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Our reference: jh/EIP

Date: 5 February 2016

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 12 February 2016** 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 9.30am and at 10.00 am carry out a Thematic Dip Sample.

PANEL MEMBERSHIP

Mr Michael Duff
Mrs Lesley Horton
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. PANEL MEMBERSHIP AND APPOINTMENT OF CHAIR

To receive a report from the OPCC Chief Executive (copy enclosed).

5. NOTES OF THE PREVIOUS MEETING

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

6. REVIEW OF THE PREVIOUS 12 MONTHS

A discussion with the Police and Crime Commissioner and the Chief Constable on the past 12 months of the Panel and its future direction.

7. INTEGRITY – COMPLAINTS BY THE PUBLIC

To receive and note a report by Cumbria Constabulary on public complaints (copy enclosed) – *To be presented by T/Deputy Chief Constable Martland.*

8. 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 T/Deputy Chief Constable Martland.*

9. GRIEVANCES

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

10. COMPLIANCE

- (a) To receive and note a report by the OPCC on their compliance with registers, secondary employment and procurement (copy enclosed) - *To be presented by the OPCC Chief Executive.*
- (b) To receive and note a report by Cumbria Constabulary on their compliance with registers, secondary employment and procurement (copy to follow) – *To be presented by T/Deputy Chief Constable Martland.*

11. HOME OFFICE CONSULTATION ON PCC COMPLAINTS

To receive a report on the Home Office's public consultation process (copy enclosed) - *To be presented by the Chief Executive.*

12. PROFESSIONAL DISCRETION FRAMEWORK

To receive a verbal update outlining how the framework has been implemented; any issues identified; complaints from members of the public & sample of cases/incidents - *To be presented by T/Deputy Chief Constable Martland.*

13. REPORT BACK ON THEMATIC DIP SAMPLE

Panel members to provide feedback on findings from the Thematic Dip Sample undertaken during the morning session.



Office of the Police & Crime Commissioner Report

Title: Panel Membership and Appointment of a Chair

Date: 12 February 2016

Agenda Item No: 04

Originating Officer: Stuart Edwards

Executive Summary:

The purpose of this report is to advise Members of the resignation of Mr Peter McCall and Mr Paul Forster and the appointment of Mr Michael Duff. It also asks Members to appoint a new Chair following Mr Forster's resignation.

Recommendation:

That, the Panel –

1. Notes the resignation of Mr McCall and Mr Forster;
2. Notes the appointment of Mr Duff until June 2016 ; and
3. Considers appointing a Chair from amongst the Panel membership, to serve until June 2016.

1. Background

Resignations

Two Members have tendered their resignations. Mr McCall has resigned following his nomination as a candidate for the role of Police and Crime Commissioner, the elections for which will be held in May 2016. Mr Forster has resigned from his position as Panel Chair following his appointment to the North West Regional Panel of Chairs for Police Misconduct Panels. In both instances it was considered that there could be a perceived conflict of interest if they remained as Panel Members.

Appointment

In the light of the above resignations the Police and Crime Commissioner and the Chief Constable decided that to ensure the Panel remained quorate in the short term the most practical and pragmatic way forward was to re-visit the list of candidates interviewed for appointment when the Panel was established to see whether any were both suitable for and willing to accept a place on the Panel.

As a result Mr Michael Duff has been offered, and has accepted, a place on the Panel. Mr Duff's initial appointment is until 30 June 2016.

Panel Chair

Following Mr Forster's resignation there is a need to appoint a new Chair. It is suggested that Members appoint a Chair from amongst the existing Panel membership. When appointed the Chair would, at least initially, serve until 30 June 2016.

2. Supplementary information

None.



Agenda Item No 05

ETHICS AND INTEGRITY PANEL

Notes of a meeting of the Ethics and Integrity Panel held on
Wednesday 11 November 2015 in OPCC Meeting Room, Police Headquarters,
Carleton Hall, Penrith, at 2.00 pm

PRESENT

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

Also present:

Deputy Chief Constable (Michelle Skeer)
Detective Chief Inspector (Furzana Nazir)
Head of Human Resources (Andrew Taylor)
OPCC Governance & Business Services Manager (Joanne Head)

30. APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr Peter McCall.

31. DISCLOSURE OF PERSONAL INTERESTS

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

32. NOTES OF THE PREVIOUS MEETING

The notes of the meeting held on 12 August 2015 had been circulated with the agenda.

Agreed; that, the notes of the meeting held on 12 August 2015 be approved.

33. 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.

He advised that there were a limited number of new or significant claims; that the amount relating to settled claims during the last 6 months had been low and under the reserve figure identified for each case. Some residual costs were still to be paid out and a member questioned whether consideration was given to having a global settlement whereby any damages and costs were settled in one process. The Director verified that the residual costs related to the amount the Constabulary would claim back from their insurers once the civil



claim was finalised and did not relate to costs being claimed back from the process. The Chief Executive informed the members of the process and decisions taken by the OPCC and the Constabulary on their current insurance renewal process.

A discussion took place with regard to one particular case which involved two other organisations and how costs would be shared. The Panel were advised that the Constabulary were seeking for a discontinuance in relation to their involvement.

The Director of Legal Services guided members through the role of a legal representative at a Coroner's Inquest. A member asked how any identified learning from an inquest would be cascaded within the Constabulary. The Deputy Chief Constable stated that a number of learning avenues would be implemented depending upon the issues identified. She detailed to members the learning and subsequent action being taken from the two cases identified within the report.

A member asked what was being done by the Legal Department to prevent future claims. The department linked in with the Professional Standards Department, information was published in the PASS newsletter, and they provided input into training with probationers where appropriate. The Deputy Chief Constable briefed the Panel on a recent claim and what lessons had been learnt for the future.

Agreed; that the Panel note the report.

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

34. 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. Generally the number of complaints being received was reducing and this had prompted the Constabulary to ensure that the complaints process was available to everyone. Appendix 1 of the report detailed the work being carried out to improve access to the complaints system especially in respect of hard to reach groups. This included developing an online complaints form, utilising Hate Crime reporting centres and looking to have information in different languages on the Constabulary's website.

The Professional Standards Department and Human Resources would on a monthly basis look at officers who were repeatedly receiving complaints to identify if there were any trends or issues and decide upon the best course of action.

There had been 9 allegations of discriminatory behaviour during the current 12 month period. Two of the allegations had not been upheld, three had been dealt with by way of local resolution and four remained live.



It was noted that the number of Force Appeals had reduced from 26% to 0% with the number of IPCC Appeals increasing from 32% to 43%. It was proposed that this should be an area which the Panel could look at during their next scheduled dip sample session.

A discussion took place regarding the use of social media to release photographs of individuals in relation to criminal incidents. Members were concerned that should a photograph be released and it subsequently transpired that the person was not involved in the incident they may make a claim against the Constabulary. The Deputy Chief Constable assured members that any such release would be assessed prior to release by a police officer. This would be the same for any information released to the media regarding an incident or ongoing case.

Members asked whether any future budget cuts would affect resources within the Professional Standards Department as this could potentially have an impact on the service provision; especially if the number of complaints were to rise. The members were advised that the Constabulary could look to strategic alliance for capacity issues at times of peak need.

The Deputy Chief Constable briefed members on the recent training which the whole of Professional Standards Department had received. The training had comprised of a variety of topics including dealing with public complaints through to misconduct processes.

AGREED; that, the
 (i) report be noted; and
 (ii) Panel look at force appeals at the next scheduled dip sample session with particular regard to the number of appeals upheld.

(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 July to 30 September 2015. The members were provided with anonymised lists from which they selected files at random that they wished to review. The Panel reviewed 15 files and were briefed on cases relating to identified best practice. The Panel also reviewed 2 specific files following a request from the Police and Crime Commissioner.

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.

Actions had previously been identified at the Panel's session undertaken on 12 August 2015 the action sheet had been updated on each of the points raised. Members were pleased to note that processes or systems had been changed or amended to incorporate the Panel's proposals or suggestions.

AGREED; that, the update be noted.



35. INTEGRITY – ANTI-FRAUD & CORRUPTION

The Deputy Chief Constable presented the quarterly report on work undertaken by the Constabulary's Anti-Corruption Unit. She guided members through the report, commenting on each of the cases listed that had been finalised and those still ongoing providing an update on their current status. Of the reports received the number categorised as 'vulnerability' had seen an increase and had been broken down into concerns regarding behaviour and financial.

A discussion took place on what welfare support was put in place for individual officers whilst they were suspended, which included detailed assessments prior to, during and after the suspension. It was reiterated that suspension was a neutral act and used as a last resort, where possible the Constabulary were keen to try and keep officers at work during any misconduct process.

AGREED; that the report be noted.

36. OPCC COMPLAINTS AND 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 2014. A breakdown of the types of complaints and which areas they related to were contained within Appendix 1 of the report.

During the current year one complaint had been received regarding the Police and Crime Commissioner. This had been dealt with by the Police and Crime Panel, in accordance with legislation, and had not been upheld.

It was noted that the number of quality of service issues received by the Commissioner had steadily increased over the last year. This was attributed to the public's awareness of the Commissioner and the role he fulfilled. In October the OPCC had received 173 letters from members of the public regarding CCTV provision within Maryport.

AGREED; that the report be noted.

37. INFORMATION MANAGEMENT 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 30 October 2015 and comparative figures for 2014.

It was noted that during the reporting period the OPCC had received 25 requests. The OPCC ensured that information was published on its website for members of the public to access, therefore potentially reducing the need for further requests to be made. The Panel noted the OPCC's performance in dealing with requests within the required timescales.



The report also contained information on the OPCC's compliance with the requirements of the Data Protection Act. Only one subject access request had been received during the reporting period.

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. The Deputy Chief Constable guided members through the report advising that as of 19 October 2015 the Constabulary had received 768 requests; of which at least 52% had been received from media organisations.

It was recognised that the Constabulary did not consistently respond to requests within the statutory timescales. This was a matter which the Information Commissioner's Office recognised was not isolated to Cumbria and was due to the large volume of requests received by forces. The Constabulary recognised the capacity issue and had therefore taken steps and created a new post having utilised spare capacity within the department to support this area of business.

The report also detailed the number of subject access requests the constabulary had received. As of 19 October 2015 68 requests had been received which was a significant decrease from the 180 received in 2014. This was attributed to the introduction of a Police Certificate which was now accepted by a number of countries regarding visa applications. In addition anyone requiring criminal record information for non-visa related purposes were submitting their requests directly to ACRO rather than individual forces. It was noted however that although the number of requests had decreased the work associated with dealing with the requests was still significant. As the data had to be located, reviewed and where appropriate information redacted before it could be sent out. Of the requests received, 89% had been dealt with within the 40 calendar day timescale which was a reduction from 95% compliance achieved in 2014.

AGREED; that the report be noted.

38. ANNUAL WORK PROGRAMME 2016

The Governance & Business Services Manager presented a proposed annual work programme for 2016 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.

It was proposed that two of the four dip sample sessions be used to undertake thematic inspections for an agreed area of business. The Deputy Chief Constable proposed that the first



could be in relation to Stop/Search reports to be undertaken in February. A second thematic topic would be agreed for the dip sample session in August.

AGREED, that, the
 (i) panel note and agreed the annual work programme for 2016; and
 (ii) undertake a thematic dip sample of Stop and Search in February 2016.

39. PANEL MEMBERSHIP

A discussion took place regarding the current panel membership. The Chief Executive advised that Peter McCall had recently been selected to stand for Police and Crime Commissioner in the elections being held in May 2016. In order to maintain the integrity of the panel and ensure that no PCC candidate was afforded an advantage or access to information, a decision had been made that Mr McCall's membership of the Panel would be suspended pending his resignation from the Panel.

Paul Forster advised that the Panel that he had been offered a position as one of 20 Legally Qualified Chairs within the North West Region to sit on Police Misconduct Panels as from January 2016. In accepting this position he would be resigning from the Panel at the end of November 2015. The Panel members thanked Paul for all his work as chair during the year and wished him well with his future endeavours.

A discussion then took place regarding how membership of the Panel could be fulfilled on a temporary basis. A number of options were discussed and it was agreed that the Chief Executive would look progress this matter.

AGREED; that, the Chief Executive progress options for membership of the Panel.

Meeting ended at 4.05 pm

Signed: _____

Date: _____

Panel Chair



Constabulary Report to OPCC

Agenda Item No 7

TITLE OF REPORT: INTEGRITY – COMPLAINTS BY THE PUBLIC

DATE OF MEETING: 12th February 2016

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 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 Sep 15, Cumbria: 92, Last year same period: 128. MSF average: 163, National average: 143.
- The current 12 month rolling figures show that there has been an increase of 3 cases (4.6%) and a reduction of 75 allegations (13.7%) in comparison to the last 12 months.
- The figures show that the numbers of allegations have reduced when compared to the previous 12 month period. This reduction is mirrored by a reduction in Dissatisfaction reports and Miscellaneous figures. The increase in cases indicates that there are still issues to be resolved but they are not as complex.
- A breakdown of allegations shows that all TPA's have reduced their level of allegations but UOS has shown a small increase. Only West TPA has reduced its number of cases.
- Allegations upheld by PSD have increased by 25 allegations (131%) comparing the last period the current 12 months, proportionately the increase in upheld results is much less, 4% of allegations were upheld in the previous period compared to 8% in the current period.
- The number of IPCC appeals has remained stable when compared to the previous reporting period (20) and force appeals has reduced by 23% (44 to 34).
- The number of upheld appeals for the IPCC has reduced compared to the last period by 6 to 1 (3% of results), upheld Force Appeals have increased from 5 to 8 (40% of results).

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.

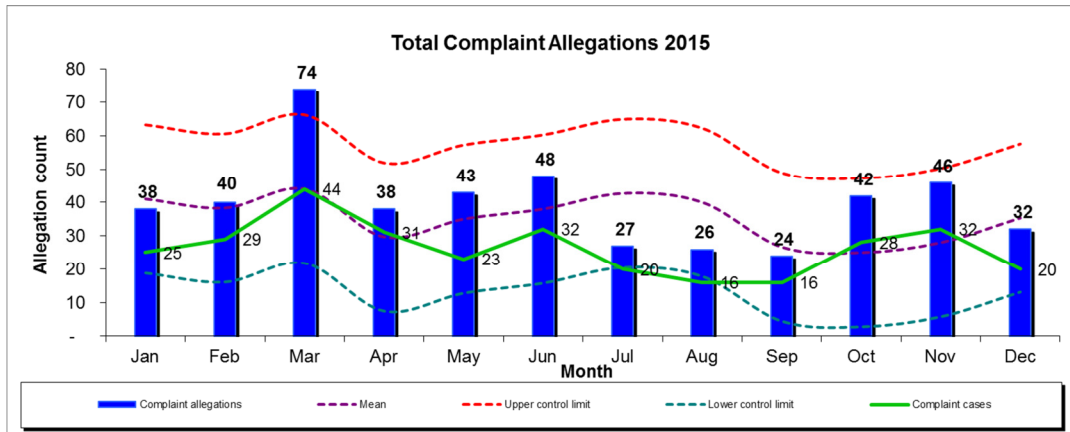
MAIN SECTION

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 January to December 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 then increased October and November this is opposite to the three year trend of increases over the summer months and reductions in autumn. Over the 12 month period allegations and cases have been fairly stable or reduced other than in March.

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 December 2014 and December 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. This indicates that there are more people complaining but they are complaining about fewer issues.

	12 Month Rolling to December 2014	12 Month Rolling to December 2015	Percentage Change
Cases	313	316	4.6
Allegations	554	479	-13.7

*Including Direction and Control cases/allegations.

Work to improve accessibility to the police complaints system Cumbria Constabulary is progressing, including an online complaint form and assistance at Hate Crime Reporting Centres. A review of the progress will take place to ensure work is carried out and that the measures are enabling the public to make complaints.

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 Dec-14	12 Month Rolling to Dec -15	Change	12 Month Rolling to Dec -14	12 Month Rolling to Dec -15	Change
North	174	131	-43	94	94	0
South	161	145	-16	95	96	1
West	173	163	-11	102	93	-9
UOS	19	27	8	12	22	10
HQ	27	13	-14	10	11	1
Total	554	479	-76	313	316	3

*Including Direction and Control cases/allegations.

Complaint cases have increased when comparing the current 12 month period with the previous 12 months with HQ and UOS showing the increased figures the areas remaining stable or reducing.

The table shows a reduction in allegations with only UOS showing an increase in the period and only then by 8 allegations, this is despite a larger increase in cases for the area.

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 Dec-15	Breaches of PACE K,L,M,N,P,R	11	14	24	1		50
	D&C	13	14	12	7	7	53
	Discrimination F	3	4	3			10
	Incivility U	26	23	16	6	1	72
	Malpractice G,H,J	5	6	9	2		22
	Oppressive Behaviour A,B,C,D,E,Y	28	30	21	4		83
	Other W	2	5	1		1	9
	Unprofessional Conduct S,T,V,Q,X	43	49	76	8	4	180
12 Month Rolling to Dec-15 Total		131	145	162	28	13	479
12 Month Rolling to Dec-14	Breaches of PACE K,L,M,N,P,R	24	11	15		3	53
	D&C	8	5	5	2	5	25
	Discrimination F	4	3	5	1	0	13
	Incivility U	24	19	27	4	0	74
	Malpractice G,H,J	8	9	7	1	0	25
	Oppressive Behaviour A,B,C,D,E,Y	44	29	33	3	3	112
	Other W	0	0	0	0	0	0
	Unprofessional Conduct S,T,V,Q,X	62	85	81	8	16	252
12 Month Rolling to Dec-14 Total		174	161	173	19	27	554

*Including Direction and Control case/allegations.

The largest increases have been seen in the following: -

- West TPA – Breaches of PACE increase of 9 complaint allegations (60%).
- South TPA - Incivility increase of 4 allegations (21%)

The group that saw the largest percentage increase in the current 12 month period when compared to the previous 12 months was Direction & Control increase of 28 complaint allegations (112%) this is across the areas, partly due to more appropriate use and partly to the agreement regarding complaints about the control room. This is reflected in the main type increased being Operational Management decisions.

All other groups showed an overall reduction. In particular Unprofessional Conduct and Oppressive Behaviour, traditionally main groups and both saw reductions of over 25%. Unprofessional Conduct reduced by 72 allegations (28.6%) and Oppressive behaviour by 29 allegations (25.9%)

The group/allegation type that saw the largest percentage increase in the current 12 month period when compared to the previous 12 months was Serious Non-sexual Assault increased by 5 allegations (250%). Whilst this is not a significant increase overall, Other Assault also increased, by 10 allegations (20%). This joint trend is of more concern. All the Serious Non-sexual Assaults relate to arrests of these 3 were Not Upheld and the rest are sub Judge, Live or in the appeal period. The majority of the Other Assault allegations relate to arrest or detention, although three relate to mental illness.

There were no specific best practice items circulated by PSD in the period relating to the Assaults.

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

- 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 Statuary 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.
- Online News to all staff (Oct 2015) All staff are reminded of the necessity to ensure criminal enquiries are conducted efficiently and to also be cognisant of statutory time-limits which may impact on investigations either at initial recording or subsequently if a recording decision is amended as a result of insufficient evidence or case review.
- Online News to all staff (Oct 2015) All staff are reminded where the driver of an unmarked police vehicle, with no covert warning equipment wishes to stop a vehicle the driver should unless exceptional circumstances exist, obtain the assistance of a marked car to take the lead role before making any attempt to stop the vehicle. If any officer is unsure on correct stopping of vehicles then please contact the driver training unit at HQ.
- Online News to all staff (Nov 2015) All staff are reminded that together with the necessity to follow the NCRS and Home Office Counting Rules, they should ensure that when allegations are made to the police by way of letter, decisions regarding recording/action or forwarding to appropriate body, which in this case may have been Action Fraud, are appropriately documented together with the rationale. This can be accommodated within the incident reporting system which ensures that there is a record of receipt, decision and action which avoids the potential for matters to be overlooked
- Pass Newsletter Forcewide (Oct 2015) Issue 19 Recent Special Case Hearing
- Force Orders (Nov 2015) Reminder to staff regarding the transportation of persons detained under the Mental Health Act - ie via Ambulance
- Online News to all staff (Oct 2015) Learning the Lessons Bulletin 24- October 2015
- Pass Newsletter Forcewide (Nov 2015) Issue 20 Recent Special Case Hearing
- Online News to all staff (Dec 2015) Photographs taken of exhibits for public circulation which showed exhibit information

- Individual (Dec 2015) Review of procedure re the provision of a statement or evidence for the defence - brought to attention of DCI Nazir - procedure to be reviewed and circulated in due course in line with Constabulary review
- Control room staff (Dec 2015) Certain incidents (e.g. high risk mispers/RTCs) are often correctly THRIVE'd as grade 2 logs but need an immediate police response, rather than a response within 60 minutes. (please ensure via link, or the CMR Sgt that Dispatch are made aware of any such log so they can deploy accordingly). Calls to deal with members of the public who are having a 'mental health crisis' require the Ambulance Service informing. (please ensure we take responsibility to inform the Ambulance Service rather than instructing the caller to do so after their call to us). Logs created in Storm can be viewed in Webstorm before they are shared with Dispatch which can lead to confusion over deployment and command. (please ensure we share the log with Dispatch as soon as possible, while we continue to speak to the caller and update the log).
- CI Spedding (Dec 2015) Issues surrounding response times provided to callers to the Communications Centre and non compliance with set timings
- Pass Newsletter Forcewide (Dec 2015) Issue 20 Advice re Alcohol consumption and duties
- Pass Newsletter Forcewide (Dec 2015) Issue 22 Recent Special Case Hearing

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 9 officers who met the repeat officer strategy in the current period which is a reduction of 8 on the previous period. These officers have been highlighted through the PSD TT & CG process, for two of the officers dissemination reports have been produced, of the others 3 had their supervisors updated and there were no further issues for the other officers.

