLA, incorrect recording of address detail, incorrect information entered on Sleuth, updating victims, giving appropriate advice and ‘PP’ of letter’s on behalf on another.

There has also been an increase in complaints regarding malpractice- mishandling of property, the numbers are low however it is to be noted that complainants feel that on occasions they have not had property returned, property has been lost and property has also been damaged. The 20 mishandling of property allegations in the current period have been finalised as follows: - 2 not upheld- by PSD, 3 Locally Resolved by PSD, 1 Locally Resolved by TPA, 1 Withdrawn, 10 Currently Live and 3 Upheld. In March 2015 best practice was issued in relation to the policy for the seizure, management, retention and disposal of personal property. There were 3 PSD

best practice items circulated in relation to the handling of property in the current period.

In the current 12 month period the following PASS Newsletters and Best Practise guidance have been issued in respect of identified issues: -

- Issue 13 (April 2014) – Individual Voluntary Agreements.
- Custody Forum (April 2014) – Issues surrounding late entry re breath test on custody record with no explanation.
- Issue 14 (April 2014) – Appropriate Use of Systems / General Guidance in relation to Alcohol.
- Issue 15 (May 2014) – Appropriate Use of all Constabulary Systems.
- CID (May 2014) – Incorrect information entered on Sleuth regarding association.
- Online News (All Staff) (May 2014) – Implications from incorrect recording of address details on Voluntary Attendance Record.
- Online News (All Staff) (July 2014) – Re seizure and retention of property ensuring procedures followed in respect of return.
- Individual (Oct 2014) – Standard Operating Procedures re use of Bodycam to announce recording to individuals present.
- Force Disclosure Manager/PNC Manager (Nov2014) - Reiteration of process re medical referrals to DVLA.
- Review Team (Nov 2014) – Issues surrounding the release of evidence following coroner’s inquest and storage of items within transit stores.
- Force Orders (Nov 2014) - Good practices to be used when updating victims of crime i.e. to document update process which has been agreed with victims and consideration given to secondary process in event original process fails.
- Individual (Nov 2014) - Good practice in respect of providing more detailed updates to Comms for logs in future.
- Individual (Nov 2014) - Reiteration of importance of NCRS complaint entries on logs regarding counter allegations.
- Issue 16 (Feb 2015) – Regarding recent misconduct hearing findings in relation to: - Honesty and integrity: Orders and instructions: Confidentiality and Discreditable conduct.
- Issue 17 (Mar 2015) - Regarding Recent Misconduct Hearing findings in relation to: - Orders and Instructions and Honesty and Integrity.
- Police Officers and other operational staff (Mar 2015) – Regarding appropriate advice to be given in relation to removal of Tazer barbs.
- Individual (Mar 2015) - Issues surrounding the application of the CPS gravity matrix - caution issued for theft to the value of £1200 - matrix states only applicable to the value of £200.
- Individual (Mar 2015) - Officers dealing with a case should be reminded that when decision is made regarding criminal action or not, whether there is any related property requiring return/disposal.

- PSD Staff (Mar 2015) - Where individuals need to 'pp' letters on behalf of another person they need to ensure they are authorised to do so and that if their signature is unclear they document their name/id or collar number.

1.4 Repeat Officer Strategy

Officers who meet the criteria for the repeat officer strategy (Subject of 3 complaint cases in a 12 month period) are brought to the attention of the Professional Standards Department Tactical Tasking and Co-ordination Group on a monthly basis where the complainants made against them are assessed following which appropriate guidance and support is provided.

There were 25 officers who met the repeat officer strategy in the current period which is a reduction of 16 on the previous period. There were 6 officers who met the criteria on more than 1 occasion in the current 12 month period. Of these officers 2 have met the criteria on 3 occasions. Both of these officers have been highlighted through the PSD TT & CG process and PSD have liaised with the officer's senior management team. One officer has been given a development plan and the other officer's line management are currently in the process of reviewing a detailed subject profile which has been disseminated by PSD to prevent future complaints.

1.5 Dissatisfaction Reports

There were 99 dissatisfaction reports recorded in the current 12 months which is a reduction of 32 when compared to the previous 12 month period. The three main categories reported on in the lower level dissatisfaction reports over the 12 month are similar to those reported on in the complaint cases these being neglect/fail duty, oppressive behaviour and incivility. The reduction in dissatisfaction reports may be linked to the increase in complaints as some of the reports previously recorded as dissatisfaction may have been recorded as complaints.

1.6 Diversity

There have been 8 allegations of discriminatory behaviour by the police recorded during the current 12 month period which is an increase of 2 when compared to the previous 12 months.

- One allegation where the complainant states over a number of years has been subject to a number of homophobic attacks and the police who dealt with these attacks took sides with the suspects. This allegation was not upheld by PSD.
- There were three allegations from female complainants regarding officers discriminating against them due to their gender. 2 were not upheld by PSD and 1 is currently Live.
- One allegation where the complainant felt that the officer had mocked her mental health by asking her if she was going to harm herself. This allegation was locally resolved.
- One allegation where the complainant states that officers had a racial and homophobic attitude. Officers allegedly called the complainants criminals from Romania. This allegation was not upheld by PSD.

- One allegation where the complainant believes officer refused to investigate due to the complainant’s ethnicity. This allegation was locally resolved by PSD.
- One allegation where complainant believes officer was bullying and believes officer’s motive was racist. Currently sub judice.

1.7 Performance

Allegations finalised in the period regardless of when the allegations were recorded.

Allegation Result Description	12 month rolling to Mar-14	12 month rolling to Mar-15	Change in number of allegations
Case to Answer	18	16	-2
De Recorded	8	11	3
Disapplication - by Force	38	35	-3
Discontinued - by Force		1	1
Dispensation - by Force	3		-3
Local Resolution - by TPA	91	134	43
Local Resolution - by PSD	88	56	-32
No Case to Answer	13	13	0
Not Upheld - by TPA	7	3	-4
Not Upheld - by PSD	173	210	37
Upheld - by PSD	19	24	5
Withdrawn - by Force	7	15	8
Grand Total	465	518	53

The performance targets for Investigations and Local resolutions have been set at 89.90% of local resolution allegations to be dealt with in 40 days and 94.70% of investigations to be dealt with in 120 days.

It has been identified that the data used in Cumbria to assess performance against these targets contains inaccuracies and that more reliable data can be obtained from the national IPCC data (Q3 Apr 14 to Dec 14) for average number of days to finalise Local Resolution and Investigations:

- Average number of days to locally resolve allegations – Cumbria 41, MSF average 51 and National average 64.
- Average number of days to finalise allegations by local investigation – Cumbria 120, MSF average 126 and National average 140.
- Cumbria is the 5th best in the country for average number of days to locally resolve allegations.

In the current 12 month period, 518 allegations were finalised compared to 465 in the previous period the biggest increase was in Local resolutions being dealt with by TPA in the current period 134, in the last period 91.

In the current period the number of allegations not upheld by PSD also increased by 37 and only 24 allegations were upheld by PSD (5%) of the 518 allegations finalised. This indicates that a high proportion of the increase in allegations have been unsubstantiated (i.e. not upheld).

In the last 12 month period 37% of allegations were not upheld this has increased to 40% not upheld in the current period.

Allegations upheld- by PSD have also increased from 19 allegations (4%) in the last period to 24 allegations (5%) in the current 12 months.

1.8 Force and IPCC Appeals

Result	Force Appeals 12 month rolling to Mar 2014	Force Appeals 12 month rolling to Mar 2015	IPCC Appeals 12 months rolling to Mar 2014	IPCC Appeals 12 months rolling to Mar 2015
Upheld	7	6	12	7
Not Upheld	32	29	16	14
Withdrawn	0	1	0	0
Not Valid	0	0	3	1
Live	0	4	0	2
Total	39	40	31	24

The above data highlights that the number of IPCC appeals have reduced by 23% (31 to 24) and the number of force appeals has remained at similar levels (39 to 40). However the percentage of upheld appeals for both Force and IPCC appeals has reduced in this reporting period compared to the previous 12 months:

Upheld Force Appeals have reduced from 18% to 15% (7 of 39 compared to 6 of 40)

Upheld IPCC Appeals have reduced from 39% to 29% (12 of 31 compared to 7 of 24)

1.9 Direction and Control Complaints

Direction and control complaints are from members of the public complaining about issues rather than individuals. Over the current 12 month period direction and control complaints have reduced by (45%) when compared to the previous 12 month period. This is due to a change in the recording of complaints as previously some complaints that were recorded as direction and control would now be recorded as a complaint against individuals. The table below shows a breakdown of direction and control complaints.

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Direction and Control Type	Last 12 months to Mar 2014	Current 12 months to Mar 2015	Change in number of complaints
General Policing Standards	1	5	4
Operational Management Decisions	22	9	-13
Operational Policing Policies	9	5	-4
Organisational Decisions	8	3	-5
Grand Total	40	22	-18



Office of the Police & Crime Commissioner Report

Title: OPCC Complaints & Quality of Service Issues

Date: 11 May 2015

Agenda Item No: 08

Originating Officer: Joanne Head

CC:

Executive Summary:

In accordance with the Police Reform and Social Responsibility Act 2011 the Police and Crime Commissioner has a responsibility in relation to conduct and complaints. The Commissioner is the appropriate authority for complaints and conduct matters relating to the Chief Constable only. The Chief Constable is the appropriate authority for any complaints regarding police officers (below the rank of Chief Constable) or police staff conduct whilst carrying out their work/duties under the Direction and Control of the Chief Constable.

Recommendation:

That, the Panel notes the current position in relation the number of complaints and quality of service issues received by the Office of the Police & Crime Commissioner.

1. Introduction & Background

- 1.1 Since November 2012 the Office of the Police & Crime Commissioner (OPCC) have received a number of telephone calls and emails from members of the public who wish to make complaints about police officers and/or police staff under the rank of Chief Constable. As this is a matter for the Chief Constable to deal with a process has been developed with the Constabulary to forward such complaints onto the Constabulary's Professional Standards Department, advising the complainant accordingly.
- 1.2 Some issues which are brought to the attention of the OPCC do not constitute a complaint but are regarding quality of service issues. Again a system has been developed with the Constabulary to pass on the issues to the Chief Constable's Secretariat. The issues are then raised at a local level with the OPCC being kept updated as to progress and advised of either a final solution which has been agreed or a final response which the Commissioner will then send to the author.

- 1.3 Regular contact between OPCC staff and the Constabulary staff officers takes place to ensure that the matters are progressed in a timely manner and that an author is updated of progress or the final result as soon as possible.

2. Issues for Consideration

Complaints received by the OPCC

- 2.1 Detailed below is a table which illustrates the number of complaints which have been received by the OPCC since 22 November 2012. In brackets are the number of those complaints which were passed to Cumbria Constabulary to deal with, these were all regarding police officers below the rank of Chief Constable, the Police and Crime Commissioner has no statutory responsibility to deal with such matters. As can be seen a large proportion of the complaints received by the OPCC, the Commissioner is unable to deal with. Appended to the report is a breakdown of the complaints received (Appendix 1).

2012	2013	2014	2015
3 (2)	29 (19)	13 (8)	2 (2)

- 2.2 Of the remaining complaints sent to the Commissioner the majority were by members of the public who had previously been through the complaints process with the Constabulary and were seeking an alternative option on the investigation or outcome of their complaint. Where appropriate the OPCC signposted the complainant to the appropriate appeals process or advised them of the Commissioner's role and powers.
- 2.3 As can be seen by the reduction in the number of complaints received by the OPCC the public are more aware of the Police and Crime Commissioner, the roles and responsibilities he has and the procedures to be followed regarding making complaints about police officers and staff or the Constabulary.

Commissioner Complaints

- 2.4 Complaints made regarding the Police and Crime Commissioner are dealt with by the Police and Crime Panel (PCP). This Panel has statutory responsibility for holding the Commissioner to account for the work that he carries out and they are therefore the logical body to deal with any complaints.
- 2.5 Chapter 4, Section 30 of the Police Reform and Social Responsibility Act 2011 details the circumstances in which a Police and Crime Commissioner could be suspended this being that the Commissioner has been charged with an offence which carries a maximum term of imprisonment exceeding two years. The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 details the role of the PCP.

- 2.6 Any complaint regarding the Commissioner is sent to Cumbria County Council's Monitoring Officer to assess and consider its severity. If it does not meet the above criteria an agreed protocol is in place whereby the Monitoring Officer will correspond with the Commissioner to ascertain the circumstances surrounding the complaint and provide the complainant with an explanation. If the complainant is satisfied with the explanation such a complaint would be finalised as an informal resolution.
- 2.7 If the complaint cannot be dealt with by informal resolution the PCP will then consider the complaint and may decide to establish a subcommittee to consider the findings of the initial investigation of the Monitoring Officer and consider whether to undertake a more detailed investigation.
- 2.8 Detailed in the table below are the number of complaints received regarding the Commissioner, and by what method they were dealt with.

YEAR	N° of Complaints Received	Complaint not about the PCC	Dealt with by informal resolution	Police & Crime Panel investigation
2012	1	0	1	0
2013	7	1	6	0
2014	2	0	2	0
2015	1	0	0	0

- 2.9 The majority of the complaints received relate to the way in which the Commissioner has carried out his duties or work he has undertaken rather than his personal conduct. One complaint received in 2013 was in fact in relation to a Constabulary matter and was therefore referred to the Constabulary to deal with. To date all complaints have been dealt with by way of informal resolution resulting in the PCP not having to instigate any investigation.
- 2.10 Chief Constable Complaints

The Commissioner is the appropriate authority for complaints and conduct matters relating to the Chief Constable. Members of the public may write to complain about the Chief Constable when in fact they are unhappy about the way in which policing is provided or regarding a policy or procedure rather than his personal conduct.

- 2.11 The table below illustrates the number of complaints which were received from 22 November 2012 to 31 March 2015. During that period there have been three Chief Constables in charge of the Constabulary. There are currently no complaints outstanding.

YEAR	N° of Complaints Received	Recorded	Not Recorded	Dealt with by informal / local resolution	Investigation	IPCC Appeal
2012	0		0	0	0	0
2013	5			5		1 (Not upheld)
2014	4	2	2	2	0	0
2015	1	1		1	0	0

2.12 The Independent Police Complaints Commission (IPCC) guidance states that all complaints received regarding a Chief Constable must be recorded and then dealt with in the appropriate manner. This can be either by way of an informal or local resolution or by way of an investigation. In the majority of cases the complaint was dealt with by way of an informal resolution in the format of a letter providing an explanation of the circumstances surrounding the issue complained about.

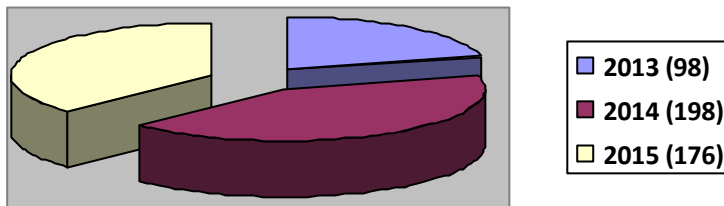
2.13 A complainant has the right of appeal to the IPCC if they feel that a complaint should be recorded or is unhappy with the outcome of the resolution process or investigation. To date only one complainant has appealed to the IPCC and this was subsequently not upheld.

2.14 OPCC Staff Complaints

No complaints have been received regarding any member of OPCC staff during the reporting period.

2.15 Quality of Service Issues

Members of the public write to the Commissioner regarding a wide variety of issues relating to policing. The correspondence is assessed and the most appropriate way to deal with the matter is then progressed. Where necessary the OPCC will contact the Chief Constable's office to ascertain further information in order to inform the Commissioner's response to the individual, or the matter will be dealt with at a local level. The chart below illustrates the number of quality of service issues which the Commissioner has received and dealt with in the years 2013, 2014 and in 2015 up to 31 March 2015.



- 2.16 As the role of the Commissioner has become more commonly known and publicised, the number of issues which are brought to his attention has increased. Appended to the report is a breakdown of the quality of service issues which have been received by the OPCC during 2014 and from 1 January to 31 March 2015 (Appendix 2). Detailed within the charts is a breakdown of the nature of the issue, the area in which the incidents occurred and the months in which issues are reported. The nature of the issues do vary with the most common being about, driving issues, policing service (either provided or received), hunting and clarification of a policing situation.
- 2.17 Increases in the number of issues reported in a particular month can often be attributed to the Commissioner carrying out surgeries throughout the county and members of the public attending, seeking assistance or advice on various issues. This can be seen in the figures for August 2014 and March 2015 when surgeries were held. In February 2015 the OPCC saw a rise in the number of QPSI's when it received 122 letters from members of the public regarding the policing of Fox Hunting within the county.
- 2.18 Compliments

During the reporting period the OPCC has received two letters of compliment from members of the public for the assistance provided by the Police and Crime Commissioner and members of staff.

3. Implications

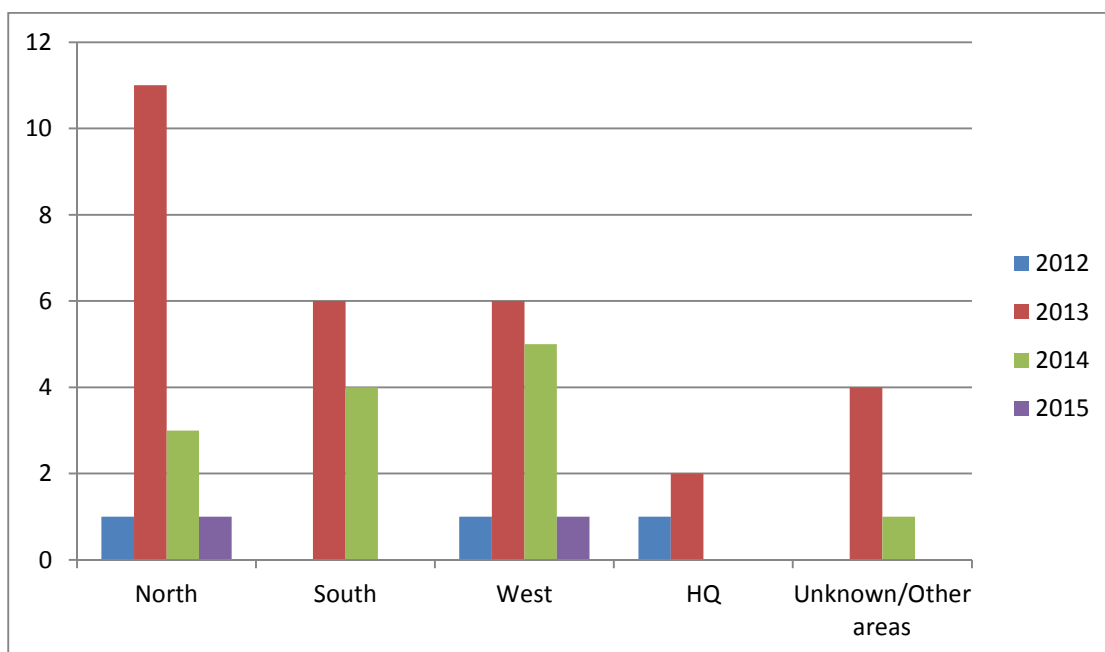
- 3.1 Financial - there are no additional financial costs associated with dealing with these complaints, quality of service issues.
- 3.2 Legal – none identified.
- 3.3 Risk - None identified, beyond that to the OPCC's reputation if it does not deal with the issues raised appropriately and proportionately according to the merits of the individual case.
- 3.4 HR / Equality - none specifically identified.

4. Supplementary information

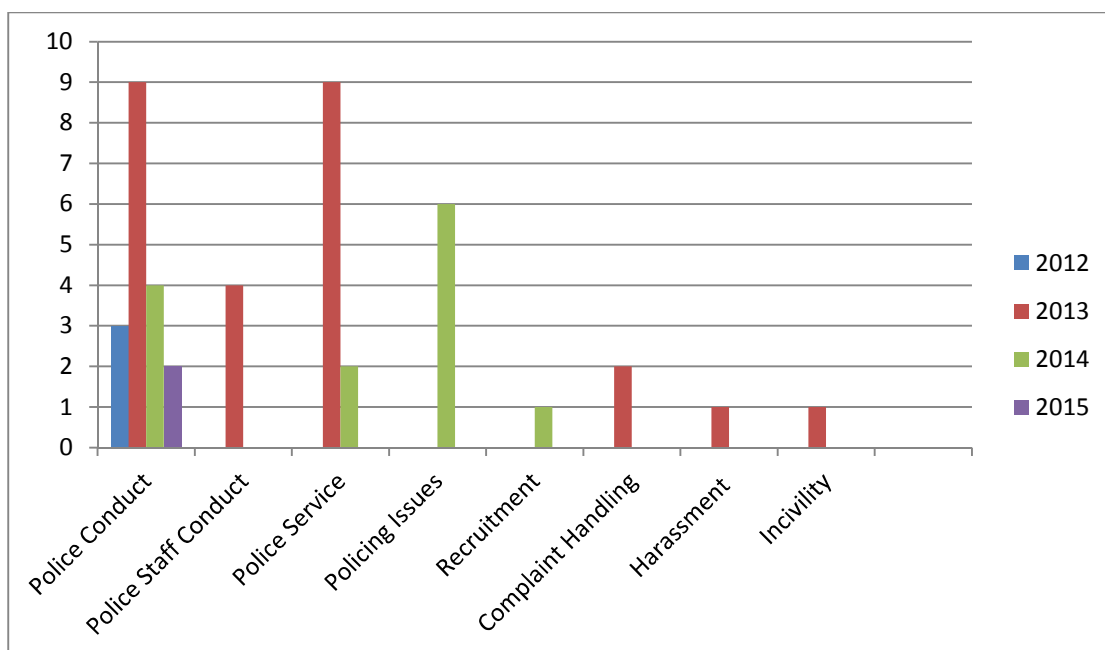
Appendix 1 – Complaints received by the OPCC

Appendix 2 – Quality of Service issues received by the OPCC

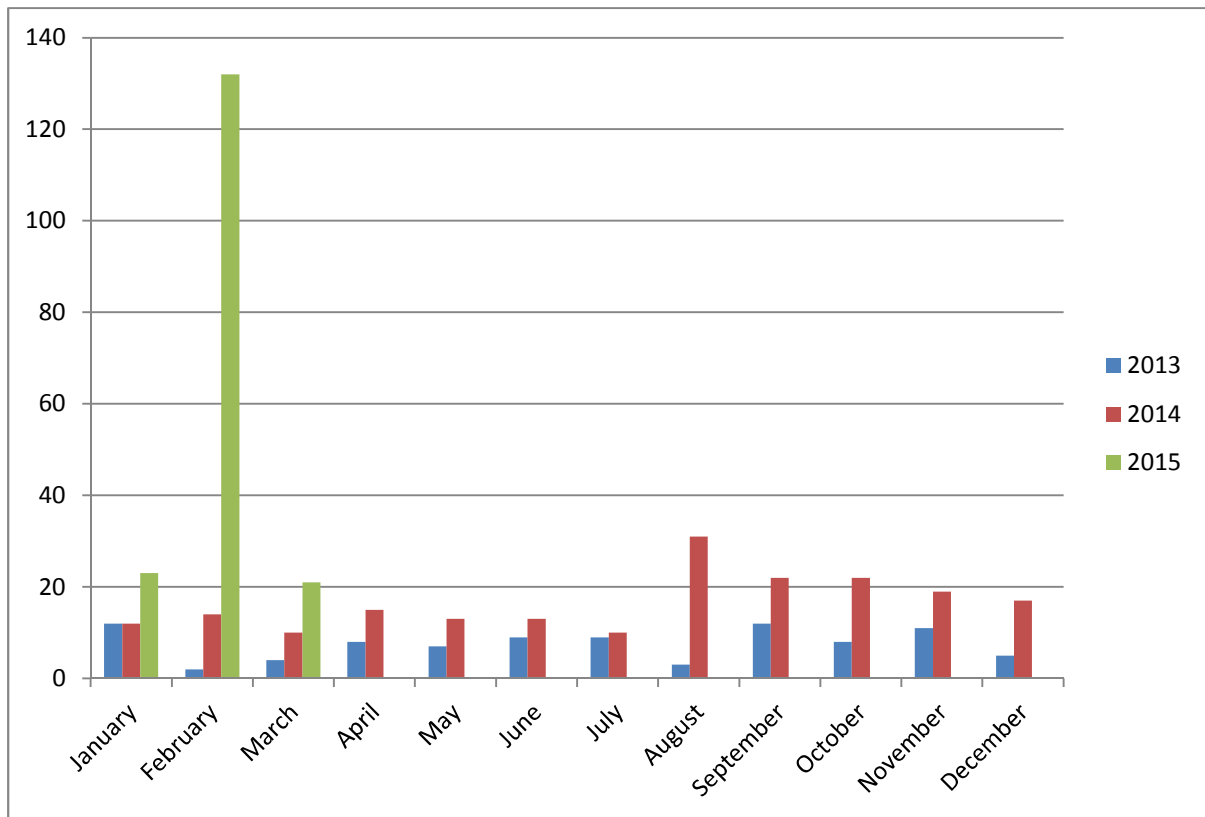
Complaints received by the OPCC - Areas



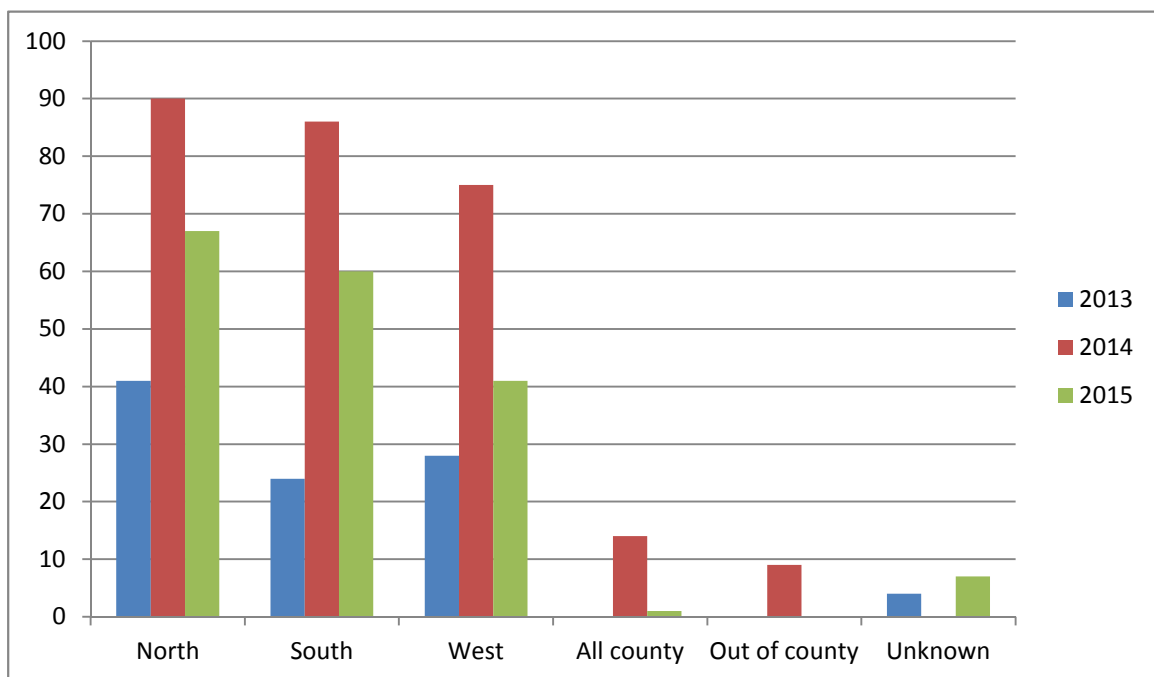
Types of Complaints



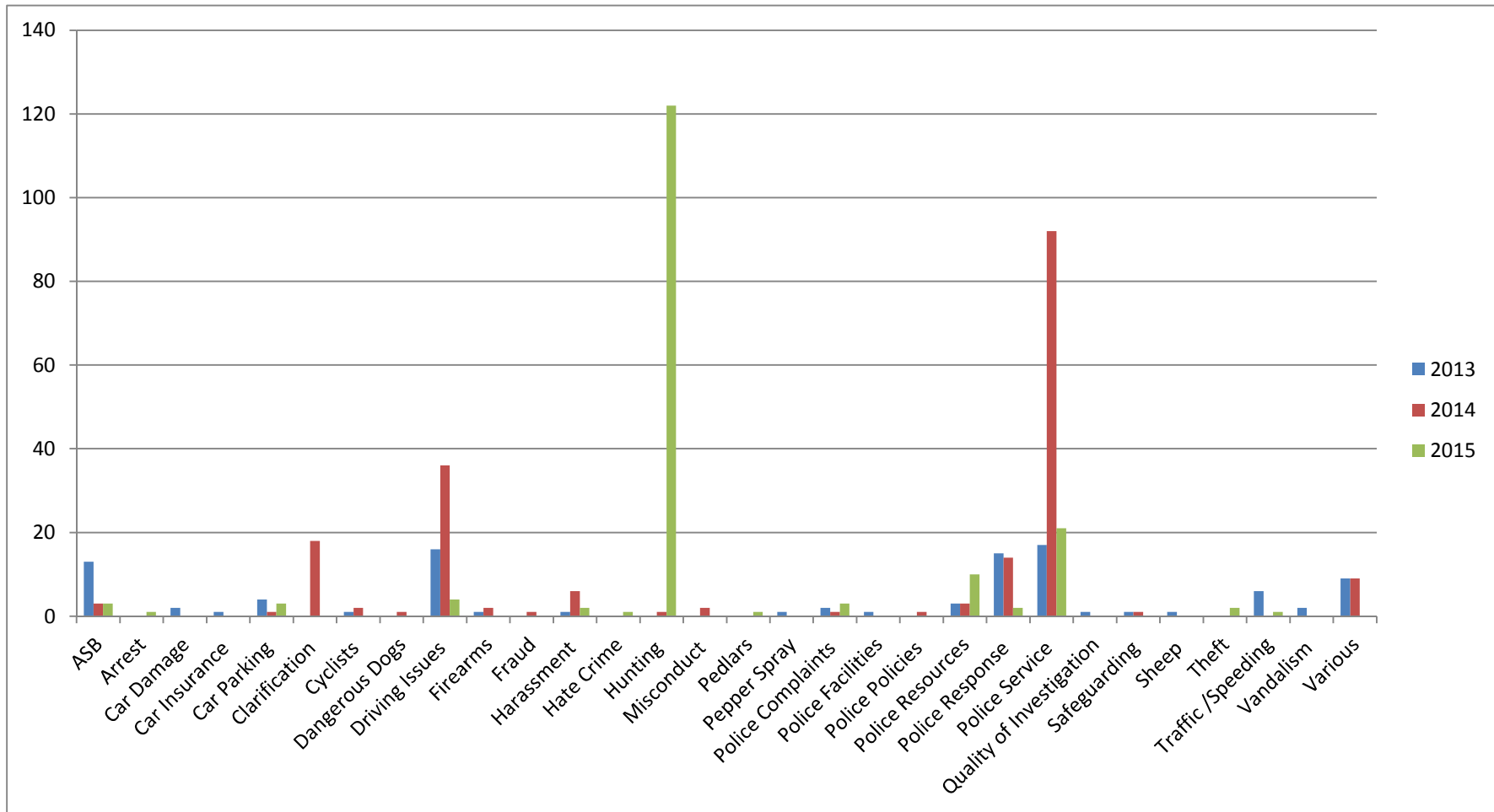
QSPI's per Month



QSPI's per Area



QSPI Types





Ethics and Integrity Panel

Title: OPCC FREEDOM OF INFORMATION ACT COMPLIANCE

Date: 11 May 2015

Agenda Item No: 9(a)

Originating Officer: Joanne Head

CC:

Executive Summary:

As a public authority, the Office of the Police and Crime Commissioner is required to comply with the Freedom of Information Act 2000. This Act entitles an individual to request information from a public authority and as such public authorities must comply with requests under this legislation. The Act clearly identifies how a request should be processed including a 20 working day timescale in which an individual should be provided with the requested information or advised why an exemption is being applied.

Recommendation:

That, the members of the Panel note the report.

1. Introduction & Background

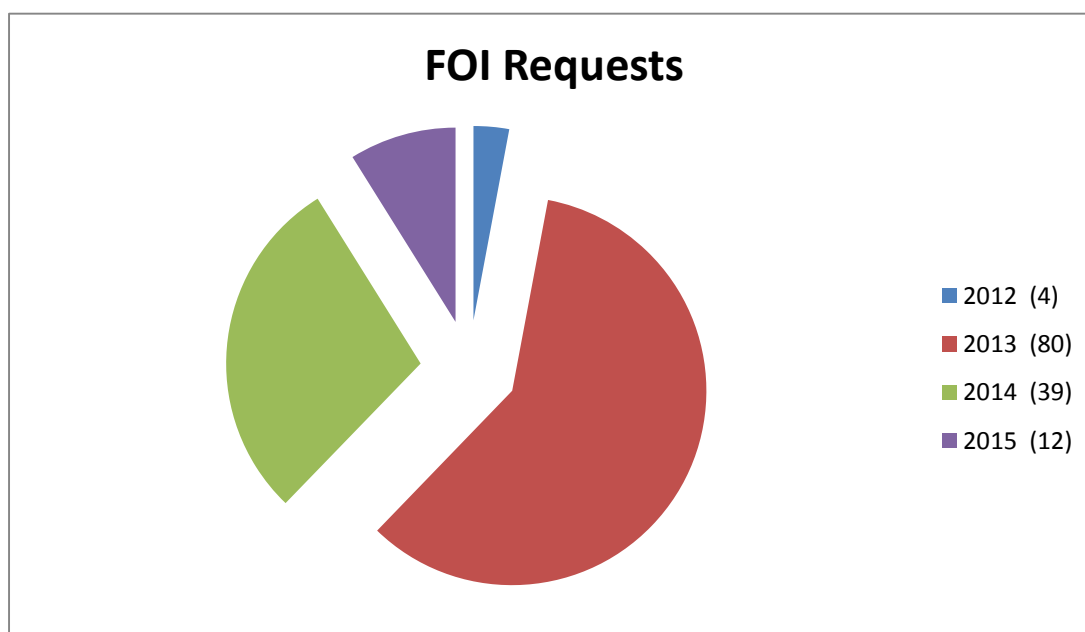
- 1.1 This report is to provide information to the Panel, acting on behalf of the Commissioner, so the Panel can assure the Commissioner that the OPCC are complying with the Freedom of Information Act.
- 1.2 The Chief Constable and the Police & Crime Commissioner (the Commissioner) are required to comply with the Freedom of Information (FOI) Act and the Environmental Information Regulations where applicable. Set out within the legislation is how a request is to be processed and within what timescales.
- 1.3 On an annual basis the Commissioner agrees a "Funding Arrangement" with the Chief Constable. The arrangement sets out the terms and conditions under which the Commissioner will provide funding to the Chief Constable during the Funding Period. As part of the Funding Arrangement the Chief Constable will provide a high level summary of requests made during each calendar month under the Freedom of Information Act and the Environmental Information Regulations in the format that such requests are held by the Constabulary. In addition the Chief Constable agrees to assist and cooperate with the Commissioner, where necessary, to enable the Commissioner to comply with his

obligations under the FOI Act and the Environmental Information Regulations whenever a request is made for information.

- 1.4 In the event that a request received by the Chief Constable under the FOI Act or the Environmental Information Regulations includes a request for information, either (i) provided to the Chief Constable by the Commissioner, or (ii) where a reasonably objective observer would consider that disclosure of that information would be likely to have a prejudicial impact on the Commissioner's priorities and responsibilities, the Chief Constable shall in good faith take account of any representations submitted by the Commissioner

2. Issues for Consideration

- 2.1 In order to have assurance that the OPCC and the Constabulary are complying with the Freedom of Information Act, the Police and Crime Commissioner has delegated authority to the Ethics and Integrity Panel to monitor this areas of business. This report is to provide assurance to the Panel that the OPCC are complying with the Freedom of Information Act.
- 2.2 The OPCC on its website publishes a procedure for dealing with FOI requests. This enables the OPCC to ensure that it meets its statutory obligations under the FOI Act and to inform members of the public to in how to make an FOI request.
<http://www.cumbria-pcc.gov.uk/media/21801/2014-03-02%20FOI%20Procedure.pdf>
- 2.3 When responding to requests under the FOI Act essentially information provided is released into the public domain. In order to be open and transparent the OPCC publishes the requests it has received and the responses it has provided on a monthly basis. These disclosure logs can be found on the Commissioner's website:
<http://www.cumbria-pcc.gov.uk/governance-transparency/freedom-of-information.aspx>
- 2.4 The chart below shows the number of FOI requests that the OPCC has received from 22 November 2012; during 2013, 2014 and from 1 January to 31 March 2015.



- 2.5 The Act requires that requests for information are dealt with within 20 working days. This timescale commences the day after the request is received. The table below illustrates the number of requests received by the OPCC and how they were dealt with.

YEAR	N° of Requests Received	Within 20 working days	Over 20 working days	Request withdrawn	Internal Reviews	ICO Appeals
2012	4	4	0	0	0	0
2013	80	63	13	4	4	2
2014	39	34	3	2	0	0
2015	12	12	0	0	0	0

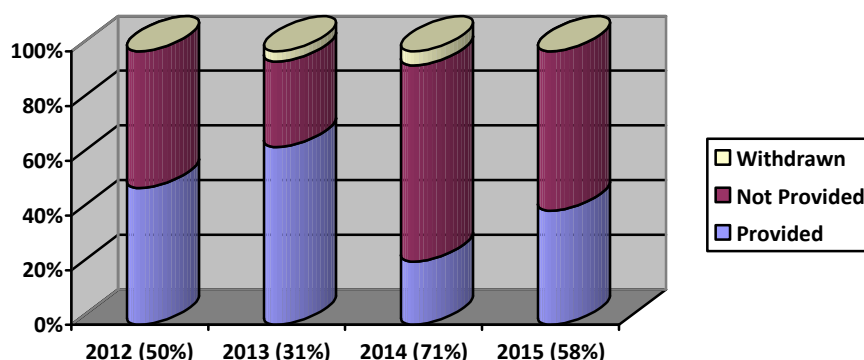
- 2.6 There are a number of reasons why a request cannot be dealt with within the 20 working day timescale. In 2013 thirteen requests took more than 20 days to deal with and the timescales ranged from 22 days to 38 days. This was due to the nature of the information requested and the obtaining, or exempting of it, by the OPCC. In cases where the request is taking longer to process, under Section 10 of the Act where a qualified exemption is being applied a public authority may extend the deadline for consideration of public interest tests for a time which is reasonable. Requestors were advised of the reasons for the delay and when they could expect to have a response.
- 2.7 In 2014 only 3 requests were dealt with outside the 20 working day timescale. Two of the requests were dealt with in 21 days and 22 days, with the third being dealt with in 34 days. This request concerned information which had to be requested from the Constabulary and then processed by the OPCC resulting in the delay in the response.
- 2.8 Following receipt of information a requestor can, if they are unhappy with the information they have received or feel they should be entitled to further information, request the OPCC

to undertake an Internal Review. This involves the OPCC looking at the request again and determining whether or not further information should be disclosed.

2.9 If a requestor still remains dissatisfied with the response they have received they can then appeal to the Information Commissioner's Office (ICO) and have them undertake a review of the OPCC's decision. The OPCC in 2013 had two appeals which were dealt with by the ICO. During this process the ICO look to work with the organisation to ensure that the correct information has been disclosed and where appropriate identify further information which can be disclosed. This could be due to the passage of time from the original request to when the appeal is made or due to further consideration of the request. On both occasions the appeals were not upheld and no sanctions were made against the OPCC.

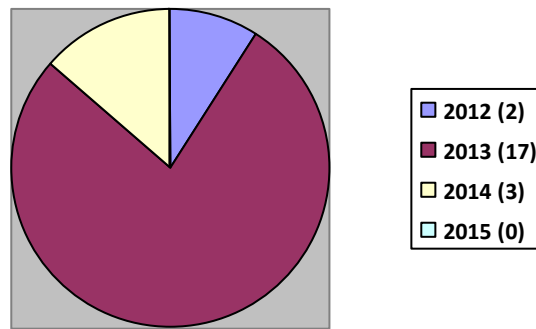
2.10 Information Provided:

Having received a request, often the OPCC does not hold the information as the information requested relates to the Constabulary. In these instances the requestor is advised of this and where appropriate provided with the contact details of the Constabulary or an offer is made to forward their request to the Constabulary upon receiving their confirmed consent to do so. As can be seen from the chart below over the reporting period on average nearly half of the requests received by the OPCC relate to information which it does not hold.



2.11 In addition to the OPCC not holding the information it may be necessary not to provide a requestor with information due to qualified or absolute exemptions being applied. Where exemptions are applied consideration is given to the public interest as to whether the information should be disclosed or not. Generally exemptions are applied where the information requested relates to an individual, the information is already publically available or is to be published at a later date. On some occasions a requestor may ask for a number of pieces of information which could result in some information being provided and other information being exempted within the same request.

2.12 The chart below illustrates the number of requests where information was not disclosed due to an applied exemption.



- 2.13 Under the FOI Act the OPCC is required to maintain and publish a Publication Scheme. The scheme must specify classes of information which the OPCC publishes or intends to publish and whether or not this is freely available to the public or if there will be a charge. The OPCC maintains such a scheme and it is published on the OPCC website within the Freedom of Information Section.
- 2.14 In addition the Commissioner is required under the Elected Local Policing Bodies (Specified Information) Order 2011 to publish information in relation to the following:
- Who they are and what they do
 - What they spend and how they spend it
 - What their priorities are and how they are doing
 - How they make, record and publish their decisions
 - What policies and procedures govern the operation of the office of PCC
 - Public disclosure of a register of interests
- 2.15 The OPCC endeavours to be as open and transparent as possible with regard to the work it and Commissioner carries out. By taking this approach it also enables members of the public to access such information and therefore negate the need for the public to request information via the FOI Act.

3. Implications

- 3.1 Financial – failure by the OPCC to comply with the Freedom Of Information Act legislation could ultimately lead to financial penalty imposed by the Information Commissioners Office.
- 3.2 Legal – the OPCC has a statutory responsibility to comply with the Act, to deal with requests openly and fairly and within the required timescales.
- 3.3 Risk - there are risks associated with the disclosure of types of information held by the OPCC. These risks range in severity depending upon the information requested and to whom it relates.



Agenda Item No 09(b)

TITLE OF REPORT: FOI Compliance

DATE OF MEETING: 11th May 2015

ORIGINATING OFFICER: DCI Paul DUHIG – Professional Standards

PART 1 or PART 2 PAPER: PART 1 (OPEN)

Executive Summary:

No more than 100 words.

As a public authority, Cumbria Constabulary is required to comply with the requirements of the Freedom of Information Act. These requirements include the right for an individual to ask whether specified information is held by the Constabulary and, if that is the case, to be provided with that information, subject to the application of one or more relevant exemptions

Recommendation:

- That the Panel notes the contents of the report.

MAIN SECTION

1. Introduction and Background

- 1.1 As demonstrated below, the number of freedom of information requests received by the Constabulary has significantly increased since the right to request information came into force, on 1st January 2005.

YEAR	No. OF REQUESTS RECEIVED
2005	181
2006	265
2007	284
2008	450
2009	610
2010	530
2011	643
2012	650
2013	807
2014	907
2015 (as at 28 April '15)	360

2. Issues for Consideration

- 2.1 The Data Control Unit, Professional Standards Department is the unit responsible for responding to requests received by the Constabulary, with the assistance of "Information Owners" – those individuals or departments which hold information relevant to a request.
- 2.2 The Act requires that an applicant is provided with a response to his/her request within 20 working days from receipt. This period can lawfully be extended in those cases where a qualified exemption applies to the information which means there is a requirement to consider whether the public interest considerations which favour withholding the information outweigh the considerations in favour of release.
- 2.3 It was identified prior to the review of the Professional Standards Department which took place in 2011/12, that there was no longer a sufficiently trained number of staff able to act as an "FOI Decision Maker". This meant that it was becoming increasingly difficult to provide timely responses to requests, particularly when taking into account the significant increase in the number of requests received year on year, by the Constabulary.
- 2.4 This was a factor which resulted in the decision taken to merge the former Data Protection & Freedom of Information Section with the Information Compliance Unit, in order that the number of persons trained to act as a "Decision Maker" could be increased from 2 persons at the beginning of 2012, to 6 persons (4.0 FTE). It should be noted, however, that the persons

occupying these positions also have responsibility for other duties and do not solely deal with FOI requests.

- 2.5 The restructure of PSD was successful in increasing resilience in terms of the number of persons trained to respond to FOI requests. However, since this restructure changes have occurred in other departments which have impacted upon the ability to ascertain whether information relevant to a request is held, and where that is the case, for the information to be extracted and forwarded to the Data Control Unit. This has resulted in delays in internal responses being received by the Data Control Unit, which in turn has resulted in delays in responding to an applicant.
- 2.6 Statistics for the Constabulary's compliance with the 20 working day period are shown below.

YEAR	No. RESPONSES OUT-WITH 20 WORKING DAYS	% RESPONSES WITHIN 20 WORKING DAYS
2014	381	58%
2013	460	43%

3. Issues for Consideration

- 3.1 It is recognised that the Constabulary does not consistently meeting the statutory requirement to respond to requests within 20 working days and this is recorded as a risk on the Professional Standards Risk Register.
- 3.2 Currently, the Force Disclosure Manager is exploring possible ways of streamlining the FOI process with a view to expediting responses to FOI requests. As part of this process a review of the potential benefits of introducing a new system, which is currently utilised by other departments within the Constabulary, will be undertaken.



Agenda Item No 10

TITLE OF REPORT:	GRIEVANCIES
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DATE OF MEETING:	11 May 2015
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ORIGINATING OFFICER:	Sarah Dimmock Diversity Manager
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PART 1 or PART 2 PAPER:	PART 1 (OPEN)
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Executive Summary:

The Constabulary's grievance procedure allows police officers and staff to raise issues and concerns regarding the way they perceive they have been treated by management or colleagues.

Recommendation:

That the Ethics and Integrity Panel notes the report.

MAIN SECTION

1. Introduction and Background

At the Ethics and Integrity Panel meeting on 13 March 2015 a report was presented regarding the number of grievances up to 20th January 2015 and a summary of the past 3 year financial years. The report advised that there had been 3 grievances lodged and dealt within the financial year 2014/15. There were no emerging trends or patterns at the time of submission of that report.

At the meeting the members felt that the report could be improved for future meetings to provide more information and context. They felt the report should illustrate also what the issues were; and how they had been resolved.

For this reporting quarter members are advised that in the current financial year no grievances have been lodged.

Work is being carried out to develop a process for future meetings to enable the panel to be provided with additional information regarding grievances, which could include a summary of the issues and sanctions administered. Information regarding the 3 grievances received during the last financial year can be included to enable the panel to be aware of how they were processed and dealt with.

Due to staff absence it has not been possible to develop the revised reporting in time for this meeting; therefore it is proposed to present this to the Panel at their meeting in August and thereafter. Consideration will also be given to the frequency of the reporting of grievances due to the small numbers currently being experienced to ensure that the reports are meaningful.

2. Implications and Comments

Risk - In accordance with policy, if time limits are not adhered to, there could be cost and status implications for the Constabulary.

HR / Equality - If any of the convention rights are breached and unlawful discrimination is proven then there would be implications for the Constabulary which could incur status and financial loss.

If any race, equality or diversity issues are identified that would lead to unlawful discrimination being proven then there would be implications for the Constabulary which again could lead to financial and status loss.



Office of the Police & Crime Commissioner Report

Title: Ethics & Integrity Panel Report

Date: 3 June 2015

Agenda Item No: xxxxx

Originating Officer: Joanne Head

CC:

Executive Summary:

The Police & Crime Commissioner and the Chief Constable both wish to ensure high standards of integrity and ethical working within their respective organisations. In order to achieve such assurances and provide openness and accountability to the public they have established an Ethics & Integrity Panel. This report will provide an overview of the establishment of the panel and the work they have carried since their first meeting in March. In future years it will be an annual report illustrating the work carried out during the year.

Recommendation:

That, the

- (i) Ethics and Integrity Panel considers the draft report and where appropriate make recommendations for any changes to be made; and
- (ii) finalised Report be presented to the Police & Crime Commissioner's Executive Board Meeting on 4 June 2015.

1. Introduction & Background

- 1.1 The purpose of the Ethics and Integrity Panel is to provide a forum which challenges, encourages and supports the Commissioner and the Chief Constable in monitoring and dealing with integrity and ethical issues within Cumbria Constabulary and the Office of the Police and Crime Commissioner. The Panel considers ethics and integrity issues within both organisations providing strategic input and support in relation to such issues.
- 1.2 To assist the Commissioner to hold the Chief Constable to account for the policing services that he provides, the panel scrutinises areas of performance, works to provide assurance and to acts as a 'critical friend', ensuring consistency in decision making and where necessary provide opinion and support. However the Panel's role is not to circumvent statutory legislation or guidance but to identify issues and monitor change where required.

The Panel has no decision making powers, although they are able to make recommendations to the Commissioner and the Chief Constable.

- 1.3 In October 2014 the Commissioner and Chief Constable commenced the recruitment process for the Panel membership. The process was widely advertised across the county. Interviews were held in January 2015 when four panel members were appointed to sit on the panel for a term of 2 years, they are:
- Mr Paul Forster (Chair)
 - Ms Lesley Horton
 - Mr Peter McCall
 - Mr Alan Rankin
- 1.4 Following the members appointment an induction day was held on 24 February 2015 which three of the panel members were able to attend. The purpose of the day was to provide the Panel members with relevant information to assist them in performing their role and gain an insight into the systems and processes of the Constabulary and OPCC in relation to the areas of business they would be monitoring. An information folder was provided to assist them in their future work.
- 1.5 The Panel meets and undertakes its dip sampling processes in private. The Panel has a dedicated section on the OPCC website which contains information on the role of the Panel and copies of the agenda and reports following the meeting with the exception of those that hold sensitive or confidential information. It is intended to have information regarding the panel members also included within this section.
- 1.6 An annual work programme has been developed and agreed to enable the panel to fulfil its terms of reference and scrutiny role. The annual work programme aligns the work to be undertaken by the Panel at each of their scheduled meetings and the alignment is managed to ensure wherever possible meetings are balanced in terms of volume of work and annual reviews are incorporated at the correct time of year. A copy of the work programme can be found at [Appendix 1](#).
- 1.7 The Panel are due to meet on a quarterly basis and have so far met on two occasions these being 13 March 2015 and 11 May 2015. At these meetings the Panel considered a number of reports in line with the annual work programme and undertook dip sampling of public complaint files on each occasion.

2. Issues Considered by the Panel

- 2.x Detailed below are the areas of business which the panel have overseen during their two panel meetings.

Dip Sample of Public Complaint Files

- 2.x The Panel members attended the Professional Standards Department and undertook dip samples of public complaint files which had been finalised within the reporting periods of 1 September to 1 December 2014 and then 1 January to 31 March 2015. The members were provided with anonymised lists from which they selected files at random that they wished to review. The Panel reviewed 13 files on 13 March 2015 and then 16 files on 11 May 2015.
- 2.x During the dip sample sessions members raised questions in relation to the complaint files including – complaint handling process; force policies; the management of officer performance; the approach taken to members of the public who make frequent complaints and the proactive work carried out by the Professional Standards Department. Whilst reviewing the files the members commented upon the information which was provided to the complainant and dealing with persistent and vexatious complaints.
- [Insert any comments from panel members following 11 May 2015 meeting].*
- 2.x For each of the files reviewed the Panel member provided feedback on how they felt that the complaint had been dealt with and where appropriate provided advice on specific areas which could be dealt with differently in the future to improve the service provided to the complainant and the person being complained about.
- 2.x The Panel has been impressed by the thorough and professional approach taken by the Professional Standards Department to the complaints that it looked at, treating them seriously and devoting considerable time and resources to each one. In particular they felt that, “local resolution” was a proportionate way of dealing with those complaints that were less serious. A genuine effort was made to regain the confidence of the complainant.
- 2.x For the most part, decisions appeared to be taken objectively and fairly and all the files sampled had been dealt with within the set timescales.

Complaints from the Public

- 2.x At both of the Panel meetings the Constabulary presented reports regarding public complaints which had been received and processed during the two reporting periods, ie from September to 31 March 2015 inclusive.
- 2.x Compared with other similar forces, Cumbria has one of the lowest rates of complaints. In the rolling 12 month period up to December 2014 the Constabulary received 318 cases (which included 554 allegations) compared to 315 cases and 416 allegations in same 12 month rolling period in 2013 resulting in a 1% and 33% increase respectively. The figures for 2015 on a rolling basis up to the end of March 2015 saw 308 cases with 522 allegations.
- 2.x During the reporting period 1 September to 31 December 2014, the Constabulary received 46 Force Appeals, 28 were not upheld, 8 were upheld, 1 was withdrawn and 9 are still live. The IPCC received 19 appeals, 15 were not upheld, and 4 were upheld. Those figures compared well with national data and the number of IPCC appeals upheld was considerably lower than national data.