1.5 Dissatisfaction Reports

There were 73 dissatisfaction reports recorded in the current 12 months which is a reduction of 26 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.

1.6 Diversity

There have been 10 allegations of discriminatory behaviour by the police recorded during the current 12 month period which is a reduction of 3 when compared to the previous 12 months.

- 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 believe 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. No case to answer
- 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. Not upheld by PSD
- Complainant states that a police officer attending a Public Protection Conference made a racist comment that they should 'be more British'. Not upheld by PSD
- Complainant states their son's complaint of sexual assault was not dealt with properly and they believe this is due to their foreign name and the son's mental condition. Local resolution by TPA.
- Complainant feels it was discriminatory for the officer to ask if they had any mental health issues or was seeing a doctor when they attended to report a crime. This is currently Live
- Complainant states he was poorly cared for in custody and that this was due to his mental health issues. This is currently Live
- Complainant was arrested and alleges the officers that carried out the arrest were homophobic. Not upheld by PSD

1.7 Performance

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

Allegation Result Description	12 Month Rolling to Dec -14	12 Month Rolling to Dec-15	Change
De Recorded	5	4	-1
Disapplication - by Force	27	58	31
Discontinued - by Force		2	2
Local Resolution - by TPA	137	145	8
Local Resolution - by PSD	62	48	-14
Not Upheld - by TPA	5	1	-4
Not Upheld - by PSD	193	204	11
Special Requirements		1	1
Upheld - by PSD	19	44	25
Withdrawn - by Force	11	13	2
Grand Total	459	520	61

The IPCC in the most recent report (Q1&2 Apr 15 to Sep 15) assess Cumbria’s performance for average number of days to finalise Local Resolution and Investigations:

- Average number of days to locally resolve allegations – Cumbria 39, MSF average 52 and National average 62.
- Average number of days to finalise allegations by local investigation – Cumbria 142, MSF average 134 and National average 158. This is disputed as the IPCC report shows Cumbria cases are completed in an average of 82 days and an allegation can not be open longer than a case.
- Cumbria is the 4th best in the country for average number of days to locally resolve allegations.

As reported previously the process has been reviewed, reminders are sent to officers progressing local resolutions at 25 days and this has increased the number of LR cases meeting the target in the quarter.

In the current 12 month period, 520 allegations were finalised compared to 459 in the previous period the biggest reduction (by 14) was in Local Resolution by PSD although this is as it should be with LR carried out in area and PSD focussing on more complex and protracted complaint cases.

Allegations upheld- by PSD have shown an increase of 25 (131.6%) but as a proportion it has increased from 4.1% of the 2014 to 8.5% of 2015.

1.8 Force and IPCC Appeals

Result	Force Appeals 12 months rolling to Dec 14	Force Appeals 12 months rolling to Dec 15	IPCC Appeals 12 months rolling to Dec 14	IPCC Appeals 12 months rolling to Dec 15
Upheld	7	1	5	8
Not Upheld	36	31	15	9
Withdrawn	1	0	0	0
Not Valid	0	0	0	2
Live	0	2	0	1
Total	44	34	20	20

The above data highlights that the number of IPCC appeals have remained stable and the number of force appeals has reduced by 23% (44 to 34). The percentage of upheld appeals for Force appeals has reduced in this reporting period compared to the previous 12 months and IPCC Appeals have increased by 3 (60%) making upheld results account for 40% of IPCC appeals

Upheld Force Appeals have reduced from 16% to 3% (1 of 34 compared to 7 of 44).

Upheld IPCC Appeals have increased from 25% to 40% (8 of 20 compared to 5 of 20).

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 (112%) when compared to the previous 12 month period, the largest increase being Operational management decisions. As mentioned previously in the document this is partly due to more appropriate use and partly to the agreement regarding complaints about the control room. The table below shows a breakdown of direction and control complaints.

Allegation Result Description	12 Month Rolling to Dec-14	12 Month Rolling to Dec-15	Change
General policing standards	2	10	8
Operational management decisions	13	26	13
Operational policing policies	4	6	2
Organisational decisions	6	11	5
Grand Total	25	53	28

Issues raised in the last quarter include complaints about Control Room performance, policing of specific areas, property and issues around the floods. There have been a number of items of Best Practice circulated to the Control Room in the eriod and some issues have now been including within the training plan.

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. Amendments to be made to allow complainants not to give DOB and gender ("Prefer not to say").
Front Counters	Response I have had indicates that there isn't much material, however staff know what to do	Completed
Hate Crime Reporting Centres	No information available in respect of how to make a complaint	Poster has been created and sent to Sarah Lockerbie, PC Dodd and Sarah Dimmock for distribution.
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 has been created and sent to Sarah Lockerbie, PC Dodd and Sarah Dimmock for distribution

Review to be carried out in New Year of all activity when persons external to the department have facilitated actions/completed their actions.



Office of the Police & Crime Commissioner Report

Title: Constabulary Grievances

Date: 6th January 2016

Agenda Item No: 09

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 notes' the report.

1. Introduction & Background

- 1.1 The attached Grievance Statistics Report shows the number of grievances lodged up to 6th January 2016 and a summary of the past 3 year financial years. Currently, there has been 1 grievance lodged in the current financial year and this has not increased since the last report as of 28th July 2015
- 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 10
Appendix 1

	2012/2013	2013/2014	2014/2015
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	16	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

RESTRICTED Grievances

Agenda Item No 10
Appendix 2

Please see below the figures for the financial year 2015/2016 up to and including 6/01/15.

	No. 2015/16
Total No. of grievances submitted to date	1
Resolved Stage 1	0
Resolved Stage 2	1
Resolved Stage 3	0
Not Resolved	0
Awaiting Action/Resolution	0
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

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: OPCC Transparency Compliance

Date: 12 February 2016

Agenda Item No: 11a

Originating Officer: Joanne Head

CC:

Executive Summary:

Cumbria Office of the Police and Crime Commissioner has adopted a strategy, policy and plan to ensure it has effective procedures in place to identify and deal with any instances of Fraud and Corruption.

Recommendation:

That, the members of the Panel note the report and provide any comment or suggestion to inform future work for these areas of business.

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 operating in an open and transparent manner.
- 1.2 As part of the Commissioner's and OPCC staff roles they will come into contact with members of the public, be invited to attend events, given gifts or hospitality, meet with potentially future service providers and may have some involvement in a procurement process. These are all areas of business which the Commissioner and the OPCC wish to ensure that such information is captured and monitored.
- 1.3 In order to capture and monitor such information the OPCC has a number of registers which staff complete on a monthly basis. Some of the registers are subsequently published on the Commissioner's website.
- 1.4 The Elected Local Policing Bodies (Specified Information) Order 2011 requires Police and Crime Commissioners and their offices to publish a variety of information. This includes publication of gifts and hospitality registers, registers of interest, expenses and grants awarded.

Expenses

- 1.5 Paragraph 3 of Schedule 1 to the Police Reform and Social Responsibility Act 2011 provides that a police and crime commissioner (PCC) is to be paid authorised allowances. 'Authorised allowances' means allowances, in respect of expenses incurred by the commissioner in the exercise of the commissioner's functions, which are of the kinds and amounts determined by the Secretary of State. Any expenses claimed by the Commissioner must be accompanied by a receipt. The Chief Executive has responsibility to ensure that correct expenditure is claimed prior to the expenses being authorised. The Commissioner's expenses are published on the OPCC website.

OPCC Audit

- 1.6 On an annual basis the OPCC Governance and Business Services Manager undertakes an audit and cross reference process in relation to the following areas of business:
- Gifts and Hospitality Register
 - Cross reference above with PCC Expenses
 - Register of interests
 - Secondary employment
- 1.7 In line with the OPCC Arrangements for Anti-Fraud and Corruption a dip sample of OPCC registers is undertaken to ensure that staff are declaring gifts and hospitality and contact with suppliers. In addition these are cross referenced with completed Register of Interest Forms, declared Secondary Employment, Related Part Transactions and contracting/commissioning activity being undertaken by the OPCC.
- 1.8 Audits have been undertaken in September 2014 and September 2015 with no issues or concerns being identified.

Internal Audit

- 1.9 The Accounts and Audit Regulations require the Commissioner's Office and Constabulary to undertake an adequate and effective internal audit of its accounting records and of its system of internal control in accordance with proper practices in relation to internal control. Proper Practices are now defined within the Public Sector Internal Audit Standards (PSIAS) which became mandatory for all UK public sector internal auditors from 1st April 2013.
- 1.10 As part of the Internal Audit programme for 2014-15 a review of the OPCC's Anti-Fraud and Corruption Policy was carried out. This was a cross cutting, risk based assessment which covered all areas of business of the OPCC, including those listed at 1.5 above. At the end of the internal audit the findings were that the controls in place provided substantial assurance and no audit recommendations were made.
- 1.11 When completed audit reports are presented to the Joint Audit and Standards Committee. Where audit recommendations are made they will be monitored by the committee to ensure compliance. Should they relate to areas overseen by the Ethics and Integrity Panel a discussion would be held with the two chairs and an agreement reached on who would be the most appropriate group to monitor such recommendations.

Procurement & Commissioning

- 1.12 When a procurement exercise is required the OPCC utilises the Constabulary's Procurement Department to undertake this on their behalf. All procurement is undertaken in accordance with procurement regulations including European Union Procedure. This is a set of established, detailed procedural rules which must be observed when awarding works, supplies, and services contracts which are intended to promote fair and open competition and a single European Market under The Public Contract Regulations.
- 1.13 The Commissioning Strategy for 2013-2017, published on the Office of the Police and Crime Commissioner website, sets out the intentions for commissioning activity and interventions that will respond to and reduce crime, increase community safety, support and protect victims of crime. The Grant regulations alongside the Procurement Regulations aim to support the delivery of the Commissioning Strategy and the Police and Crime Plan. The Commissioning Strategy supports the police and crime plan by setting out a framework through which a wide range of organisations can access funding in support of the vision. Commissioning activity is reported to the police and crime panel and funding decisions are published on the Office of the Police and Crime Commissioner website.

Register of Interests

- 1.14 On an annual basis the Commissioner and all OPCC staff complete a register of interests in line with the Anti-Fraud and Corruption Policy. Forms are countersigned by the employee's line manager and Chief Executive undertakes quarterly reviews of the forms to ensure any amendments are recorded appropriately. Forms relating to the Commissioner, Chief Executive and Chief Finance Officer are published on the OPCC website.

Secondary Employment

- 1.15 All staff who wish to have secondary employment or business interests must 'apply' for approval in line with the Business Interest and Additional Occupations Procedures. This requires a discussion/interview with their line manager to discuss the practicalities of their request and where any conflicts or potential conflicts can be identified and discussed. The application may be declined, approved or approved with certain conditions or criteria applied. As part of an individual's annual performance review secondary employment approval is reviewed to ensure it has not adversely affected the organisation or the individual's performance or called the organisation's integrity into question.

Decision Making

- 1.16 The Commissioner makes decisions on a wide variety of issues in relation to their role. As part of the decision making process the decision form has a specific section whereby the Commissioner or Chief Executive, depending on who is making the decision, must declare that they have considered any interests they may have and subsequently record these. Each decision form is scrutinised by the Executive Support Officer to ensure it is fully completed and will cross reference any decisions with the Commissioners declared interests. The OPCC publish decisions on the OPCC website.

Funding

- 1.17 The Commissioner has a number of funding streams which communities and members of the public can make applications to. To ensure that the reasons for awarding the funding is an open and fair process the applicant must provide information or evidence against a set of criteria. When making decisions the Commissioner is supported by either a panel of members of OPCC officers, thereby ensuring no one person makes the final decision.

Proactive Work

- 1.18 At OPCC team meetings a quarterly standard agenda item relates to the completion of registers, advising staff appropriately on any questions or issues. Where necessary staff are briefed on any issues which could potentially affect the OPCC and suitable advice or guidance is provided.

2. Implications

- 2.1 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.
- 2.2 Legal – the OPCC has a statutory responsibility to comply with the Act, to deal with requests openly and fairly and within the required timescales.
- 2.3 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.



Constabulary Report to OPCC

Agenda Item No 11b

TITLE OF REPORT: INTEGRITY – Transparency

DATE OF MEETING: 12th February 2016

ORIGINATING OFFICER: DCI Furzana NAZIR – Professional Standards

PART 1 or PART 2 PAPER: PART 1

Executive Summary:

No more than 100 words.

Cumbria Constabulary has adopted strategy, policy and plan to ensure it has effective procedures in place to identify and deal with any instances of Fraud and Corruption and continues to review and develop these policies and procedures.

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.

That, the members of the Panel note the report and provide any comment or suggestion to inform future work for these areas of business.

MAIN SECTION

1. Introduction and Background

- 1.1 This report is to provide information to the Panel, acting on behalf of the Chief Constable, so the Panel can assure the Commissioner that Cumbria Constabulary are operating in an open and transparent manner.
- 1.2 As part of the Chief Officer's, officers and staff roles they will come into contact with members of the public, be invited to attend events, given gifts or hospitality, meet with potentially future service providers and may have some involvement in a procurement process. These are all areas of business which the Chief Constable and the Constabulary wish to ensure that such information is captured and monitored.
- 1.3 In order to capture and monitor such information there are a number of registers which staff complete on a regular basis. Some of the registers are subsequently published on the Constabulary website.

Expenses

- 1.4 The Chief Officer team are paid expenses, in respect of costs incurred by them in the exercise of their duties. Any expenses claimed by the Chief Officer team must be accompanied by a receipt. The Office of the Police and Crime Commissioner's Chief Executive has responsibility to ensure that correct expenditure is claimed by the Chief Constable prior to such expenses being paid. The Chief Officer Team expenses are published on the Constabulary website.

Constabulary Audit

- 1.5 On a monthly basis for the Tactical Tasking & Coordination Group meeting and on an annual basis for the Strategic Tasking & Coordination Group meeting, the Professional Standards Department (PSD) undertakes an audit and cross reference process in relation to the following areas of business:
 - Gifts and Hospitality Register
 - Secondary employment and Business interests
 - IntelligenceIn future the Chief Officer Team expenses and the suppliers list will be cross referenced to the above on an annual basis as part of the Strategic Assessment and reported on to the Strategic Tasking & Coordination Group meeting.
- 1.6 In line with Regulation 24 Conflict of Interest contained within the Public Procurement Regulations 2015, staff are declaring interests they may have with potential suppliers. The declarations will form part of the tender documents and as such will be subject to the Constabularies documentation retention policy.
- 1.7 Audits have been undertaken in September 2014 and January 2016 with no issues or concerns being identified.

Internal Audit

- 1.8 The Accounts and Audit Regulations require the Commissioner's Office and Cumbria Constabulary to undertake an adequate and effective internal audit of its accounting records and of its system of internal control in accordance with proper practices in relation to internal control. Proper Practices are now defined within the Public Sector Internal Audit Standards (PSIAS) which became mandatory for all UK public sector internal auditors from 1st April 2013.
- 1.9 As part of the Internal Audit programme for 2014-15 a review of the Constabulary Anti-Fraud and Corruption Policy was carried out. This was a cross cutting, risk based assessment which covered all areas of business of the Anti-Corruption Unit of PSD, including those listed at 1.5 above. At the end of the internal audit the findings were that the controls in place provided reasonable assurance. Six audit recommendations were made in particular the need to cross check the contract/ procurement records against gifts & hospitality registers, records of business interests and secondary occupations and intelligence data. The department are working on these areas to improve.
- 1.10 When completed audit reports are presented to the Joint Audit and Standards Committee. Where audit recommendations are made they will be monitored by the committee to ensure compliance. Should they relate to areas overseen by the Ethics and Integrity Panel a discussion would be held with the two chairs and an agreement reached on who would be the most appropriate group to monitor such recommendations.

Procurement

- 1.12 The Procurement department is reviewing the current Constabulary suppliers list initially looking at those suppliers who have not been used within the last 13 months.

Secondary Employment & Business Interests

- 1.14 All Constabulary employees are required to apply for written consent before taking on a business or secondary occupation, approval takes into account the impact on the employees ability to discharge their constabulary duties and on their health and wellbeing, also their ability to be impartial (predicted / expected or evidenced) and the impact on the force-potential and perceptions. The application may be declined, approved or approved with certain conditions or criteria applied. Once granted this has to be re-applied for every 12 months, it is the staff members responsibility to ensure their re-application is submitted.
- 1.15 Secondary Employment and Business Interests are reviewed monthly against the gratuities and Hospital register and intelligence; this is reported on as part of the PSD Tactical Tasking & Coordination group meeting. Information on Secondary Employment and Business Interests is published on the Constabulary website.

Decision Making

- 1.16 The ultimate decision maker is the Chief Constable, making strategic decisions assisted by the Chief Officer team. Some of these decisions are a matter of public record and others are part of the ongoing work of the Constabulary.
- 1.17 Whilst to some extent all employees make decisions on a daily basis there are specific roles that are identified as decision makers, these are usually in posts relating to disclosure. These roles are supervised and their work scrutinised by PSD. For all employees making decisions there is a system of checks and controls in place to ensure work carried out well. These checks vary according to the role from CCTV and independent visitors in custody to auditing of departments and procedures.

Proactive Work

- 1.18 Guidance is issued to employees via PASS Newsletters, the PSD intranet site and individually through the confidential line to the Anti-Corruption Unit.

2. Implications

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



Office of the Police & Crime Commissioner Report

Title: Home Office Public Consultation: Complaints about Police and Crime Commissioners

Date: 12 February 2016
Agenda Item No: 11
Originating Officer: Stuart Edwards

Executive Summary:

The purpose of this report is to bring to the attention of Panel Members the public consultation document on “Complaints about Police and Crime Commissioners” published in December 2015. It also provides Members with the opportunity to consider the consultation and frame a response from the Panel. The consultation closes on 10 March 2016.

Recommendation:

That, the Panel –

1. Notes the Home Office consultation; and
2. Asks to the OPCC Chief Executive to draft and submit a response to the consultation taking into account the views expressed by Members.

1. Background

In December 2015 the Home Office launched a public consultation entitled “Complaints about Police and Crime Commissioners”.

The Home Office is consulting on three specific areas of the current process –

- Clarifying, through non-statutory guidance, what constitutes a complaint, ensuring that Police and Crime Panels (PCPs) take forward complaints about a Police and Crime Commissioner’s (The Commissioner’s) conduct, rather than their policy decisions;
- Providing PCPs with greater investigatory powers to seek evidence pertinent to a complaint (which will require changes to legislation); and
- Clarifying, through non-statutory guidance, the parameters of “informal resolution” and setting out that, where agreement cannot be reached, it is open to PCPs to make

recommendations on the expected level of behaviour of a Commissioner and that they have powers to require the Commissioner to respond.

The consultation questions are set out on pages 9 to 11 of the Home Office consultation paper.

Panel Members are asked to consider the consultation paper and provide feedback at the meeting to enable a formal response from the Panel to be submitted to the Home Office.

2. Supplementary information

A copy of the Home Office consultation paper is attached at Appendix A.



Home Office

Complaints about Police and Crime Commissioners

Public Consultation

December 2015

Complaints about Police and Crime Commissioners

Public Consultation

December 2015



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Scope of the consultation

Topic of the Consultation: This consultation seeks views on proposed changes to the complaints about the conduct of Police and Crime Commissioners (PCCs).

Scope of the consultation: This consultation focuses on the complaints process for Police and Crime Panels (PCPs) when seeking to resolve non-serious (i.e. non-criminal) complaints made against a PCC. Legislative changes would be required to implement some of the proposals identified below.