2.x In the 12 month rolling period to March 2014 and March 2015 the number of IPCC appeals have reduced by 23% (31 to 24) and the number of force appeals has remained at similar levels (39 to 40). However the percentage of upheld appeals for both Force and IPCC appeals has reduced in this reporting period compared to the previous 12 months:

- Upheld Force Appeals have reduced from 18% to 15% (7 of 39 compared to 6 of 40)
- Upheld IPCC Appeals have reduced from 39% to 29% (12 of 31 compared to 7 of 24)

2.x The performance targets for Investigations and Local resolutions have been set at 89.90% of local resolution allegations to be dealt with in 40 days and 94.70% of investigations to be dealt with in 120 days.

- Average number of days to locally resolve allegations – Cumbria 41, Most Similar Force (MSF) average 53 and National average 66.
- Average number of days to finalise allegations by local investigation – Cumbria 105, MSF average 118 and National average 141.
- Cumbria is the 5th best in the country for average number of days to locally resolve allegations and also 5th best for average number of days to finalise allegations by local investigation.

2.xx *[Insert any comments from panel members following 11 May 2015 meeting].*

Integrity

2.x The Anti-Corruption Unit is part of the Professional Standards Department and is responsible for the prevention and investigation of any illegal, unethical, or unprofessional behaviour of all officers and police staff. The Panel reviewed information for the reporting periods 1 September to 31 December 2014 and 1 January to 31 March 2015.

2.x The Panel asked about the work done to prevent breaches of acceptable behaviour. The Professional Standards Department holds educational and preventative 'roadshows'. By engaging with officers and staff and by producing the PASS newsletter it draws the attention of officers and staff to particular areas where there have been breaches and it offers advice and guidance to prevent them happening again.

2.xx *[Insert any comments from panel members following 11 May 2015 meeting].*

Grievances

2.xx At their initial meeting the Panel considered a report providing information about grievances lodged by officers and police staff up to 20 January 2015. The report included a summary of the past 3 financial years to aid comparison. Three grievances had been lodged and dealt with within the 2014/2015 financial year. That showed a significant reduction compared to the previous 3 years figures, these being: 18 (2011/12), 16 (2012/13) and 10 (2013/14).

2.xx Work is being carried out by the Constabulary to develop the information to be provided to the Panel in relation to the nature of the grievances and how they were resolved. The Constabulary are looking at developing the report for future meetings from August onwards.

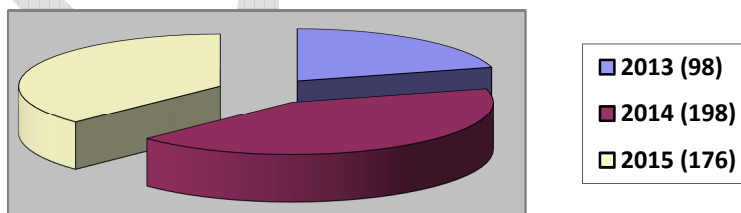
2.xx *[Insert any comments from panel members following 11 May 2015 meeting].*

OPCC Complaints and Quality of Service

2.xx The Office of the Police and Crime Commissioner (OPCC) receives letters of complaint from members of the public regarding police officers, police staff and about the policing service they have received or experienced. The Police & Crime Commissioner (the Commissioner) only has statutory authority to deal with complaints regarding the Chief Constable and therefore any complaints received regarding an officer or member of staff below that rank are passed to Cumbria Constabulary to deal with.

2.xx In 2013 the OPCC received 29 complaints of which 66% were passed to the Constabulary to deal with. This is compared to 2014 when 13 complaints were received and 62% were transferred. Of the remaining complaints the majority were by members of the public who had previously been through the complaints process with the Constabulary and were seeking an alternative option on their investigation or outcome of their complaint. Where appropriate the OPCC signposted the complainant to the appropriate appeals process or advised them of the Commissioner's role and powers.

2.xx Members of the public write to the Commissioner regarding a wide variety of issues relating to policing but which do not constitute a complaint. The correspondence is assessed and the most appropriate way to deal with the matter is then progressed. The chart below illustrates the number of quality of service issues which the Commissioner has received and dealt with in the years 2013, 2014 and in 2015 up to 31 March 2015. The nature of the issues do vary with the most common being about, driving issues, policing service (either provided or received) and clarification of a policing situation.



[Include information/comments from meeting on 11 May 2015]

Civil Claims

- 2.xx Six monthly reports are provided in relation to:
- Active and closed Public Liability claims - (PL),
 - Employer Liability claims (EL)
 - Employment Tribunal applications (ET) proceedings or Judicial Review (JR) proceedings).
- In the majority of cases the claims are made against Cumbria Constabulary and therefore the Chief Constable.
- 2.xx The Panel received information relating to the types of claims, at what stage the proceedings were at and which claims had been resolved. They also questioned what the Constabulary were doing in relation to identified learning and how this was disseminated throughout the constabulary where appropriate.

[Insert any comments from panel members following 11 May 2015 meeting].

FOI Compliance

- 2.xx As public authorities, the Office of the Police and Crime Commissioner and Cumbria Constabulary are required to comply with the Freedom of Information Act 2000. A report was presented by each organisation to the Panel meeting held on 11 May 2015.
- 2.xx The Act requires that requests for information are dealt with within 20 working days. This timescale commences the day after the day the request is received. In 2014 the Constabulary received 907 requests of which 58% (526) were dealt with within 20 days compared to 2013 when 807 requests were received of which 43% were dealt with within 20 days. In 2014 the OPCC received 39 requests of which 87% (34) were dealt with within 20 days compared to 2013 when 79% (63) of requests were dealt with in 20 days of the 80 received.

[Insert any comments from panel members following 11 May 2015 meeting].

3. Conclusion

[Include panel's comments and overall findings from the first two meetings. Advise of any recommendations made and to be monitored (if any)].

- 3.x During the next 12 months the panel will continue to perform its scrutiny function in line with the annual work programme. Quarterly reports will be provided to the Police and Crime Commissioner detailing the work undertaken to provide him with assurance.

4. Supplementary information

Ethics & Integrity Panel website page -

<http://www.cumbria-pcc.gov.uk/governance-transparency/ethics-integrity-panel.aspx>

DRAFT

Ethics Panel Annual Work Programme

1 Purpose of the Annual Work Programme

An annual work programme has been developed to enable the panel to fulfil its terms of reference and scrutiny role.

The annual work programme aligns the work to be undertaken by the panel at each of their scheduled meetings. The alignment is managed to ensure wherever possible meetings are balanced in terms of volume of work and annual reviews are incorporated at the correct time of year.

In addition to the cyclical information to be reviewed and considered, the panel could be asked to review additional areas of work. These would include:

- Critical Incidents
- HMIC Inspections
- Serious Case Reviews
- Thematic areas of Performance
- Public Concerns

How such reviews were undertaken would need to be agreed, ensuring that the panels work did not interfere with any ongoing or appeal processes. The findings of the panel would be reported to the Police and Crime Commissioner and the Chief Constable.

The panel will be required to provide an annual report to the Police and Crime Commissioner and the Chief Constable on the work they have carried out during the year and what issues and learning have been identified.

Ethics & Integrity Panel Annual Work Programme 2015

March 2015 (February)	May 2015	August 2015	November 2015
<p>PUBLIC COMPLAINT FILES: Dip sample finalised public complaint files held by the Constabulary. Where appropriate live cases may also be reviewed.</p> <p>PUBLIC COMPLAINTS PERFORMANCE DATA: To receive reports containing data on how the Constabulary have met their statutory requirements.</p> <p>ANTI-FRAUD & CORRUPTION UNIT REPORT: To receive a report on the cases being dealt with t by the Anti-Fraud & Corruption Unit.</p> <p>GRIEVANCES: To receive a report on Grievances against the Constabulary identifying any trends or issues.</p>	<p>PUBLIC COMPLAINT FILES: Dip sample finalised public complaint files held by the Constabulary. Where appropriate live cases may also be reviewed.</p> <p>PUBLIC COMPLAINTS PERFORMANCE DATA: To receive reports containing data on how the Constabulary have met their statutory requirements.</p> <p>ANTI-FRAUD & CORRUPTION UNIT REPORT: To receive a report on the cases being dealt with t by the Anti-Fraud & Corruption Unit.</p> <p>GRIEVANCES: To receive a report on Grievances against the Constabulary identifying any trends or issues.</p>	<p>PUBLIC COMPLAINT FILES: Dip sample finalised public complaint files held by the Constabulary. Where appropriate live cases may also be reviewed.</p> <p>PUBLIC COMPLAINTS PERFORMANCE DATA: To receive reports containing data on how the Constabulary have met their statutory requirements.</p> <p>ANTI-FRAUD & CORRUPTION UNIT REPORT: To receive a report on the cases being dealt with t by the Anti-Fraud & Corruption Unit.</p> <p>GRIEVANCES: To receive a report on Grievances against the Constabulary identifying any trends or issues.</p>	<p>PUBLIC COMPLAINT FILES: Dip sample finalised public complaint files held by the Constabulary. Where appropriate live cases may also be reviewed.</p> <p>PUBLIC COMPLAINTS PERFORMANCE DATA: To receive reports containing data on how the Constabulary have met their statutory requirements.</p> <p>ANTI-FRAUD & CORRUPTION UNIT REPORT: To receive a report on the cases being dealt with t by the Anti-Fraud & Corruption Unit.</p> <p>GRIEVANCES: To receive a report on Grievances against the Constabulary identifying any trends or issues.</p>
<p>MISCONDUCT /STAFF DISCIPLINE: To receive a report on staff discipline and dip sample cases reviewing the initial assessment and outcome to confirm consistency/fairness in approach to misconduct cases.</p> <p>CONSTABULARY/OPCC COMPLIANCE WITH REGISTERS:</p> <ul style="list-style-type: none"> ▪ Gifts and Hospitality Register ▪ Cross reference above with PCC & Chief Constable Expenses ▪ Register of interests ▪ Secondary employment ▪ Procurement/Contracts - cross reference staff's register of interests and gifts and hospitality entries. 	<p>CIVIL CLAIMS: To receive a report on Civil Claims to monitor any trends/issues and how learning/training has been implemented.</p> <p>FOI COMPLIANCE: To receive a report on the Constabulary and OPCC's compliance with statutory legislation</p> <p>OPCC COMPLAINTS & QSPI: To receive a report on complaints and quality of service issues received by the OPCC.</p> <p>ANNUAL REPORT: To consider the annual report to be provided to the Commissioner on the work carried out by the Panel.</p>	<p>MISCONDUCT /STAFF DISCIPLINE: To receive a report on staff discipline and dip sample cases reviewing the initial assessment and outcome to confirm consistency/fairness in approach to misconduct cases.</p> <p>CODE OF ETHICS/CODE OF CONDUCT: To annually review Constabulary compliance and implementation of the Code of Ethics; and Police & Crime Commissioner and OPCC compliance with the Code of Conduct.</p> <p>REVIEW OF POLICIES AND PROCEDURES: Where appropriate be consulted on new/developing policies and procedures regarding integrity and ethics following any annual review. To give assurance that up to date policies and procedures are in place.</p>	<p>CIVIL CLAIMS: To receive a report on Civil Claims to monitor any trends/issues and how learning/training has been implemented.</p> <p>FOI COMPLIANCE: To receive a report on the Constabulary and OPCC's compliance with statutory legislation</p> <p>OPCC COMPLAINTS & QSPI: To receive a report on complaints and quality of service issues received by the OPCC.</p>

In addition the following will be considered when required:

- **Critical incidents** a referral could be made to the committee from COG, PCC, Gold Group or the panel could ask for the information. The panel could hold the CC / PCC for non-referral of cases. Terms of reference for each review would need to be agreed by the PCC. Learning points for the force would then be made from the panel.
- **Thematic areas of performance** - concerns re areas of performance could be referred by the CC/PCC following identification at performance meetings (eg crime recording).
- **HMIC Inspections / Internal Audit Reports** - where the inspection or audit was in relation to Ethics the whole report and monitoring of actions could be undertaken by the committee. Agreement with the Chair of the Joint Audit & Standards Committee would need to be formulated with regard to the monitoring of audit reports. For other inspections information could be provided if relevant.
- **Serious Case Reviews** - incidents/cases where it is apparent that the Constabulary will be subject to a serious case review. A review could be undertaken when the case is finalized or as part of the process
- **Public Concerns** – where issues or concerns are raised by the public to the Police & Crime Commissioner or the Chief Constable regarding a particular incident or area of work the panel can be asked to undertake a review. Following which they would present their findings to the Commissioner/Chief Constable and where necessary the outcome of their findings could be published to provide public assurance.



Enquiries to: Mrs J Head
Telephone: 01768 217734

Our reference: jh/EIP

Date: 5 August 2015

AGENDA

TO: THE MEMBERS OF THE ETHCS AND INTEGRITY PANEL

CUMBRIA POLICE & CRIME COMMISSIONER AND CUMBRIA CONSTABULARY ETHICS AND INTEGRITY PANEL

A Meeting of the Ethics and Integrity Panel will take place on **Wednesday 12 August 2015** in **Conference Room Two**, Police Headquarters, Carleton Hall, Penrith, at **2.00 pm**.

S Edwards
Chief Executive

Note: Members are advised that allocated car parking for the meeting is available in the Visitors Car Park to the left of the main Headquarters building.

The Panel members will meet at 9.00 am and carry out a dip sample of Constabulary public complaint files.

PANEL MEMBERSHIP

Mr Paul Forster (Chair)
Mrs Lesley Horton
Mr Peter McCall
Mr Alan Rankin

AGENDA

PART 1– ITEMS TO BE CONSIDERED IN THE PRESENCE OF THE PRESS AND PUBLIC

1. APOLOGIES FOR ABSENCE

2. DISCLOSURE OF PERSONAL INTERESTS

Members are invited to disclose any personal/prejudicial interest which they may have in any of the items on the Agenda. If the personal interest is a prejudicial interest, then the individual member should not participate in a discussion of the matter and must withdraw from the meeting room unless a dispensation has previously been obtained.

3. URGENT BUSINESS AND EXCLUSION OF THE PRESS AND PUBLIC

To consider (i) any urgent items of business and (ii) whether the press and public should be excluded from the Meeting during consideration of any Agenda item where there is likely disclosure of information exempt under s.100A(4) and Part I Schedule A of the Local Government Act 1972 and the public interest in not disclosing outweighs any public interest in disclosure.

PART 2– ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PRESS AND PUBLIC

4. NOTES OF THE PREVIOUS MEETING

To confirm the restricted notes of the meeting of the Ethics and Integrity Panel held on 11 May 2015 (copy enclosed)

5. INTEGRITY – COMPLAINTS BY THE PUBLIC

- (a) To receive and note a report by Cumbria Constabulary on public complaints (copy enclosed) – *To be presented by Deputy Chief Constable Skeer.*
- (b) To raise any overall issues identified during the dip sample session and discuss progress of actions detailed within the action sheet.

6. INTEGRITY – ANTI-FRAUD & CORRUPTION

To receive and note a report by Cumbria Constabulary on work undertaken by the Anti-Fraud and Corruption Unit (copy enclosed) – *To be presented by Deputy Chief Constable Skeer.*

7. MISCONDUCT

To receive and note a report by Cumbria Constabulary on police staff misconduct (copy enclosed) - *To be presented by Deputy Chief Constable Skeer.*

8. GRIEVANCES

To receive and note a report by Cumbria Constabulary regarding Grievances (copy enclosed) – *To be presented by Deputy Chief Constable Skeer.*

9. COMMITTEE ON STANDARDS IN PUBLIC LIFE

To receive and note a report outlining the conclusions of the Committee's enquiry into Leadership, Ethics and Accountability in Policing (copy enclosed) – *To be presented by the Governance and Business Services Manager.*

10. CODE OF ETHICS

To receive and note a report and review the Constabulary's implementation and compliance with the Code of Ethics (copy to follow) - *To be presented by Deputy Chief Constable Skeer.*

11. CODE OF CONDUCT

To receive and note a report regarding the Police and Crime Commissioner's compliance with the Code of Conduct (copy enclosed) - *To be presented by the Governance and Business Services Manager.*

12. MEETING DATES 2016

To agree the proposed meeting dates for the Panel in 2016 (copy enclosed) - *To be presented by the Governance & Business Services Manager.*



Agenda Item No 4

ETHICS AND INTEGRITY PANEL

Notes of a meeting of the Ethics and Integrity Panel held on
Monday 11 May 2015 in Conference Room 2, Police Headquarters,
Carleton Hall, Penrith, at 2.00 pm

PRESENT

Mr Paul Forster (Chair)
Ms Lesley Horton
Mr Peter McCall
Mr Alan Rankin

Also present:

Deputy Chief Constable (Michelle Skeer)
Detective Chief Inspector (Paul Duhig)
Director of Legal Services (Andrew Dobson)
OPCC Chief Executive (Stuart Edwards)
OPCC Governance & Business Services Manager (Joanne Head)

9. APOLOGIES FOR ABSENCE

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

10. DISCLOSURE OF PERSONAL INTERESTS

There were no disclosures of any personal interest relating to any item on the Agenda.

11. NOTES OF THE PREVIOUS MEETING

The notes of the meeting held on 13 March 2015 had been circulated with the agenda.

Agreed; that, the notes of the meeting held on 13 March 2015 be approved.

12. CIVIL CLAIMS

The Director of Legal Services presented a report which outlined active and closed Public Liability Claims, Employer Liability Claims, Employment Tribunal applications or proceedings and Judicial Review proceedings.

Following questions from the members the Director advised that the Constabulary's Legal Services Department dealt with the majority of the claims obtaining specialist advice when required. Although the report and appendices highlighted potential settlement amounts generally the actual settled amount was approximately only 50% of this figure. The Director



talked the members through the process for dealing with claims and advised that Cumbria received notably less claims than other forces in the North West region such as Greater Manchester and Merseyside.

A member asked what happened if a claim identified conduct issues regarding an officer and was advised that any such issues would be brought to the attention of the Constabulary's Professional Standards Department. The claim would, in the majority of cases, be halted until any conduct issues were dealt with and the claimant informed accordingly. Where this was not possible close liaison between the two departments would take place and a possible stay would be applied for.

When questioned what the Constabulary were doing in relation to identified learning from civil claims and how this was disseminated throughout the Constabulary, the Director stated that this would be done on a case by case basis. The Deputy Chief Constable and Professional Standards Department would be advised and the learning would be cascaded to relevant individuals, departments or throughout the Constabulary as appropriate. This could take many different formats such as training/development sessions or via a peer review.

On occasions when the Constabulary were dealing with an incident or case the potential for a civil claim may be identified. Where this occurred the Legal Department would be advised and allowances for such a claim made. The Deputy Chief Constable spoke to members regarding two such cases that were currently ongoing and advised them of the issues involved.

A member asked whether the current budget reductions had any bearing on decisions to defend or settle a claim. The Director advised that each claim was dealt with on its own merits. Where there was a defence the Constabulary would look to robustly defend the claim to retain the integrity of the organisation, however on occasions a settlement was required. Following a question the Director stated the Constabulary did not use confidentiality clauses in relation to civil claims such as Employer Liability Claims or Public Liability Claims.

A discussion took place on how the organisation was made aware of a claim and what support was provided to individuals. The Director advised that the Police Federation and Unison were the associations who would provide their members with support during the process. Line managers may often not be aware of an individual's civil claim unless it related to employment issues when they would be contacted to provide information.

The Panel thanked the Director for his report and stated that if the Panel were able to provide an independent view on any matter they would be happy to undertake such work.

Agreed; that the Panel note the report.

(Note: The Director of Legal Services left the meeting at this point).

13. INTEGRITY

(a) COMPLAINTS BY THE PUBLIC



The Deputy Chief Constable presented a report which detailed public complaints that the Constabulary had received during the reporting period along with comparison figures for the previous 12 months rolling period. Following discussion it was agreed that future reports would also include comparison figures for the previous 3 months to the current reporting period.

It was noted that there had been a decrease in the number of complaints received but an increase in the number of allegations, this being attributed to more than one allegation being contained within a complaint. The number of upheld appeals for both the Constabulary and the IPCC (Independent Police Complaints Commission) had reduced from 18% to 15% for Force appeals and 39% to 29% for IPCC appeals. This illustrated that how the Constabulary were dealing with complaints was appropriate.

A member asked what was meant by Oppressive Behaviour as during the previous 12 month rolling period the North TPA had experienced the most number of complaints in this category. DCI Duhig explained that this category related to conduct which was just above incivility. For example someone may feel they have been dealt with abruptly or feel intimidated by an officer's manner. Due to the generally low numbers involved the DCI was able to look at such instances on a regular basis to see if any trends or issues were emerging. To date none had been identified.

The report identified that during March 2015 a large proportion of received complaints related to incidents within the West Territorial Policing Area (TPA). No trends had been identified or could be attributed to the spike in numbers. A member asked when a number of complaints were received in relation to one particular TPA how did the Constabulary go about improving performance and fostering good relations between the TPA and the Professional Standards Department. Regular contact with officers and TPA's was important to ensure an understanding of the complaints process and identify issues. The Head of the Professional Standards Department and other staff would attend TPA Senior Management and other Team meetings to explain issues and provide support or information as appropriate.

The Panel enquired as to whether a reduction in officer numbers and reducing resources could result in more complaints being received about individual officers and overall service provision. The Deputy Chief Constable advised that work was going to be undertaken to advise members of the public of the changes, illustrate the financial challenges and what future service provision would look like. She briefed the Panel on the proposed change to the Communications Centre to the Command and Control model. This would allow experienced police officers to deal with calls, provide assistance to callers and assess the need for an officer to be dispatched to an incident. The call handlers would be able to identify resources throughout the county, not just for a particular TPA which could result in officers being despatched to an incident not within their TPA. Investment in mobile and digital technology would allow officers to work in the communities, rather than them having to keep returning to police stations.

AGREED, that,
(i) the report be noted;



- (ii) future reports include comparison figures for the previous 3 months to the current reporting period; and

(b) PUBLIC COMPLAINT FILES – DIP SAMPLE

During the morning the Panel members had attended the Professional Standards Department and undertaken a dip sample of public complaint files which had been finalised within the period 1 January to 31 March 2015. The members were provided with anonymised lists from which they selected files at random that they wished to review. The Panel had reviewed 16 files. For each of the files reviewed the Panel member provided feedback on how they felt that the complaint had been dealt with and where appropriate provided advice on specific areas which could be dealt with differently in the future.

A discussion took place on how the Panel could add further value to the complaints and appeal process. It was agreed that the Constabulary, or OPCC, would be able to identify individual cases where they would appreciate the Panel's independent view on how they currently, or had previously, dealt with a file or case. This would be in addition to the files reviewed as part of the dip sample process.

AGREED; that, the update be noted.

14. INTEGRITY – ANTI-CORRUPTION UNIT

DCI Duhig presented the quarterly report on work undertaken by the Constabulary's Anti-Corruption Unit. A hand-out was provided to the Panel which listed the types of offences which were listed within the recording category 'other', as requested following the Panel's last meeting. It was noted that the highest number of incidents in one particular area was 27 and this was in relation to vetting/recruitment/employment. A member asked how frequently officers were vetted and was advised that this would depend on the role or position undertaken by an officer and how frequently they moved roles.

With regard to an individual officer's financial position the Panel were advised that the Constabulary would only be aware if they advised the organisation. The Police Federation was able to provide support and financial assistance to officers to help them with any financial issues they were experiencing. Receiving this support would reduce the risk of them becoming vulnerable to corrupt practices. The staff trade union, Unison, may be able to provide similar advice to police staff, thus preventing vulnerability of the organisations' staff.

A discussion took place on the current issues being dealt with by the unit. Following a question by a member the Deputy Chief Constable advised that suspension of an officer was a neutral act and therefore they received full pay. She also stated that due to changes in legislation where officers were being investigated for a matter deemed as Gross Misconduct they were unable to resign or retire from the force until the matter was concluded. Previously when officers had been allowed to retire or resign this had a practical option for managing the matter. Public perception was that if an officer was found 'guilty' of the matter they would



then not be entitled to receive their pension; however this was not the case unless in very extreme circumstances.

A member asked whether the issuing of the latest PASS newsletter had resulted in an increase of self-referrals. DCI Duhig advised that there had been some but that no issues or trends had been identified.

AGREED; that, the report be noted.

15. OPCC COMPLAINTS & QUALITY OF SERVICE ISSUES

The OPCC Chief Executive presented a report which outlined the types and number of complaints and quality of service issues which had been received by the OPCC during the last quarter and comparison figures from 2012. He outlined to the Panel the role of the Police & Crime Commissioner (Commissioner) in dealing with complaints received against officers, staff and the Chief Constable. The Panel were advised that complaints made against the Commissioner were dealt with by the Police and Crime Panel; who were the body commissioned to provide checks and balances on the work of the Commissioner.

Members of the public often wrote to the Commissioner regarding policing matters and it was the role of the Commissioner to ascertain information regarding the matter from the Constabulary and facilitate a response to the individual.

It was noted that the number of quality of service issues received by the Commissioner had steadily increased since he came into office in 2012. This was attributed to the public's awareness of the Commissioner and the role he fulfilled.

AGREED; that, the report be noted.

16. FREEDOM OF INFORMATION ACT COMPLIANCE

(a) Office of the Police & Crime Commissioner

The Panel received a report which outlined the Office of the Police & Crime Commissioner's compliance with the Freedom of Information Act. The report detailed the number of requests received during the reporting period of 1 January to 31 March 2015 and comparative figures for the years 2012, 2013 and 2014.

It was noted that the OPCC had received 80 requests in 2013 which was attributed to the new role of the Commissioner and events which occurred during that year. The OPCC ensured that information was published on its website for members of the public to access, therefore potentially reducing the need for requests to be made. The Panel noted the OPCC's performance in dealing with requests within the required timescales.

AGREED; that, the report be noted.



(b) Cumbria Constabulary

Cumbria Constabulary is also required to comply with the requirements of the Freedom of Information Act and a report was presented to illustrate their compliance with the Act. DCI Duhig guided members through the report advising that since the Act came into force in January 2005 the Constabulary had seen a year on year increase resulting in 2014 receiving 907 requests. As of 28 April 2015 the Constabulary had received 360 requests.

The ability for the Constabulary to respond to requests was often a challenge as they had to assess what information was required and often request it from the relevant department, before a response could be sent out. This was an issues experienced nationally by all forces. In Cumbria from 2013 to 2014 they had increased their performance in responding within 20 working days from 43% to 58%. The Constabulary recognised that further work was still needed to improve on this and scoping work to utilise a bespoke system was being carried out.

A member asked whether the Information Commissioner's Office (ICO) had issued sanctions against the Constabulary with regard to their response rates. DCI Duhig advised that should the ICO have concerns and be looking to issues sanctions they would contact the Constabulary prior to doing so; and to date no contact had been received. In response to a question the Deputy Chief Constable stated that should sanctions be issued and the Constabulary be monitored by the ICO then resources would need to be diverted to improve compliance with the Act.