Geographical scope: England and Wales.

Financial assessment: Attached at Annex A.

Basic information

To: This consultation is open to the public.

Duration: This consultation closes on 10 March 2016.

Enquiries: PCCComplaintsConsultation@homeoffice.gsi.gov.uk

How to Respond: Information on how to respond to this consultation can be found on www.gov.uk/home-office

Responses can be submitted online through www.gov.uk or by post by sending responses to:

Police and Crime Commissioner Complaints consultation
Home Office
Police Strategy and Reform Unit
6th Floor Fry Building
2 Marsham Street
London
SW1P 4DF

Additional ways to become involved: Please contact the Home Office (as above) if you require information in any other format, such as Braille, large font or audio.

After the consultation: Responses will be analysed and a 'response to consultation' document will be published.

Responses: Confidentiality & Disclaimer

The information you send us may be passed to colleagues within the Home Office, other Government departments and related agencies for use in connection with this consultation.

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with applicable access to information frameworks (primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want certain information you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this you should explain to us why you regard any information you have provided as confidential. If we receive a request for disclosure of the information we will take due account of your explanation, but we cannot give an assurance that confidentiality will be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

The department will process your personal data in accordance with the DPA and, in the majority of circumstances; this will mean that your personal data will not be disclosed to third parties.

Introduction

The Government's response to the consultation on Improving Police Integrity¹ identifies the need to expand PCCs role within the Police complaints system. The Government acknowledges that PCCs, as directly elected individuals, are best placed to respond to the needs of their electorate about the changes they should make to the complaints system. The Government intends to bring forward legislation to enable PCCs to take on responsibility for key parts of the complaints system.

In tandem with the reform to police complaints the Government proposes making changes to the system for complaints made against a PCC, creating a more transparent and easily understood complaints system. These changes would relate to non-serious complaints (i.e. non-criminal), serious complaints (those which relate to, or may relate to, criminal matters) will continue to be considered by the Independent Police Complaints Commission (IPCC), with no changes in that area. The proposed changes will require amendments to the Police Reform and Social Responsibility Act 2011 (PRSR Act 2011), and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

Scrutiny of PCCs

Police and Crime Panels (PCPs) perform a scrutiny function for PCCs, providing both support and challenge to PCCs on the exercise of their functions, and acting as a critical friend. As set out in the PRSR Act 2011, and further explained in the Policing Protocol Order 2011, the role of the Panel is to provide checks and balances in relation to the performance of the PCC.²

PCPs are currently responsible for handling non-serious complaints made about a PCC, and resolving these through the process for "informal resolution", as set out in the PRSR Act 2011 and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.³

The Government is committed to reforming the police complaints system, making that process more transparent and easier to navigate. The PCC role is also continuing to develop – within the criminal justice system, PCCs have already taken on responsibility for the commissioning of local victims' services, and across the country are working with local partners to bring drive and focus to the delivery of shared agendas to meet local needs and priorities. The Government is committed to building on the success of the PCC model by further strengthening their role; for example, the government is proposing to enable PCCs to take on the governance of fire and rescue services as part of driving greater collaboration between emergency services.⁴ With PCCs taking on a greater role in the

¹ Improving Police Integrity Consultation - reforming the police complaints and disciplinary systems: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/411970/improving_police_integrity_reforming_the_police_complaints_and_disciplinary_systems.pdf

² The Policing Protocol: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/117474/policing-protocol-order.pdf

³ Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012, section 28 of Part 4: http://www.legislation.gov.uk/ukxi/2012/62/pdfs/ukxi_20120062_en.pdf

⁴ Consultation on emergency services collaboration: <https://www.gov.uk/government/consultations/enabling-closer-working-between-the-emergency-services>

handling of complaints made against their police force, and with the responsibilities held by a PCC increasing, the time is right to amend the system for complaints made against a PCC. The Government proposes changes in three broad areas:

1. Clarifying, through non-statutory guidance, what constitutes a complaint, ensuring PCPs take forward complaints about a PCC's conduct rather than their policy decisions.
2. Providing PCPs with greater investigatory powers to seek evidence pertinent to a complaint.
3. Clarifying, through non-statutory guidance, the parameters of "informal resolution" and setting out that, where agreement cannot be reached, it is open to PCPs to make recommendations on the expected level of behaviour of a PCC, and that they have powers to require the PCC to respond.

The Government's proposed changes for PCC complaints

The proposed changes to the complaints system ensure the fundamental principle of the PCC policy that of accountability to the electorate is not undermined. The proposals will improve the transparency of the complaints procedure and deliver more satisfactory outcomes for complainants.

Clarity on what constitutes a complaint

The Police Reform and Social Responsibility Act 2011 and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 define that a complaint to be handled by the PCP should relate to the conduct of the PCC. There is some scope for interpretation of this whereby the complaint could be made regarding the conduct of a PCC in making a policy decision. This creates difficulties in determining whether a complaint should or should not be taken forward and regularly results in complaints relating to policy decisions being taken forward.

The Government intends to provide PCPs with further guidance on what constitutes a complaint. This will supplement the regulations and set a clear marker for what should and should not be classed as a complaint. This will ensure complaints about conduct rather than policy decisions are taken forward. The Government believes, as the PCC is a directly elected public office holder, the guidance for conduct should be framed around the Nolan principles.⁵ The seven Nolan principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership set the ethical standards expected of public office holders and will robustly tie the procedures of informal resolution as mentioned in the regulations to matters of conduct rather than policy.

The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 also refer to a PCP's handling of vexatious complaints. Those working on complaints have indicated that a disproportionate amount of time can be spent in managing vexatious complaints which will in part be minimised in defining what is meant by a complaint. In the Government's response to its 'Improving Police Integrity' consultation, there was a commitment to look into reforms that would make it easier for forces to handle persistent and vexatious complainants. **We propose to consider whether any measures to make it easier for forces and PCCs to handle vexatious complaints should be extended to PCPs, so as to give PCPs greater flexibility to manage these complaints and to ensure a consistent policy across complaints systems.**

⁵ Nolan Principles - The 7 Principles of Public Life:

<https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

Powers to Investigate

Through the Police Reform and Social Responsibility (PRSR) Act 2011, PCPs are explicitly prohibited from “investigating” complaints. Due to this PCPs may lack the opportunity to gather evidence and facts pertinent to a complaint and provide a satisfactory outcome for the complainant and PCC. In contrast greater investigatory actions may be limited due to the lack of time and resources available to a PCP. **The Government proposes to amend the PRSR Act 2011 to remove the restriction on the PCPs’ ability to investigate.** This will provide PCPs greater flexibility to establish evidence and provide a satisfactory outcome for both the complainant and PCC.

If PCPs intend to use investigatory powers, **the Government proposes to amend the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 to allow for investigation through the appointment (by the PCP) of an independent individual to gather evidence relating to the specific complaint, and the conduct of the PCC, and present a recommendation report to the PCP.**

The Government believes that the majority of complaints should continue to be resolved without independent investigation, but recognises that in some cases this may restrict the PCP to an undesirable extent. It is important to separate the investigatory aspects of complaint handling from the PCP, to ensure that any political differences between the Panel and the PCC are not used as a basis for complaint investigation. The Government recognises the need to restrict the investigations to the terms of the individual complaint to ensure evidence gathering is proportionate and necessary. The guidance, referred to above, should ensure that only complaints regarding the conduct of a PCC could reach the stage of independent investigation. The regulations would include duties for PCPs to ensure proportionality and necessity of evidence gathering.

The Government believes that a monitoring officer would be best placed to perform the role of the independent investigator to establish evidence for a complaint. Under regulation 7 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012, a PCP may delegate any of its functions (other than arrangements set out in Part 4 of those Regulations; informal resolution and those where it is appropriate to apply the requirements of the regulations) to the chief executive of the PCC. Expanding this role would seem the most natural step, and would fit with the Chief Executive’s monitoring officer responsibilities for ensuring the PCC meets legislative requirements. Having said this, the Government recognises that different opinions exist in this area, with some parties indicating that such a responsibility could place the chief executive in an unenviable position as they would, in effect, be investigating their employer. We therefore propose that it would also be open to the PCP to appoint a monitoring officer from one of the local authorities within the police force area to act as an independent investigator. The costs associated with any investigation would be born, either by the Office of the PCC (in the event of the PCC’s chief executive being appointed), or the PCP if they chose to appoint a monitoring officer from a local authority.

Informal Resolution

Through Schedule 7, paragraph 3(2) of the Police Reform and Social Responsibility Act 2011 a PCP is restricted to informal resolution of any non-serious complaint made against a PCC. Paragraph 3(5) of Schedule 7 defines informal resolution as “encouraging, facilitating, or otherwise assisting in, the resolution of the complaint otherwise than by legal proceedings...”

The Government understands that some aspects of the informal resolution procedure, when considering the PRSR Act 2011 alongside the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012, have been misinterpreted, and that on some occasions PCPs have felt that the regulations have restricted them from resolving complaints as they would have wished. In particular some PCPs have expressed the belief that their options were restricted if the PCC and the complainant could not agree on a method of informal resolution.

The Government proposes introducing non-statutory guidance clarifying that informal resolution is not reliant on the agreement of both parties, though this should remain the preferred outcome. Where a PCP is unable to reach an informal resolution which is agreeable to both parties it remains open to PCPs to use their powers as set out in sections 28(6) and 29(3) of the PRSR Act 2011, which set out that PCPs have a free standing power to make recommendations and may require a PCC to respond in writing to any recommendations made by them. The guidance will make clear that in relation to complaints any recommendations should be based on the conduct of the PCC and aimed at preventing future complaints from arising, there is an obvious link here to the definition of what constitutes a complaint. Recommendations on conduct should be based on the Nolan principles.

The Government believes that the ability to make recommendations, rather than impose sanctions, is an appropriate power for PCPs as, ultimately, the accountability of the PCC lies with the public, and not with the PCP.

Consultation questions

Complaint definition and guidance

1. To what extent do you agree or disagree that the seven Nolan principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership should frame the concept of conduct of a PCC:
 - Strongly agree
 - Agree
 - Neither agree nor disagree
 - Disagree
 - Strongly disagree
2. To what extent do you agree or disagree that the Government should extend **measures being developed to make it easier for forces and PCCs to handle vexatious complaints to PCPs**:
 - Strongly agree
 - Agree
 - Neither agree nor disagree
 - Disagree
 - Strongly disagree

Complaint investigation

3. Question for PCPs only:

How many complaints about a PCC did you receive in the financial year 2014-15?

- 0 – 10
- 11 – 20
- 21 – 50
- 50 - 100
- 100 +

4. Question for PCPs only:

Of those complaints, how many have you considered where you would have benefited from the ability to investigate the complaint?

5. Question for PCPs and PCC Chief Executives only:

How much investigation, in terms of hours worked, would you expect it to take to investigate a complaint?

6. To what extent do you agree or disagree that PCPs should be given greater investigatory powers to investigate a complaint (either directly or through the appointment of an independent investigator)?
 - Strongly agree
 - Agree
 - Neither agree nor disagree
 - Disagree
 - Strongly disagree
7. To what extent do you agree or disagree that PCPs should be given the power to investigate complaints themselves, rather than appoint someone to do it:
 - Strongly agree
 - Agree
 - Neither agree nor disagree
 - Disagree
 - Strongly disagree
8. Please explain your answer to question 7.
9. What do you think the benefits are of PCPs investigating complaints themselves, rather than appointing someone else to do it?
10. What do you think the disadvantages are of PCPs investigating complaints themselves, rather than appointing someone to do it?
11. To what extent do you agree or disagree that PCPs should be able to appoint an independent investigator?
 - Strongly agree
 - Agree
 - Neither agree nor disagree
 - Disagree
 - Strongly disagree
12. To what extent do you agree or disagree that the choice of monitoring officer (either from a local authority, or from the Office of the PCC) should fall to the Panel?
 - Strongly agree
 - Agree
 - Neither agree nor disagree
 - Disagree
 - Strongly disagree
13. To what extent do you agree or disagree that the monitoring officer for the investigation of a complaint should be appointed from the Local Authority?
 - Strongly agree
 - Agree
 - Neither agree nor disagree
 - Disagree
 - Strongly disagree

14. To what extent do you agree or disagree that the monitoring officer for the investigation of a complaint should be the chief executive of the PCCs office?
- Strongly agree
 - Agree
 - Neither agree nor disagree
 - Disagree
 - Strongly disagree
15. Do you feel that the role of independent investigator should be fulfilled by someone other than the PCC's monitoring officer, or a monitoring officer from a local authority within the police force area? If so please indicate who you think should perform this role:

Informal resolution guidance

16. To what extent do you agree or disagree that PCPs' existing powers to make recommendations on the expected level of behaviour of a PCC are sufficient?
- Strongly agree
 - Agree
 - Neither agree nor disagree
 - Disagree
 - Strongly disagree
17. To what extent do you agree that, when making recommendations as part of the informal resolution of a complaint, PCPs should tie these recommendations to the expected level of conduct based on the seven Nolan Principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership?
- Strongly agree
 - Agree
 - Neither agree nor disagree
 - Disagree
 - Strongly disagree



Enquiries to: Mrs J Head
Telephone: 01768 217734

Our reference: jh/EIP

Date: 27 April 2016

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 4 May 2016** in **Conference Room 2**, 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 Michael Duff
Mrs Lesley Horton
Mr Alan Rankin (Chair)

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 February 2016 (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

- (a) 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.*
- (b) To raise any overall issues identified during the dip sample session and discuss progress of actions detailed within the action sheet.

8. MISCONDUCT

- (a) To receive and note a report by Cumbria Constabulary on police staff misconduct (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.

9. 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 .*

10. 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.*

11. PROFESSIONAL DISCRETION FRAMEWORK

To receive an update on the implementation of Professional Discretion Framework and the results of the six month review.

12. ANNUAL REPORT

To receive the draft report and agree upon further contents prior to the report being presented to the Police & Crime Commissioner (copy enclosed) – *To be presented by the OPCC Chief Executive.*



Agenda Item No 4

ETHICS AND INTEGRITY PANEL

Notes of a meeting of the Ethics and Integrity Panel held on
Friday 12 February 2016 in Conference Room 2, Police Headquarters,
Carleton Hall, Penrith, at 2.00 pm

PRESENT

Ms Lesley Horton
Mr Alan Rankin
Mr Michael Duff

Also present:

Police and Crime Commissioner (Richard Rhodes)
T/Deputy Chief Constable (Darren Martland)
Detective Chief Inspector (Furzana Nazir)
OPCC Chief Executive (Stuart Edwards)
OPCC Governance & Business Services Manager (Joanne Head)

1. APOLOGIES FOR ABSENCE

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

2. DISCLOSURE OF PERSONAL INTERESTS

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

3. URGENT BUSINESS

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

4. PANEL MEMBERSHIP AND APPOINTMENT OF CHAIR

The Chief Executive presented a report which outlined that two members of the panel had resigned. These members being Peter McCall following his announcement to run for Police and Crime Commissioner; and Paul Forster following his appointment as a Legally Qualified Chair for Police Misconduct Panels.

In light of these resignations the Office of the Police and Crime Commissioner (OPCC) had revisited the list of candidates interviewed when the Panel was established. As a result, Michael Duff had been offered, and accepted, an appointment on the panel which would be until 30 June 2016.



As Paul Forster had been chair of the Panel it was proposed that the members appoint a chair from within the existing Panel membership. This appointment would be until 30 June 2016. Lesley Horton and Alan Rankin agreed to share the appointment with Lesley undertaking the role for February, March and April. Alan would then take up the appointment of Chair for May and until the end of June. They also agreed that they would both waive the Chair's allowance which was allocated to this position.

Agreed; that

- (i) the Panel note the report;
- (ii) Lesley Horton hold the position of chair for February, March and April with Alan Rankin holding the position for May and June 2016;
- (iii) No Chair's allowance would be paid to either member.

(Mrs Lesley Horton chaired the meeting from this point onwards).

5. NOTES OF THE PREVIOUS MEETING

The notes of the meeting held on 11 November 2015 had been circulated with the agenda.

Agreed; that, the notes of the meeting held on 11 November 2015 be approved.

6. REVIEW OF THE PREVIOUS 12 MONTHS

The Panel were keen to receive feedback from the Commissioner on the work they had carried out during the previous 12 months and whether this had fulfilled his expectations of the panel. The Commissioner advised that he was pleased with the work of the panel to date and he felt it remained important to have a panel of independent people looking at a variety of areas of business within the OPCC and the Constabulary.

Chief Inspector Nazir advised that following the work undertaken by the panel a number of areas of business within the Professional Standards Department had changed. This had been as a result of the Panel's views and suggestions on improvement of the service. T/DCC Martland commented that it was important to have an independent panel who could provide openness and transparency to a number of areas of business.

The members then discussed how the future work of the Panel could continue to add value to both organisations. A number of areas were discussed on how the panel could be used for specific issues, these were identified as:

- Misconduct files – no further action and officers being on or off duty
- Secondary business interests
- Ethical issues identified by the Valuing Individuals Group
- Ask the Chief questions which had an ethical content
- Thematic inspections, or following major incidents or events.



The Panel Chair thanked T/DCC Martland, Chief Inspector Nazir and the Commissioner for their suggestions. When considering work to be given the Panel, the Chair asked that the Panel be given the work at the time when they could add most value. In 2015 the panel had been asked to comment on the Professional Discretion Framework, however this had been towards the end of the developmental process and although the Panel were able to provide a viewpoint they felt that had they been involved sooner some of their views may have been included prior to implementation.

A discussion took place regarding recent events in the media regarding the death of a 2 year-old girl. Although the Panel understood that they would not be provided with any information at this stage they felt that could play a role in the future. The Commissioner advised the Panel on his current position, what he was and was not allowed to do or say in relation to the matter. The Panel felt that although information could not be given to the public at the present time, positive messages that things were happening would provide confidence in the work of the Constabulary and in the Commissioner.

The Panel thanked the Commissioner for comments and contribution to their work.

AGREED; that future work of the Panel be developed.

(Note: The Commissioner left the meeting at this point).

7. INTEGRITY

COMPLAINTS BY THE PUBLIC

The T/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. Generally the number of complaints being received was reducing with a reduction of 75 allegations being identified in the last quarter.

The Professional Standards Department and Human Resources would on a monthly basis look at officers who were repeatedly receiving complaints to identify if there were any trends or issues and decide upon the best course of action. A member asked how it was possible to distinguish between officers who stood out or had a frontline role with those who were actually committing the offences. Chief Inspector Nazir advised that they would look at this in a broader context rather than the allegations/complaints alone. This would include speaking to fellow officers and looking to see if there was any CCTV evidence.

The number of allegations relating to discriminatory behaviour had reduced during the 12 month period with 10 allegations being received.

In Cumbria the majority of complaints were dealt with by way of Local Resolution; generally within 39 days which compared favourably against other similar forces and the national average.



It was noted that the number of Force Appeals had reduced whilst the number of IPCC Appeals upheld had increased. A member questioned whether the outcome of an appeal varied from that of the original investigation. Chief Inspector Nazir assured the members that on many occasions it did. The complaint would be reviewed by a Superintendent from either Crime Command or a Territorial Policing Area (TPA) who were independent from the original investigation. It was proposed that this should be an area which the Panel could look at during their next scheduled dip sample session.

AGREED; that, the

- (i) report be noted; and
- (ii) Panel look at force appeals at the May dip sample session with particular regard to the number of appeals upheld.

8. INTEGRITY – ANTI-FRAUD & CORRUPTION

The T/Deputy Chief Constable presented the quarterly report on work undertaken by the Constabulary's Anti-Corruption Unit. He guided members through the report, commenting on each of the cases listed that had been finalised and those still ongoing providing an update on their current status. Of the reports received the number categorised as 'vulnerability' had seen an increase and had been broken down into concerns regarding behaviour and financial.

A member questioned the resignation of officers during the misconduct process. The T/Deputy Chief Constable advised that these officers had been student officers who under Regulation 13 could be dismissed or resign from their position even when misconduct procedures were being undertaken against them.

The members were pleased to note that the number of officers who were currently suspended had reduced from 11 in the previous year to now only 2.

Chief Inspector Nazir provided members with examples of the types of issues and incidents which were currently ongoing in relation to this area of work.

AGREED; that the report be noted.

9. GRIEVANCES

The T/Deputy Chief Constable presented a report which outlined the number of grievances currently being dealt with by the Constabulary in comparison to the previous 12 months and 3 year periods. He advised that since the report had been published a further grievance had been recorded bringing the total to date up to two.

He advised that culturally in Cumbria officers and staff voiced their concerns and generally matters were dealt with informally. Although this may be good for the individuals involved it did not allow the matters to be recorded and to enable the organisation to learn for the future or make appropriate changes. A member asked whether groups such as line manager forums existed to enable such information and any issues, trends or concerns to be shared with others



across the organisation. Chief Inspector Nazir advised that Superintendents had at least quarterly meetings with Inspectors during which they would discuss such issues. The Panel Chair stated it was important that such issues were documented to ensure the health of the organisation and its awareness of the issues concerning officers and staff. The T/Deputy Chief Constable agreed upon the importance of capturing such information and would look to progress this.

AGREED; that the report be noted.

10. TRANSPARENCY COMPLIANCE

(a) Office of the Police & Crime Commissioner

The Governance and Business Services Manager presented a report which outlined to the panel areas of business which could potentially be subject to fraudulent behaviour. The report outlined the work undertaken by the OPCC to ensure transparency and that audit checks were undertaken to ensure that fraudulent behaviour did not take place. Members were advised that an Internal Audit review undertaken in 2015 on these areas of work had not identified any risks or shortcomings in the OPCC's procedures and processes.

Members were advised that the purpose of the report was to provide assurance that systems and processes were in place. The members, thanked her for the report but felt that although the report provided assurance, as they had not sampled any areas of the work they were themselves unable to endorse any assurance. Following discussion it was agreed that as this area of work was monitored and audited that future reports would not be required and that the Panel should only become involved, as appropriate, should an incident occur.

AGREED; that,
 (i) the report be noted;
 (ii) future reports would not be required with the Panel only becoming involved should an incident occur.

(b) Cumbria Constabulary

Cumbria Constabulary also provided a report outlining the same areas of business which could again be subject to fraudulent behaviour. As with the OPCC, the report provided an outline of the work carried out by the Constabulary, ensuring transparency and prevention of fraud or corruption.

Following on from discussions held earlier in the meeting, it was proposed that the panel undertake to dip sample the Constabulary's Secondary Business Interests. This was with a view to ensuring consistency in approval or denial and how any ethical dilemmas were dealt with.

It was also agreed that future reports would not be required unless an incident should occur.

AGREED; that
 (i) the report be noted;



- (ii) the Panel undertake to dip sample the Constabulary's Secondary Business Interests; and
- (iii) future reports would not be required with the Panel only becoming involved should an incident occur.

11. PROFESSIONAL DISCRETION FRAMEWORK

The T/Deputy Chief Constable provided the Panel with a verbal update on the implementation of the Professional Discretion Framework within the Constabulary in September 2015. The framework gave officers discretion not to investigate or attend incidents. This was to allow the Constabulary to rationalise the work that they carried out with reducing resources.

He talked the Panel through some examples of the 56 incidents when the framework had been used. He reassured the panel that when considering not attending or investigating an incident thorough background checks and intelligence were also being considered as part of the decision making process. Each decision was signed off by a supervising officer who had the ability to overturn the decision should they feel it necessary.

Should a business or organisation continually suffer or be targeted by individuals committing the same offences then this would be considered and appropriate action taken at the time or preventative advice given. This could include the local PCSO visiting the organisation and continuing to monitor the situation.

The T/Deputy Chief Constable advised that a full review would be undertaken once the framework had been used for 6 months, this being the end of March 2016. It was agreed that an update would be provide to the next Panel meeting in May and that the Panel would review 6 cases.

- AGREED;** that,
- (i) the verbal report be noted;
 - (ii) an update on the six-month review be provided to the May panel meeting; and
 - (iii) the panel review 6 of the cases.

12. REPORT BACK ON THEMATIC DIP SAMPLE

In 2015 Her Majesty's Inspectors of Constabulary (HMIC) had carried out a thematic inspection on the Constabulary's use of Stop and Search Powers. Following this review HMIC had made a number of recommendations to the Constabulary. During the morning the Panel had undertaken a dip sample of a number of stop and search forms with a view to assessing whether the information contained within the form provided enough evidence to substantiate the grounds for the stop and search.

The Panel advised that having looked at the sample they had only found 1 or 2 which they felt fully explained the reason for the stop and search. The remainder had given very little information and the Panel felt members of the public could question the legitimacy and lawfulness of the stop. They had asked whether the poor quality could be attributed to certain officers, but were advised that it was in fact across the board.



Following the HMIC report the Constabulary had undertaken to complete a training programme for all officers. It was recognised that any student officers were provided with training on the completion of the forms, however no specific training had been provided to other officers within a number of years. All officers would have received the classroom based training by the end of March 2016. Following this it was envisaged that the quality of information provided within stop and search forms would be improved and it was therefore agreed that the Panel would again dip sample stop and search forms prior to their August Panel Meeting.

The T/Deputy Chief Constable thanked the panel for their work and comments, recognising that there were issues that they were aware of, but with training being provided to all officers he was confident that the quality of the information provided would improve.

AGREED; that,
 (i) the feedback be received; and
 (ii) the Panel would again dip sample stop and search forms prior to their August Panel Meeting.

13. HOME OFFICE CONSULTATION ON PCC COMPLAINTS

The Home Office were carrying out a consultation process in relation to complaints made against Police and Crime Commissioners. The consultation focused on what constituted a complaint, providing Police and Crime Panels with greater investigatory powers to deal with complaints against Police and Crime Commissioners and clarification on the parameters of informal resolution.

Part of the work carried out by the Ethics and Integrity Panel related to complaints and they were therefore asked to provide any appropriate feedback. This would then be included within the final response from the OPCC. It was agreed that the Panel would co-ordinate their individual responses through the Panel chair and these would be provided to the OPCC by 1 March 2016. A copy of the OPCC's final response would be provided to the Panel upon completion.

AGREED; that,
 (i) the report be noted;
 (ii) Panel feedback on the consultation be provided to the OPCC by 1 March 2016; and
 (iii) A copy of the OPCC's final response be provided to the Panel.

Meeting ended at 5.10 pm

Signed: _____

Date: _____



Panel Chair

Ethics & Integrity Panel – Action Sheet: 12/02/2016

Agenda Item No 04(b)

Minute Number / Topic	Action to be taken	Person responsible OPCC / Force	Report back to Panel	Date action completed	Review Date
DATE OF MEETING: 11 November 2015					
Public Complaints Dip Sample	The Panel to look at force appeals at the next scheduled dip sample session with particular regard to the number of appeals upheld.	Furzana Nazir	May 2016	4 May 2016	
DATE OF MEETING: 12 February 2016					
Review of previous 12 months	That future work of the Panel be developed	Stuart Edwards	August 2016		
Constabulary - Transparency	the Panel undertake to dip sample the Constabulary's Secondary Business Interests	Furzana Nazir	28 April 2016		
Professional Discretion Framework	(i) an update on the six-month review be provided to the May panel meeting; and (ii) the panel review 6 of the cases	ACC Martland	May 2016		
Stop and Search	The Panel to dip sample stop and search forms prior to their August Panel Meeting	Insp Sherlock	August 2016		
HO Consultation on PCC Complaints	(i) Panel feedback on the consultation be provided to the OPCC by 1 March 2016; and (ii) A copy of the OPCC's final response be provided to the Panel.	Lesley Horton Stuart Edwards	1 March 2016 10 March 2016	1 March 2016	



Constabulary Report to OPCC

Agenda Item 06

TITLE OF REPORT: INTEGRITY – COMPLAINTS BY THE PUBLIC

DATE OF MEETING: 4th May 2016

ORIGINATING OFFICER: Ch Supt Steve Johnson – Professional Standards

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

Executive Summary:

No more than 100 words.

- 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:
 - Q3 Apr to Dec 15, Cumbria: 143, Last year same period: 177. MSF average: 237, National average: 201.
- The current 12 month rolling figures show that there has been an increase of 5 cases (1.7%) and a reduction of 66 allegations (12.5%) in comparison to the last 12 months.
- A breakdown of allegations shows that all TPA's have reduced their level of allegations but HQ has shown a small increase.
- Allegations upheld by PSD have increased by 8 allegations (32%) comparing the last period the current 12 months. The number of Not Upheld by PSD has reduced by 12 (5.6%).
- The number of IPCC and Force appeals has reduced.
- The number of upheld appeals for the IPCC has reduced compared to the last period by 7 to 3 (25% of results), upheld Force Appeals have reduced from 33 to 24 (80% of results).

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.
- To progress work on improving accessibility to the complaints process as per page 2 and Appendix 1.

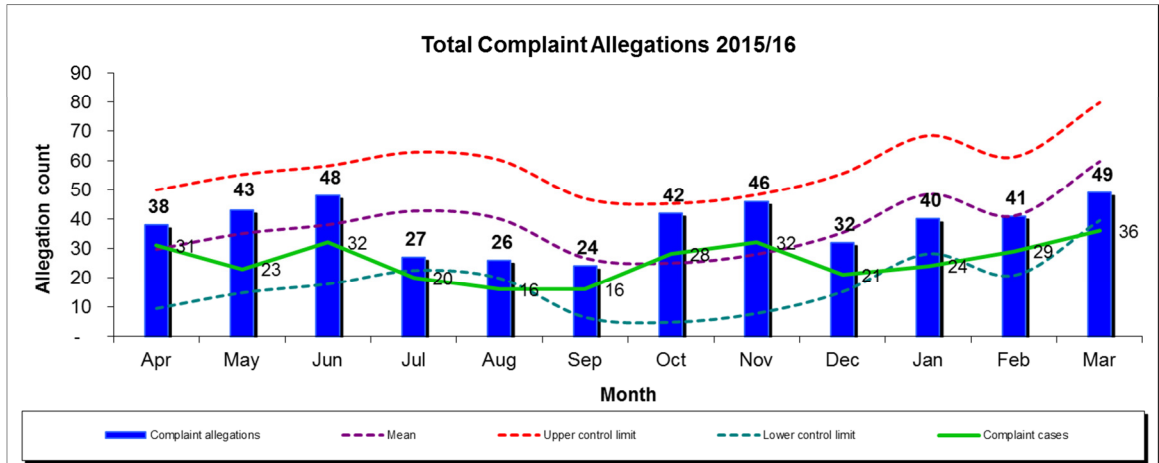
MAIN SECTION

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 January to December 2015: -



The chart shows fluctuating levels of complaint allegations and cases. Peaks in allegations were seen in June, November and March, although of note March’s figure of 49 is a significant reduction on the 74 in March 2015. The most significant change was the increase in Allegations and cases in October and November opposite to the three year trend of reductions in autumn. Over the 12 month period allegations and cases have followed a different pattern from the three year average but the total allegations at 456 are the lowest figure for 2 years and cases are 308, an increase of 5 on 2014/15 but a reduction on the 333 in 2013/14.

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 2015 and March 2016. 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. This indicates that there are more people complaining but they are complaining about fewer issues.

	12 Month Rolling to March 2015	12 Month Rolling to March 2016	Percentage Change
Cases	303	308	1.7
Allegations	522	457	-12.5

*Including Direction and Control cases/allegations.

Work to improve accessibility to the police complaints system is nearly complete. The Internet complaint form has gone live. Posters and assistance at Hate Crime Reporting Centres are available. The internal sharepoint form is awaiting work from the IT department. Details in Appendix 1.

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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 Mar-15	12 Month Rolling to Mar-16	Change	12 Month Rolling to Mar-15	12 Month Rolling to Mar-16	Change
North	161	123	-38	91	95	4
South	152	126	-26	100	86	-14
West	165	143	-22	90	90	0
UOS	21	21	0	12	16	4
HQ	23	44	21	9	21	12
Total	522	457	-66	302	308	5

*Including Direction and Control cases/allegations.

Complaint cases have increased when comparing the current 12 month period with the previous 12 months with HQ showing an increased figure.

The table shows a reduction in allegations with only HQ showing an increase in the 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	UOS	HQ	Grand Total
12 Month Rolling to Mar-16	Breaches of PACE K,L,M,N,P,R	13	15	21	1	2	52
	D&C	14	14	10	6	16	60
	Discrimination F	4	4	4			12
	Incivility U	19	15	15	4	7	60
	Malpractice G,H,J	7	5	8		2	22
	Oppressive Behaviour A,B,C,D,E,Y	28	26	25	5		84
	Other W	1	3	1		2	7
	Unprofessional Conduct S,T,V,Q,X	37	44	59	5	15	160
12 Month Rolling to Mar-16 Total		123	126	143	21	44	457
12 Month Rolling to Mar-15	Breaches of PACE K,L,M,N,P,R	21	9	15		1	46
	D&C	6	3	6	1	6	22
	Discrimination F	3	1	3	1		8
	Incivility U	26	24	17	4	7	78
	Malpractice G,H,J	9	7	8	3		27
	Oppressive Behaviour A,B,C,D,E,Y	41	34	26	3	2	106
	Other W		2	1		1	4
	Unprofessional Conduct S,T,V,Q,X	56	72	89	8	6	231
12 Month Rolling to Mar-15 Total		162	152	165	20	23	522

*Including Direction and Control case/allegations.

The largest increases have been seen in the following: -

- South TPA – D&C (366%)
- HQ- D&C (166%).
- HQ- Unprofessional Conduct (150%).
- North TPA - D&C (133%)

The group that saw the largest percentage increase in the current 12 month period when compared to the previous 12 months was Direction & Control increase of 28 complaint allegations (172%) this is across the areas, partly due to more appropriate use and partly to the agreement regarding complaints about the control room. This is reflected in the main type increased being Operational Management decisions and Organisational Decisions.

HQ showed an increase in Unprofessional conduct and are spread across departments and situations, the main type being Other Neglect and failure of duty.

The main groups of Unprofessional Conduct and Oppressive Behaviour both saw overall reductions of over 20%. Unprofessional Conduct reduced by 71 allegations (30.7%) and Oppressive behaviour by 22 allegations (20.7%)

The group/allegation type that saw the largest percentage increase in the current 12 month period when compared to the previous 12 months was Serious Non-sexual Assault increased by 12 allegations (400%). This is one of the D&C categories and this group has increased by 38 (172.7%).

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

- 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 Statuary 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.
- Online News to all staff (Oct 2015) All staff are reminded of the necessity to ensure criminal enquiries are conducted efficiently and to also be cognisant of statutory time-limits which may impact on investigations either at initial recording or subsequently if a recording decision is amended as a result of insufficient evidence or case review.
- Online News to all staff (Oct 2015) All staff are reminded where the driver of an unmarked police vehicle, with no covert warning equipment wishes to stop a vehicle the driver should unless exceptional circumstances exist, obtain the assistance of a marked car to take the lead role before making any attempt to stop the vehicle. If any officer is unsure on correct stopping of vehicles then please contact the driver training unit at HQ.
- Online News to all staff (Nov 2015) All staff are reminded that together with the necessity to follow the NCRS and Home Office Counting Rules, they should ensure that when allegations are made to the police by way of letter, decisions regarding recording/action or forwarding to appropriate body, which in this case may have been Action Fraud, are appropriately documented together with the rationale. This can be accommodated within the incident reporting system which ensures that there is a record of receipt, decision and action which avoids the potential for matters to be overlooked
- Pass Newsletter Forcewide (Oct 2015) Issue 19 Recent Special Case Hearing
- Force Orders (Nov 2015) Reminder to staff regarding the transportation of persons detained under the Mental Health Act - ie via Ambulance
- Online News to all staff (Oct 2015) Learning the Lessons Bulletin 24- October 2015
- Pass Newsletter Forcewide (Nov 2015) Issue 20 Recent Special Case Hearing
- Online News to all staff (Dec 2015) Photographs taken of exhibits for public circulation which showed exhibit information

- Individual (Dec 2015) Review of procedure re the provision of a statement or evidence for the defence - brought to attention of DCI Nazir - procedure to be reviewed and circulated in due course in line with Constabulary review
- Control room staff (Dec 2015) Certain incidents (e.g. high risk mispers/RTCs) are often correctly THRIVE'd as grade 2 logs but need an immediate police response, rather than a response within 60 minutes. (please ensure via link, or the CMR Sgt that Dispatch are made aware of any such log so they can deploy accordingly). Calls to deal with members of the public who are having a 'mental health crisis' require the Ambulance Service informing. (please ensure we take responsibility to inform the Ambulance Service rather than instructing the caller to do so after their call to us). Logs created in Storm can be viewed in Webstorm before they are shared with Dispatch which can lead to confusion over deployment and command. (please ensure we share the log with Dispatch as soon as possible, while we continue to speak to the caller and update the log).
- CI Spedding (Dec 2015) Issues surrounding response times provided to callers to the Communications Centre and non compliance with set timings
- Pass Newsletter Forcewide (Dec 2015) Issue 20 Advice re Alcohol consumption and duties
- Pass Newsletter Forcewide (Dec 2015) Issue 22 Recent Special Case Hearing
- Control room staff, (Jan 2016). Control room training now including advice following complaint re attendance for a shop lifting in progress
- Insp Barr, CJU, (Jan 2016). Insp Barr to review policy re mental health detainees
- PS 705 Sowerby, (Feb 2016). Correct procedure for recording of complaints which can be taken by telephone contact.
- PSD Admin, (Feb 2016). CCTV viewing re subjudice cases
- Online News to all staff, (March 2016). Learning the Lessons Bulletin 25-February 2016.
- Supt Pannone and CI Rutherford, (March 2016). Custody officers reminded of timeliness of cell checks; removal of option to input multiple entries to custody records simultaneously; guidance regarding surplus items of clothing in cells
- Online News to all staff, (March 2016). Reminder of standard of driving by on duty police officers in marked police vehicles

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 11 officers who met the repeat officer strategy in the current period which is an increase of 1 on the previous period. These officers have been highlighted through the PSD TT & CG process, for two of the officers dissemination reports have

been produced, of the others 2 had their supervisors updated, one who was going through the misconduct process and the others are currently being reviewed.

1.5 Dissatisfaction Reports

There were 50 dissatisfaction reports recorded in the current 12 months which is a reduction of 25 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.

1.6 Diversity

There have been 10 allegations of discriminatory behaviour by the police recorded during the current 12 month period which is a reduction of 3 when compared to the previous 12 months.

- Complainant believes their complaints of Anti-Social Behaviour involving neighbours were dismissed on the grounds of their disability. Local Resolution - by TPA (recorded April 2015)
- Complainant states that an officer spoke to them in what they allege was a faux Northern Irish accent, which they believe was a racial slur on them. Not Upheld - by PSD (recorded May 2015)
- 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 PSD (recorded May 2015)
- Complainant states that they were arrested, the officer was discriminatory towards them making reference to them being a gypsy. No case to answer. (recorded June 2015)
- 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. Not upheld by PSD. (recorded July 2015)
- Complainant states that a police officer attending a Public Protection Conference made a racist comment that they should 'be more British'. Not upheld by PSD. (recorded August 2015)
- Complainant states their son's complaint of sexual assault was not dealt with properly and they believe this is due to their foreign name and the son's mental condition. Local resolution by TPA. (recorded November 2015)
- Complainant feels it was discriminatory for the officer to ask if they had any mental health issues or was seeing a doctor when they attended to report a crime. Not Upheld - by PSD. (recorded November 2015)
- Complainant was arrested and alleges the officers that carried out the arrest were homophobic. Not upheld by PSD. (recorded December 2015)
- Complainant states he was poorly cared for in custody and that this was due to his mental health issues. Not upheld by PSD. (recorded December 2015)
- Complainant states they were racially abused by attending officers following a call to an incident, the complainant inferred their comments were because they are a Gypsy. This is currently live. (recorded February 2016)

- Complainant states the officers contacting them was transphobic due to the way they reacted when the complainant answered the telephone. This is currently live. (recorded March 2016)

1.7 Performance

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

Allegation Result Description	12 Month Rolling to Mar -15	12 Month Rolling to Mar-16	Change
De Recorded	5	5	0
Disapplication - by Force	36	55	19
Discontinued - by Force		2	2
Local Resolution - by Division	139	139	0
Local Resolution - by PSD	53	50	-3
Not Upheld - by Division	3	1	-2
Not Upheld - by PSD	215	203	-12
Special Requirements		2	2
Upheld - by PSD	25	33	8
Withdrawn - by Force	15	10	-5
Withdrawn - by IPCC		3	3
Grand Total	491	503	12

The IPCC in the most recent report (Q1, 2 & 3 Apr 15 to Dec 15) assess Cumbria's performance for average number of days to finalise Local Resolution and Investigations:

- Average number of days to locally resolve allegations – Cumbria 36, MSF average 52 and National average 65.
- Average number of days to finalise allegations by local investigation – Cumbria 143, MSF average 143 and National average 162. This is disputed as the IPCC report shows Cumbria cases are completed in an average of 83 days and an allegation can not be open longer than a case.
- Cumbria is the 3rd best in the country for average number of days to locally resolve allegations.