AGREED; that, the report be noted.

17. GRIEVANCES

At their meeting on 13 March the Panel had requested that more detailed information regarding grievances should be provided to illustrate what the issues were and how they had been resolved.

The Panel were advised that work was being carried out to develop a process for future meetings. Due to low numbers of grievances being dealt with it was proposed that at their next meeting in August copies of the files would be brought for the Panel to review.

The Deputy Chief Constable assured the Panel that no issues were being raised by the staff associations or HMIC (Her Majesty's Inspector of Constabulary) through their reviews and meetings with wellbeing groups.

Members questioned whether the Constabulary could receive more grievances during the forthcoming 12 months due to the changes occurring within the force. The Deputy Chief Constable informed the Panel of the work being undertaken to manage the changes and support in place for members of staff affected by the change.

AGREED; that,
(i) the report be noted; and



- (ii) grievance files be presented at the Panel meeting in August.

(NOTE: Deputy Chief Constable Skeer and DCI Duhig left the meeting at this point.)

18. ANNUAL REPORT

As part of the Panel's Annual Work Programme they were required to prepare an annual report which would be presented to the Commissioner. The purpose of the report was to outline the work undertaken by the Panel during the year, identify any issues and concerns and any monitoring undertaken.

As the Panel only had its first meeting in March 2015, the report would be unable to reflect a full year of work, rather the first two meetings of the Panel. Members discussed the draft contents presented and agreed that they would like to insert their own comments within the report. It was agreed that the draft report be emailed to the members and comments provided to the Governance and Business Services Manager by 25 May 2015 in order that the report be presented to the Executive Board meeting on 3 June 2015.

The Panel were keen that they add value to the work of the Commissioner and the Constabulary and a discussion took place on how this could be best achieved. The fact that the Commissioner and Chief Constable had appointed an independent panel and their reviews of areas of business was reassuring to the public. The OPCC Chief Executive discussed various options with the Panel on how this work could be supplemented and agreed to meet with the Deputy Chief Constable to discuss how this could be progressed.

- AGREED,** that,
- (i) the report be noted;
 - (ii) comments from the Panel to be provided to the Governance & Business Services Manager by 25 May; and
 - (iii) the OPCC Chief Executive speak with the Deputy Chief Constable to discuss how the Ethics and Integrity Panel could add value to the work of the Constabulary.

Meeting ended at 4.20 pm

Signed: _____

Date: _____

Panel Chair

Ethics & Integrity Panel – Action Sheet: 11/05/2015

Minute Number	Action to be taken	Person responsible OPCC / Force	Report back to Panel	Date action completed	Review Date
DATE OF MEETING: 11 May 2015					
Agenda Item 6 Complaints by the Public	Future reports include comparison figures for the previous 3 months to the current reporting period	Furzana Nazir (PSD)	12 August 2015		
Agenda Item 10 Grievances	Grievance files be presented at the Panel meeting in August	Sarah Dimmock (Diversity Manager)	12 August 2015	10 August 2015	
Agenda Item 11 Annual Report	(ii) Comments from the Panel to be provided to the Governance & Business Services Manager by 25 May;	Joanne Head (OPCC)	N/A	25 May 2015	N/A
	(iii) the OPCC Chief Executive speak with the Deputy Chief Constable to discuss how the Ethics and Integrity Panel could add value to the work of the Constabulary.	Stuart Edwards (OPCC Chief Executive)	12 August 2015		
DATE OF MEETING: 12 August 2015					



Constabulary Report to OPCC

Agenda Item No 5

TITLE OF REPORT: INTEGRITY – COMPLAINTS BY THE PUBLIC

DATE OF MEETING: 29th July 2015

ORIGINATING OFFICER: DCI Furzana NAZIR – Professional Standards

PART 1 or PART 2 PAPER: PART 1 (OPEN)

Executive Summary:

No more than 100 words.

- IPCC data continues to show that although Cumbria complaints per 1000 employees were higher in 2014 compared to 2013, Cumbria remains lowest in MSF (most similar force) and also MSF/national averages:
 - Q4 Apr to Jun 15, Cumbria: 249, MSF average: 369, National average: 293
- The current 12 month rolling figures show that there has been a reduction of 27 cases (7%) and an increase of 13 allegations (3%) in comparison to the last 12 months.
- The figures show that the numbers of cases have remained at similar levels when compared to the previous 12 month period. This is a good indication that the increase seen in allegations over the current 12 months has been due to multiple allegations resulting from single cases. This is partly due to changes in recording practices.
- A breakdown of allegations shows that North and South TPA’s have similar levels of allegations; West TPA has seen an increase in allegations in the period.
- Allegations upheld by PSD have increased from 23 allegations (8.5%) in the last period to 35 allegations (13%) in the current 12 months.
- The percentage of allegations not upheld by PSD has increased from 38% to 39% in the current period. This is an increase of 1 allegations when compared to the previous 12 month period This indicates a high proportion of the increase in allegations have been unsubstantiated, i.e. not upheld
- The number of IPCC appeals has reduced by 18% when compared to the previous reporting period (28 to 23) and the number of force appeals has reduced at similar levels (43 to 39).
- The percentage of upheld appeals for both Force and IPCC appeals has reduced compared to the last period: Upheld Force Appeals have reduced from 28% to 2% and upheld IPCC Appeals have reduced from 35% to 26%.

Recommendation:

Set out clearly the recommendation to be approved, using bullet points and ensure references are included to previous decisions on this matter. Any alternative options considered should not be outlined here but in the ‘introduction and background’ section.

- To continue to issue PASS Newsletters and Best Practice when trends are identified.
- Continue to monitor increases in Oppressive Behaviour and Unprofessional Conduct as part of PSD Tasking and Co-ordinating Group.

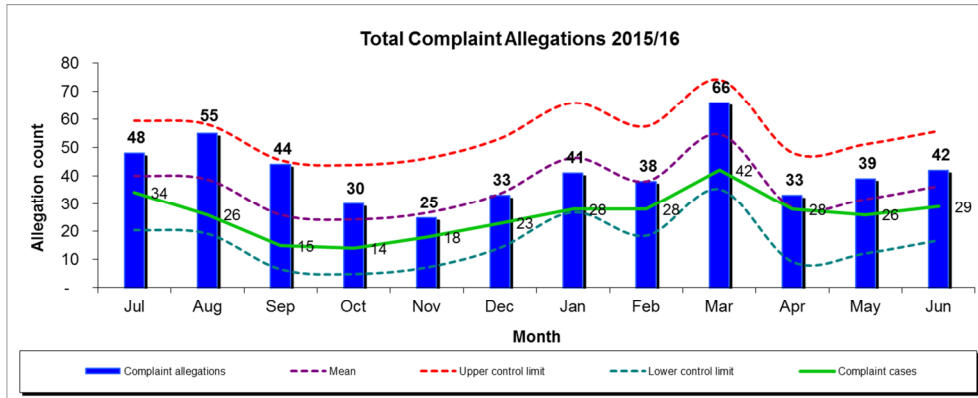
MAIN SECTION

1. Introduction and Background

Alternative options considered, evaluation, benefits – anything not covered in sections below etc.

1.1 Complaint Allegations

The below chart shows levels of complaint cases and allegations in the last 12 months from July 2014 to June 2015: -



The chart shows fluctuating levels of complaint allegations and cases between July 2014 and June 2015. Peaks in allegations were seen in August 2014 with 55 allegations and March 2015 with 66 allegations. Allegations and cases were at their lowest between October and December 2014. Between January and June 2015 allegations and cases have been fairly stable with the notable exception of March 2015.

The nature of complaint cases and allegations will continue to be monitored closely to identify any potential future trends.

The table below shows the total number of cases and allegations including direction and control for 12 months to the end of June 2014 and June 2015. The figures show that the numbers of cases over the current 12 month period have increased slightly when compared to the last 12 month period.

	12 Month Rolling to June 2014	12 Month Rolling to June 2015	Percentage Change
Cases	377	350	-7.2
Allegations	502	515	2.6

*Including Direction and Control cases/allegations.

1.2 Allegations broken down into BCU

The table below shows the numbers of allegations and cases (not including Direction and Control) broken down into areas: -

Area	Allegations			Cases		
	12 Month Rolling to Jun-14	12 Month Rolling to Jun-15	Change	12 Month Rolling to Jun-14	12 Month Rolling to Jun-15	Change
North	141	138	-3	99	86	-13
South	160	136	-24	107	93	-14
West	136	176	40	97	96	-1
UOS	21	16	-5	17	14	-3
HQ	31	18	-13	13	15	2
Total	489	484	-5	333	304	-29

*Not including Direction and Control cases/allegations.

Complaint cases have reduced when comparing the current 12 month period with the previous 12 months and are evenly spread across the 3 TPA's.

The table shows a slight reduction in allegations with only West TPA showing an increase in the period. Although allegations have increased in West TPA it is to be noted that the numbers of complaint cases have remained at a similar level (reduction of 1) this shows that there has been a number multiple allegations resulting from single cases.

1.3 Area Allegation group breakdown

The table below shows the allegations broken down into area and group: -

12 Month Period	Group	North	South	West	HQ	UOS	Grand Total
12 Month Rolling to Jun-15	Breaches of PACE K,L,M,N,P,R	16	11	23	1	1	52
	Discrimination F	1	3	5		1	10
	Incivility U	28	20	18	8	4	78
	Malpractice G,H,J	7	5	9		2	23
	Oppressive Behaviour A,B,C,D,E,Y	34	31	28	2	1	96
	Other W		3	1	1		5
	Unprofessional Conduct S,T,V,Q,X	52	63	92	6	7	220
12 Month Rolling to Jun-15 Total		138	136	176	18	16	484
12 Month Rolling to Jun-14	Breaches of PACE K,L,M,N,P,R	17	11	17	5		50
	Discrimination F	3	3	2			8
	Incivility U	19	22	27	2	3	73
	Malpractice G,H,J	9	11	9		1	30
	Oppressive Behaviour A,B,C,D,E,Y	34	29	22	2	7	94
	Other W	0	0	0	0	0	0
	Unprofessional Conduct S,T,V,Q,X	59	84	59	22	10	234
12 Month Rolling to Jun-14 Total		141	160	136	31	21	489

*Not including Direction and Control case/allegations.

The largest increases have been seen in the following: -

- North TPA- Incivility increase of 9 complaint allegations (47%).

The group/allegation type that saw the largest percentage increase in the current 12 month period when compared to the previous 12 months was Unprofessional Conduct - Other Neglect or Failure in duty. The allegation type Other Neglect or Failure in duty increased by 24 allegations (19%). The largest increase (30) in this type was seen in West TPA. Analysis of the total 26 oppressive conduct or harassment complaint allegations shows that complainants believed officers had failed to carry out enquiries, make contact or record complaints. Of the 61 allegations 19 are Live, 14 were locally resolved by TPA, 6 were locally resolved by PSD, 12 were not upheld by PSD, 7 were upheld by PSD, 1 was De Recorded, 1 disapplication – by force and 1 Withdrawn by Force. This follows on from an increase noted in the last report.

There were 7 PSD best practice items circulated in the period relating to the following:
- Providing detailed updates to Comms, NCRS compliant entries on logs, correct process re medical referrals to DVLA, updating victims, giving appropriate advice and 'PP' of letter's on behalf on another.

Oppressive behaviour – Other Assault shows a slight increase (9 allegations, 20%) compared to the previous 12 months. The increase is between North & South TPA's both with an increase of 5 allegations. Of the 54 allegations 21 were not upheld by PSD, 1 was not upheld by TPA, 15 are live, 11 were Disapplication by Force and 5 local resolution by TPA and 1 withdrawn by Force. Of these 23 relate to arrest, 7 to detention 8 to other enquiries and 5 to crime enquiries.

The last report identified an issue, an increase in complaints regarding malpractice-mishandling of property. This increase has continued in West TPA whilst South TPA reduced and North TPA remained low. The West Allegations are low, a total of 9 allegations, but a 200% increase. Complainants feel that on occasions they have not had property returned, property has been lost and property has also been damaged. The 19 mishandling of property allegations in the current period have been finalised as follows: - 2 not upheld- by PSD, 1 Locally Resolved by PSD, 2 Locally Resolved by TPA, 2 Withdrawn by Force, 1 Disapplication, 1 Upheld by PSD and 10 Currently Live. There were 3 PSD best practice items circulated in relation to the retention and return of property in the current period and one specifically in relation to coroner's cases.

In the current 12 month period there has been 20 areas whereby PASS Newsletters/Best Practise guidance have been issued. Recommendations are to continue to issue PASS Newsletters and Best Practice when trends are identified.

1.4 Repeat Officer Strategy

Officers who meet the criteria for the repeat officer strategy (Subject of 3 complaint cases in a 12 month period) are brought to the attention of the Professional Standards Department Tactical Tasking and Co-ordination Group on a monthly basis where the complainants made against them are assessed following which appropriate guidance and support is provided.

There were 22 officers who met the repeat officer strategy in the current period which is a reduction of 40 on the previous period. There were 3 officers who met the criteria on 2 occasions in the current 12 month period. These officers have been highlighted through the PSD TT & CG process and PSD have liaised with the officer's senior management team. One officer's line management are currently in the process of reviewing a detailed subject profile which has been disseminated by PSD to prevent future complaints.

1.5 Dissatisfaction Reports

There were 92 dissatisfaction reports recorded in the current 12 months which is a reduction of 32 when compared to the previous 12 month period. The three main categories reported on in the lower level dissatisfaction reports over the 12 month are similar to those reported on in the complaint cases these being neglect/fail duty, oppressive behaviour and incivility. The reduction in dissatisfaction reports may be linked to the increase in complaints as some of the reports previously recorded as dissatisfaction may have been recorded as complaints.

1.6 Diversity

There have been 10 allegations of discriminatory behaviour by the police recorded during the current 12 month period which is an increase of 2 when compared to the previous 12 months.

- There were two allegations from female complainants regarding officers discriminating against them due to their gender. Both were not upheld by PSD

RESTRICTED

Item 05 - Public Complaints Performance Report (To publish)

- One allegation where the complainant felt that the officer had mocked her mental health by asking her if she was going to harm herself. This allegation was locally resolved.
- One allegation where the complainant states that officers had a racial and homophobic attitude. Officers allegedly called the complainants criminals from Romania. This allegation was not upheld by PSD.
- One allegation where the complainant believes officer refused to investigate due to the complainant's ethnicity. This allegation was locally resolved by PSD.
- One allegation where complainant believes officer was bullying and believes officer's motive was racist. Remains sub judice.
- Complaint in relation to mental health, the complaint believes the ASB from neighbours has not been investigated because of his mental health issues. This allegation was locally resolved by TPA.
- An allegation of discrimination due to disability as a complainant did not feel her report of criminal damage had been badly and insensitively dealt with due to her disability. This allegation was locally resolved.
- A complaint of an officer being racially discriminatory, adopting a fake accent. Not Upheld - by PSD.
- A complaint of an officer being racially discriminatory being offensive to the complainant and assaulting him. This is currently Live.

1.7 Performance

Allegations finalised in the period regardless of when the allegations were recorded.

Allegation Result Description	12 Month Rolling to Jun-14	12 Month Rolling to Jun-15	Change
Case to Answer	21	17	-4
De Recorded	11	10	-1
Disapplication - by Force	34	51	17
Discontinued - by Force		2	2
Dispensation - by Force	2		-2
Local Resolution - by TPA	111	125	14
Local Resolution - by PSD	82	46	-36
No Case to Answer	14	15	1
Not Upheld - by TPA	8	1	-7
Not Upheld - by PSD	195	202	7
Upheld - by PSD	23	35	12
Withdrawn - by Force	12	12	0
Grand Total	513	516	3

The performance targets for Investigations and Local resolutions have been set at 69.59% of local resolution allegations to be dealt with in 40 days and 67.7% of investigations to be dealt with in 120 days. In light of this the process has been reviewed and amended slightly to bring forward reminders to officers progressing local resolutions.

It has been identified that the data used in Cumbria to assess performance against these targets contains inaccuracies and that more reliable data can be obtained from the national IPCC data (Q4 Apr 14 to Mar 15) for average number of days to finalise Local Resolution and Investigations:

- Average number of days to locally resolve allegations – Cumbria 41, MSF average 55 and National average 66.
- Average number of days to finalise allegations by local investigation – Cumbria 125, MSF average 127 and National average 147.
- Cumbria is the 5th best in the country for average number of days to locally resolve allegations.

In the current 12 month period, 516 allegations were finalised compared to 513 in the previous period the biggest increase was in Disapplication in the current period 51, in the last period 34.

In the current period the number of allegations not upheld by PSD also increased by 7 to 202 and 35 allegations were upheld by PSD increased by 12 (6.78%) of the 516 allegations finalised. This indicates that a high proportion of allegations have been unsubstantiated (i.e. not upheld).

Allegations upheld- by PSD have also increased from 23 allegations (8.5%) in the last period to 35 allegations (13%) in the current 12 months.

1.8 Force and IPCC Appeals

Result	Force Appeals 12 months rolling to Jun 14	Force Appeals 12 months rolling to Jun 15	IPCC Appeals 12 months rolling to Jun 14	IPCC Appeals 12 months rolling to Jun 15
Upheld	11	1	10	6
Not Upheld	27	29	17	13
Withdrawn	1			
Not Valid	0		1	2
Live	0	13		2
Total	39	43	28	23

The above data highlights that the number of IPCC appeals have reduced by 18% (28 to 23) and the number of force appeals has remained at similar levels (39 to 43). However the percentage of upheld appeals for both Force and IPCC appeals has reduced in this reporting period compared to the previous 12 months:

Upheld Force Appeals have reduced from 28% to 2% (1 of 43 compared to 11 of 39)

Upheld IPCC Appeals have reduced from 36% to 26% (6 of 23 compared to 10 of 28)

1.9 Direction and Control Complaints

Direction and control complaints are from members of the public complaining about issues rather than individuals. Over the current 12 month period direction and control complaints have increased by (54%) when compared to the previous 12 month period, the largest increase being General Policing Standards. These complaints range in type from allegations in relation to the grading and deployment policies to poor cleaning of cells being a health and safety hazard. The table below shows a breakdown of direction and control complaints.

Allegation Result Description	12 Month Rolling to Jun-14	12 Month Rolling to Jun-15	Change
General policing standards	0	7	7
Operational management decisions	17	18	1
Operational policing policies	4	6	2
Organisational decisions	3	6	3
Grand Total	24	37	13

One issue raised under general standards was in relation to the ‘pp’ on letters from PSD, this was covered by Best Practice guidance in March 2015.

Other issues under general standards include that the Constabulary is gender biased against women, poor cleaning of the cells, two cases where the complainant is not happy with the outcome of a specific case and two cases where complainants are questioning the process of police activity, warrants and PNC recording and removal. There are no items of specific best practice in relation to these allegations.



Office of the Police & Crime Commissioner Report

Title: Police Staff Discipline and Misconduct

Date: 12 August 2015

Agenda Item No: 07

Originating Officer: Andrew Taylor, Head of HR

CC:

Executive Summary:

Cumbria Constabulary recognises that all Police Staff employees need to know the standards of conduct and discipline expected of them and has a duty to ensure its staff achieve and maintain the required standards, in order to enable its operations and activities to be carried out effectively.

The Disciplinary Policy addresses the circumstances where disciplinary action may be necessary, and the principles which may be applied to enable the fair and consistent handling of all disciplinary matters.

Recommendation:

That, the Ethics and Integrity Panel

- (i) notes' the report; and
- (ii) consideration is given to the future frequency of reporting being on an annual basis due to the low numbers involved.

1. Introduction & Background

- 1.1 This report details the number of police staff discipline and misconduct cases dealt with during the period November 2012 and May 2015.

2. Issues for Consideration

- 2.1 Between November 2012 and May 2015 twenty five members of Police Staff were the subject of disciplinary proceedings in accordance with the Constabulary Policy on Police Staff Discipline. Fourteen staff members were female and eleven were male. None were of a minority ethnic origin.

- 2.2 Two cases required no further action and in a further case no action was required as the staff member was dismissed under a separate process. Six staff members resigned prior to outcome and one case was closed as the staff member died prior to outcome. Twelve cases resulted in words of advice being given by management.
- 2.3 Three cases went to a formal disciplinary hearing in front of Senior Management, one resulted in a written warning, one resulted in a final written warning and one staff member was dismissed.
- 2.4 No appeals were heard during this time period.

3. Implications

3.1 Financial

1.1 Please see Equality Implications

3.2 Legal

1.2 Please see Equality Implications

3.3 Risk

1.3 Please see Equality Implications

3.4 HR / Equality

If any of the convention rights are breached and unlawful discrimination is proven then there would be implications for the Constabulary which could incur status and financial loss.

If any race, equality or diversity issues are identified that would lead to unlawful discrimination being proven then there would be implications for the Constabulary which again could lead to financial and status loss.



Office of the Police & Crime Commissioner Report

Title: Constabulary Grievances

Date: 28th July 2015

Agenda Item No: 08

Originating Officer: Sarah Dimmock

CC:

Executive Summary:

The Constabulary have a Grievance Policy and Procedure which affords the opportunity to resolve grievances quickly and effectively at the lowest possible management level, without the need to apportion blame or to provide punishment.

Recommendation:

That, the Ethics and Integrity Panel

- (i) notes' the report; and
- (ii) consideration is given to the future frequency of reporting being on an annual basis due to the low numbers involved.

1. Introduction & Background

- 1.1 The attached Grievance Statistics Report shows the number of grievances lodged up to 28th July 2015 and a summary of the past 3 year financial years. Currently, there has been 1 grievance lodged in the current financial year.
- 1.2 Included in the report is a breakdown of those lodging grievances. The report identifies the gender and race of those submitting grievances as well as an over view as to the subject of the grievance. In addition there are statistics relating to whether the aggrieved is a police officer or member of police staff and whether the grievance relates to unlawful discrimination.
- 1.3 The report provides data from the last 3 years to enable a comparison to be taken.

2. Issues for Consideration

- 2.1 There are no emerging trends or patterns at the time of submission of this report. To date there has been only 1 grievance submitted this financial year.
- 2.2 There is a standing agenda item at Valuing Individuals Group (VIG) to ascertain if there are any issues that the Constabulary should be dealing with. At this time no issues are being and the Chaplaincy are members of this group and it is chaired by the Deputy Chief Constable.
- 2.3 The Constabulary's Diversity Manager will meet with the Federation and Unison when necessary to discuss issues that are emerging and look to informally resolve them prior to a grievance being submitted. The Constabulary are proactively engaging to address concerns.
- 2.3 The Constabulary do feedback and share good practise from the outcomes of grievances and this feeds into organisational change.
- 2.4 Any staff surveys that are published are completed anonymously so that staff can be frank and honest when sharing their concerns and constabulary achievements. Again this information will be used by the organisation to improve where necessary.

3. Implications

3.1 Financial

1.1 Please see Equality Implications

3.2 Legal

1.2 Please see Equality Implications

3.3 Risk

1.3 Please see Equality Implications

3.4 HR / Equality

If any of the convention rights are breached and unlawful discrimination is proven then there would be implications for the Constabulary which could incur status and financial loss.

If any race, equality or diversity issues are identified that would lead to unlawful discrimination being proven then there would be implications for the Constabulary which again could lead to financial and status loss.

4. Supplementary information

Appendix 1 – Grievance Statistics for 3 years

Appendix 2 - Grievance Statistics 2014-15

GRIEVANCE STATISTICS RESTRICTED

**Agenda Item No 8
Appendix 1**

	2012/2013	2013/2014	2014/2015
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Total number of Grievances	16	10	3
Of which:			
Resolved Stage 1	6	5	2
Resolved Stage 2	1	2	0
Resolved Stage 3	0	0	0
Withdrawn	4	0	0
Awaiting Resolution	2	0	0
Not Resolved to Satisfaction	3	1	1
On Hold (completed but not signed off/other issues)		2	
TOTAL	16	10	3

Breakdown of Aggrieved by Gender and Race			
Total Males	9	5	1
Total Females	7	5	2
TOTAL	16	10	3
Minority Ethnic staff (male and female)	1	0	0

Police Staff Grievances			
Male	3	1	0
Female	6	3	1
Police Officers			
Male	6	4	1
Female	1	2	1
TOTAL	16	10	3

Area			
West	5	3	0
North	4	0	2
South	0	3	0
UOS/CID	0	2	0
HQ	7	2	1
TOTAL	16	10	3

Subject of Grievance			
Other Individuals	5	4	1
Force Policy	11	6	2
TOTALS	0	10	3

Grievances involving alleged discrimination			
Race	0	0	0
Sex	0	0	0
Disability	0	0	0
Age	1	0	0
Sexual Orientation	0	0	0
Religion and Belief	0	0	0
Transgender	0	0	0
TOTAL	1	0	0

RESTRICTED
Grievances

Agenda Item No 8
Appendix 2

Please see below the figures for the financial year 2015/2016 up to and including 20/01/15.

	No. 2015/16
Total No. of grievances submitted to date	1
Resolved Stage 1	0
Resolved Stage 2	0
Resolved Stage 3	0
Not Resolved	0
Awaiting Action/Resolution	1
Withdrawn	0
On Hold (completed but not signed off/other issues)	0

Gender and Ethnicity Breakdown

	No. 2015/16
Male	1
Female	0
Black Minority Ethnic	0
Officers/Staff with Disabilities	0
Police Officers	0
Police Staff	1

BCU Areas

	Resolved	Further Action	Withdrawn	On Hold	Not Resolved
West	0	0	0	0	0
North	0	0	0	0	0
South	0	0	0	0	0
HQ	0	1	0	0	0
CID	0	0	0	0	0
UOS	0	0	0	0	0

RESTRICTED Grievances

Types of Grievance

Policy – Selection Process	Treatment By Colleague(s)	Care/ confidentiality	Bullying/ Discrimination	Disability	Race/Culture
0	1	0	0	0	0

RESTRICTED



Ethics and Integrity Panel

Title: Tone from the Top

Date: 12 August 2015

Agenda Item No: 09

Originating Officer: Stuart Edwards

Executive Summary:

On 29 June 2015 the Committee on Standards in Public Life, chaired by Lord Paul Bew, published their report of the inquiry the Committee had conducted into police accountability. The report, entitled "Tone from the Top; Leadership, Ethics and Accountability in Policing" was produced following an eight month inquiry which considered whether the accountability model for local policing was effective in supporting and promoting high ethical standards.

Recommendation:

That, the report be noted.