The process change for reminders are sent to officers progressing local resolutions at 25 days and this has increased the number of LR cases meeting the target in the quarter.

In the current 12 month period, 503 allegations were finalised compared to 491 in the previous period the greatest reduction (by 12) was in Not Upheld by PSD, with Allegations Upheld - by PSD increasing by 8 (32.0%) but as a proportion it has increased from 5.1% in the last period to 6.6% in the current period.

1.8 Force and IPCC Appeals

Result	Force Appeals 12 months rolling to March - 15	Force Appeals 12 months rolling to March- 16	IPCC Appeals 12 months rolling to March - 15	IPCC Appeals 12 months rolling to March- 16
Upheld	33	24	7	3
Not Upheld	7	1	16	5
Withdrawn	1	0		
Not Valid	0	0	1	1
Live	0	5		3
Total	41	30	24	12

The above data highlights that the number of IPCC appeals have remained stable and the number of force appeals has reduced by 24% (41 to 30). The percentage of upheld appeals for Force appeals has increased in this reporting period compared to the previous 12 months despite reducing in numbers mainly due to the reduction in overall appeals. IPCC Appeals have reduced by 12 (50%) and upheld results have also reduced in total and proportionately.

Upheld Force Appeals have remained stable at 80% (24 of 30 compared to 33 of 41).

Upheld IPCC Appeals have reduced from 29% to 25% (3 of 12 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 increased by (172%) when compared to the previous 12 month period, the largest increase being Operational management decisions. As mentioned previously in the document this is in small part due to more appropriate use and partly to the agreement regarding complaints about the control room. The table below shows a breakdown of direction and control complaints.

Allegation Result Description	12 Month Rolling to Mar -15	12 Month Rolling to Mar-16	Change
General policing standards	5	9	4
Operational management decisions	9	32	23
Operational policing policies	5	4	-1
Organisational decisions	3	15	12
Grand Total	22	60	38

Issues raised in the last quarter include complaints about decisions for specific cases, specific policies/procedures, issues around the floods and Control Room performance. There have been a number of items of Best Practice circulated to the Control Room in the period and some issues have now been including within the training plan.

The creation of the new control room and the adoption of THRIVE meant that officers would be making decisions based on knowledge, training, guidance, organisational procedures and

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individual discretion, including the use of NDM. If an officer makes a decision based on these and a member of the public disagrees and makes a complaint it would be counterproductive to record a complaint against that officer as the complaint is more about the Constabulary procedures.

One of the key decisions for the officers in the control room is whether an officer would be sent to an incident. The Constabulary has got to manage demand, which has required a change in culture. In the past we would attend almost everything, which the public have got used to. We knew that by saying we were not going to attend, some members of the public would not be happy and may make a complaint.

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	New web page has gone live which includes an online complaint form. Review was conducted and some slight amendments made (To allow complainants not to give DOB and gender ("Prefer not to say")). Link to page is as below:- https://www.cumbria.police.uk/Contact-us/Contact-Us-Services/Say-thanks-or-make-a-complaint.aspx	Completed
Front Counters	New poster and information leaflet has been created. Both have been supplied to Front Counters and staff have been provided with information in relation to what to do if someone wants to make a complaint	Complete
Hate Crime Reporting Centres	Poster has been created and sent to Sarah Lockerbie, PC Dodd and Sarah Dimmock for distribution. New leaflet has also been provided	Check that poster/leaflets have been distributed and information provided to persons working in the Hate Crime Reporting Centres as agreed
New complaint form for internal use	Awaiting IT to create form	To create form (Planned for mid-2016)
Gipsy and Traveller group	Poster has been created and sent to Sarah Lockerbie, PC Dodd and Sarah Dimmock for distribution. New leaflet has also been provided	Check that poster has been distributed

Review to be carried out of all activity when persons external to the department have facilitated actions/completed their actions.



Office of the Police & Crime Commissioner Report

Title: Police Staff Discipline and Misconduct

Date: 4 May 2016

Agenda Item No:

Originating Officer: Andrew Taylor, Head of HR

CC:

Executive Summary:

The Constabulary has a Disciplinary Policy and Procedure which affords the opportunity to resolve cases quickly and effectively at the lowest possible management level. This report provides a summary and analysis of the cases which have been dealt with in the twelve months preceding this year's meeting of the Panel

Recommendation:

That, the Ethics and Integrity Panel note the Report.

1. Introduction & Background

1.1 This report details the number of police staff discipline and misconduct cases dealt with during the period 1 May 2016 and 30 April 2016.

2. Issues for Consideration

2.1 Between 1 May 2015 and 30 April 2016 three members of police staff were the subject of disciplinary proceedings in accordance with the Constabulary Disciplinary Procedure. Two staff members were female and one was male. None were of minority ethnic origin.

2.2 One case required a written warning and one case required words of advice. One member of staff has been dismissed following appeal before the Assistant Chief Constable. There are currently two ongoing cases which will be the subject of later report.

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 the provisions of the Employment Rights Act 1996 are breached in terms of unfair dismissal there would be implications for the Constabulary which may lead to financial and status loss.

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



Office of the Police & Crime Commissioner Report

Title: OPCC Complaints & Quality of Service Issues

Date: 4 May 2016

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) receives 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. 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	2016
3 (2)	29 (19)	13 (8)	2 (2)	5 (5)

- 2.2 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

- 2.3 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.
- 2.4 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.
- 2.5 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.
- 2.6 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.

- 2.7 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
2012	1	0	1	0
2013	7	1	6	0
2014	2	0	2	0
2015	1	0	0	0
2016	1	0	1	0

- 2.8 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.

2.9 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.

- 2.10 The table below illustrates the number of complaints which were received from 22 November 2012 to 31 March 2016. During that period there have been three Chief Constables in charge of the Constabulary. In February 2016 a complaint was received regarding T/CC Mrs Skeer who has since returned to her substantive post as Deputy Chief Constable and therefore authority to deal with the complaint has transferred to the Chief Constable. There remains one complaint 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
2016	2	1				

2.11 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.

2.12 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.

2.13 OPCC Staff Complaints

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

2.14 Quality of Service Issues

As the role of the Commissioner has become more widely understood 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 from 1 January to 31 December 2015 and from 1 January to 29 February 2016 (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.

2.15 As can be seen from Appendix 1 the nature of the issues raised during 2015, with the exception of the spike in February in relation to hunting and again in October in relation to CCTV, fall into three main categories: the police response, the police service (either provided or received) and police resources. As can be seen from the issues raised during the first two months of 2016 a similar trend is occurring.

2.16 On a case-by-case basis, information which is collated from quality of service issues is used to help improve services provided by both the OPCC and the Constabulary, and to improve learning.

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.

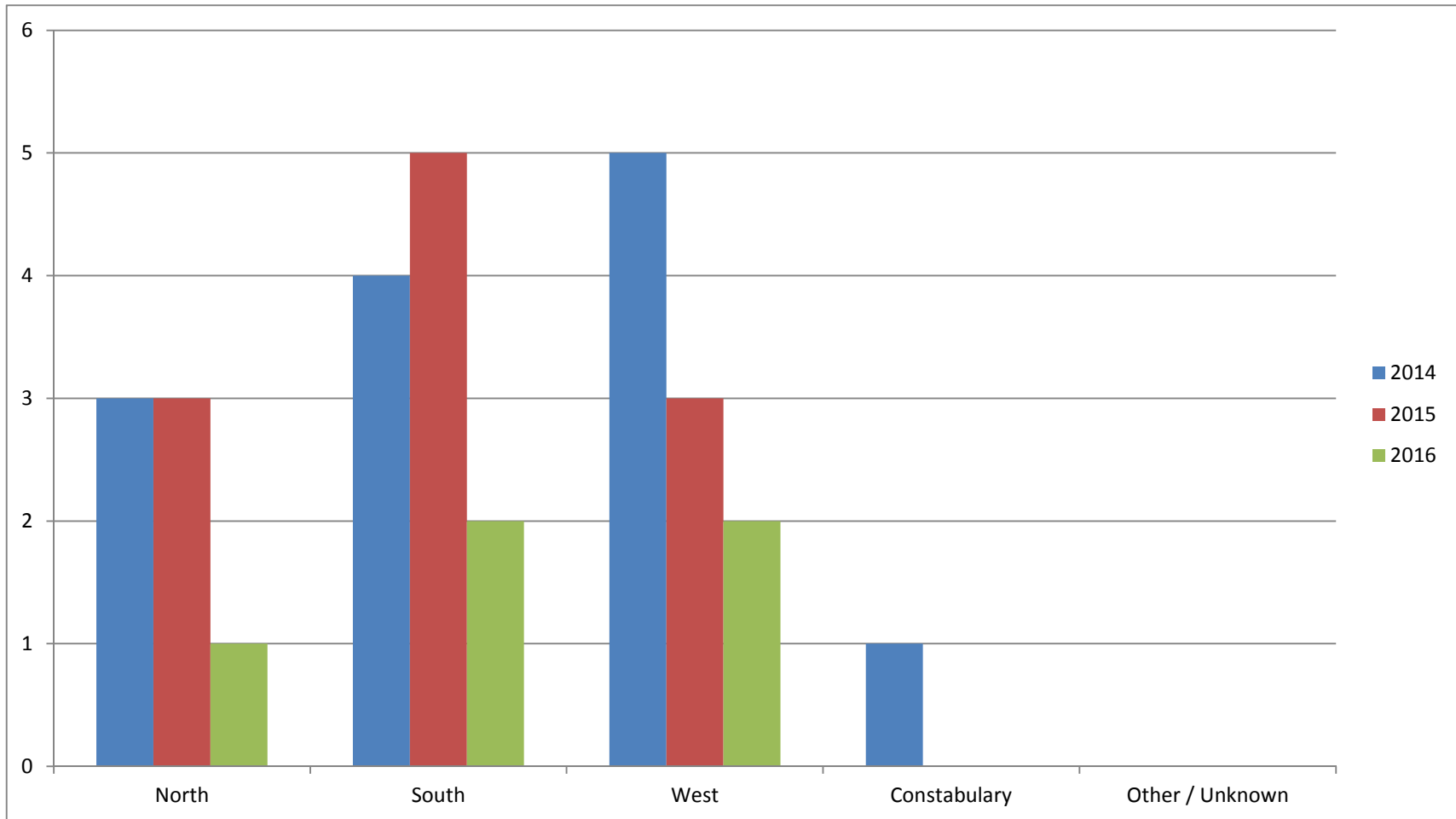
3.4 HR / Equality - none specifically identified.

4. Supplementary information

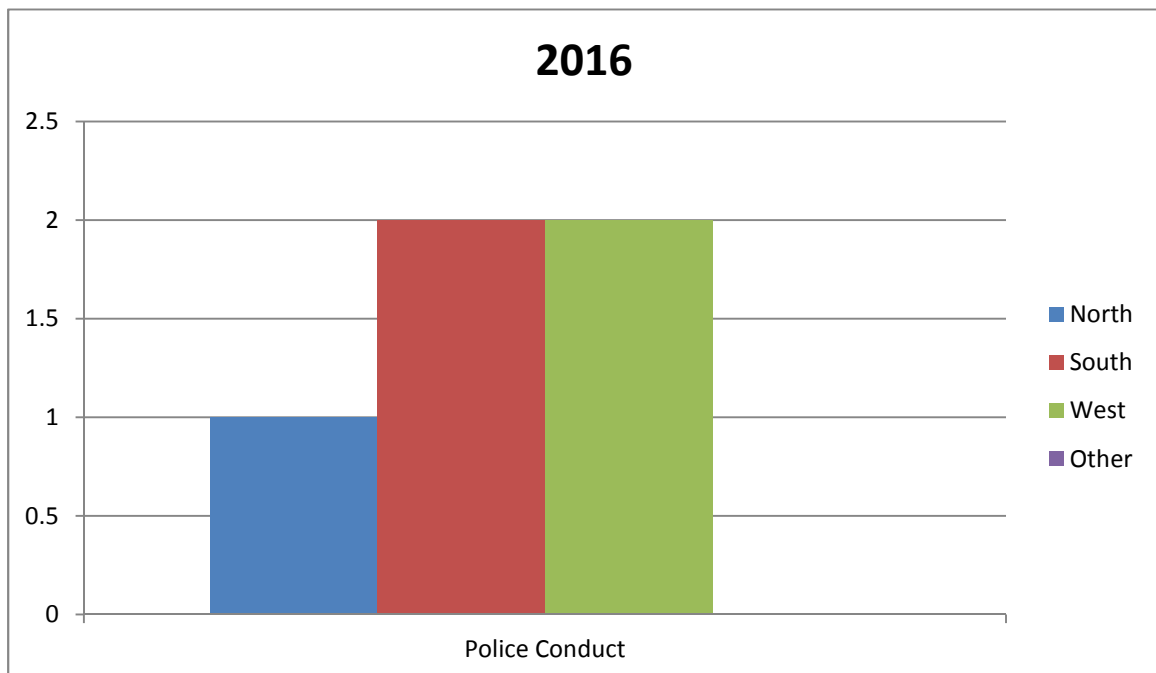
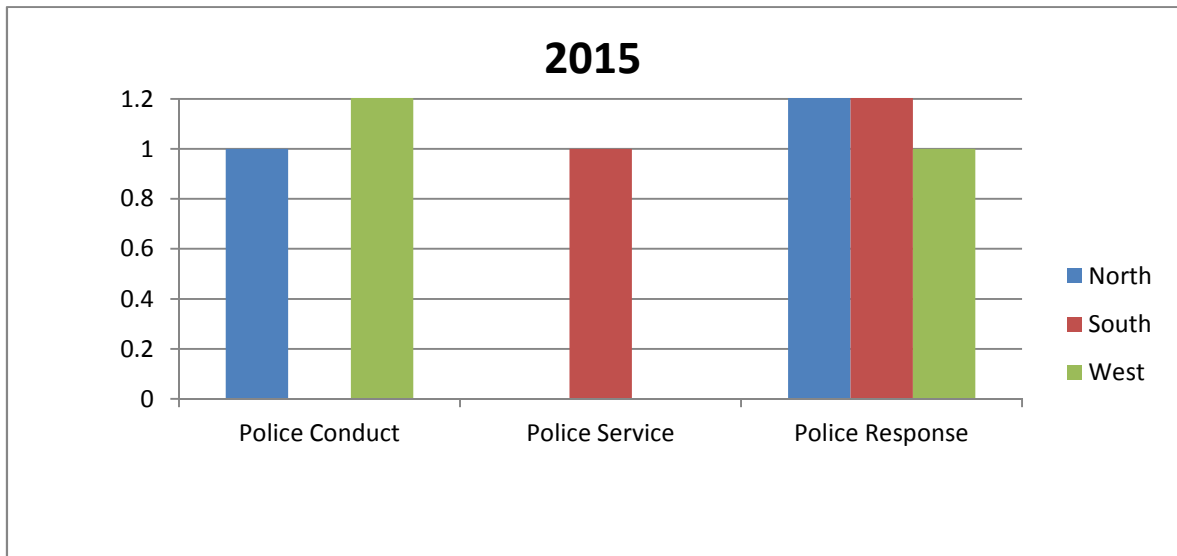
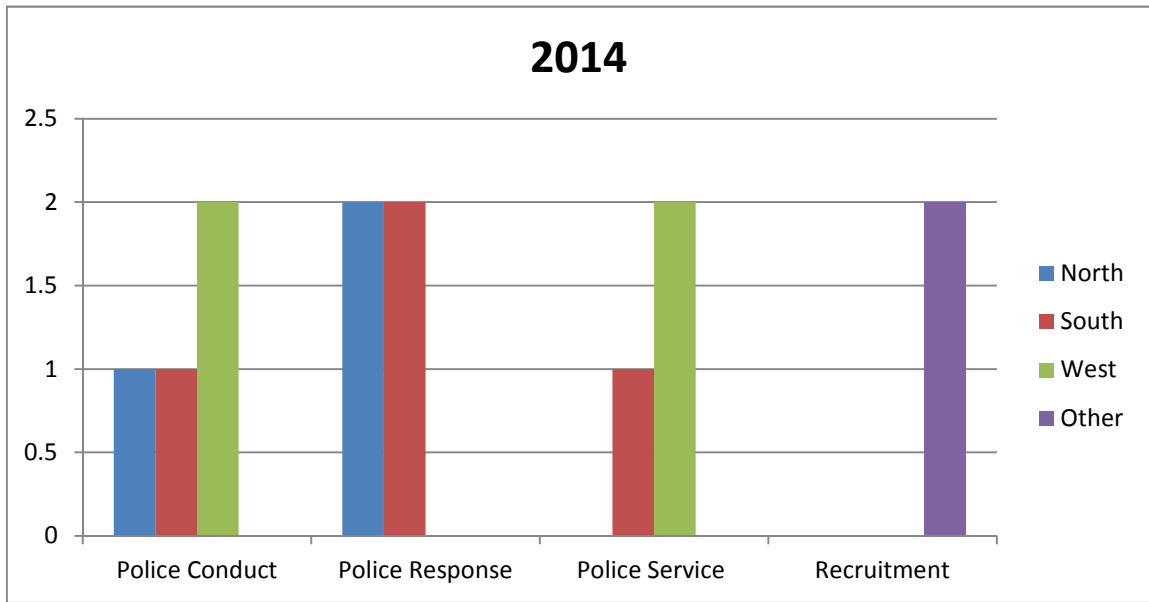
Appendix 1 – Complaints received by the OPCC

Appendix 2 – Quality of Service issues received by the OPCC

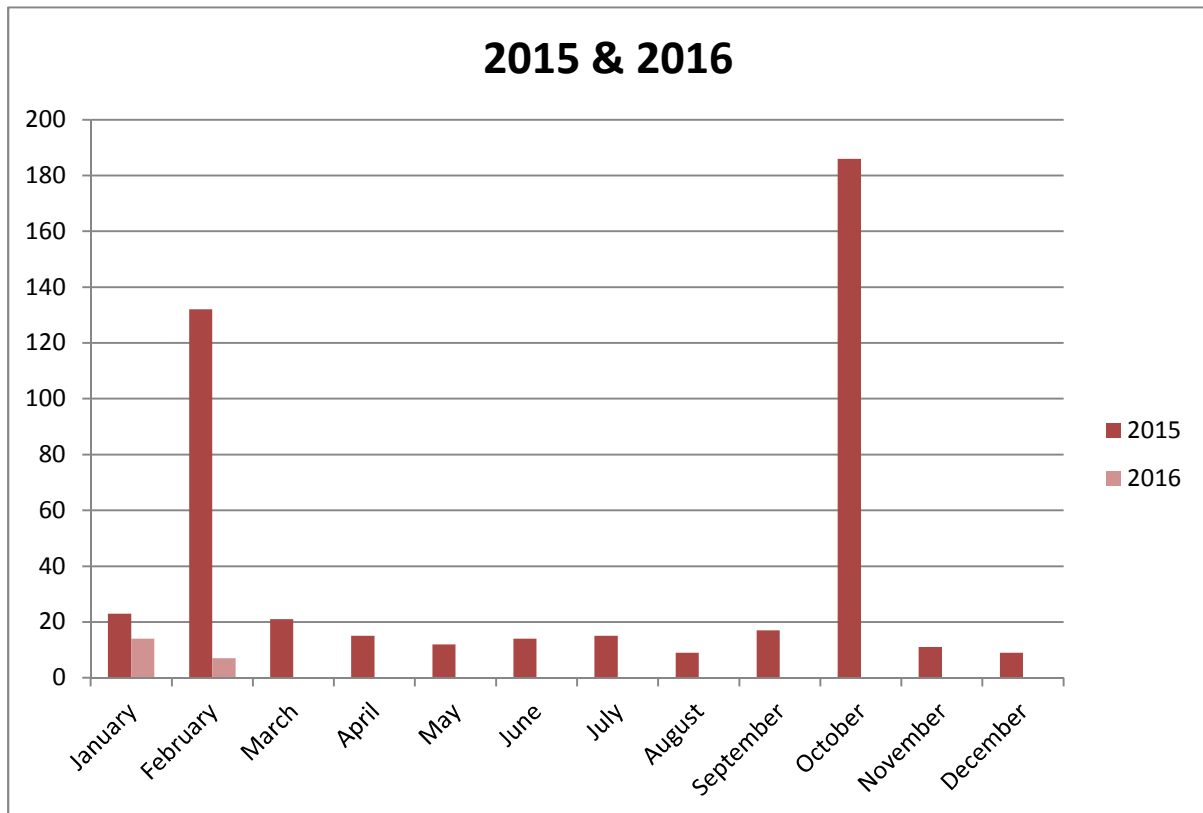
OPCC Received Complaints - Areas



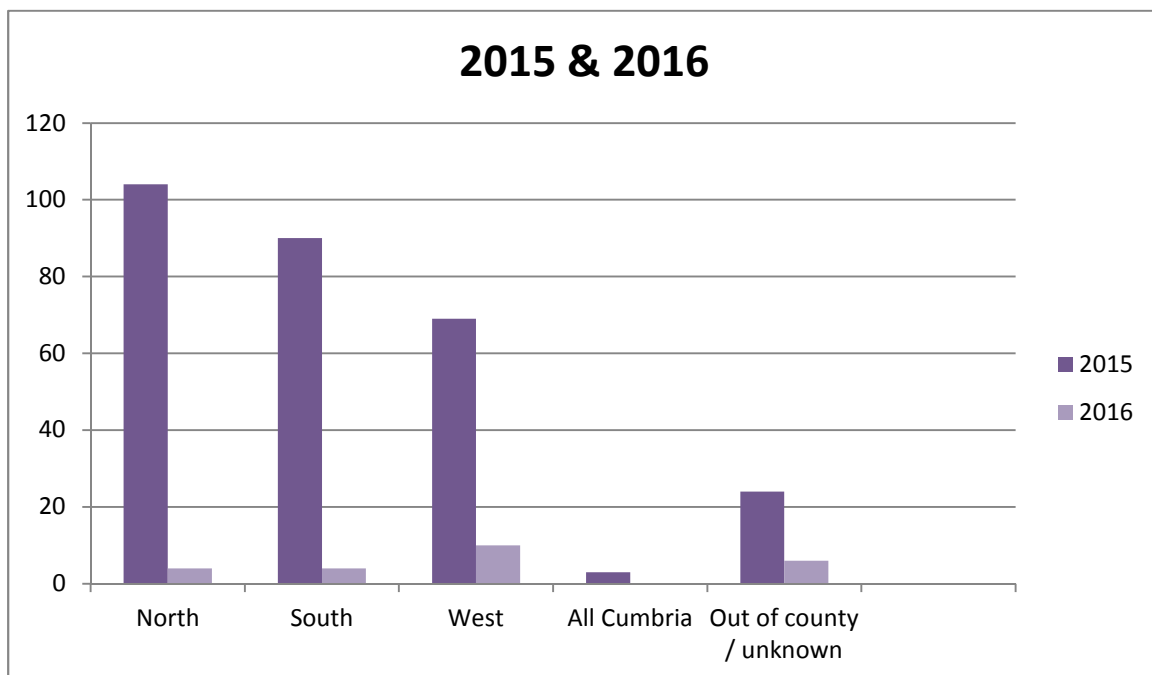
OPCC Received Complaints – Types



QSPI's per Month

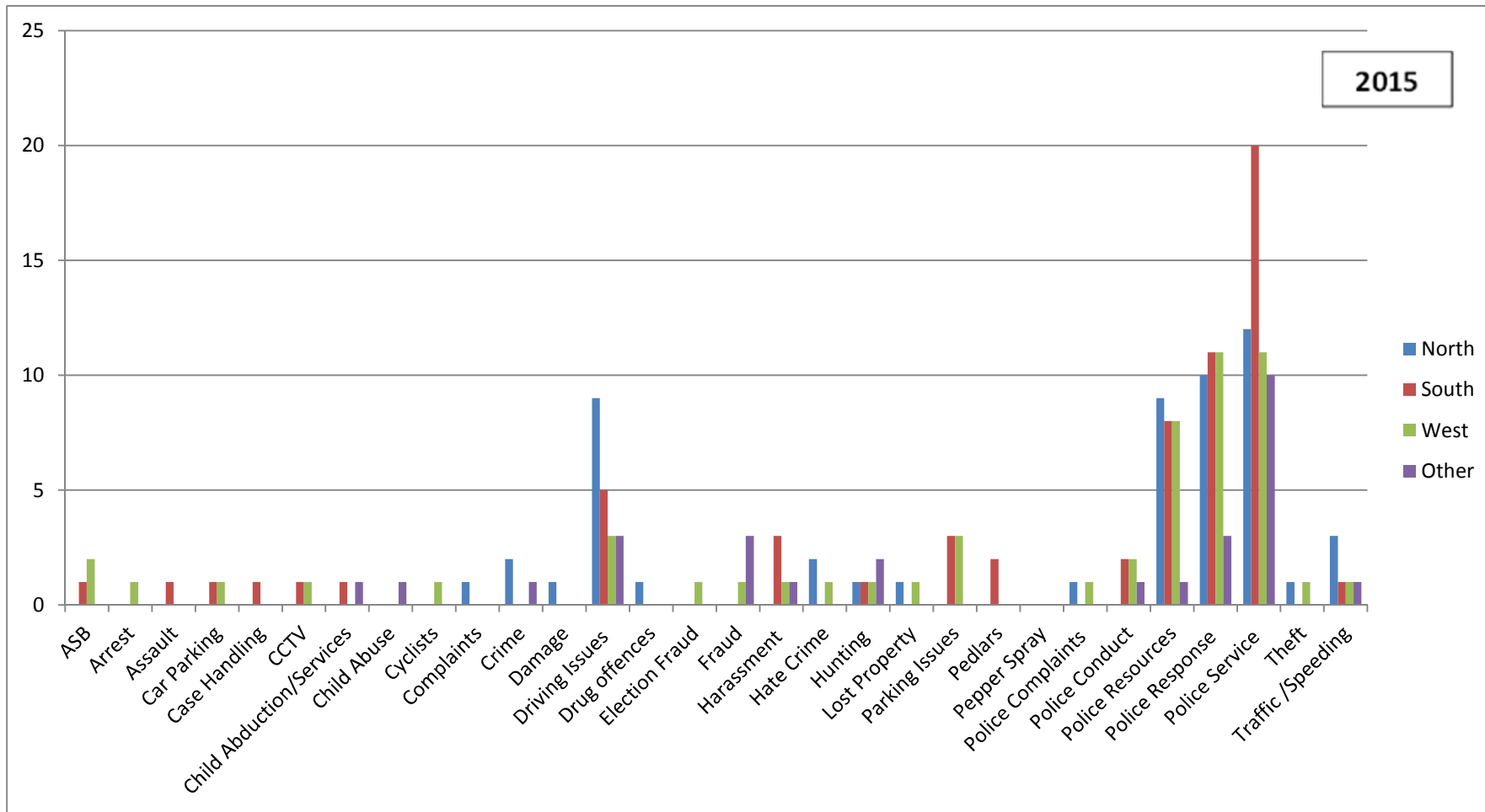


QSPI's per Area

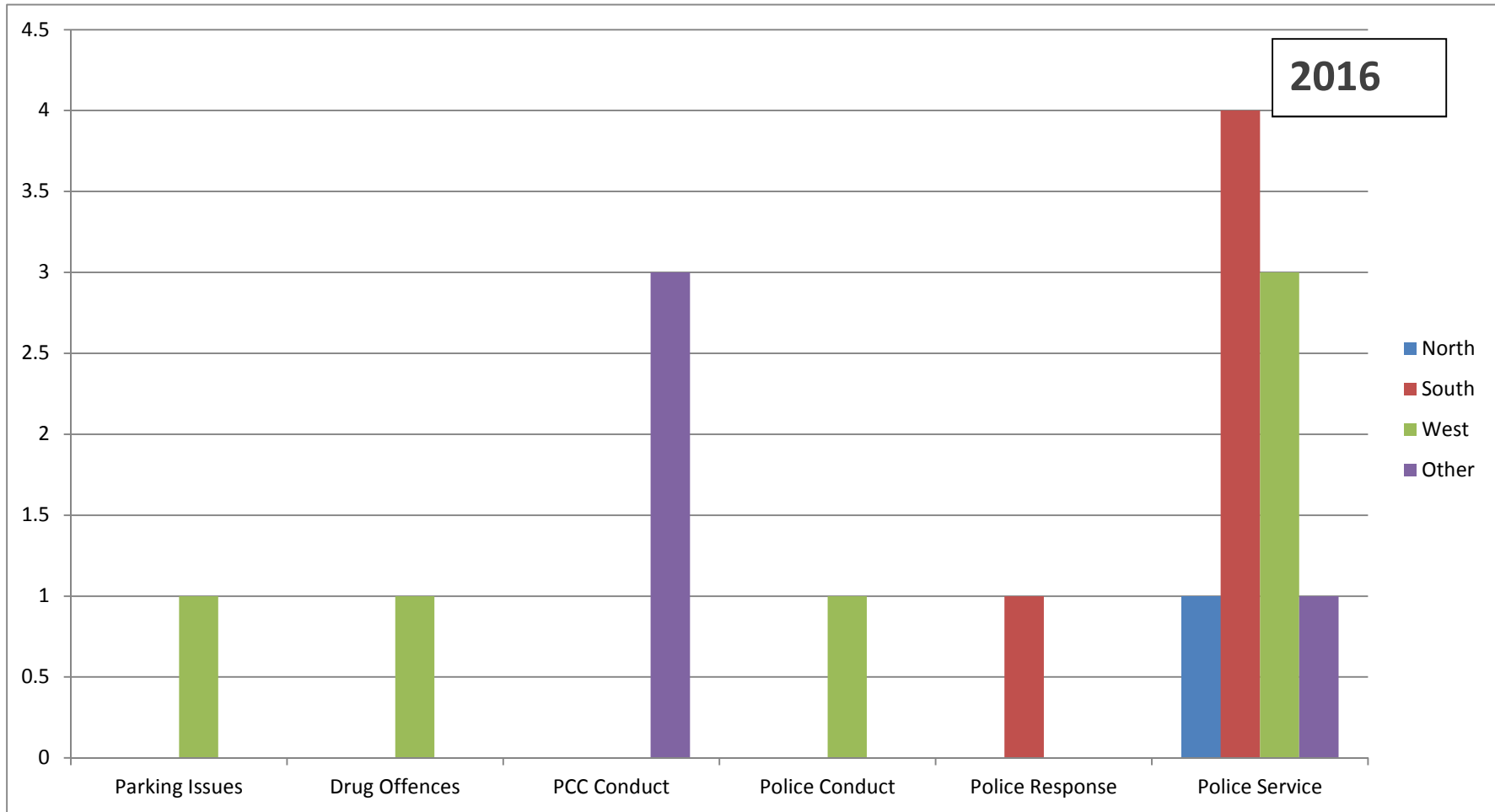


The data above is for 1 January to 31 December 2015 and 1 January to 29 February 2016

QSPI Categories

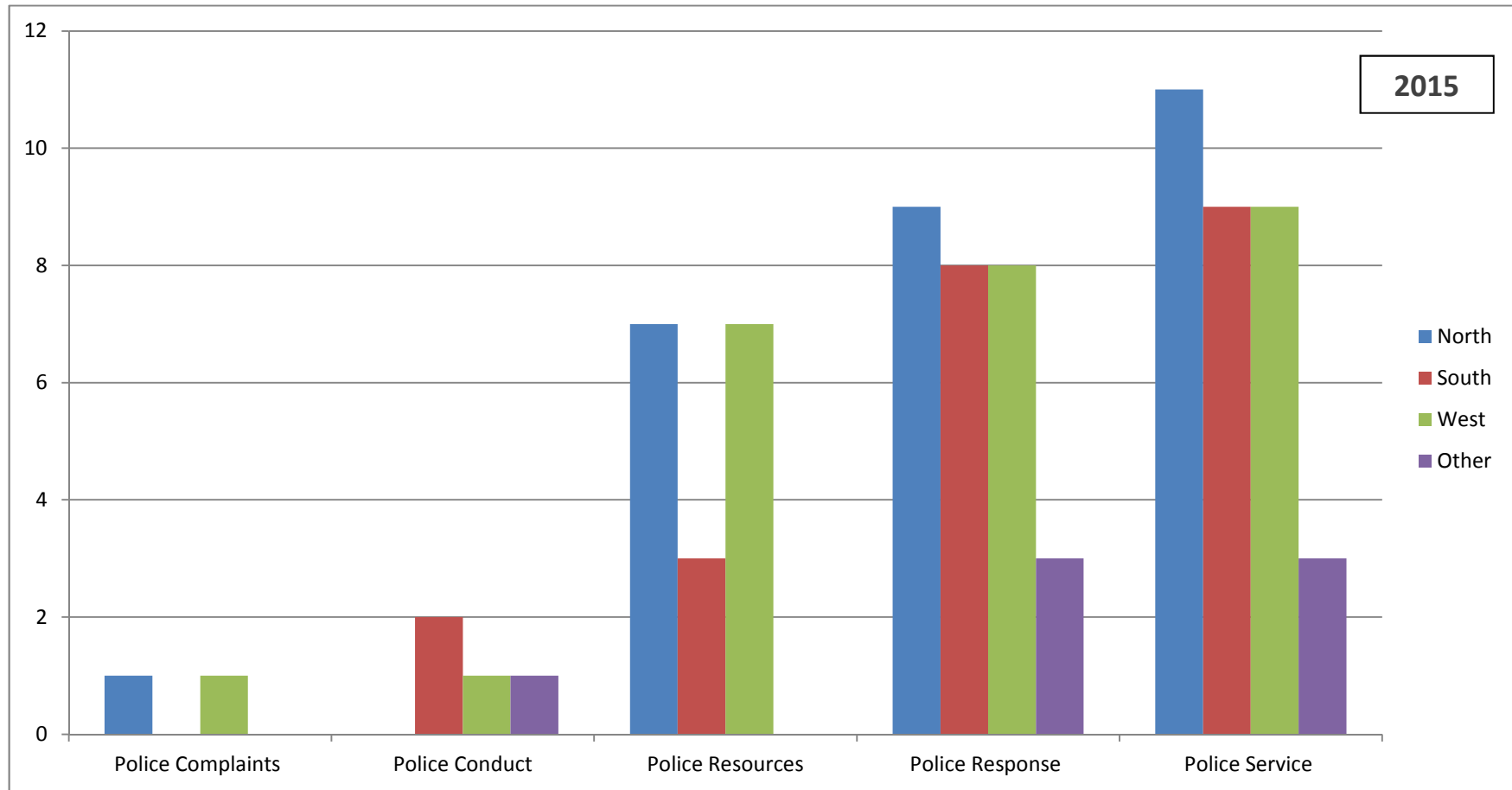


During 2015 the OPCG received 124 letters regarding Hunting and 175 letters regarding CCTV provision within the county. In the above table these have been counted as 1 case each.



The above figures are for the period 1 January 2016 to 29 February 2016.

QSPI Categories – Police Service



The above categories cover a wide range of areas which members of the public wish to report or are concerned about. Below are some examples:

Police Resources - lack of or reduction in police resources; police officer numbers

Police Response – dissatisfaction with - response provided (or lack of); officer’s attitude; handling of a case

Police Service – provision of policing services (or lack of); officer attendance; types of policing such as rural crime; policies and procedures.



Ethics and Integrity Panel

Title: OPCC INFORMATION MANAGEMENT COMPLIANCE

Date: 4 May 2016

Agenda Item No: 10a

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

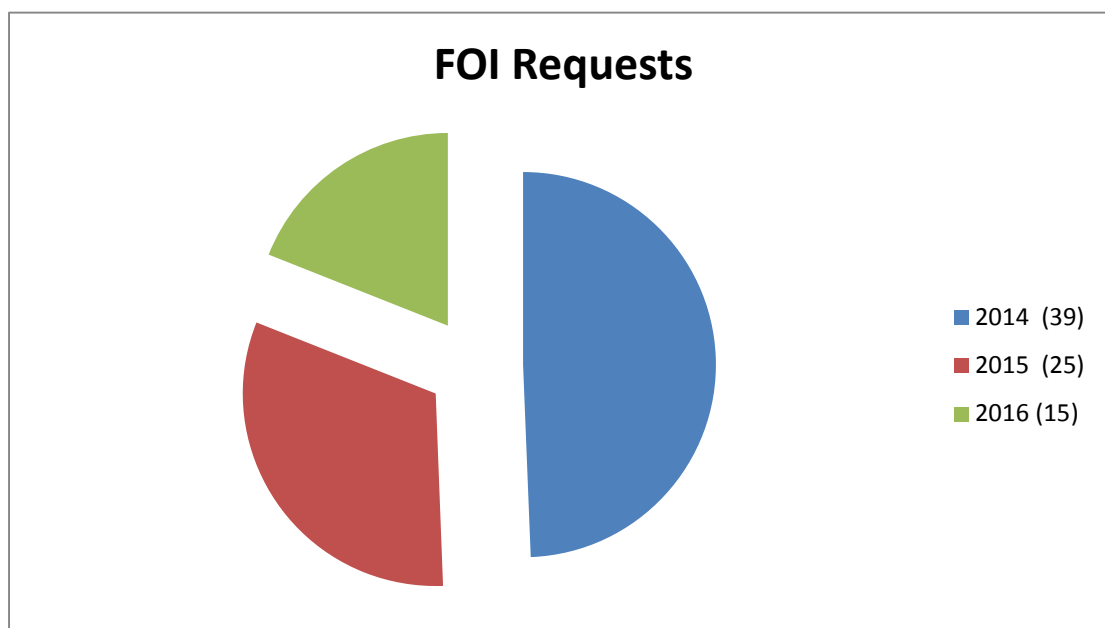
obligations under the FOI Act and the Environmental Information Regulations whenever a request is made for information.

- 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 2015 and from 1 January to 31 March 2016.



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
2016	15	14	1	1	1	0

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 2016 one internal review was requested by an applicant. Following the review no additional information was supplied and the original decision was upheld.

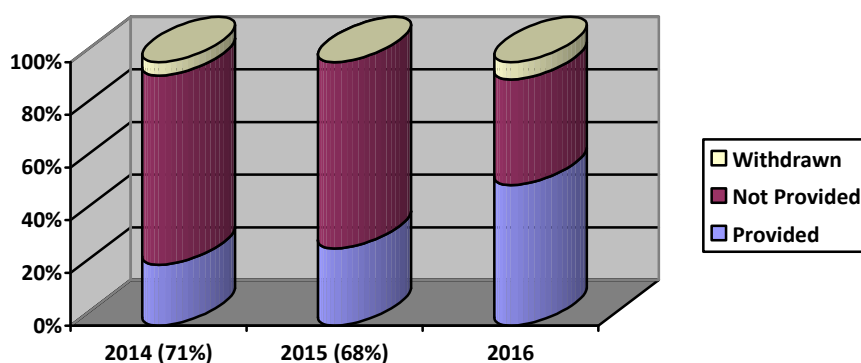
2.8 If a requestor still remains dissatisfied with the response they have received they can then appeal to the Information Commissioner's Office (ICO) and have them undertake a review of the OPCC's decision. During this process the ICO look to work with the organisation to ensure that the correct information 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:

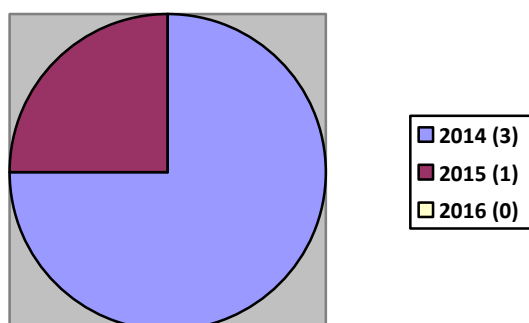
As can be seen from the chart below during the first three months of 2016 the requests received did relate more to the business of the OPCC with more information being able to be provided than in 2015. This can be attributed to interest in the forthcoming Police and Crime Commissioner elections and mostly relate to financial spending.

Having received a request, where the OPCC does not hold the information as the information requested relates to the Constabulary; 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.



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.