1. Introduction & Background

- 1.1 The report contains a number of recommendations to the Home Office, Police and Crime Commissioners, Police and Crime Panels and various relevant Associations asking for a more energetic and consistent approach to be applied to promoting high ethical standards and for more robust checks and balances to be put in place within the accountability structures of local policing.
- 1.2 A full copy of the report is attached and it can also be found at (insert e-mail address).

2. Issues for Consideration

- 2.1 The report presents 19 recommendations, which are set out below. The report also contains an Ethical Checklist for Police and Crime Commissioners. The Committee on Standards in Public Life (CSPL) has indicated that it will write to all candidates for the Police and Crime Commissioner elections scheduled for May 2016 asking them to respond to the recommendations in the CSPL Ethical Checklist; the CSPL will then look to the media to publicise the candidates' responses.

- 2.2 Of the 19 recommendations, recommendations 2, 3, 5, 6, 10, 17 and 20 apply to Police and Crime Commissioners and/or their Offices. Recommendations 13, 14, 15, 16 and 18 apply to both Police and Crime Commissioners and Chief Constables.
- 2.3 The Ethical Checklist and recommendations are set out below, together with comments on how they are, or might be applied, in Cumbria.

Ethical Checklist	
CSPL Recommendation	Monitoring Officer Response
1. Will your Police and Crime Plan for 2016-7 include a commitment to hold the Chief Constable explicitly to account for promoting ethical behaviour and embedding the College of Policing's Code of Ethics?	This recommendation, like all five of the recommendations in the CSPL Checklist, apply are decisions for the Police and Crime Commissioner elected in May 2016. From a Monitoring Officer's perspective it would appear to be a reasonable recommendation.
2. Will you publicly commit to abide by a code of conduct once that has been adopted by the Association of Police and Crime Commissioners?	On election all Commissioners swear an Oath of Office. In Cumbria the Commissioner has signed up to an Ethical Framework for Police and Crime Commissioners developed by the Association of Police and Crime Commissioners (APCC), a local Code of Conduct (which includes a commitment to adhere to "The Seven Principles of Public Life"), an Anti-Discrimination Code of Conduct and a Commissioner-Officer Protocol. Any monitoring officer would expect a Commissioner to commit to abide by a code of conduct developed by the APCC.
3. Will you require the same of any Deputy you appoint?	There is no Deputy Commissioner in Cumbria. If there were the same, high standards of behavior would be expected as of a Commissioner.
4. When making appointments of Chief Constable, Deputy PCC or senior staff to your office will you ensure open and transparent appointment processes and include an independent external member on the appointing panel?	When a new Chief Constable was appointed in 2014 the appointment panel included an external independent member drawn from a list held by the College of Policing. The external independent member produced a report for consideration by the Police and Crime Panel (PCP). The other members of the Panel were drawn from different sectors, geographical areas and political groups. The same approach would be taken to the appointment of senior staff within the

	Commissioner's Office (OPCC).
5. Will you publish, in an easily accessible format, details of your pay and rewards, gifts and hospitality received, your business interests and notifiable memberships?	This information is already made available via the Commissioner's website, as required by the Elected Local Policing Bodies (Specified Information) Order 2012.

2.4. The Committee's Recommendations:

	CSPL Recommendation	Monitoring Officer Response
1	The Association of Police and Crime Commissioners, working with the Association of Policing and Crime Chief Executives should develop a nationally agreed minimum code of conduct by the end of 2015, which all current PCCs should publicly sign up to by then, and all future PCCs on taking up office.	This recommendation would be welcomed. At the present time we have a locally developed Code of Conduct, supported by an Anti-Discrimination Code of Conduct and a Commissioner-Officer Protocol. The Commissioner, like all Commissioners, has signed an Oath of Office. He has also committed to the Ethical Framework developed by the APCC.
2	PCCs and their Deputies should receive an ethical component as an essential part of their induction. While this should be locally tailored and delivered it should cover the Seven Principles of Public Life, the Association of Police and Crime Commissioners Ethical Framework and the College of Policing's Code of Ethics. This is to provide an understanding of ethics in practice and the role of PCCs as ethical leaders, promoting and modelling the high standards of conduct for which they hold others to account.	All of these things will be included in the induction programme following the PCC election in 2016.
3	A Deputy PCC should be subject to the same mandatory national minimum code of conduct as PCCs and publicly available protocols should be in place for their relationships with other employees of the PCC.	The development of a new Code of Conduct refers back to Recommendation 1, but would be adopted in Cumbria. A Deputy Commissioner would be subject to the same codes and protocols as the Commissioner they supported.
4	The Association of Police and Crime Commissioners, Association of Policing and Crime Chief Executives, the National Police Chiefs' Council and Local Government Association should work collaboratively to produce a model Memorandum of Understanding between the PCC and Chief Constable to include working arrangements, recognition of the role of statutory officers and a supporting statutory officer protocol.	This recommendation is welcomed.
5	Joint Audit Committees should publish an Annual Report in a form that is easily accessible to the public.	The Joint Audit and Standards Committee already produce an annual report which is available on the Commissioner's website (via the Committee's page). It is also presented to the PCP for their consideration.
6	PCCs' responsibility for holding Chief Constables to account on behalf of the public should explicitly include holding the Chief Constable to account for promoting ethical behaviour and embedding the	Locally the Commissioner has been updated by the Chief Constable on implementation of the Code of Ethics and external assurance has

	College of Policing's Code of Ethics. Each PCC's Police and Crime Plan should set out how they intend to do this, and their Annual Report should show delivery against the objectives set out in the plan	been received from Her Majesty's Inspectorate of Constabulary (HMIC) through positive comments on implantation of the Code by the Constabulary. Inclusion of the Code of Ethics in the Police and Crime Plan refers back the first recommendation in the Ethical Checklist, which would be supported.
7	The Police and Crime Commissioner Elections Order should be amended so that all candidates for the post of PCC should be required to publish their responses to the Committee's Ethical Checklist. For the May 2016 elections all candidates should be asked to consider and answer the Checklist and the Committee will be encouraging relevant media outlets to play their part in seeking out and publicising their responses.	The CSPL has indicated that it will write to all candidates for the Police and Crime Commissioner elections scheduled for May 2016 asking them to respond to the recommendations in the CSPL Ethical Checklist
8	Drawing on existing good practice and experience, the Association of Police and Crime Commissioners, Association of Policing and Crime Chief Executives and the Local Government Association should work together to develop national guidance on the meaning of a decision of "significant public interest", so that it is better understood when PPCs should publish records of such decisions.	This recommendation is welcomed.
9	Police and Crime Panels should review the PCC's Annual Report in public session attended by the PCC as part of their annual scrutiny programme and make recommendations as appropriate.	This already happens in Cumbria.
10	As a matter of good practice: <ul style="list-style-type: none"> • PCCs should publish a forward plan of decisions identifying the subject matter of the decision, why it is key, the meeting at which the decision is due to be taken, who will be consulted before the decision is taken and what reports/papers will be available for inspection; and • Police and Crime Panels should produce a forward plan of work specifying, as appropriate, the information required from PCCs in order for them to carry out that work. 	The Commissioner already produces a forward plan and this is published on the Commissioner's website. At the present time consultees and background papers are listed in reports and it would in some instances to accurately predict what they might be in advance. All significant decisions are made at the Commissioner's Executive Board, which meets in public. Papers are made available five clear working days before meetings. The requirement for PCPs to develop a forward plan by would be welcomed.
11	The Home Secretary should conduct an urgent review of whether there are sufficient powers available to take action against a PCC whose conduct falls below the standards expected of	This is a matter for the Home Secretary. Proposals have been considered by the APCC.

	public office holders.	
12	To demonstrate an equivalent level of transparency and accountability to the Chief Constables that they oversee, the Association of Police and Crime Commissioners and Association of Policing and Crime Chief Executives should work together to host and make publicly available a list of PCC's pay and rewards, gifts and hospitality and outside business interests, including notifiable memberships, in an easily accessible format.	The information listed is all available locally, as required under the Elected Local Policing Bodies (Specified Information) Order 2012. The Home Affairs Committee have previously recommended that the Home Office establish and publish a national register, but this suggestion was not taken forward.
13	Chief Constables and PCCs should keep the arrangements for gifts, gratuities and hospitality registers and business interests, including notifiable memberships, and other employment under regular review as part of ensuring and evidencing that the Code of Ethics remains embedded in everyday practice.	The OPCC registers are reviewed monthly. The OPCC CE/Monitoring Officer reviews the Chief Constable's declarations of gifts, gratuities and hospitality monthly.
14	Where a joint Chief Financial Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest; be made publicly available; and regularly monitored by the Joint Audit Committee.	This is not applicable in Cumbria. If it were it is acknowledged that appropriate safeguards would be required. There would also be professional expectations on the office holder.
15	Where a Joint Press/Media Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest; be made publicly available; and regularly monitored by the Joint Audit Committee.	This is not applicable in Cumbria. If it were it is acknowledged that appropriate safeguards would be required. There would also be professional expectations on the office holder.
16	The Joint Audit Committee should scrutinize the basis of the assurances provided as to the integrity of crime data, including the related performance management systems.	Crime recording is inspected by both HMIC and Internal Audit. Both report to the Joint Audit and Standards Committee.
17	PCCs and their Deputies should publish a register of meetings involving external stakeholders and routinely publish information about significant meetings involving external attempts to influence a public policy decision. The published information should include dates of meetings, details of attendances and meaningful descriptors of subject matter. It should normally be published within one month on their website in an easily accessible format.	The Commissioner and the OPCC maintain a Contact with Suppliers register, which is updated monthly. Meetings attended by the Commissioner are published on the website
18	All parties with responsibility for complaints should make clear and actively publicise where their responsibilities – especially in relation to actual investigations and their outcomes – begin and end. The implementation of the proposed changes to the police complaints and disciplinary systems should be monitored locally by PCCs and nationally by the Home Office, IPCC and HMIC. Responsibility for handling police complaints	This recommendation is welcomed. Information in relation is published on the Commissioner's website. In addition members of the public who telephone the OPCC are provided with appropriate advice on the process This recommendation is welcomed. This recommendation is welcomed,

	<p>through local resolution should not sit with those with appellate responsibility in relation to the same complaints.</p> <p>The Home Office should consider whether or not complaints about PCCs should continue to be handled by the IPCC.</p>	<p>particularly as it reflects the position taken by the Commissioner.</p> <p>Currently only complaints involving the potential commissioning of a criminal offence are referred to the IPCC. Most complaints are dealt with by the PCP.</p>
19	<p>The Committee endorses the Home Affairs Committee's recommendations that:</p> <p>the Home Office bring forward proposals to amend the powers of commissioners to suspend or remove chief constables under Section 38(2) and 38(3) of the Police Reform and Social Responsibility Act 2011 by stipulating the grounds on which they may do so.</p> <p>the Home Office should also provide guidance to commissioners on the use of their powers in both respects. In the case of a suspension there should also be a clear system of safeguards similar to those which guide suspension in respect of conduct.</p> <p>Police and Crime Panels inquire and report into the circumstances whenever a chief constable's service is brought to an end irrespective of whether the Schedule 8 scrutiny process is formally engaged.</p> <p>the Home Office bring forward proposals to extend the Schedule 8 process to include scrutiny by the police and crime panel where a commissioner chooses not to agree to an extension of the chief constables' contract to bring it in line with the process for the removal of a chief constable.</p>	<p>These recommendations are matters for the Home Secretary. The arguments regarding them have been well rehearsed over the last few years.</p>
20	<p>PCCs' appointment procedures should comply with open and transparent appointment processes including:</p> <p>a requirement for there to be an independent member on the appointment panel set up to oversee the appointments process for Chief Constables and senior Office of PCC staff; and</p> <p>a requirement that a criterion for selection be that the panel is satisfied that the candidates can meet the standards of the Seven Principles of Public Life.</p> <p>details of the independent panel member should</p>	<p>All of these recommendations are welcomed.</p> <p>It should be noted that there has been some discussion about whether legislation should be considered requiring all Commissioners to have Deputy Commissioner and for them to stand jointly for election. It is understood that there will be no requirement for this to be the case in May 2016, though it would probably be considered good practice candidates for election in</p>

	<p>be published.</p> <p>Where a PCC intends to appoint a deputy PCC the PCC should disclose that fact and the intended Deputy (if known) at the time of the election.</p> <p>A decision to suspend or accept a resignation of a Chief Constable or to appoint a Deputy PCC should be regarded as a decision of 'significant public interest'.</p>	<p>May 2016 to name their Deputy (if any) in advance of the election.</p>
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3. Implications

- 3.1 Financial – if the OPCC and Commissioner do not actively manage their conduct then there is the potential for the organisation to be subject to costly litigation which could have an impact upon its ability to provide a policing service in Cumbria.
- 3.2 Legal - the OPCC has a statutory obligation to prevent and deal with conduct issues as outlined within the report.
- 3.3 Risk - there is the potential for the organisation and the Commissioner to suffer with regard to its reputation leading to a loss of public confidence, if it does not actively prevent, identify and deal appropriately with conduct issues.

4. Supplementary information

- Commissioner/Officer Protocol
- Anti-Discrimination Code of Conduct
- Code of Conduct
- Ethical Framework for Police and Crime Commissioners

All of the above documents are available to view on the OPCC website via the following link:
<http://www.cumbria-pcc.gov.uk/richard-rhodes/role-of-the-pcc.aspx>



Office of the Police & Crime Commissioner Report

Title: Code of Ethics

Date: 12 August 2015

Agenda Item No: 10

Executive Summary:

The Code of Ethics – a first in England and Wales - was launched on 15 July 2014 and sets out nine policing principles and ten standards of professional behavior. It was developed by the College of Policing and laid as a code of practice before Parliament as part of the Anti-Social Behaviour, Crime and Policing Act 2014.

The principles in the code are designed to guide decision making for everyone in policing. Combined with the standards of professional behaviour, the code will encourage officers and staff to challenge those who fall short of the standards expected.

Recommendation:

That, the Ethics and Integrity Panel notes' the report.

1. Introduction & Background

1.1 The Code of Ethics was created as part of an aim to professionalise the service and the College consulted extensively to ensure it is a Code of Ethics 'by' policing 'for' policing. It has practical examples for officers and staff to use in their everyday jobs and sets out nine policing principles and 10 standards of professional behaviour. It encourages officers and staff to challenge those who fall short of the code, while at the same time protecting those who report wrongdoing.

1.2 Policing Principles

Every person working for the police service must work honestly and ethically. The public expect the police to do the right thing in the right way. Basing decisions and actions on a set of policing principles will help to achieve this

- Accountability
- Fairness
- Honesty
- Integrity
- Leadership
- Objectivity
- Openness
- Respect
- Selflessness

1.3 **Standards of Professional Behaviour**

These standards reflect the expectations that the professional body and the public have of the behaviour of those working in policing.

- Honesty and integrity
- Authority, respect and courtesy
- Equality and diversity
- Use of force
- Orders and instructions
- Duties and responsibilities
- Confidentiality
- Fitness for work
- Conduct
- Challenging and reporting improper conduct

1.4 Following Royal Assent of the Anti-Social Behaviour, Crime and Policing Act 2014 the Constabulary undertook to roll-out, implement and embed the Code of Ethics within its everyday working practices. This was done through a variety of mediums including, Chief Officer Roadshows, training courses to include the Code of Ethics, PASS newsletter, information on noticeboards and on the Constabulary's intranet website.

1.5 Appended to this report is a breakdown of how the Code of Ethics has been implemented and continues to be embedded within the Constabulary.

- Appendix 1 - Leadership and Engagement
- Appendix 2 - Resourcing and Sustainability
- Appendix 3 - Methodology and Rigour



Ethics and Integrity Panel

Title: Monitoring and Effectiveness of the PCC/Officer Protocol and Code of Conduct

Date: 12 August 2015

Agenda Item No: 11

Originating Officer: Stuart Edwards

CC:

Executive Summary:

The Office of the Police and Crime Commissioner has a statutory responsibility to provide policing services for Cumbria. The public is entitled to expect the conduct of the Commissioner to be of the highest standard and act with impartiality. The OPCC must ensure that effective procedures and responsibilities are in place to deliver that service. This annual report is to provide assurance to the Ethics and Integrity Panel on the Chief Executive's monitoring of the PCC/Officer Protocol and the Code of Conduct.

Recommendation:

That, the report be noted.

1. Introduction & Background

- 1.1 The Office of the Police and Crime Commissioner (OPCC) is responsible for providing policing services within Cumbria. As leader of the local policing body the Commissioner is critical to setting the culture of transparency and ethical behaviour in which the public can have trust across the criminal justice system in their area. Since coming into office the Police and Crime Commissioner has agreed and signed up to a number of protocols and codes which will enable him to carry out his role with integrity and transparency.
- 1.2 Staff employed by the OPCC are also bound by codes of conduct relating to how they conduct themselves whilst carrying out their roles and functions. In addition the volunteers recruited for the Independent Custody Visiting Scheme sign a 'Memorandum of Understanding' which details what is expected of them whilst carrying out their role.

- 1.3 New employees or staff on secondment or temporary contracts who are working for the OPCC are advised of the protocols and codes which they will need to adhere to when they commence with the organisation. Where appropriate protocols are signed by an individual and a copy kept within their personnel file.

2. Issues for Consideration

- 2.1 The Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order 2012 sets out the oath of office which Commissioners take, which includes promises to act with integrity, give the public a voice, be transparent and be accountable to the public. In support of that declaration a set of governance documents have been adopted by the Commissioner.

PCC / Officer Protocol

- 2.2 Upon taking up office the Commissioner agreed, as part of a suite of governance arrangements and documents, to undertake to abide by the PCC/Officer Protocol.
- 2.3 The purpose of this Protocol is to assist the Commissioner and OPCC staff to perform effectively by giving clearer guidance on their respective roles and expectations and about their relationship with each other. The Protocol also gives guidance on what to do should things go wrong. Responsibility for the operation of this Protocol in the case of employees lies with the Chief Executive.
- 2.4 Should any employee wish to raise an issue in relation to the Commissioner, which cannot be resolved informally, they will have recourse through the OPCC's Grievance Procedure or to the Office of the Police and Crime Commissioner's Monitoring Officer, as appropriate to the circumstances.
- 2.5 Since the inception of the Office of the Police and Crime Commissioner no complaints have been received from any member of staff or secondee in relation to the Commissioner. Neither has any complaint been made by the Commissioner about any member of staff.

Anti-Discrimination Code of Conduct

- 2.6 In addition to the PCC/Officer Protocol the Commissioner has signed a declaration that he will not accept discrimination within the OPCC. The Commissioner has taken personal responsibility with regard to his behaviour and to treat everyone with dignity and respect.
- 2.7 This code of conduct also confirms that the Commissioner will ensure that all communities are treated fairly and without prejudice. Ensuring that everyone has the opportunity to comment or be involved in the work of the OPCC ensuring that the police service they

receive is appropriate to their needs. The Commissioner has undertaken to remain impartial in his approach to work.

- 2.8 There have been no issues brought to the attention of the Chief Executive/Monitoring Officer with regard to either the Commissioner's or a member of staff's conduct.

Code of Conduct & Ethical Framework

- 2.9 Upon entering office the Commissioner agreed to abide by a Code of Conduct which regulates his conduct when acting or representing to act in that role. The code has been developed in line with the seven Nolan principles as set out in Standards in Public Life: First Report of the Committee on Standards in Public Life.
- 2.10 The code provides guidance on disclosable interests, use of resources, conflicts of interest, disclosure of information, transparency and complaints.
- 2.11 An Ethical Framework has been developed by the Association of Police and Crime Commissioners (APCC), following discussions between the APCC and the Committee on Standards in Public Life (CSPL). It supports documents developed and adopted locally in Cumbria such as the Code of Conduct, Commissioner-Officer Protocol, Anti-Discrimination Code of Conduct, Complaints Policy and Decision Making Protocol. It also supports the Oath of Office sworn by all Police and Crime Commissioners on election. The Commissioner has adopted the Ethical Framework.
- 2.12 The adoption of Ethical Framework for Police and Crime Commissioner is optional, and locally the Commissioner has already signed up to a number of documents that vouch for his commitment to operating in a highly ethical way. By adopting the Ethical Framework the Commissioner has sought to highlight that commitment.
- 2.13 Again there have been no issues brought to the attention of the Chief Executive/Monitoring Officer with regard to the conduct of the Commissioner whilst in the execution of his duties.

Police & Crime Panel

- 2.14 In line with the Police Reform and Social Responsibility Act and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012, complaints received in relation to the Police and Crime Commissioner, including regarding their conduct, are provided to and dealt with by the Police and Crime Panel (the Panel).
- 2.15 The Panel have agreed to adopt a complaints procedure to consider non-criminal complaints in relation to the Commissioner. The procedure states the Monitoring Officer of Cumbria County Council would consider all non-criminal complaints regarding both quality of service and conduct, and act to broker local resolutions to resolve the complaints and resolve relationships. The procedure provides that if local resolutions could not be

brokered and the complainant wished to take the matter further this could then be brought to the attention of the Panel.

- 2.16 During the year 2014/2015 a total of 2 separate complaints have been received by the Panel with regard to the Commissioner. With regard to both of the complaints received by the panel, the OPCC provided relevant documentation or information as requested. This information was subsequently provided by the County Council's monitoring officer to the individuals as way of an explanation regarding the issues that they raised. It should be noted that no action has been taken or sanctions made against the Commissioner following the complaints being made.
- 2.17 Whilst it was an option for the Panel to set up a sub-committee to look at the complaints, the panel members did not feel there would be any merit in doing so. No sanctions have been made against the Commissioner.

Ethics and Integrity Panel

- 2.18 The purpose of this panel is to provide a forum which challenges, encourages and supports the Commissioner and the Chief Constable in monitoring and dealing with integrity and ethical issues within Cumbria Constabulary and the Office of the Police and Crime Commissioner.
- 2.19 As part of their terms of reference the Panel monitor the operation and effectiveness of the PCC's Code of Conduct and the PCC/Officer Protocol.

3. Implications

- 3.1 Financial – if the OPCC and Commissioner do not actively manage their conduct then there is the potential for the organisation to be subject to costly litigation which could have an impact upon its ability to provide a policing service in Cumbria.
- 3.2 Legal - the OPCC has a statutory obligation to prevent and deal with conduct issues as outlined within the report.
- 3.3 Risk - there is the potential for the organisation and the Commissioner to suffer with regard to its reputation leading to a loss of public confidence, if it does not actively prevent, identify and deal appropriately with conduct issues.

4. Supplementary information

- Commissioner/Officer Protocol
- Anti-Discrimination Code of Conduct
- Code of Conduct
- Ethical Framework for Police and Crime Commissioners

All of the above documents are available to view on the OPCC website via the following link:
<http://www.cumbria-pcc.gov.uk/richard-rhodes/role-of-the-pcc.aspx>



Ethics and Integrity Panel

Title: 2016 Meeting Dates

Date: 12 August 2015

Agenda Item No: 12

Originating Officer: Stuart Edwards

CC:

Executive Summary:

The Police & Crime Commissioner and the Chief Constable both wish to ensure high standards of integrity and ethical working within their respective organizations. In order to achieve that objective and provide openness and accountability to the public they have established the Ethics & Integrity Panel.

Recommendation:

That, the Panel considers and agrees the proposed meeting dates for 2016.

1. Introduction & Background

- 1.1 The Ethics and Integrity Panel were established in February 2015 with the first panel meeting taking place in March 2015. Upon its formation it was agreed that the panel would meet on a quarterly basis throughout the year.
- 1.2 Meeting dates were set up to correspond with the reporting cycle of the Constabulary to ensure that reports contained the most up to date information possible. Therefore the meeting dates in 2015 were held during the second week of the month.
- 1.3 Following each panel meeting a report is prepared and presented to Police and Crime Commissioner at the next available Executive Board meeting.

2. Issues for Consideration

- 2.1 When considering the meeting dates for 2016 thought has been given to Panel members and attending officers/staff availability; and the Constabulary's reporting periods.

- 2.2 Police and Crime Commissioner Elections will be held on 5 May 2016 and this has been taken into consideration when proposing the May 2016 date.
- 2.3 The proposed meeting dates for 2016 are:
- ❖ Friday 12th February
 - ❖ Wednesday 4th May
 - ❖ Monday 8th August
 - ❖ Friday 11th November
- 2.4 In addition to the above dates an additional date may need to be arranged in May 2016 to enable the Panel to carry out all of its dip sampling of misconduct and grievance files. This will be arranged following consultation with the Panel members and the Constabulary.



Enquiries to: Mrs J Head
Telephone: 01768 217734

Our reference: jh/EIP

Date: 2 November 2015

AGENDA

TO: THE MEMBERS OF THE ETHCS AND INTEGRITY PANEL

CUMBRIA POLICE & CRIME COMMISSIONER AND CUMBRIA CONSTABULARY ETHICS AND INTEGRITY PANEL

A Meeting of the Ethics and Integrity Panel will take place on **Wednesday 11 November 2015** in **OPCC Meeting Room** Police Headquarters, Carleton Hall, Penrith, at **2.00 pm**.

S Edwards
Chief Executive

Note: Members are advised that allocated car parking for the meeting is available in the Visitors Car Park to the left of the main Headquarters building.

The Panel members will meet at 9.00 am and carry out a dip sample of Constabulary public complaint files.

PANEL MEMBERSHIP

Mr Paul Forster (Chair)
Mrs Lesley Horton
Mr Peter McCall
Mr Alan Rankin

AGENDA

PART 1– ITEMS TO BE CONSIDERED IN THE PRESENCE OF THE PRESS AND PUBLIC

1. APOLOGIES FOR ABSENCE

2. DISCLOSURE OF PERSONAL INTERESTS

Members are invited to disclose any personal/prejudicial interest which they may have in any of the items on the Agenda. If the personal interest is a prejudicial interest, then the individual member should not participate in a discussion of the matter and must withdraw from the meeting room unless a dispensation has previously been obtained.

3. URGENT BUSINESS AND EXCLUSION OF THE PRESS AND PUBLIC

To consider (i) any urgent items of business and (ii) whether the press and public should be excluded from the Meeting during consideration of any Agenda item where there is likely disclosure of information exempt under s.100A(4) and Part I Schedule A of the Local Government Act 1972 and the public interest in not disclosing outweighs any public interest in disclosure.

PART 2– ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PRESS AND PUBLIC

4. NOTES OF THE PREVIOUS MEETING

To confirm the restricted notes of the meeting of the Ethics and Integrity Panel held on 12 August 2015 (copy enclosed)

5. CIVIL CLAIMS

To receive and note a report by Cumbria Constabulary on Civil Claims (copy enclosed) - *To be presented by Mr A Dobson, Director of Legal Services.*

6. INTEGRITY – COMPLAINTS BY THE PUBLIC

- (a) To receive and note a report by Cumbria Constabulary on public complaints (copy enclosed) – *To be presented by Deputy Chief Constable Skeer.*
- (b) To raise any overall issues identified during the dip sample session and discuss progress of actions detailed within the action sheet.

7. INTEGRITY – ANTI-FRAUD & CORRUPTION

To receive and note a report by Cumbria Constabulary on work undertaken by the Anti-Fraud and Corruption Unit (copy enclosed) – *To be presented by Deputy Chief Constable Skeer.*

8. OPCC COMPLAINTS AND QSPI

To receive and note a report by the Office of the Police and Crime Commissioner regarding complaints and quality of service issues received (copy enclosed) – *To be presented by the OPCC Chief Executive .*

9. INFORMATION MANAGEMENT COMPLIANCE

- (a) To receive and note a report by the OPCC on their compliance with the Freedom of Information Act and Data Protection Act (copy enclosed) - *To be presented by the OPCC Chief Executive.*
- (b) To receive and note a report by Cumbria Constabulary on their compliance with the Freedom of Information Act and Data Protection Act (copy enclosed) – *To be presented by Deputy Chief Constable Skeer.*

10. ETHICS & INTEGRITY PANEL – ANNUAL WORK PROGRAMME 2016

To agree the details of the panel’s work programme (copy enclosed) – *To be presented by the OPCC Governance & Business Services Manager.*

11. PANEL MEMBERSHIP

To receive an update from the Chief Executive regarding future panel membership.

Ethics & Integrity Panel – Action Sheet: 12/08/2015

Minute Number	Action to be taken	Person responsible OPCC / Force	Report back to Panel	Date action completed	Review Date
DATE OF MEETING: 11 May 2015					
Agenda Item 6 Complaints by the Public	Future reports include comparison figures for the previous 3 months to the current reporting period	Furzana Nazir (PSD)	12 August 2015	12 August 2015	N/A
Agenda Item 10 Grievances	Grievance files be presented at the Panel meeting in August	Sarah Dimmock (Diversity Manager)	12 August 2015	10 August 2015	
Agenda Item 11 Annual Report	(ii) Comments from the Panel to be provided to the Governance & Business Services Manager by 25 May;	Joanne Head (OPCC)	N/A	25 May 2015	N/A
	(iii) the OPCC Chief Executive speak with the Deputy Chief Constable to discuss how the Ethics and Integrity Panel could add value to the work of the Constabulary.	Stuart Edwards (OPCC Chief Executive)	12 August 2015	13 August 2015	
DATE OF MEETING: 12 August 2015					
Misconduct	The recommendations discussed at the meeting be considered by the Constabulary to improve future processes.	Andrew Taylor	May 2016	Action plan produced	April 16
Complaints by the Public	(iii) the Panel be consulted in the development of the Police Discretion Framework.	Furzana Nazir	November 2015	Info is on OPCC report	N/a
		ACC Martland	February 2016		
Public complaints dip sample	An update be provided to the November Panel meeting regarding the benefits realised from the training and any changes which had been implemented	Furzana Nazir	November 2015	Verbal update to be given as training is on	N/a

Ethics & Integrity Panel – Action Sheet: 12/08/2015

Minute Number	Action to be taken	Person responsible OPCC / Force	Report back to Panel	Date action completed	Review Date
	subsequently.			2/3/4 Nov	
Anti-Fraud & Corruption	The recommendations regarding misconduct files discussed at the meeting be considered by the Constabulary to improve future processes	Furzana Nazir	11 November 2015	Action plan produced	April 16
Grievances	Grievance files be presented to the panel on a six monthly basis	Sarah Dimmock	May 2016		



Constabulary Report to OPCC

Agenda Item No 6

TITLE OF REPORT: INTEGRITY – COMPLAINTS BY THE PUBLIC

DATE OF MEETING: 11th November 2015

ORIGINATING OFFICER: DCI Furzana NAZIR – Professional Standards

PART 1 or PART 2 PAPER: PART 1 (OPEN)

Executive Summary:

- IPCC data continues to show that Cumbria complaints per 1000 employees have reduced in the quarter. Cumbria remains lowest in MSF (most similar force) and also MSF/national averages:
 - Q1 Apr to Jun 15, Cumbria: 58, Last year same period: 64, MSF average: 86, National average: 72.
- The current 12 month rolling figures show that there has been a reduction of 38 cases (14%) and 106 allegations (19%) in comparison to the last 12 months.
- The figures show that the numbers of cases have reduced when compared to the previous 12 month period. This reduction is mirrored by a reduction in Dissatisfaction reports and stable Miscellaneous figures which indicates that there is a general improvement in satisfaction with the police by the general public.
- A breakdown of allegations shows that whilst all TPA's have reduced their level of allegations West TPA's reduction is only slight, however this is against rising West TPA figures in the last report.
- Allegations upheld by PSD have reduced from 30 allegations (5.2%) in the last period to 26 allegations (7.7%) in the current 12 months, a proportionate increase in part due to the reduction in overall complaints.
- The percentage of allegations not upheld by PSD and TPA has reduced from 38.0% to 29.9% in the current period, a reduction of 118 allegations. Of note Local resolutions by PSD and TPA increased proportionately from 37.8% to 43.2% in comparison.
- The number of IPCC appeals has reduced by 16% when compared to the previous reporting period (25 to 21) and force appeals by 6.9%(43 to 40).
- The percentage of upheld appeals for the IPCC has increased by 1 when compared to the last period. In 2014 there was 8 and in 2015 there was 9, this represents a 12.5% increase. Upheld Force Appeals have reduced from 11 to 0.

Recommendation:

- To continue to issue PASS Newsletters and Best Practice when trends are identified.
- To progress work on improving accessibility to the complaints process as per page 2 and Appendix 1.

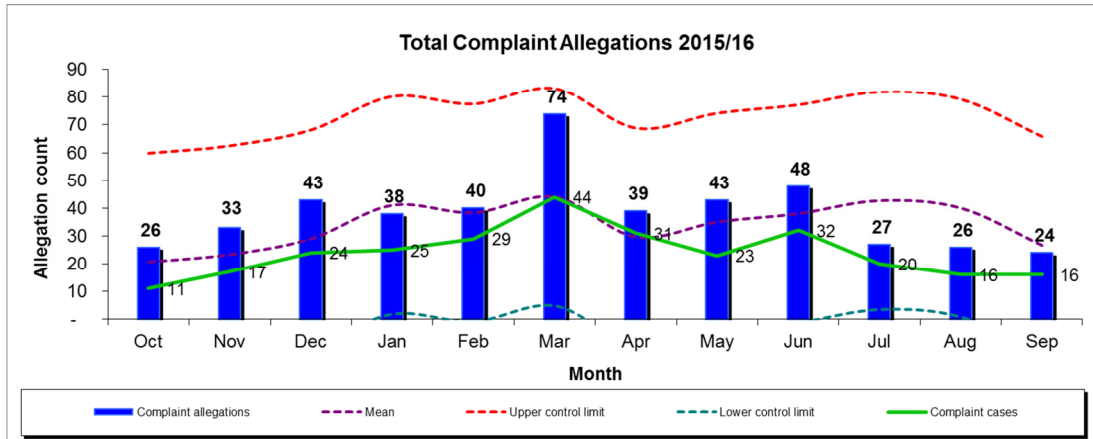
MAIN SECTION

1. Introduction and Background

Alternative options considered, evaluation, benefits – anything not covered in sections below etc.

1.1 Complaint Allegations

The below chart shows levels of complaint cases and allegations in the last 12 months from October 2014 to September 2015: -



The chart shows fluctuating levels of complaint allegations and cases. Peaks in allegations were seen in March 2015 with 74 allegations. Allegations and cases have been reduced between July and September and this is opposite to the three year trend of increases over the summer months. Over the 12 month period allegations and cases have been fairly stable or reduced with the notable exception of March 2015.

The nature of complaint cases and allegations will continue to be monitored closely to identify any potential future trends.

The table below shows the total number of cases and allegations including direction and control for 12 months to the end of September 2014 and September 2015. The figures show that the numbers of cases over the current 12 month period have decreased slightly when compared to the last 12 month period.

	12 Month Rolling to September 2014	12 Month Rolling to September 2015	Percentage Change
Cases	334	288	-13.7
Allegations	543	437	-19.5

*Including Direction and Control cases/allegations.

Although we are pleased that less people have made complaints, we do understand that some people find it difficult to come forward and complain. In order to improve accessibility to the police complaints system Cumbria Constabulary is currently

RESTRICTED

Item 06a - Complaints Performance Report

working on increasing ways in which someone can make a complaint, including an online complaint form and assistance at Hate Crime Reporting Centres. It is planned to introduce these new ways of making a complaint by the end of the year.

1.2 Allegations broken down into TPA/Area.

The table below shows the numbers of allegations and cases broken down into areas:-

Area	Allegations			Cases		
	12 Month Rolling to Sep-14	12 Month Rolling to Sep-15	Change	12 Month Rolling to Sep-14	12 Month Rolling to Sep-15	Change
North	164	125	-39	97	87	-10
South	169	116	-53	105	83	-22
West	156	154	-2	104	83	-21
UOS	16	19	3	11	20	9
HQ	38	23	-15	17	23	6
Total	543	437	-106	334	296	-38

*Including Direction and Control cases/allegations.

Complaint cases have reduced when comparing the current 12 month period with the previous 12 months and are evenly spread across the 3 TPA's, with UOS and HQ increasing.

The table shows a reduction in allegations with only UOS showing an increase in the period and only then by 3 allegations, this is despite an increase in cases for the area.

RESTRICTED

Item 06a - Complaints Performance Report

1.3 Area Allegation group breakdown

The table below shows the allegations broken down into area and group: -

12 Month Period	Group	North	South	West	UOS	HQ	Grand Total
12 Month Rolling to Sep-15	Breaches of PACE K,L,M,N,P,R	11	11	20	1		43
	D&C	8	5	9	2	8	32
	Discrimination F	4	1	4			9
	Incivility U	27	19	16	4	7	73
	Malpractice G,H,J	6	5	6	2	1	20
	Oppressive Behaviour A,B,C,D,E,Y	26	25	19	3	2	75
	Other W	1	3	1		1	6
	Unprofessional Conduct S,T,V,Q,X	42	47	79	7	4	179
12 Month Rolling to Jun-15 Total		125	116	154	19	23	437
12 Month Rolling to Sep-14	Breaches of PACE K,L,M,N,P,R	21	9	13		6	49
	D&C	11	4	7		5	27
	Discrimination F	3	4	3	1		11
	Incivility U	18	24	27	3	2	74
	Malpractice G,H,J	8	11	9	1		29
	Oppressive Behaviour A,B,C,D,E,Y	42	33	26	5	2	108
	Other W	0	0	0	0	0	0
	Unprofessional Conduct S,T,V,Q,X	61	84	71	6	23	245
12 Month Rolling to Jun-14 Total		164	169	156	16	38	543

*Including Direction and Control case/allegations.

The largest increases have been seen in the following: -

- West TPA – Breaches of PACE increase of 7 complaint allegations (35%).
- North TPA - Incivility increase of 9 complaint allegations (33%).
- West TPA – Unprofessional Conduct increase of 8 complaint allegations (10%).

The group/allegation type that saw the largest percentage increase in the current 12 month period when compared to the previous 12 months was Other and Unprofessional Conduct – Traffic Irregularity, both increased by 6 allegations, Other from 0 and Traffic irregularity from 10 (60%). Four of the 10 Traffic irregularity were in West TPA. The traffic irregularity range from speeding and overtaking issues, parking and three in relation to the driving when they were being taken to Custody. Of the Other allegations there are no firm trends but three of these complaints are made by persistent complainers.

There were no specific best practice items circulated by PSD in the period relating to the traffic irregularities or the complaints in the Other group.

Oppressive behaviour has reduced overall but the allegation type Other Serious Assault shows an increase of 3 allegations to 5 (150%) compared to the previous 12 months. All of these relate to alleged injury during arrest and detention. Only one of these is finalised and was not upheld, two others are subjudice, the last two are the same case and are still live.

The last two reports identified an issue regarding malpractice - mishandling of property. This has reduced with the exception of West TPA where it has remained stable.

In the current 12 month period the following PASS Newsletters and Best Practise guidance have been issued in respect of identified issues: -

- Individual (Oct 2014) – Standard Operating Procedures re use of Bodycam to announce recording to individuals present.
- Force Disclosure Manager/PNC Manager (Nov2014) - Reiteration of process re medical referrals to DVLA.
- Review Team (Nov 2014) – Issues surrounding the release of evidence following coroner’s inquest and storage of items within transit stores.
- Force Orders (Nov 2014) - Good practices to be used when updating victims of crime i.e. to document update process which has been agreed with victims and consideration given to secondary process in event original process fails.
- Individual (Nov 2014) - Good practice in respect of providing more detailed updates to Comms for logs in future.
- Individual (Nov 2014) - Reiteration of importance of NCRS complaint entries on logs regarding counter allegations.
- Issue 16 (Feb 2015) – Regarding recent misconduct hearing findings in relation to: - Honesty and integrity: Orders and instructions: Confidentiality and Discreditable conduct.
- Issue 17 (Mar 2015) - Regarding Recent Misconduct Hearing findings in relation to: - Orders and Instructions and Honesty and Integrity.
- Police Officers and other operational staff (Mar 2015) – Regarding appropriate advice to be given in relation to removal of Tazer barbs.
- Individual (Mar 2015) - Issues surrounding the application of the CPS gravity matrix - caution issued for theft to the value of £1200 - matrix states only applicable to the value of £200.
- Individual (Mar 2015) - Officers dealing with a case should be reminded that when decision is made regarding criminal action or not, whether there is any related property requiring return/disposal.
- PSD Staff (Mar 2015) - Where individuals need to 'pp' letters on behalf of another person they need to ensure they are authorised to do so and that if their signature is unclear they document their name/id or collar number.
- Crime Registrar/ICT project team (May 2015) - A criminal investigation with 3 linked crimes and subsequent Caseman entries were not entered on the record which contained details of the hate crime. This led to the file being submitted for ERO without consideration by the Hate Crime Officer or CPS. The crime was subsequently reassessed and resulted in a positive prosecution
- Online News to all staff (May 2015) - Providing Victims with updates i.e. Further actions taken
- Force Orders (May 2015) – Officers are to complete section under "Witness Care" on the reverse of the statement form MG11 which requires an answer to be provided to a series of questions relating to that witness attending court.

- CI Comms Centre (June 2015) - Correct practice of recording incident report when allegation made of possible crime (harassment) which may or may not be linked to ongoing investigation.
- SharePoint (July 2015) - Correct procedure for the lawful retention of seized property.
- PASS Newsletter Force wide, July 2015, Update Recent Special Case Hearing
- PASS Newsletter Force wide, July 2015, USB security and Disclosure of information to Paramedics
- Individual (Aug 2015) - Use of force form in relation to non-compliance when restrained with handcuffs. Learning point
- Force orders (Aug 2015) - Statement issued regarding property being seized under Statutory or Common law. Learning point
- Custody bulletin(Aug 2015) - Mattress not placed on floor in cell in anticipation of officers having to take the DP to the floor and (2) The custody sergeant did not document the rationale on the custody record for the DPs clothes to be removed albeit a verbal instruction had been given. Learning point
- Force orders (Aug 2015) - Unlawful arrest in Cumbria for offence of Murder in Scotland. Organisational
- Force orders (Aug 2015) - Statement issued reminding officers of the need to be fully conversant with the procedure in respect of the issue of PIN's following upheld complaint. Learning point
- Custody staff (Aug 2015) - Reminder to custody Sergeants regarding the issuing of cautions in domestic violence cases and the necessity to refer to CPS. Learning point
- Custody Staff (Aug 2015) - Circulation to raise awareness to check any imposed conditions prior to creating bail variation notices to ensure that they are not sent to a home address where there is a condition regarding residing at another location. Learning point
- Custody Sergeants (Aug 2015) - Reminder to Custody Sergeants regarding the issue of conditional cautions and permissible conditions. Learning point.

1.4 Repeat Officer Strategy

Officers who meet the criteria for the repeat officer strategy (Subject of 3 complaint cases in a 12 month period) are brought to the attention of the Professional Standards Department Tactical Tasking and Co-ordination Group on a monthly basis where the complainants made against them are assessed following which appropriate guidance and support is provided.

There were 17 officers who met the repeat officer strategy in the current period which is a reduction of 3 on the previous period. There were 2 officers who met the criteria on 2 occasions in the current 12 month period. These officers have been highlighted through the PSD TT & CG process and PSD have liaised with the officer's senior management team. One officer's line management has reviewed a subject profile which has been disseminated by PSD to prevent future complaints and support the officer who has been seen by his Inspector, no further action is currently required.

1.5 Dissatisfaction Reports

There were 84 dissatisfaction reports recorded in the current 12 months which is a reduction of 8 when compared to the previous 12 month period. The four main categories reported on in the lower level dissatisfaction reports over the 12 month are similar to those reported on in the complaint cases these being neglect/fail duty, misinformation, oppressive behaviour and incivility. The reduction in dissatisfaction reports echoes the reduction in complaints.

1.6 Diversity

There have been 9 allegations of discriminatory behaviour by the police recorded during the current 12 month period which is a reduction of 2 when compared to the previous 12 months.

- Complainant states that an officer was discriminatory towards them, when booking them in at Custody Suite, by allegedly saying "title; Miss, Mrs or Mr". Not Upheld - by PSD
- Complainant states that having reported crimes of Fraud and Criminal Damage to Cumbria Constabulary, an officer was discriminatory towards them by refusing to investigate the offences because of their ethnicity. Local Resolution - by PSD
- Complainant states that an officer involved in the arrest of the complainant, was discriminatory towards the complainant and partner, bullying and believes that the motive was racist. This is currently Live
- Complainant believes their complaints of Anti-Social Behaviour involving neighbours were dismissed on the grounds of their disability. Local Resolution - by TPA
- Complainant states that an officer spoke to them in what they allege was a faux Northern Irish accent, which they believes was a racial slur on them. Not Upheld - by PSD
- Complainant states that an officer from Cumbria Constabulary telephoned them and believes that this officer was discriminatory towards them due to their disability. Local Resolution - by TPA
- Complainant states that they were arrested, the officer was discriminatory towards them making reference to them being a gypsy. This is currently Live
- Complainant states that they were victim of an offence, which they reported to the Police. They believe the offender was released without charge and believes that the officer who made this decision discriminated against them because the offender is female and ex forces. This is currently Live
- Complainant states that a police officer attending a Public Protection Conference made a racist comment that they should 'be more British'. This is currently Live

1.7 Performance

Allegations finalised in the period regardless of when the allegations were recorded.

Allegation Result Description	12 Month Rolling to Sep-14	12 Month Rolling to Sep-15	Change
Case to Answer	25	13	-12
De Recorded	11	5	-6
Disapplication - by Force	46	26	-20
Discontinued - by Force		2	2
Local Resolution - by TPA	148	112	-36
Local Resolution - by PSD	70	34	-36
No Case to Answer	12	12	0
Not Upheld - by TPA	5	1	-4
Not Upheld - by PSD	214	100	-114
Upheld - by PSD	30	26	-4
Withdrawn - by Force	15	7	-8
Grand Total	576	338	-238

The performance targets for Investigations and Local resolutions have been set at 69.59% of local resolution allegations to be dealt with in 40 days and 67.7% of investigations to be dealt with in 120 days. In light of this the process has been reviewed and amended slightly to bring forward reminders to officers progressing local resolutions.

It has been identified that the data used in Cumbria to assess performance against these targets contains inaccuracies and that more reliable data can be obtained from the national IPCC data (Q1 Apr 15 to Jun 15) for average number of days to finalise Local Resolution and Investigations:

- Average number of days to locally resolve allegations – Cumbria 36, MSF average 54 and National average 65.
- Average number of days to finalise allegations by local investigation – Cumbria 152, MSF average 139 and National average 158. This is disputed as the IPCC report shows Cumbria cases are completed in an average of 81 days and an allegation can not be open longer than a case.
- Cumbria is the 5th best in the country for average number of days to locally resolve allegations.

In the current 12 month period, 388 allegations were finalised compared to 576 in the previous period the biggest reduction (by 114) was in Not Upheld by PSD although this still formed 29.6% of outcomes, reduced from 214 (37.15%). The last report stated that there had been an increase in Not Upheld by PSD so the current reduction is a return to previous levels of Not Upheld results.

Allegations upheld- by PSD have also reduced from 30 allegations (5.2%) in the last period to 26 allegations (7.6%) in the current 12 months the reduction in numbers not matching the proportions of the total outcomes.

1.8 Force and IPCC Appeals

Result	Force Appeals 12 months rolling to Sep 14	Force Appeals 12 months rolling to Sep 15	IPCC Appeals 12 months rolling to Sep 14	IPCC Appeals 12 months rolling to Sep 15
Upheld	11	0	8	9
Not Upheld	31	37	16	9
Withdrawn	1	0	0	0
Not Valid	0	0	1	2
Live	0	3	0	1
Total	43	40	25	21

The above data highlights that the number of IPCC appeals have reduced by 16% (25 to 21) and the number of force appeals has also reduced by 7% (43 to 40). However the percentage of upheld appeals for Force appeals has reduced in this reporting period compared to the previous 12 months and IPCC Appeals have remained relatively stable:

Upheld Force Appeals have reduced from 26% to 0% (0 of 40 compared to 11 of 43).

Upheld IPCC Appeals have increased from 32% to 43% (9 of 21 compared to 8 of 25).

1.9 Direction and Control Complaints

Direction and control complaints are from members of the public complaining about issues rather than individuals. Over the current 12 month period direction and control complaints have increased by (18.5%) when compared to the previous 12 month period, the largest increase being General Policing Standards. These complaints range in type from allegations in relation to letters being PP'd to PNC records not being amended. The table below shows a breakdown of direction and control complaints.

Allegation Result Description	12 Month Rolling to Sep-14	12 Month Rolling to Sep-15	Change
General policing standards	2	6	4
Operational management decisions	16	18	2
Operational policing policies	4	4	0
Organisational decisions	5	4	-1
Grand Total	27	32	5

Other issues under general standards include that letters being PP'd, PNC records not being amended, officers road blocking techniques delaying other emergency services, two cases where the complainant is not happy with the outcome of a specific case and complainants questioning the process of police activity and warrants. There are no items of specific best practice in relation to these allegations.

Appendix 1

This matter in is regard of current work to improve access to the complaints system, especially in respect of hard to reach groups. The following questions have been posed by the IPCC

- How easily can a member of the public make a complaint
- The amount of information provided about making a complaint
- What forms are available for people to make a complaint
- How the IPCC's role is explained

The current situation and what requires being finalised/implemented:

Area	Current position	To do
Web page	This is near completion and should go live soon. It will have a form for people to make complaints, which has not been available in the past and which importantly asks what complaints would like done to resolve their complaint. Sarah Dimmock has looked at the page and is satisfied with it. There is a translation button on the page for different languages	Get the details of Hate Incident Reporting Centres which are to be added as a link
Front Counters	Response I have had indicates that there isn't much material, however staff know what to do	Poster required and leaflets to be provided
Hate Crime Reporting Centres	No information available in respect of how to make a complaint	Poster required and leaflets to be provided
New complaint form for internal use	Awaiting IT to create form	To create form (Planned for end 2015)
Gipsy and Traveller group	No information available in respect of how to make a complaint	Poster required and leaflets to be provided

Appendix 2

The headline figures following the Statistics in respect of Police Complaints publication by the IPCC on 07/10/15

	Cumbria	Nationally	Comment
Complaints	Down 8%	Up 6%	This shows that less people are making complaints
Allegation	Up 8%	Up 13%	This shows that we are now recording complaints in line with guidelines. If there is more than one allegation it is recorded as such
Recorded within 10 days	80%	80%	In line with national average – To date this year we are at 90%.
Complaints dealt with as Local Investigation (LI)	50%	50%	In line with national average and shows that we are appropriately assessing complaints as suitable for LI
Complaints dealt with as Local Resolution	40%	34%	Shows we are moving towards Locally Resolving more complaints, which is good for the complainant as it provides a quicker response to their concerns
Allegations upheld	10%	14%	Although below the average I am satisfied that the decision is triaged. The Appropriate Authority reviews the investigation and agrees with the decision. There is the right of appeal and the ethics panel dip sample complaints
Days to finalise complaints	80	102	We are dealing with complaints in a timely fashion and quicker than the national average
Local Investigation appeals upheld by Cumbria	10%	19%	We are below the national average, however all force appeals are determined by a senior officer outside of PSD and are dip sampled by the Ethics Panel
Local Investigation appeals upheld by IPCC	20%	39%	The IPCC do uphold twice as many appeals (20%) compared to Cumbria (10%), however they still uphold less complaints in relation to Cumbria compared to the national average (39%) which suggests that we are conducting proportionate investigations with appropriate outcomes
Non Record appeals upheld by IPCC	41%	42%	This shows that our non-recording decisions are in line with the national average and suggests that we do not over or under record complaints

Ethics & Integrity Panel – Dip Sample Action Sheet: 12/08/2015

N°	Issues Identified	Action taken	Date action completed	Review Date
Date of Dip Sample Session: 11 May 2015				
1	Information given to complainants in the 28 day update letter was sometimes limited. The impression was that the letter had been written merely to comply with statutory obligations rather than because of a genuine desire to bring the complainant up to date. The Panel suggested that PSD should think about what the complainant wants to know and about how to phrase letters to provide confidence in the complaints process.	Letter has been amended and now includes a better update. The “in accordance with...” has also been removed”	1/09/15	6 months
2	When dealing with complex matters or detailed sets of facts and in sensitive cases, it would be good practice for letters to be reviewed by another officer before being sent to the complainant. That should avoid errors and misunderstandings.	Initial recording letters are reviewed before being sent, as are the final letters and investigation reports Circulated to all investigators as good practice re monthly updates	No changes required	n/a
3	When informing a complainant about the outcome of a complaint consideration should be given, in appropriate cases, to holding a face to face meeting in addition to the written notice.	This is done when appropriate e.g. CO/231/15 and CO/1771/5	No changes required other than remind team of face to face meetings.	N/a
4	On occasions it was not clear in the final response letter who was giving the apology, the organisation or the officer concerned. That can make a difference to the complainant. If an apology is given then it should be for the right reason.	The following is included in the final letter templates and can be amended/removed as appropriate:- <i>“Although I have not upheld your</i>	No changes required	n/a

Ethics & Integrity Panel – Dip Sample Action Sheet: 12/08/2015

N°	Issues Identified	Action taken	Date action completed	Review Date
		<p><i>complaint, I would like to thank you for taking the time in writing to us as such referrals often assist us to monitor and address the performance of police officers and staff, and help us improve the service provided to members of the public.”</i></p> <p><i>“I am sorry that you were All members of Cumbria Constabulary are expected to work within the framework of the recently introduced Code of Ethics, which is in place to support each member of the policing profession to deliver the highest professional standards in their service to the public. As a direct result of your complaint.....”</i></p> <p>Where an apology is given it is made clear who it is from:-</p> <p><i>“PC... appologises” or “I would like to apologise, on behalf of Cumbria Constabulary, for.....”</i></p> <p>Sometimes the Inspector carrying out the Local Resolution has already sent a letter of apology. In this case the letter will be</p>		

Ethics & Integrity Panel – Dip Sample Action Sheet: 12/08/2015

N°	Issues Identified	Action taken	Date action completed	Review Date
		referred to and a copy attached		
Date of Dip Sample Session: 12 August 2015				
1.	The use of social media by officers and staff should be within policy and guidelines. Gatekeeping should be rigorous and effective to prevent errors occurring.	There is an on line code of conduct. Officers and staff are instructed to read this before they send out on line messages. The document covers various social networking guidance, useful tips and supporting information. Request made to circulate a reminder on On-line news.	August 2015	N/a
2.	Regarding `Words of Advice` - the file should contain a record of the aspects of what they have been advised upon as the register where this could be recorded is weeded on an annual basis.	Action • Misconduct files to contain print out of management advice document.	August 2015	Feb 2016
3.	Management Training should include dealing with misconduct issues including how to give and record Words of Advice.	Action • E mail sent to training requesting that they check their management training and confirm if this area is covered either within the classroom or as an e learning package.	On going	Nov 15



Office of the Police & Crime Commissioner Report

Title: OPCC Complaints & Quality of Service Issues

Date: 11 November 2015

Agenda Item No: 08

Originating Officer: Joanne Head

CC:

Executive Summary:

In accordance with the Police Reform and Social Responsibility Act 2011 the Police and Crime Commissioner has a responsibility in relation to conduct and complaints. The Commissioner is the appropriate authority for complaints and conduct matters relating to the Chief Constable only. The Chief Constable is the appropriate authority for any complaints regarding police officers (below the rank of Chief Constable) or police staff conduct whilst carrying out their work/duties under the Direction and Control of the Chief Constable.