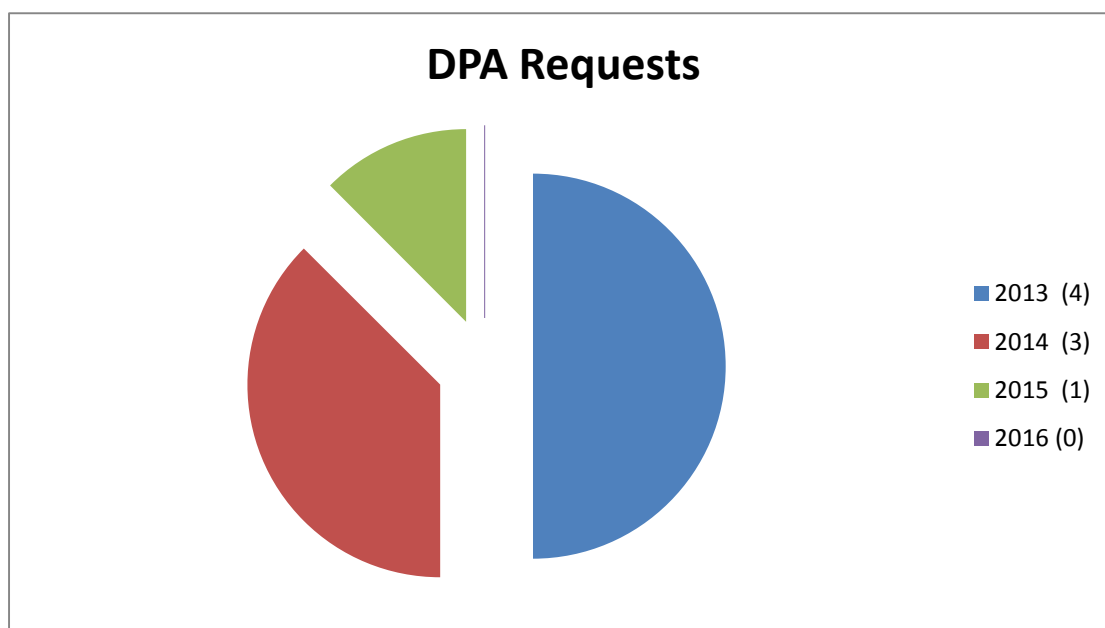
- 2.13 Under the FOI Act the OPCC is required to maintain and publish a Publication Scheme. The scheme must specify classes of information which the OPCC publishes or intends to publish and whether or not this is freely available to the public or if there will be a charge. The OPCC maintains such a scheme 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 In 2015, the OPCC received one Subject Access Request from a member of the public and to date in 2016 no requests have been received. 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 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
2014	3	2	1	0	0
2015	1	1	0	0	0
2016	0	0	0	0	0

2.21 No Data Protection breaches have been identified or reported during 2015 or for the reporting period in 2016.

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: Cumbria Constabulary Freedom of Information & Data Protection Compliance

Date: 4 May 2016

Agenda Item No: 10b

Originating Officer: Mr David Cherry

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, received by 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 continues to increase. As at 31st March, 334 requests had been received in 2016,

compared with 295 in the same period of 2015. This represents an increase of 13%. If requests continue to be received at this rate, the Constabulary can expect to receive over 1300 requests in the 2016 calendar year, which will represent an increase of over 30% on the 2015 applications.

- 2.1.2 Media reporting of high profile policing related matters has a tendency to result in flurries of requests from different applicants all of whom seek the same, or similar, information. A recent example of this is a number of requests received from various media organisations, which relate to the death, in 2012, of Poppi Worthington.
- 2.1.3 New legislation is also another cause of the Constabulary (and the police service as a whole) receiving information requests. The recent implementation of a new criminal offence of “engaging in controlling or coercive behaviour” has resulted in a number of requests being made, which have sought the disclosure of arrests and prosecution statistics for this offence.
- 2.1.4 Similarly, the implementation, in 2015, of a ban on smoking in vehicles in which children are passengers, also resulted in a number of requests being made which sought information about police activity in enforcing this ban.
- 2.1.5 A review of freedom of information legislation has recently been undertaken by an independent, cross-party [Commission on Freedom of Information](#), established by the government. The Commission has now reported and the government has responded to the recommendations which have been made.
- 2.1.6 It appears unlikely that the recommendations, if adopted in full by the government, will result in a reduction in the number of requests received by public authorities. It is anticipated, however, that clearer guidance will be developed as a result of a recommendation, which may result in public authorities being able to designate a higher proportion of requests received as “vexatious”, where the criteria for doing so is met. This may ultimately reduce the work required to locate and extract information which would otherwise be required to be disclosed in response to such a request.
- 2.1.7 For the foreseeable future it seems likely that the number of requests for information received by the Constabulary will continue to increase and compliance with statutory timescales will continue to present a challenge.

2.2 Subject Access Requests

- 2.2.1 As at 31st March 2016, 24 requests for access to personal data, in accordance with the rights afforded to data subjects by the Data Protection Act 1998, have been received by the Constabulary. Over the same period in 2015, 23 requests were received.
- 2.2.2 The requests received are invariably of a complex nature and continue to be time consuming to deal with, although it is pleasing to note that there has only been a marginal increase in the number of requests received this year, against the same period in 2015.

3. Other Data Protection Considerations

- 3.1 In the November 2015 update provided to the Panel, reference was made to two security breaches about which the Constabulary had submitted formal notifications to the Information Commissioner. Below is an update on these matters.
- 3.1.1 Breach One occurred in June 2015 when an officer removed an unencrypted USB device from his place of work and accidentally left it in his jacket on a train. The device was subsequently recovered approximately 25 hours later and it was established that the data had not been accessed by any unauthorised party.
- 3.1.2 The Information Commissioner's Office has since advised that whilst the incident is considered to be serious, due to the prompt actions taken by the Constabulary to recover the device, the level of detail provided to the Commissioner to aid his understanding of the incident and the steps taken to prevent a recurrence, no further action is required.
- 3.1.3 Additional information was, however, requested, and has been provided, about a subsequent related matter which came to light after the conclusion of the initial investigation undertaken by the Professional Standards Department. As of the date of this report the Constabulary is awaiting receipt of further correspondence from the Commissioner's Office about this matter. A further update will be included within the next report to the Panel.
- 3.1.4 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.
- 3.1.5 The Information Commissioner has confirmed that no further action is necessary in relation to this matter. This is due to the disclosure of only very limited personal data about the individual – a name, business address and the implication that he had committed a speeding offence and that no great detriment appears to have been caused to the person concerned. Furthermore, there were checks in place and the incident appears to have occurred only because of a fault in the automated mailing system and remedial measures have subsequently been adopted.

4. Implications

- 4.1 It is recognised that the Constabulary does not consistently respond to FOI requests within the statutory timescale and therefore there is a continuing risk of enforcement action by the Information Commissioner.
- 4.1.1 This risk is recorded on the Professional Standards Risk Register and efforts to mitigate the risk continue to be made. The Constabulary is currently in the process of restructuring the Data Control Unit which, when this is completed, will result in the creation of a Senior Disclosure & Compliance Officer Post and an additional part-time Disclosure & Compliance Officer post. The restructure will provide additional decision making resilience to the unit and also enable work currently undertaken by the Force Vetting & Records Manager to be incorporated into the Unit.

David Cherry
Force Disclosure Manager

14 April 2016



Cumbria Office of the Police and Crime Commissioner

Executive Board
July 2016
Agenda Item No xxxx

Ethics and Integrity Panel Annual Report

Report of the Chair of the Ethics and Integrity Panel

1. Introduction and background

- 1.1 The purpose of the Ethics and Integrity Panel is to promote and influence high standards of professional ethics in all aspects of policing and to challenge; encourage and support the Commissioner and the Chief Constable in their work in monitoring and dealing with issues of ethics and integrity in their organizations. The Panel's role is to identify issues and monitor change where required. It has no decision making powers, although it is able to make recommendations to the Commissioner and the Chief Constable. The Panel considers questions of ethics and integrity within both organisations and provides strategic advice and support in relation to such issues.
- 1.2 The Panel meets on a quarterly basis in private but its agenda and reports are published on the Commissioner's website following each meeting, with only sensitive or confidential information being excluded. Reports are provided by the Commissioner to the Executive Board to provide information about the Constabulary's performance in areas which relate to ethics and integrity. The purpose is to promote public confidence.
- 1.3 An annual work programme has been agreed to enable it to fulfil its terms of reference and scrutiny role. The annual work programme fixes the tasks to be undertaken by the Panel at each of its scheduled meetings and has been set to ensure whenever possible that meetings are balanced in terms of the volume of work. The programme was reviewed at the end of 2015 and revised for 2016. A copy of the Panel's current work programme can be found at [Appendix 1](#).
- 1.4 This report provides an overview of the work that the panel has carried out during 2015.

2. Public Complaints and Quality of Service

- 2.1 The Panel undertook quarterly dip sampling of the Constabulary's public complaint files reviewing a total of 67 files. For each of the files reviewed, the Panel members provided feedback on how they felt the complaint had been processed 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. Whilst the Panel does not review the outcome of individual complaints, specific cases are discussed where there are particular areas of concern. The Panel has noted that there has been a positive response to their observations by members of the Professional Standards Department.

The Panel makes recommendations based on its dip-sampling. These recommendations are collated within an action sheet which is monitored by the Panel to ensure that these are completed in a timely manner. The Constabulary has responded positively to these recommendations over the past 12 months. The Panel was largely satisfied with the way in which the Constabulary have responded to recommendations. The Panel will continue to monitor progress on recommendations and provide feedback where appropriate.

2.4 At each dip sample any recommendations are collated within an action sheet, some of which include:

- suggested changes to information provided within communications to make it easier for members of the public to understand the complaints process;
- in some instances identify who was making the apologies for wrongdoing, this needs to be clearly explained;
- 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 to avoid errors and misunderstandings;
- 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 and subsequent complaints being made;
- 'Words of Advice' - the file should contain a record of the specific advice given. The register where this could be recorded is weeded on an annual basis;
- a potential conduct issue was highlighted within a complaint file by the Panel and subsequently passed to the relevant department to deal with the issue.

2.5 The actions plans are monitored by the Panel at its next dip sample session to ensure that these are completed and where appropriate implemented in a timely manner.

2.2 The Panel has also been asked by the Police and Crime Commissioner to look at specific complaint files following communication to him from members of the public. The Panel undertook reviews and concluded that on each occasion, overall, the complaint had been dealt with fairly and in line with statutory guidance. However, specific feedback was provided where it was felt that improvements could be made.

2.3 At their quarterly meetings the Panel receives performance data from the Constabulary on the number of complaints they have received and how these have been subsequently managed, including whether this was in line with required timescales. It has been noticed that consistently the number of force appeals upheld has been very low compared with the number upheld by the Independent Police Complaints Commission (IPCC). To this end the Panel at its May 2016 meeting specifically reviewed a number of appeal files (*number to be inserted*) in order to ascertain whether appeals are being processed in line with statutory guidance. (*Insert any identified issues*)

3. Police Officer and Police Staff Misconduct

3.1 As part of their work programme the Panel has reviewed police officer and police staff misconduct files prior to their August meeting. The Panel identified this as an area of business that should come within its purview: It had not been an area previously reviewed in-depth by the Commissioner or his office.

- 3.2 The Panel reviewed a number of files, providing views and recommendations for any improvement in the way information was provided or public perception of the handling of such cases. These included;
- any identified welfare issues should be clearly identified within the file along with who has responsibility for them;
 - any advice given to officers or staff should be fully documented within the file;
 - full explanation of removal of suspension or why a case has been concluded should be included within a file.
 - details of why a matter is downgraded following an appeal should be fully documented within the file;
 - potential learning issues for the organizations should be identified within the file and how this will be disseminated.
 - where suspension is invoked it should be clear as to the reasons why and although each case is different a consistent approach should be taken.

The actions plans are monitored by the Panel at their next dip sample session to ensure that these are completed and where appropriate changes are implemented in a timely manner.

- 3.3 The Panel receives, on a quarterly basis, information relating to police officer misconduct as part of the Constabulary's Anti-Fraud and Corruption Unit report. On a six monthly basis it receives information relating to police staff misconduct. This enables the Panel to monitor performance in relation to these areas of business and consider any patterns or trends.
- 3.4 Having reviewed such files, the Panel has gained assurance that the Constabulary are dealing with misconduct and complaints in a professional manner. On the whole, the Panel considered that the files were dealt with properly. The Panel recognised that it could not substitute its judgement for that of the decision-maker in individual cases. Nevertheless, the Panel did provide observations on a small number of cases where it was thought that a member of public might question the outcome given the information presented on the file.

4. Code of Ethics and Code of Conduct

- 4.1 As part of the Panel's role it considers whether, based on the information that it is provided and reviews, the Constabulary and the Police and Crime Commissioner have embedded within their organisations the Code of Ethics and Code of Conduct respectively.
- 4.2 When carrying out reviews of performance the Panel was provided with evidence of the methods used by the Constabulary to promote the Codes of Ethics since its inception. These included training courses which all officers and staff were required to undertake, information on noticeboards, newsletters and Chief Officer road shows. In its contact with senior officers, the Panel was assured that those officers were cognisant of ethical considerations in the work of the Constabulary.
- 4.3 Similarly the Commissioner upon taking office swore an oath to act with integrity and signed a Code of Conduct. A Code of Ethics developed by the Association of Police and Crime Commissioners (APCC) has also been adopted by the Commissioner. It sets out how the Commissioner has agreed to abide by the seven standards of conduct recognised as the Nolan Principles. This Ethical Framework allows transparency in all areas of work of the Police and Crime Commissioner. These principles encompass the Commissioner's work locally and whilst representing Cumbria in

national forums. The Panel did not identify any complaints had been received from either members of staff or the Commissioner and notably no complaints had required investigation by the Police and Crime Panel regarding the Commissioner.

- 4.4 Based on the information reviewed and in discussions with the Constabulary and the Commissioner, the Panel consider that they take the ethos of the Code of Ethics and Code of Conduct seriously.

5. Grievances and Civil Claims

- 5.1 On a six monthly basis the Panel reviewed Grievances being processed by the Constabulary during agreed reporting periods. Although the numbers were very low, the Panel was assured that the Constabulary were proactively encouraging officers and staff to raise such matters. It was noted that many issues were raised and dealt with on an informal basis which those concerned felt was more beneficial.
- 5.2 On behalf of the Police and Crime Commissioner the Panel monitor Civil Claims being processed by the Constabulary's Legal Department. It received information about the types of claims being made, the stage the proceedings had reached and about the claims that had been resolved. As part of this review the Panel seeks assurance that any trends are being identified and how the organisation learnt from particular cases disseminating information throughout the organisation to avoid future risks and claims.
- 5.3 To date the Panel has not identified any issues or concerns in either area of business.

6. Information Management

- 6.1 As public authorities, the Office of the Police and Crime Commissioner (OPCC) and Cumbria Constabulary are 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.
- 6.2 On a six monthly basis the Panel has reviewed both organisations compliance with these requirements. It was recognised that the Constabulary did not consistently respond to requests within the statutory timescales. The Information Commissioner's Office recognised that this was not isolated to Cumbria and was due to the large volume of requests received by all forces.
- 6.3 In response to this the Constabulary had subsequently taken steps and created a new post to support this area of business. At the May 2016 meeting of the Panel, (*insert findings following meeting*).

7. Thematic Inspections

- 7.1 The Panel has also been asked to specifically review and provide feedback on two areas of Constabulary work. The first of these was the Performance Discretion Framework which was introduced as part of the new Command and Control system. The framework gives officers discretion not to investigate or attend incidents allowing the Constabulary to rationalise the work

that they carried out with reducing resources.

- 7.2 The Panel was assured that each decision was made following background checks and any gathered intelligence. Each decision was signed off by a supervising officer who had the ability to overturn the decision should they feel it necessary.
- 7.3 In May 2016 the Panel reviewed this area of business (*insert findings following meeting*).
- 7.4 In 2015 HMIC had carried out a thematic inspection of the Constabulary's use of Stop and Search Powers, following which they made a number of recommendations to the Constabulary. In February 2016 the Panel undertook a dip sample of stop and search forms with a view to assessing whether the information contained within the form provided enough evidence to substantiate the grounds for the stop and search.
- 7.5 The Panel found very few such forms which fully explained the reason for the stop and search and that none had been checked by a supervising officer. In addition, many of the forms contained so little information it was unclear whether the powers were being properly exercised. The Panel recognised that the officers it spoke to regarding this issue recognised that substantial improvements needed to be made. The Constabulary had undertaken to complete a classroom based training programme for all officers. The Panel would review this area of work at their August meeting and include their findings in their quarterly report to the Police and Crime Commissioner's public meeting. The Panel expects to see a significant improvement in this area once training had been rolled out.

8. Internal Audits

- 8.1 During late 2015 Internal Audit undertook reviews of Complaint processes and Freedom of Information & Data Protection processes for both the OPCC and the Constabulary. Recommendations were made in relation to the Constabulary for both of these areas of business.
- 8.2 In line with the Panel's annual work programme these areas of business are monitored and reviewed by the Panel and they have therefore undertaken to assess whether the recommendations have been actioned and where necessary implemented.
- 8.3 During May 2016 the Panel (*insert findings following meeting*)

9. Conclusion

- 9.1 During its first year the Ethics and Integrity Panel has reviewed a number of areas of work within the OPCC and the Constabulary providing guidance and recommendations in line with their terms of reference. These recommendations have been welcomed by the OPCC and Constabulary with a number of changes to processes; procedures and information being made as a direct result of the Panel's work.
- 9.2 It has been recognised that the future work of the Panel will continue to be developed to best utilise the independent Panel and consider ethical issues facing both organisations. Some areas have been identified as:
- Secondary business interests

- Ethical issues identified by the Valuing Individuals Group
- Further Thematic Inspections

10. Recommendations

The Commissioner is asked to:

- receive and note the report on the work undertaken by the Ethics and Integrity Panel during the past year; and
- note the changes to processes and practices as a direct result of work and recommendations made by the Panel.

DRAFT



Enquiries to: Mrs J Head
Telephone: 01768 217734

Our reference: jh/EIP

Date: 1 August 2016

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 8 August 2016** in **Conference Room 2**, 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 Stop & Search Forms and Professional Discretion Framework cases.

PANEL MEMBERSHIP

Mr Michael Duff
Mrs Lesley Horton
Mr Alan Rankin (Chair)

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 4 May 2016 (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 Assistant Chief Constable Martland.*
- (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

- (a) 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 Assistant Chief Constable Martland.*
- (b) To raise any overall issues identified during the dip sample session and discuss progress of actions detailed within the action sheet.

7. GRIEVANCES

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

8. PROFESSIONAL DISCRETION FRAMEWORK

- (a) To receive an update on the implementation of Professional Discretion Framework and the results of the six month review.
- (b) To raise any overall issues identified during the dip sample session and discuss progress of actions detailed within the action sheet

9. 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.*

10. 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.*

11. FUTURE WORK OF THE PANEL

To receive a report regarding future panel membership, proposed work programme and meeting dates – *To be presented by the OPCC Chief Executive.*



Agenda Item No 4

ETHICS AND INTEGRITY PANEL

Notes of a meeting of the Ethics and Integrity Panel held on
Wednesday 4 May 2016 in Conference Room 2, Police Headquarters,
Carleton Hall, Penrith, at 2.00 pm

PRESENT

Ms Lesley Horton
Mr Alan Rankin (Chair)
Mr Michael Duff

Also present:

Detective Chief Inspector (Furzana Nazir)
Director of Legal Services (Andrew Dobson)
Head of Human Resources (Andrew Taylor)
OPCC Governance & Business Services Manager (Joanne Head)

14. APOLOGIES FOR ABSENCE

No apologies for absence were received as all members were present. The Panel Chair thanked everyone for their attendance at the meeting. The members appreciated that those representatives from the Constabulary were able to provide in-depth detail regarding the matters being presented on the agenda. However they were disappointed that senior officers from both the Constabulary and the Office of the Police and Crime Commissioner were unable to be present.

15. DISCLOSURE OF PERSONAL INTERESTS

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

16. URGENT BUSINESS

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

17. NOTES OF THE PREVIOUS MEETING

The notes of the meeting held on 12 February 2016 had been circulated with the agenda.

Agreed; that, the notes of the meeting held on 12 February 2016 be approved.



18. 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.

The Panel noted that there had been very few new claims during the last six months and the Director reported that a number of claims had now been concluded. The Director guided members through the claims which were still being processed providing details of the individual claims and advising of any issues arising. There were no identified trends or recurring issues.

On a national and local level the Constabulary, along with other forces, were in the process of dealing with employment tribunals in relation to police pensions. Currently there were 48 claims with more being added following the Constabulary implementation the national pension regulations. The claims were being co-ordinated nationally by Hertfordshire Constabulary.

Agreed; that, the Panel note the report.

(Andrew Dobson left the meeting at this point.)

19. POLICE STAFF MISCONDUCT

The Head of Human Resources presented a report which detailed the number of police staff discipline and misconduct cases which had been dealt with during the period 1 May 2015 and 30 April 2016. Three members of staff were the subject of disciplinary proceedings. Following the proceedings one member of staff had received a written warning, another words of advice and one member of staff had been dismissed following an appeal.

The Panel had had the opportunity on Thursday 28 April 2016 to dip sample police staff misconduct files. The purpose of the dip sample session was not to consider the merits of the case but to consider the transparency, fairness and timeliness of the process. The Panel again raised the issue of 'words or advice' not being fully recorded within the paper file. They were advised that it should be fully recorded electronically, it was recognised that it would be beneficial to also have it recorded on the paper file.