Recommendation:

That, the Panel notes the current position in relation the number of complaints and quality of service issues received by the Office of the Police & Crime Commissioner.

1. Introduction & Background

- 1.1 The Office of the Police & Crime Commissioner (OPCC) receive a number of telephone calls and emails from members of the public who wish to make complaints about police officers and/or police staff under the rank of Chief Constable. As this is a matter for the Chief Constable to deal with a process has been developed with the Constabulary to forward such complaints onto the Constabulary's Professional Standards Department, advising the complainant accordingly.
- 1.2 Some issues which are brought to the attention of the OPCC do not constitute a complaint but are regarding quality of service issues. Again a system has been developed with the Constabulary to pass on the issues to the Chief Constable's Secretariat. The issues are then raised at a local level with the OPCC being kept updated as to progress and advised of either a final solution which has been agreed or a final response which the Commissioner will then send to the author.

- 1.3 Regular contact between OPCC staff and the Constabulary staff officers takes place to ensure that the matters are progressed in a timely manner and that an author is updated of progress or the final result as soon as possible.

2. Issues for Consideration

Complaints received by the OPCC

- 2.1 Detailed below is a table which illustrates the number of complaints which have been received by the OPCC during 2014 and 2015. In brackets are the number of those complaints which were passed to Cumbria Constabulary to deal with, these were all regarding police officers below the rank of Chief Constable, the Police and Crime Commissioner has no statutory responsibility to deal with such matters. As can be seen a large proportion of the complaints received by the OPCC, the Commissioner is unable to deal with. Appended to the report is a breakdown of the complaints received (Appendix 1).

2014	2015
13 (8)	9 (7)

- 2.2 Where appropriate the OPCC signposts the complainant to the appropriate appeals process or advised them of the Commissioner's role and powers.
- 2.3 As can be seen by the reduction in the number of complaints received by the OPCC the public are more aware of the Police and Crime Commissioner, the roles and responsibilities he has and the procedures to be followed regarding making complaints about police officers and staff or the Constabulary.

Commissioner Complaints

- 2.4 Complaints made regarding the Police and Crime Commissioner are dealt with by the Police and Crime Panel (PCP). This Panel has statutory responsibility for holding the Commissioner to account for the work that he carries out and they are therefore the logical body to deal with any complaints.
- 2.5 Chapter 4, Section 30 of the Police Reform and Social Responsibility Act 2011 details the circumstances in which a Police and Crime Commissioner could be suspended this being that the Commissioner has been charged with an offence which carries a maximum term of imprisonment exceeding two years. The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 details the role of the PCP.
- 2.6 Any complaint regarding the Commissioner is sent to Cumbria County Council's Monitoring Officer to assess and consider its severity. If it does not meet the above criteria an agreed protocol is in place whereby the Monitoring Officer will correspond with the Commissioner to ascertain the circumstances surrounding the complaint and provide the complainant with an explanation. If the complainant is satisfied with the explanation such a complaint would be finalised as an informal resolution.

- 2.7 If the complaint cannot be dealt with by informal resolution the PCP will then consider the complaint and may decide to establish a subcommittee to consider the findings of the initial investigation of the Monitoring Officer and consider whether to undertake a more detailed investigation.
- 2.8 Detailed in the table below is the number of complaints received regarding the Commissioner, and by what method they were dealt with.

YEAR	N° of Complaints Received	Complaint not about the PCC	Dealt with by informal resolution	Police & Crime Panel investigation
2014	2	0	2	0
2015	1	0	0	0

- 2.9 The majority of the complaints received relate to the way in which the Commissioner has carried out his duties or work he has undertaken rather than his personal conduct. To date all complaints have been dealt with by way of informal resolution resulting in the PCP not having to instigate any investigation.

2.10 Chief Constable Complaints

The Commissioner is the appropriate authority for complaints and conduct matters relating to the Chief Constable. Members of the public may write to complain about the Chief Constable when in fact they are unhappy about the way in which policing is provided or regarding a policy or procedure rather than his personal conduct.

- 2.11 The table below illustrates the number of complaints which were received from 1 January 2014 to 30 October 2015. During that period there have been two Chief Constables in charge of the Constabulary. There are currently no complaints outstanding.

YEAR	N° of Complaints Received	Recorded	Not Recorded	Dealt with by informal / local resolution	Investigation	IPCC Appeal
2014	4	2	2	2	0	0
2015	1	1		1	0	0

- 2.12 The Independent Police Complaints Commission (IPCC) guidance states that all complaints received regarding a Chief Constable must be recorded and then dealt with in the appropriate manner. This can be either by way of an informal or local resolution or by way of an investigation. In the majority of cases the complaint was dealt with by way of an informal resolution in the format of a letter providing an explanation of the circumstances surrounding the issue complained about.

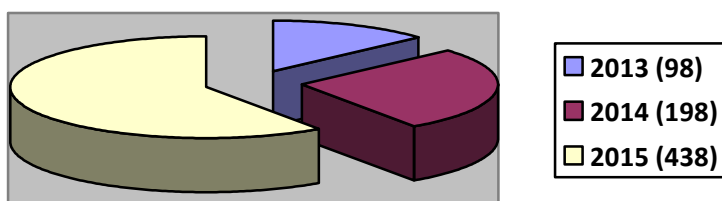
2.13 A complainant has the right of appeal to the IPCC if they feel that a complaint should be recorded or is unhappy with the outcome of the resolution process or investigation. To date only one complainant has appealed to the IPCC and this was subsequently not upheld.

2.14 OPCC Staff Complaints

No complaints have been received regarding any member of OPCC staff during the reporting period.

2.15 Quality of Service Issues

Members of the public write to the Commissioner regarding a wide variety of issues relating to policing. The correspondence is assessed and the most appropriate way to deal with the matter is then progressed. Where necessary the OPCC will contact the Chief Constable's office to ascertain further information in order to inform the Commissioner's response to the individual, or the matter will be dealt with at a local level. The chart below illustrates the number of quality of service issues which the Commissioner has received and dealt with in the years 2013, 2014 and in 2015 up to 30 October 2015.



2.16 Appended to the report is a breakdown of the quality of service issues which have been received by the OPCC during 2014 and from 1 January to 30 October 2015 (Appendix 2). Detailed within the charts is a breakdown of the nature of the issue, the area in which the incidents occurred and the months in which issues are reported. The nature of the issues do vary with the most common being about, driving issues, policing service (either provided or received) and clarification of a policing situation.

2.17 In October 2015 the OPCC saw a rise in the number of QPSI's when it received 173 letters from members of the public regarding the provision of CCTV within Maryport.

2.18 Compliments

During 2015 the OPCC has received four letters of compliment from members of the public for the assistance provided by the Police and Crime Commissioner and members of staff.

3. Implications

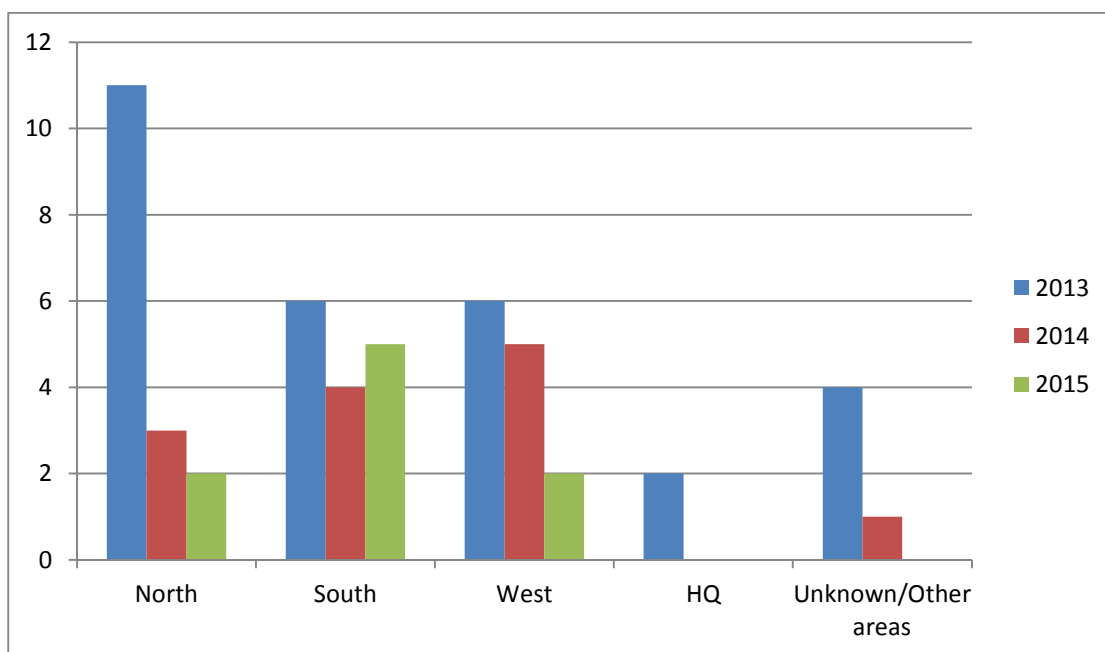
- 3.1 Financial - there are no additional financial costs associated with dealing with these complaints, quality of service issues.
- 3.2 Legal – none identified.
- 3.3 Risk - None identified, beyond that to the OPCC's reputation if it does not deal with the issues raised appropriately and proportionately according to the merits of the individual case.
- 3.4 HR / Equality - none specifically identified.

4. Supplementary information

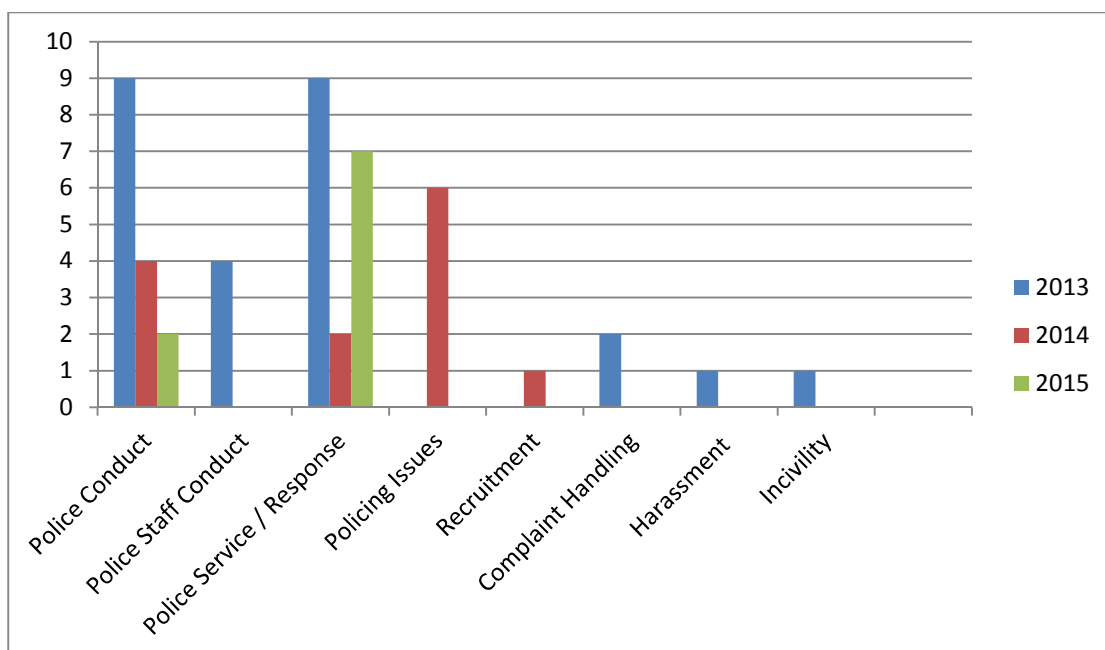
Appendix 1 – Complaints received by the OPCC

Appendix 2 – Quality of Service issues received by the OPCC

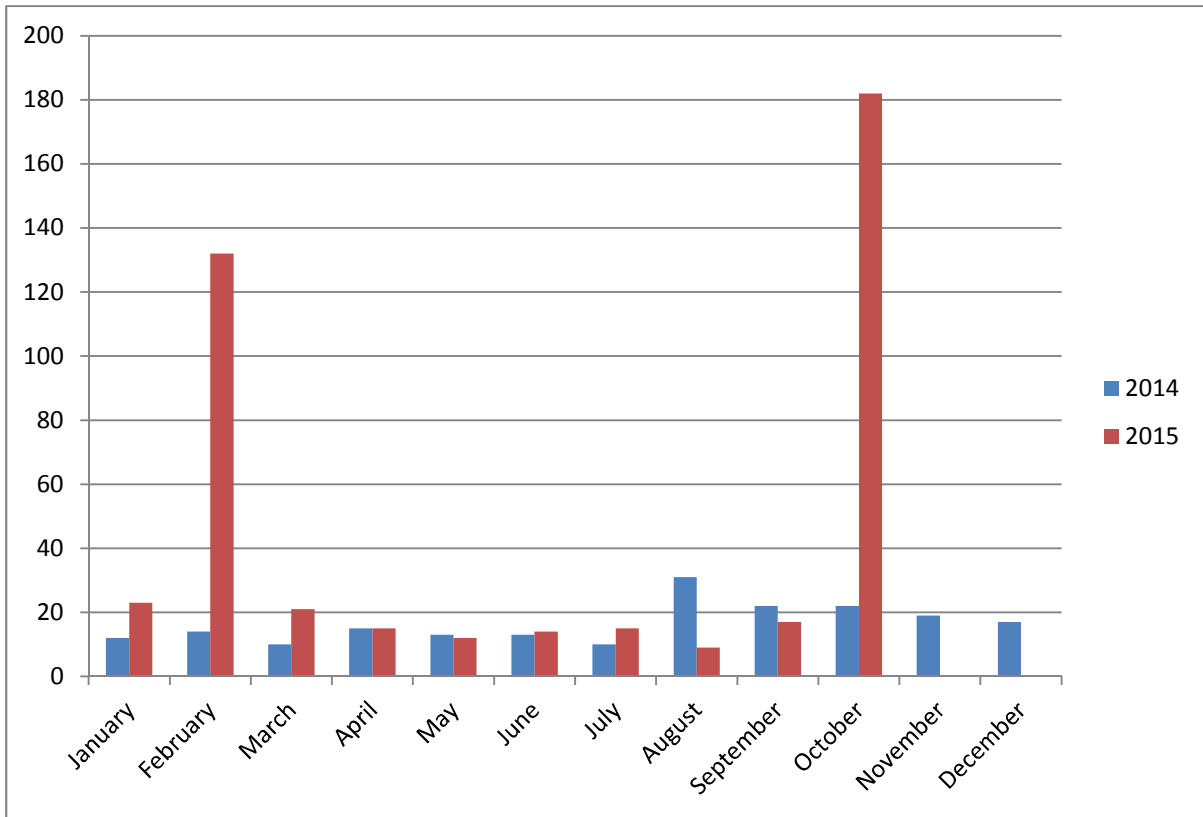
Complaints received by the OPCC - Areas



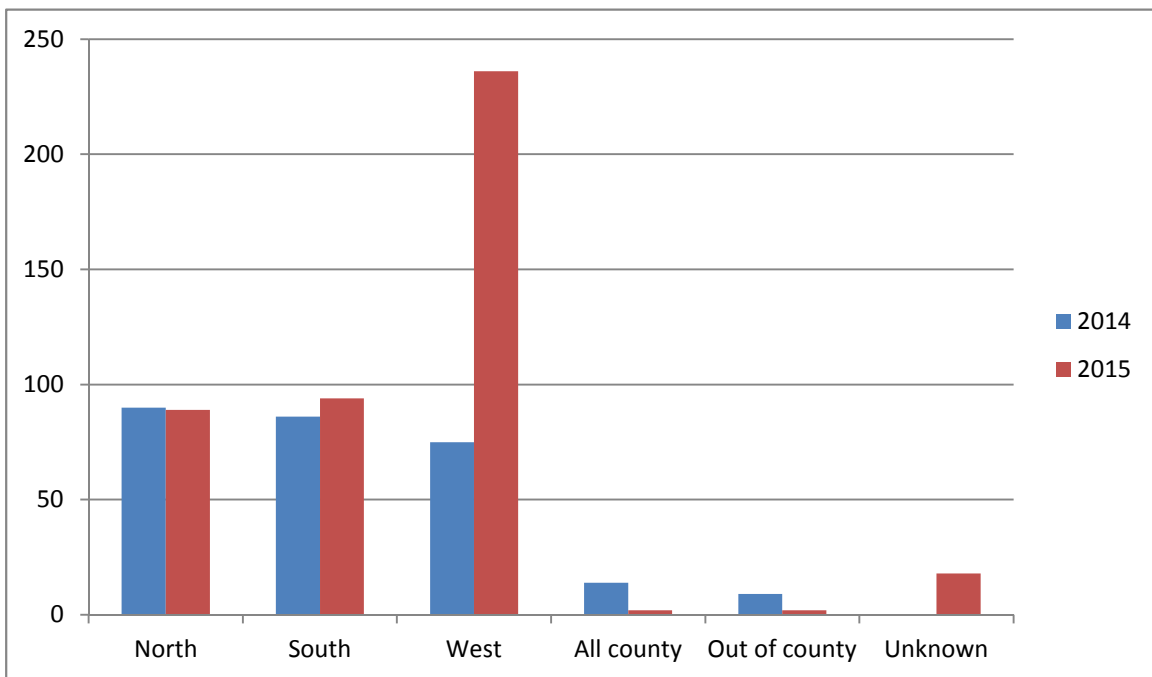
Types of Complaints



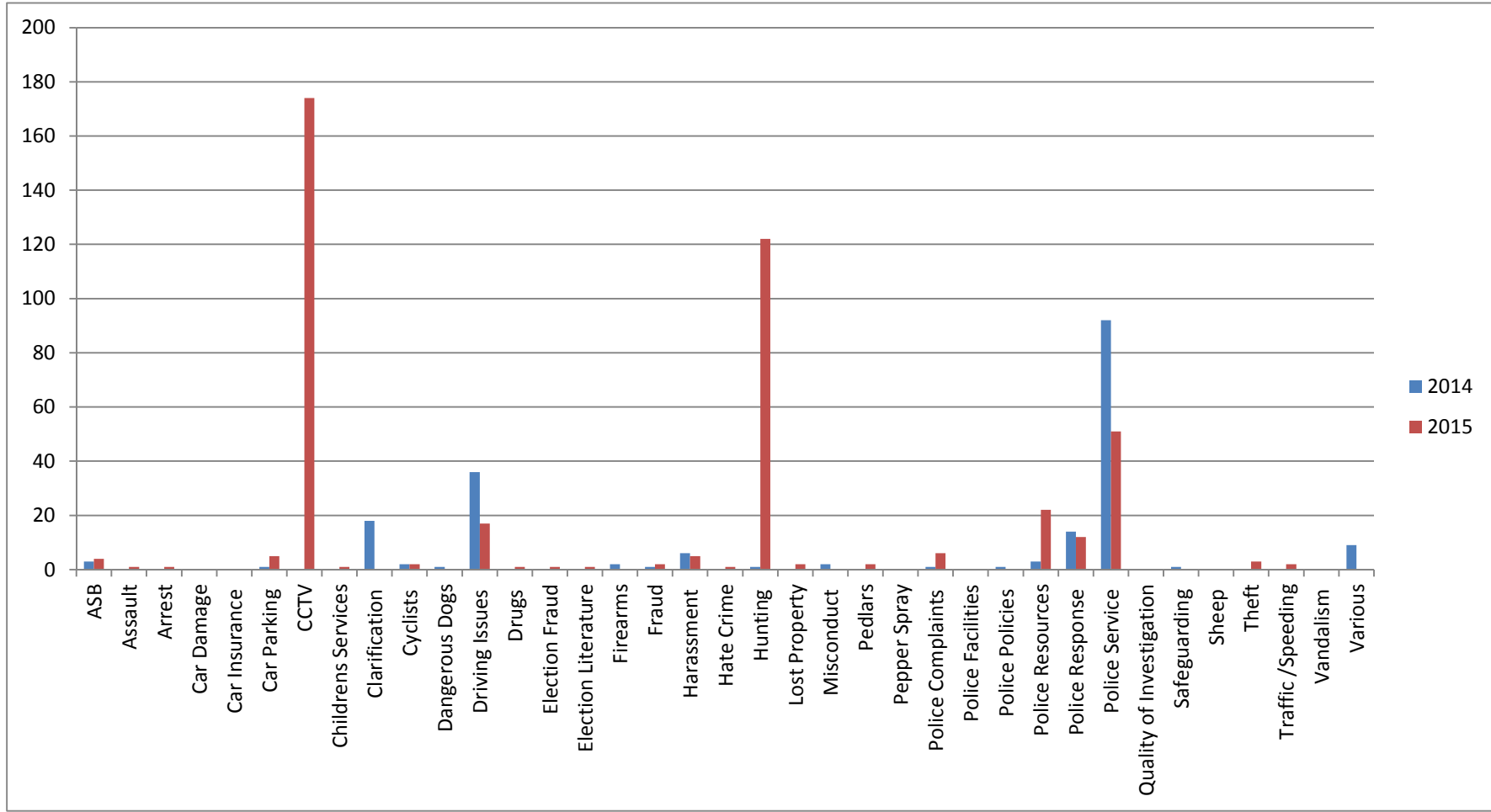
QSPI's per Month



QSPI's per Area



QSPI Types





Ethics and Integrity Panel

Title: OPCC INFORMATION MANAGEMENT COMPLIANCE

Date: 11 November 2015

Agenda Item No: 9(a)

Originating Officer: Joanne Head

CC:

Executive Summary:

As a public authority, the Office of the Police and Crime Commissioner is required to process information in an appropriate manner including complying with the Freedom of Information Act 2000 and the Data Protection Act 1998. Both of these Acts entitles an individual to request information from a public authority and as such public authorities must comply with requests under this legislation. The Acts clearly identify how a request should be processed including timescales in which an individual should be provided with the requested information or advised why an exemption is being applied.

Recommendation:

That, the members of the Panel note the report.

1. Introduction & Background

- 1.1 This report is to provide information to the Panel, acting on behalf of the Commissioner, so the Panel can assure the Commissioner that the OPCC are complying with the Freedom of Information Act and the Data Protection Act.
- 1.2 The Chief Constable and the Police & Crime Commissioner (the Commissioner) are required to comply with the Freedom of Information (FOI) Act, the Environmental Information Regulations where applicable and the Data Protection Act. Set out within the legislation is how a request is to be processed and within what timescales.
- 1.3 On an annual basis the Commissioner agrees a "Funding Arrangement" with the Chief Constable. The arrangement sets out the terms and conditions under which the Commissioner will provide funding to the Chief Constable during the Funding Period. As part of the Funding Arrangement the Chief Constable will provide a high level summary of requests made during each calendar month under the Freedom of Information Act and the Environmental Information Regulations in the format that such requests are held by the Constabulary. In addition the Chief Constable agrees to assist and cooperate with the

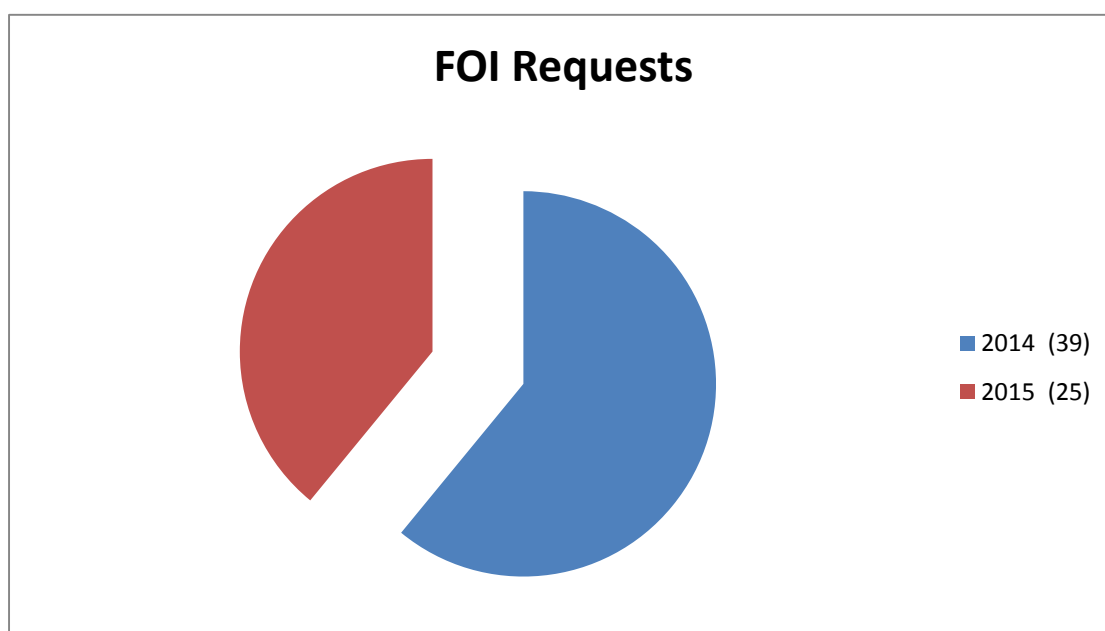
Commissioner, where necessary, to enable the Commissioner to comply with his obligations under the FOI Act and the Environmental Information Regulations whenever a request is made for information.

- 1.4 In the event that a request received by the Chief Constable under the FOI Act or the Environmental Information Regulations includes a request for information, either (i) provided to the Chief Constable by the Commissioner, or (ii) where a reasonably objective observer would consider that disclosure of that information would be likely to have a prejudicial impact on the Commissioner's priorities and responsibilities, the Chief Constable shall in good faith take account of any representations submitted by the Commissioner

2. Issues for Consideration

Freedom of Information Act

- 2.1 In order to have assurance that the OPCC and the Constabulary are complying with the Freedom of Information Act, the Police and Crime Commissioner has delegated authority to the Ethics and Integrity Panel to monitor this areas of business. This report is to provide assurance to the Panel that the OPCC are complying with the Freedom of Information Act.
- 2.2 The OPCC on its website publishes a procedure for dealing with FOI requests. This enables the OPCC to ensure that it meets its statutory obligations under the FOI Act and to inform members of the public to in how to make an FOI request.
<http://www.cumbria-pcc.gov.uk/media/21801/2014-03-02%20FOI%20Procedure.pdf>
- 2.3 When responding to requests under the FOI Act essentially information provided is released into the public domain. In order to be open and transparent the OPCC publishes the requests it has received and the responses it has provided on a monthly basis. These disclosure logs can be found on the Commissioner's website:
<http://www.cumbria-pcc.gov.uk/governance-transparency/freedom-of-information.aspx>
- 2.4 The chart below shows the number of FOI requests that the OPCC has received during 2014 and from 1 January to 30 October 2015.



- 2.5 The Act requires that requests for information are dealt with within 20 working days. This timescale commences the day after the request is received. The table below illustrates the number of requests received by the OPCC and how they were dealt with.

YEAR	N° of Requests Received	Within 20 working days	Over 20 working days	Request withdrawn	Internal Reviews	ICO Appeals
2014	39	34	3	2	0	0
2015	25	24	0	0	2	0

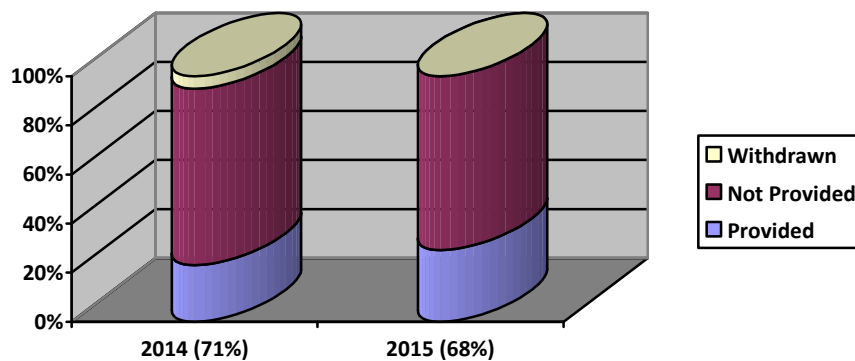
It should be noted that 2 requests were received at the end of October and are therefore still being processed.

- 2.6 There are a number of reasons why a request cannot be dealt with within the 20 working day timescale. In cases where the request is taking longer to process, under Section 10 of the Act where a qualified exemption is being applied a public authority may extend the deadline for consideration of public interest tests for a time which is reasonable. Requestors were advised of the reasons for the delay and when they could expect to have a response.
- 2.7 Following receipt of information a requestor can, if they are unhappy with the information they have received or feel they should be entitled to further information, request the OPCC to undertake an Internal Review. This involves the OPCC looking at the request again and determining whether or not further information should be disclosed.
- 2.8 In 2015 two internal reviews were requested by applicants with only one review resulting in additional information being supplied.

2.8 If a requestor still remains dissatisfied with the response they have received they can then appeal to the Information Commissioner's Office (ICO) and have them undertake a review of the OPCC's decision. During this process the ICO look to work with the organisation to ensure that the correct information has been disclosed and where appropriate identify further information which can be disclosed. The OPCC in both 2014 and 2015 have not had any appeals dealt with by the ICO.

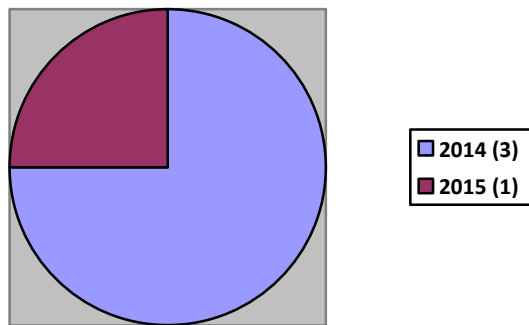
2.10 Information Provided:

Having received a request, often the OPCC does not hold the information as the information requested relates to the Constabulary. In these instances the requestor is advised of this and where appropriate provided with the contact details of the Constabulary or an offer is made to forward their request to the Constabulary upon receiving their confirmed consent to do so. As can be seen from the chart below over the reporting period the majority of the requests received by the OPCC relate to information which it does not hold.



2.11 In addition to the OPCC not holding the information it may be necessary not to provide a requestor with information due to qualified or absolute exemptions being applied. Where exemptions are applied consideration is given to the public interest as to whether the information should be disclosed or not. Generally exemptions are applied where the information requested relates to an individual, the information is already publically available or is to be published at a later date. On some occasions a requestor may ask for a number of pieces of information which could result in some information being provided and other information being exempted within the same request.

2.12 The chart below illustrates the number of requests where information was not disclosed due to an applied exemption.

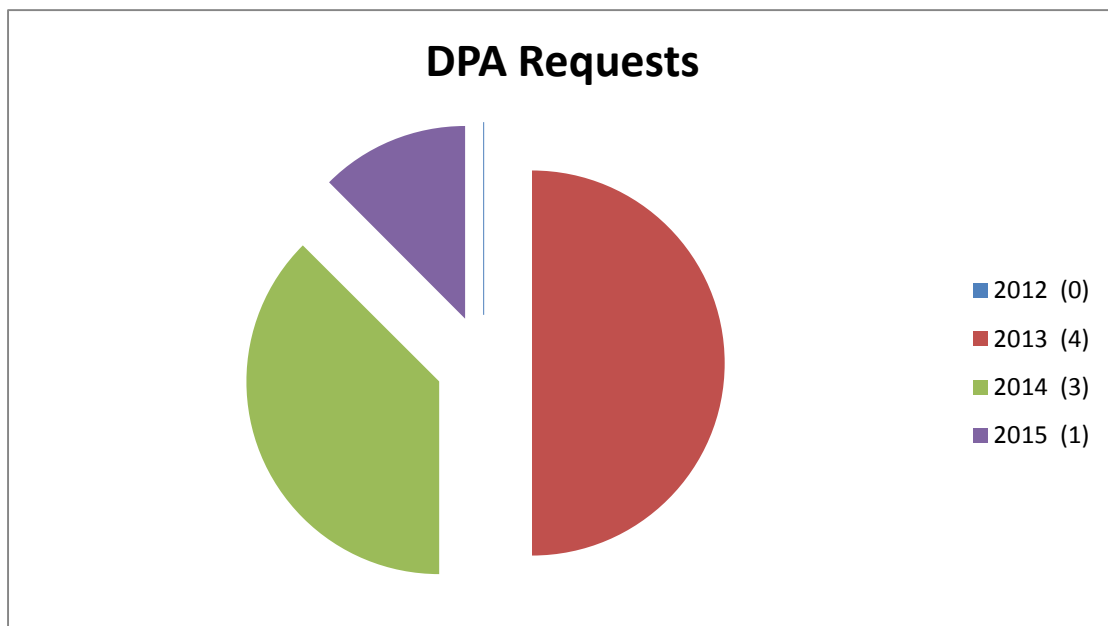


- 2.13 Under the FOI Act the OPCC is required to maintain and publish a Publication Scheme. The scheme must specify classes of information which the OPCC publishes or intends to publish and whether or not this is freely available to the public or if there will be a charge. The OPCC maintains such a scheme and it is published on the OPCC website within the Freedom of Information Section.
- 2.14 In addition the Commissioner is required under the Elected Local Policing Bodies (Specified Information) Order 2011 to publish information in relation to the following:
- Who they are and what they do
 - What they spend and how they spend it
 - What their priorities are and how they are doing
 - How they make, record and publish their decisions
 - What policies and procedures govern the operation of the office of PCC
 - Public disclosure of a register of interests
- 2.15 The OPCC endeavours to be as open and transparent as possible with regard to the work it and Commissioner carries out. By taking this approach it also enables members of the public to access such information and therefore negate the need for the public to request information via the FOI Act.

Data Protection Act – Subject Access Requests

2. 16 The Data Protection Act 1998 came into force on 1 March 2000. The purpose of the Act is to:
- i) Make provision for the regulation of the processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information;
 - ii) Protect individuals from the use of incorrect information about them whether that information is automatically processed or held manually in a '*relevant filing system*';
 - iii) Protect individuals from the improper use of correct information held about them;
 - iv) Provide individuals with the right to know of and correct such information held about them and to claim compensation in situations where they suffer damage or distress as a result of the loss, destruction or unauthorised disclosure of data;
 - v) Ensure UK compliance with the European Directive on the protection of individuals in regard to the processing of their personal data.

- 2.17 The Data Protection Act applies whenever *personal* data is processed by a Data Controller in accordance with the Act. The Police and Crime Commissioner is the Data Controller for Cumbria Office of the Police and Crime Commissioner (OPCC). The OPCC is required to ensure that before any personal data is processed there is a legal basis for that processing. The Act requires that all personal data is maintained in accordance with the 8 Data Protection Principles, unless an exemption applies. The OPCC collates, stores and processes data in accordance with legislation and the Data Protection Act (DPA) Policy and procedures.
- 2.18 Section 7(1) of the Act gives individuals the right to access their personal data and they can do this by making a Subject Access Request (SAR) in writing and paying a fee. An applicant is entitled to:
- Be told whether any personal data is being processed;
 - Given a description of the personal data, the reasons it is being processed and whether it will be given to any other organisations or people;
 - Given a copy of their personal data; and
 - Given details of the source of the data (wherever this is available).
- 2.19 From 1 April to 30 October 2015, the OPCC received one Subject Access Request from a member of the public. As can be seen from the diagram below, the OPCC does not as a matter of course receive or deal with large quantities of SAR's.



- 2.20 The Act requires that Subject Access Requests for information are dealt with within 40 days. This timescale commences the day after the request is received. The table below illustrates the number of requests received by the OPCC since its establishment in November 2012 and how they were dealt with in comparison with previous years.

YEAR	N° of Requests Received	Within 40 days	Over 40 days	Request withdrawn	ICO Appeals
2012	0	0	0	0	0
2013	4	3	1	0	1
2014	3	2	1	0	0
2015	1	1	0	0	0

2.21 No Data Protection breaches have been identified or reported during the reporting period 1 April to 30 October 2015.

3. Implications

- 3.1 Financial – failure by the OPCC to comply with the Freedom Of Information Act legislation could ultimately lead to financial penalty imposed by the Information Commissioners Office.
- 3.2 Legal – the OPCC has a statutory responsibility to comply with the Act, to deal with requests openly and fairly and within the required timescales.
- 3.3 Risk - there are risks associated with the disclosure of types of information held by the OPCC. These risks range in severity depending upon the information requested and to whom it relates.

Ethics and Integrity Panel Report

Title: Freedom of Information & Data Protection Compliance

Date: 11 November 2015

Agenda Item No: 9b

Originating Officer: Mr David Cherry

CC:

1. Introduction and Background

- 1.1 As a public authority, Cumbria Constabulary is required to comply with the requirements of the Freedom of Information Act. These requirements include the right for an individual to ask whether specified information is held by the Constabulary and, if that is the case, to be provided with that information, subject to the application of one or more relevant exemptions.
- 1.2 The Act requires that a response is provided within 20 working days of a request being received, with the exception of those requests which are exempt by virtue of a qualified exemption. Where a qualified exemption applies to the information requested and there is a requirement to undertake a public interest test, the Act allows such time as is reasonable in order to provide a full response.
- 1.3 The Chief Constable, as Data Controller for Cumbria Constabulary, is also obliged to ensure that Cumbria Constabulary complies with the requirements of the Data Protection Act 1998. Section 7 of the Act provides a right for any person to seek access to personal information which may be held about them by a Data Controller and the Act requires that a response to a 'subject access request' (SAR) is provided within 40 calendar days from receipt of such a request. Until
- 1.4 The Data Control Unit, Professional Standards Department, is responsible for responding to freedom of information requests and subject access requests, on behalf of the Constabulary.

2. Issues for Consideration

- 2.1 Freedom of Information Requests

- 2.1.1 The number of freedom of information requests received by the Constabulary has increased significantly since the Act came into force. In 2005, the first year in which public authorities were required to respond to requests for information, the Constabulary received 181 requests. In 2014, 904 requests were received and as at 19th October, 768 requests have been received in the current calendar year.
- 2.1.2 The increase appears to have been predominantly driven by media organisations which currently accounts for at least 52% of all requests received by the Constabulary. It is believed the real figure of media requests is actually significantly higher than the percentage quoted, although it is difficult to provide an accurate assessment due to a high number of requests being received by way of “gmail” email addresses without an applicant identifying him, or herself as being linked to a media organisation. (The Act does not require an applicant to provide a reason for making a request or to identify the organisation on whose behalf a request is made).
- 2.1.3 Compliance with statutory timescales, particularly in relation to FOI requests, was an issue referred to within the report submitted to the Panel in May 2015. Compliance remains a challenge, predominantly due to delays in receiving the necessary information from internal “information owners”.
- 2.1.4 As at 19th October, the Constabulary has complied with the 20 working day timescale on 59.4% of occasions, which is a slight increase on the 58% compliance achieved in 2014.

2.2 Subject Access Requests

- 2.2.1 In contrast, the number of SAR’s received by the Constabulary has significantly decreased. In 2008, 968 subject access requests were received by the constabulary, whereas in 2014, 180 requests were received. As at 19th October 2015, 68 requests have been received in the current calendar year. The reason for the reduction in subject access requests is two-fold.
- 2.2.2 In approximately 2009, the ACPO Criminal Records Office (ACRO) began to produce a “Police Certificate” which a number of countries, including the USA, Canada, Australia and New Zealand accepted, in place of a response to a subject access request, when considering visa applications. This resulted in a steady decline in the number of subject access requests made to forces from applicants who were seeking criminal record information, as those persons could instead apply directly to ACRO for a Police Certificate.
- 2.2.3 The number of countries which now accept a Police Certificate, instead of a subject access response, has also increased since the Certificate was initially introduced, leading to a further reduction in the number of SAR’s received.
- 2.2.4 The second reason for the decrease is a consequence of a change to the national process for dealing with applicants who require criminal record information for non-visa related purposes. Now, all SAR’s which seek the disclosure of criminal record information are submitted directly to ACRO, whereas prior to May 2014 applications of this nature were received by the Constabulary, which in turn forwarded the applications to ACRO for processing. Although this change has further reduced the number of SAR’s received by the Constabulary, the work involved in administering requests for this type of information was minimal. Therefore, the actual decrease in

the overall workload of the Data Control Unit has not significantly reduced as a result of this change.

- 2.2.5 As a result of the above changes, the Constabulary now only processes subject access requests in those cases where an applicant is seeking the disclosure of their personal information which is only held within force, e.g. information contained within an incident log, or a case file etc.
- 2.2.6 Although the numbers of this type of request received is relatively low, 68 so far in 2015, the work associated with “local” requests is significantly greater than the administrative work which was undertaken as part of the process of complying with SAR’s for criminal record information. The number of local requests has also increased as has, more often than not, the complexity of the work required to provide an appropriate response. For example, in order to respond to a SAR it was necessary to locate, retrieve and review in excess of 2,000 pages of data in order to determine precisely the information the applicant was entitled to receive and, where necessary, to redact information relating to other persons.
- 2.2.7 The Constabulary is also experiencing an increase in the number of requests from its own officers and staff. Although these numbers are still very low these requests are invariably complicated to deal with.
- 2.2.8 With regards to compliance with the 40 calendar day subject access timescale, this has been achieved on 89% of occasions this calendar year, which compares with 95% compliance achieved in 2014.

3. Other Data Protection Considerations

- 3.1 Since the previous report was submitted to the Panel in May, the Constabulary has formally notified the Information Commissioner’s office about two security breaches which have occurred involving Constabulary data. Although there is no requirement in law to notify the Commissioner of a security breach involving personal data, it is good practice to do so and the Commissioner will take this into account when deciding if any formal sanction is appropriate. Upon notification of a breach the Commissioner may take one of the following courses of action: -

- Record the breach and take no further action, or

Investigate the circumstances of the breach and any remedial action, which could lead to:

- no further action;
- a requirement on the data controller to undertake a course of action to prevent further breaches;
- formal enforcement action turning such a requirement into a legal obligation; or
- where there is evidence of a serious breach of the DPA, whether deliberate or negligent, the serving of a monetary penalty notice requiring the organisation to pay a monetary penalty of an amount determined by the Commissioner up to the value of £500,000.

- 3.2 Breach One occurred in June 2015 when an officer removed an unencrypted USB device from his place of work. The officer had saved notes for a course he was due to attend and used the USB device as a means to take the notes with him to the course. However, sensitive work related data was also stored on the device, which the officer accidentally left in his jacket on a train. The device was subsequently recovered approximately 25 hours later and a forensic examination has since confirmed that the data on the device was not accessed during the time it was not in the officer's possession.
- 3.3 Following a conduct investigation an officer has received a sanction of Management Advice in relation to this matter.
- 3.4 A review of the Constabulary's use of devices such as USBs has also been undertaken and a number of steps have been, or are in the process of being, taken to prevent a reoccurrence of this incident.
- 3.5 The Constabulary submitted an initial Security Breach Notification form containing details of this incident to the Information Commissioner's Office. This matter is currently the subject of ongoing correspondence with the Information Commissioner's Office and additional enquiries are also now being undertaken by the Professional Standards Department, in light of further information coming to light recently.
- 3.6 Breach Two occurred in September 2015, when a Notice of Intended Prosecution in relation to a motoring offence was inadvertently included in correspondence sent to a third party, thereby disclosing the personal data of the intended recipient.
- 3.7 This matter is currently the subject of a conduct investigation to determine the cause of the error, although initial enquiries indicate this may have occurred during an automated part of the process for dealing with correspondence. Whilst clearly unfortunate, to put this incident into perspective, the office which sent the correspondence sends out approximately 140,000 items of post each year and this is the first known incident of this type to have occurred.
- 3.8 The Constabulary submitted an initial Security Breach Notification form containing details of this incident to the Information Commissioner's Office and a further update will be provided once the exact circumstances of the incident are known.

4. Implications

- 4.1 It is recognised that the Constabulary does not consistently respond to requests within the appropriate statutory timescale and therefore there is a risk of enforcement action by the Information Commissioner. This risk is recorded on the Professional Standards Risk Register and efforts to mitigate the risk continue to be made.
- 4.2 With regards to the Security Breaches referred to above, there is a risk, particularly in relation to Breach One, that this could result in some form of sanction being imposed by the Information Commissioner with reputational damage also a consequence. The Constabulary is fully cooperating with the Information

Commissioner and providing all information that his Office may require in order that consideration can be given to the reported matters.

- 4.3 The risk to the Constabulary, particularly in relation to the use of unencrypted USB devices and the actions being taken to mitigate this risk are recorded on the Professional Standards Department Risk Register. A PASS newsletter has also been circulated to all staff to raise awareness of this issue. Policy and Procedure is also currently being updated to provide further guidance around the use of these devices.

David Cherry
Force Disclosure Manager

2 November 2015

Ethics Panel Annual Work Programme

1 Purpose of the Annual Work Programme

An annual work programme has been developed to enable the panel to fulfil its terms of reference and scrutiny role.

The annual work programme aligns the work to be undertaken by the panel at each of their scheduled meetings. The alignment is managed to ensure wherever possible meetings are balanced in terms of volume of work and annual reviews are incorporated at the correct time of year.

In addition to the cyclical information to be reviewed and considered, the panel could be asked to review additional areas of work. These would include:

- Critical Incidents
- HMIC Inspections
- Serious Case Reviews
- Thematic areas of Performance
- Public Concerns

How such reviews were undertaken would need to be agreed, ensuring that the panels work did not interfere with any ongoing or appeal processes. The findings of the panel would be reported to the Police and Crime Commissioner and the Chief Constable.

The panel will be required to provide an annual report to the Police and Crime Commissioner and the Chief Constable on the work they have carried out during the year and what issues and learning have been identified.

Ethics & Integrity Panel Annual Work Programme 2016

February 2016	May 2016	August 2016	November 2016
<p>PUBLIC COMPLAINT FILES: Dip sample finalised public complaint files held by the Constabulary. Where appropriate live cases may also be reviewed.</p> <p>PUBLIC COMPLAINTS PERFORMANCE DATA: To receive reports containing data on how the Constabulary have met their statutory requirements.</p> <p>ANTI-FRAUD & CORRUPTION UNIT REPORT: To receive a report on the cases being dealt with t by the Anti-Fraud & Corruption Unit.</p> <p>GRIEVANCES: To dip sample cases and receive a report on Grievances against the Constabulary identifying any trends or issues.</p>	<p>PUBLIC COMPLAINT FILES: Dip sample finalised public complaint files held by the Constabulary. Where appropriate live cases may also be reviewed.</p> <p>PUBLIC COMPLAINTS PERFORMANCE DATA: To receive reports containing data on how the Constabulary have met their statutory requirements.</p> <p>ANTI-FRAUD & CORRUPTION UNIT REPORT: To receive a report on the cases being dealt with t by the Anti-Fraud & Corruption Unit.</p>	<p>PUBLIC COMPLAINT FILES: Dip sample finalised public complaint files held by the Constabulary. Where appropriate live cases may also be reviewed.</p> <p>PUBLIC COMPLAINTS PERFORMANCE DATA: To receive reports containing data on how the Constabulary have met their statutory requirements.</p> <p>ANTI-FRAUD & CORRUPTION UNIT REPORT: To receive a report on the cases being dealt with t by the Anti-Fraud & Corruption Unit.</p> <p>GRIEVANCES: To dip sample cases and receive a report on Grievances against the Constabulary identifying any trends or issues.</p>	<p>PUBLIC COMPLAINT FILES: Dip sample finalised public complaint files held by the Constabulary. Where appropriate live cases may also be reviewed.</p> <p>PUBLIC COMPLAINTS PERFORMANCE DATA: To receive reports containing data on how the Constabulary have met their statutory requirements.</p> <p>ANTI-FRAUD & CORRUPTION UNIT REPORT: To receive a report on the cases being dealt with t by the Anti-Fraud & Corruption Unit.</p>
<p>MISCONDUCT – OFFICER & STAFF DISCIPLINE: To receive reports on officer and staff discipline and dip sample cases reviewing the initial assessment and outcome to confirm consistency/fairness in approach to misconduct cases.</p> <p>CONSTABULARY/OPCC COMPLIANCE WITH REGISTERS:</p> <ul style="list-style-type: none"> ■ Gifts and Hospitality Register ■ Cross reference above with PCC & Chief Constable Expenses ■ Register of interests ■ Secondary employment ■ Procurement/Contracts - cross reference staff's register of interests and gifts and hospitality entries. <p>MEET WITH THE PCC & CHIEF CONSTABLE The PCC & Chief Constable to attend the meeting.</p>	<p>CIVIL CLAIMS: To receive a report on Civil Claims to monitor any trends/issues and how learning/training has been implemented.</p> <p>FOI & DPA COMPLIANCE: To receive a report on the Constabulary and OPCC's compliance with statutory legislation</p> <p>OPCC COMPLAINTS & QSPI: To receive a report on complaints and quality of service issues received by the OPCC.</p> <p>ANNUAL REPORT: To consider the annual report to be provided to the Commissioner on the work carried out by the Panel.</p>	<p>MISCONDUCT – OFFICER & STAFF DISCIPLINE: To receive reports on officer and staff discipline and dip sample cases reviewing the initial assessment and outcome to confirm consistency/fairness in approach to misconduct cases.</p> <p>CODE OF ETHICS/CODE OF CONDUCT: To annually review Constabulary compliance and implementation of the Code of Ethics; and Police & Crime Commissioner and OPCC compliance with the Code of Conduct.</p>	<p>CIVIL CLAIMS: To receive a report on Civil Claims to monitor any trends/issues and how learning/training has been implemented.</p> <p>FOI & DPA COMPLIANCE: To receive a report on the Constabulary and OPCC's compliance with statutory legislation</p> <p>OPCC COMPLAINTS & QSPI: To receive a report on complaints and quality of service issues received by the OPCC.</p> <p>MEET WITH THE PCC & CHIEF CONSTABLE The PCC & Chief Constable to attend the meeting.</p>

In addition the following will be considered when required:

- **Critical incidents** - a referral could be made to the committee from COG, PCC, Gold Group or the panel could ask for the information. The panel could hold the CC / PCC for non-referral of cases. Terms of reference for each review would need to be agreed by the PCC. Learning points for the force would then be made from the panel.
- **Thematic areas of performance** - concerns re areas of performance could be referred by the CC/PCC following identification at performance meetings (eg crime recording).
- **HMIC Inspections / Internal Audit Reports** - where the inspection or audit was in relation to Ethics the whole report and monitoring of actions could be undertaken by the committee. Agreement with the Chair of the Joint Audit & Standards Committee would need to be formulated with regard to the monitoring of audit reports. For other inspections information could be provided if relevant.
- **Serious Case Reviews** - incidents/cases where it is apparent that the Constabulary will be subject to a serious case review. A review could be undertaken when the case is finalized or as part of the process
- **Public Concerns** – where issues or concerns are raised by the public to the Police & Crime Commissioner or the Chief Constable regarding a particular incident or area of work the panel can be asked to undertake a review. Following which they would present their findings to the Commissioner/Chief Constable and where necessary the outcome of their findings could be published to provide public assurance.
- **Review of Policies and Procedures:** Where appropriate be consulted on new/developing policies and procedures regarding integrity and ethics following any annual review. To give assurance that up to date policies and procedures are in place.