The members asked whether management training was provided to police staff and police officers where they had responsibility for managing police staff. The Head of Human Resources advised that training was provided and on specific matters members of the Human Resources team could provide advice and coaching.

Following the last dip sample session the members commented on the improvements which had been made to the way in which misconduct files were dealt. They complimented the Head of Human Resources and his team on the work that had obviously been undertaken to develop such improvements.



Agreed; that, the Panel note the report.

20. INTEGRITY – ANTI-FRAUD & CORRUPTION

Detective Chief Inspector Nazir presented the quarterly report on work undertaken by the Constabulary's Anti-Corruption Unit. She guided members through the report, commenting on each of the cases listed that had been finalised and those still ongoing providing an update on their current status.

A member questioned the resignation of officers during the misconduct process and was advised that they could not when it was for Gross Misconduct, these being more serious offences or criminal matters. Where the matters were regarding misconduct an officer could resign.

The members were again pleased to note that the number of officers who were currently suspended had remained low, ie two.

Detective Chief Inspector Nazir provided members with examples of the types of issues and incidents which were currently ongoing in relation to this area of work.

AGREED; that the report be noted.

21. POLICE OFFICER MISCONDUCT

On 28 April 2016 the Panel had the opportunity to dip sample police officer misconduct files. Having randomly selected a number of files, the Panel considered the transparency, fairness and timeliness of the process for each case.

Similar to that of police staff misconduct cases, the Panel again raised the issue of 'words or advice' not being fully recorded within the paper file. They were advised that it should be fully recorded electronically, it was recognised that it would be beneficial to also have it recorded on the paper file. Detective Chief Inspector Nazir advised that changes would be made to the form completed by supervision requiring them to detail the words of advice given and any actions agreed.

A detailed discussion took place regarding some of the cases sampled, whereby the Panel asked questions in relation to specific issues and were provided with relevant information and assurance.

AGREED; that the update be noted.

(Andrew Taylor left the meeting at this point.)



22. INTEGRITY - COMPLAINTS BY THE PUBLIC

Detective Chief Inspector Nazir 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. The number of complaints had seen an increase of 5 cases and a reduction of 66 allegations being identified in the last quarter.

It was noted that allegations against officers within the Territorial Policing Areas (TPA) had reduced but there had been an increase against officers within the Control Room at Headquarters. This was attributed to an increase in the number of Direction and Control complaints where members of the public were complaining about issues rather than individuals. Changes within the Control Room meant that officers were now making decisions regarding incidents based on organisational procedures.

The Professional Standards Department were in the process of devising a feedback form. This would assist the department to gain knowledge of a complainant's journey and experience throughout the complaints process. A member suggested that the form include space to allow individuals to express their views rather than simply a tick box form. This would then invite them to recount their experience. It was agreed that a copy of the form would be presented to the Panel's next meeting in August 2016.

AGREED; that,
 (i) the report be noted; and
 (ii) a copy of the feedback form be presented to the August meeting.

23. 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 October 2015 and 30 April 2016. The members were provided with anonymised lists from which they selected files at random that they wished to review. The Panel reviewed 18 files and were briefed on cases relating to identified best practice. The Panel also reviewed a specific file following a request from the Police and Crime Commissioner.

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.

The members were pleased to note that the action which had been identified at the Panel's session undertaken on 11 November 2015 had been completed.

AGREED; that, the update be noted.



24. INFORMATION MANAGEMENT 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 up to 30 April 2016 and comparative figures for previous year.

It was noted that during the first four months of 2016 the OPCC had received 15 requests. The OPCC ensured that information was published on its website for members of the public to access, therefore potentially reducing the need for further requests to be made. The Panel noted the OPCC's performance in dealing with requests within the required timescales.

The report also contained information on the OPCC's compliance with the requirements of the Data Protection Act. Only one subject access request had been received during the reporting period.

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. As of 31 March 2016 the Constabulary had received 334 requests which represented an increase of 13% for the same period in 2015. It is expected that the Constabulary will receive over 1300 requests in 2016 which would see a 30% increase on the 2015 requests.

It was recognised that the Constabulary did not consistently respond to requests within the statutory timescales. The Constabulary recognised the capacity issue and were taking steps to resolve this issue by appointing an additional part-time disclosure and compliance officer post within the department.

The report also detailed the number of subject access requests the constabulary had received. As at 31 March 2016 24 requests had been received which was comparable to 23 requested received up to the same period in 2015.

During the reporting period the Constabulary had submitted two formal notifications of security breaches to the Information Commissioner's Office. The Panel were briefed on the nature of the two incidents and the outcomes. One of the incidents no further action was necessary and for the other the matter was yet to be concluded. An update would be provided within the next report to the Panel.

AGREED; that,
 (i) the report be noted; and
 (ii) an update regarding the outstanding security breach be provided within the next report to the Panel.



(Detective Chief Inspector Nazir left the meeting at this point.)

25. OPCC COMPLAINTS AND QUALITY OF SERVICE ISSUES

The Governance Manager 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 previous years. A breakdown of the types of complaints and which areas they related to were contained within Appendix 1 of the report.

During the current year one complaint had been received regarding the Police and Crime Commissioner. This had been dealt with by the Police and Crime Panel, in accordance with legislation, and had not been upheld.

It was noted that the number of quality of service issues received by the Commissioner had steadily increased over the last year. This was attributed to the public's awareness of the Commissioner and the role he fulfilled.

AGREED; that the report be noted.

26. PROFESSIONAL DISCRETION FRAMEWORK

The Panel were advised that the review of the Professional Discretion Framework was not due to be concluded until the end of May 2016. A decision was made to defer discussion until the Panel's next meeting in August 2016.

The Panel agreed that a report would be presented to the meeting on 8 August 2016 detailing the findings of the review. It was proposed that during the morning of 8 August that the Panel review some of the cases resolved citing the discretionary framework.

AGREED; that

- (i) a report on the Professional Discretion Framework be presented to the August meeting;
- (ii) the Panel review some of the cases resolved citing the discretionary framework.

27. 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.



The Governance Manager presented a copy of the annual report which had been drafted by the Panel members. A copy of the draft had been presented to the Joint Audit and Standards Committee (JASC) to provide assurance on integrity matters within the Constabulary and the Office of the Police and Crime Commissioner (OPCC).

Due to changes within the meeting and end of year reporting schedule for JASC it was proposed that for future years the Annual Report be prepared and presented to the Panel at their February meeting. This could then be agreed and finalised in time to present to JASC at their May meeting.

Information relating to work undertaken by the Panel would be inserted into the report and then circulated to the Panel members for final approval and returned to the Governance Manager by 23 May 2016. The final report was to be presented to the Police and Crime Commissioner at their public meeting in July 2016.

- AGREED,** that,
- (i) the report be noted;
 - (ii) comments from the Panel to be provided to the Governance Manager by 25 May 2016; and
 - (iii) the finalised report be presented to the Police & Crime Commissioner at their public meeting in July 2016.

Meeting ended at 4.30 pm

Signed: _____

Date: _____

Panel Chair



Constabulary Report to OPCC

Agenda Item No 05

TITLE OF REPORT: INTEGRITY – COMPLAINTS BY THE PUBLIC

DATE OF MEETING: 8th August 2016

ORIGINATING OFFICER: DCI 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 Cumbria complaints per 1000 employees have reduced in the quarter. Cumbria remains lowest in MSF (most similar force) and also MSF/national averages:
 - Q4 Apr to Mar 16, Cumbria: 201, Last year same period: 249. MSF average: 309, National average: 268.
- The current 12 month rolling figures show that there has been a reduction of 10 cases (3%) and a reduction of 67 allegations (13%) in comparison to the last 12 months.
- A breakdown of allegations shows that all TPA's have reduced their level of allegations but HQ has shown an increase, mainly due to Direction & Control complaints.
- Allegations upheld by PSD have reduced by 7 allegations (48%) comparing the last period the current 12 months. The number of Local resolutions has increased overall by 20 (11%)
- The number of IPCC and Force appeals continue to reduce.
- The number of upheld appeals for the IPCC has reduced compared to the last period by 5 to 3 (25% of results), upheld Force Appeals have remained stable(3% of results).

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.
- To circulate trends regarding types of allegation and outcomes to the TPA's.
- To finalise work on improving accessibility to the complaints process.

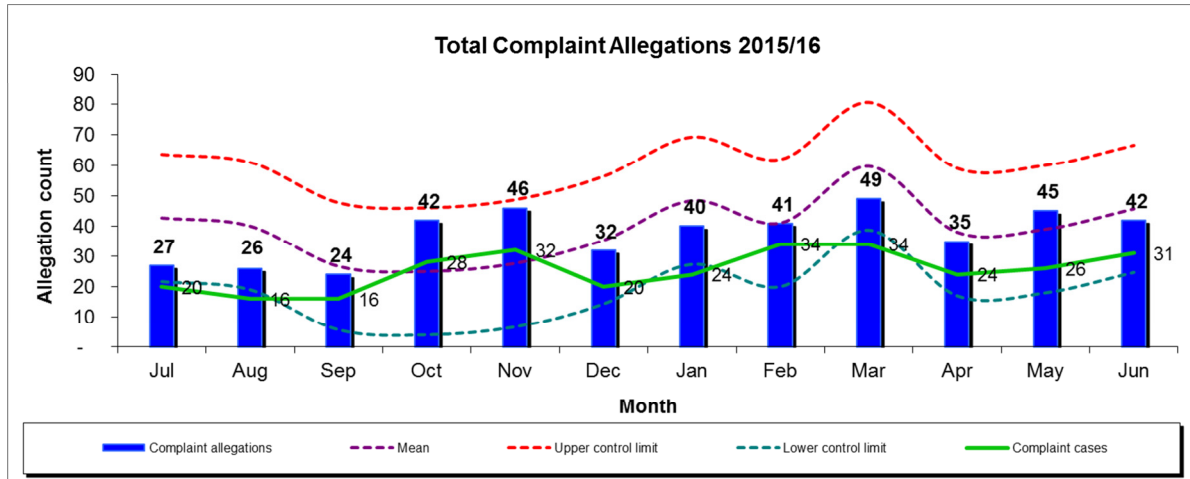
MAIN SECTION

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 2015 to June 2016: -



The chart shows fluctuating levels of complaint allegations and cases. Peaks in allegations were seen in October, November March and May, although of note March’s figure of 49 is a significant reduction on the 74 in March 2015. The most significant change was the increase in Allegations and cases in October and November opposite to the three year trend of reductions in autumn. Over the 12 month period the total allegations at 446 are the lowest figure for 2 years and cases are 320, an increase of 10 on 2014/15 but a reduction on the 364 in 2013/14.

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 2015 and 2016. The figures show that the numbers of cases over the current 12 month period have reduced slightly when compared to the last 12 month period. This indicates that there are less people complaining and they are complaining about fewer issues.

	12 Month Rolling to June 2015	12 Month Rolling to June 2016	Percentage Change
Cases	330	320	-3.0
Allegations	513	446	-13.0

*Including Direction and Control cases/allegations.

Work to improve accessibility to the police complaints system is progressing. Posters and assistance at Hate Crime Reporting Centres are to be made available.

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 Jun-15	12 Month Rolling to Jun-16	Change	12 Month Rolling to Jun-15	12 Month Rolling to Jun-16	Change
North	143	116	-27	90	89	-1
South	140	128	-12	98	91	-7
West	183	130	-53	101	82	-19
UOS	17	26	9	16	24	8
HQ	30	46	16	25	34	9
Total	513	446	-67	330	320	-10

*Including Direction and Control cases/allegations.

Complaint cases have reduced when comparing the current 12 month period with the previous 12 months with only UOS and HQ showing increased figures.

The table shows a reduction in allegations with only UOS and HQ showing increases in the 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	UOS	HQ	Grand Total
12 Month Rolling to Jun-16	Breaches of PACE K,L,M,N,P,R	12	17	18	1	2	50
	D&C	13	13	7	11	15	59
	Discrimination F	4	2	2			8
	Incivility U	15	14	12	6	6	53
	Malpractice G,H,J	5	4	8		3	20
	Oppressive Behaviour A,B,C,D,E,Y	32	38	30	5		105
	Other W	1	2	1		2	6
	Unprofessional Conduct S,T,V,Q,X	34	38	52	3	18	145
12 Month Rolling to Jun-16 Total		116	128	130	26	46	446
12 Month Rolling to Jun-15	Breaches of PACE K,L,M,N,P,R	16	11	23	1	1	52
	D&C	7	6	10	1	12	36
	Discrimination F	1	2	5	1		9
	Incivility U	27	20	19	4	9	79
	Malpractice G,H,J	7	4	9	2		22
	Oppressive Behaviour A,B,C,D,E,Y	34	31	28	1	2	96
	Other W		3	1		1	5
	Unprofessional Conduct S,T,V,Q,X	51	63	88	7	5	214
12 Month Rolling to Jun-15 Total		143	140	183	17	30	513

*Including Direction and Control case/allegations.

The largest increases have been seen in the following: -

- South TPA – D&C (7)
- UOS- D&C (10).
- HQ- Unprofessional Conduct (13).
- North TPA - Discrimination (3)

The group that saw the largest percentage increase in the current 12 month period when compared to the previous 12 months was Direction & Control increase of 23 complaint allegations (63.9%). This is mainly due to more appropriate use of this category particularly regarding complaints about the control room. This is reflected in the main type increased being Operational Management decisions and Organisational Decisions.

The 2 main categories that have seen a rise are:-

Organisational Decisions (+12) and Operational Management Decisions (+12)

Organisational Decisions include where officers and staff should be located and how officers and staff should be deployed. We have seen a number of complaints where a member of the public disagrees with the decision not to send a Police Officer when they have called the Constabulary, this was anticipated. A Police Officer makes the decision to deploy patrols, deal with the incident over the phone or to deploy someone at a diarised time, the incident is risk assessed in order to ensure the right staff are being deployed to the right jobs at the right time.

Operational Management Decisions include general strategic decisions on how certain police powers should be exercised. This includes the recording of crimes. We have seen a number of complaints where a member of the public disagrees with the decision not to record a crime. These types of complaints are recorded as a Direction and Control matter following IPCC guidance which states, "where a complainant is informed that a crime will not be recorded due to NCRS (National Crime Recording Standards) and disagrees with the decision the complaint should be recorded as a Direction and Control matter (IPCC Focus Issue 2).

The largest reductions have been seen in the following: -

- All areas except HQ - Unprofessional Conduct (-69).
- All areas except HQ - Incivility (-26)

The three main groups are Unprofessional Conduct, Oppressive Behaviour and incivility:

- Unprofessional Conduct saw an overall reduction of 69 allegations (32%) with Other Neglect and failure of duty reducing by 53 (36%). The only area to increase was HQ which showed an increase across departments and situations, the main type being Other Neglect and failure of duty.
- Oppressive Behaviour showed an increase of 9 allegations (9.38%).
- Incivility reduced by 26 (33%).

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 Assault which increased by 21 allegations (39.9%). This is one of the Oppressive Behaviour categories and this group of allegation types has increased overall by 9 (9.38%).

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

- 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 Statuary 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
- Dissemination to 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
- Dissemination to 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
- Dissemination to Custody Sergeants (Aug 2015) - Reminder to Custody Sergeants regarding the issue of conditional cautions and permissible conditions. Learning point.
- Online News to all staff (Oct 2015) All staff are reminded of the necessity to ensure criminal enquiries are conducted efficiently and to also be cognisant of statutory time-limits which may impact on investigations either at initial recording or subsequently if a recording decision is amended as a result of insufficient evidence or case review.
- Online News to all staff (Oct 2015) All staff are reminded where the driver of an unmarked police vehicle, with no covert warning equipment wishes to stop a vehicle the driver should unless exceptional circumstances exist, obtain the assistance of a marked car to take the lead role before making any attempt to stop the vehicle. If any officer is unsure on correct stopping of vehicles then please contact the driver training unit at HQ.
- Online News to all staff (Nov 2015) All staff are reminded that together with the necessity to follow the NCRS and Home Office Counting Rules, they should ensure that when allegations are made to the police by way of letter,

decisions regarding recording/action or forwarding to appropriate body, which in this case may have been Action Fraud, are appropriately documented together with the rationale. This can be accommodated within the incident reporting system which ensures that there is a record of receipt, decision and action which avoids the potential for matters to be overlooked

- Pass Newsletter Forcewide (Oct 2015) Issue 19 Recent Special Case Hearing
- Force Orders (Nov 2015) Reminder to staff regarding the transportation of persons detained under the Mental Health Act - ie via Ambulance
- Online News to all staff (Oct 2015) Learning the Lessons Bulletin 24- October 2015
- Pass Newsletter Forcewide (Nov 2015) Issue 20 Recent Special Case Hearing
- Online News to all staff (Dec 2015) Photographs taken of exhibits for public circulation which showed exhibit information
- Dissemination to Individual (Dec 2015) Review of procedure re the provision of a statement or evidence for the defence, procedure to be reviewed and circulated in due course in line with Constabulary review.
- Control room staff (Dec 2015) Certain incidents (e.g. high risk mispers/RTCs) are often correctly THRIVE'd as grade 2 logs but need an immediate police response, rather than a response within 60 minutes. (please ensure via link, or the CMR Sgt that Dispatch are made aware of any such log so they can deploy accordingly). Calls to deal with members of the public who are having a 'mental health crisis' require the Ambulance Service informing. (please ensure we take responsibility to inform the Ambulance Service rather than instructing the caller to do so after their call to us). Logs created in Storm can be viewed in Webstorm before they are shared with Dispatch which can lead to confusion over deployment and command. (please ensure we share the log with Dispatch as soon as possible, while we continue to speak to the caller and update the log).
- Dissemination to Department Manager (Dec 2015) Issues surrounding response times provided to callers to the Communications Centre and non compliance with set timings
- Pass Newsletter Forcewide (Dec 2015) Issue 20 Advice re Alcohol consumption and duties
- Pass Newsletter Forcewide (Dec 2015) Issue 22 Recent Special Case Hearing
- Dissemination to Control room staff, (Jan 2016). Control room training now including advice following complaint re attendance for a shop lifting in progress
- Dissemination to Department Manager, (Jan 2016). Insp Barr to review policy re mental health detainees
- Dissemination to Individual, (Feb 2016). Correct procedure for recording of complaints which can be taken by telephone contact.
- PSD Admin, (Feb 2016). CCTV viewing re subjudice cases
- Online News to all staff, (March 2016). Learning the Lessons Bulletin 25- February 2016.

- Dissemination to Custody, (March 2016). Custody officers reminded of timeliness of cell checks; removal of option to input multiple entries to custody records simultaneously; guidance regarding surplus items of clothing in cells
- Online News to all staff, (March 2016). Reminder of standard of driving by on duty police officers in marked police vehicles
- Online News to all staff, (April 2016) Learning the Lessons Bulletin 26 - March 2016
- Dissemination to Custody, (April 2016) Reminder regarding good communication between officers when dealing with DPs in custody to avoid incidents resulting in injury to DP
- Online News to all staff, (May 2016) Reminder to renew Business Interests.
- Dissemination to Custody, (June 2016) Concerns raised regarding the detention of an individual - namely the lack of provision of clothing following a strip search. In addition detainee is taken to hospital and is returned to his original cell which has not been cleaned. During the initial part of his detention the detainee is seen to urinate on the mattress whilst apparently asleep, he also has blood on his face which would transfer to the mattress
- Dissemination to Department Manager, (June 2016) Review of PIN notice and procedure following an issue identified as part of a public complaint when a PIN was not authorised correctly. The process has now been reviewed and revised protocol and notice are to be circulated force wide
- PASS Newsletter, (June 2016) Check accuracy of information being forwarded to another department in reply to a member of the public to prevent any perception of falsification by them. (PASS 23/16 item 4)
- PASS Newsletter, (June 2016) Inadvertent distribution of indecent images by another force. Force notified and advice re storage and sharing of images for investigation purposes on a PASS Newsletter for Cumbria Constabulary. (PASS 23/16 item 3)
- PASS Newsletter, (June 2016) Ensure any details by a witness is recorded on the overnight package and/or entered separately as an exhibit. (PASS23/16 item 1). Also ensure any attempt to contact potential witnesses is logged to prevent a perception of failure to conduct a thorough investigation (PASS 23/16 item 2)
- PASS Newsletter, (June 2016) Special case hearing result (PASS 24)

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 complaints made against them are assessed following which appropriate guidance and support is provided.

There were 14 officers who met the repeat officer strategy in the current period which is a reduction of 22 on the previous period. These officers have been highlighted through the PSD TT&CG process, for two of the officers dissemination

reports have been produced, of the others 5 had their supervisors updated, a profile was completed for one officer and the others are currently being reviewed.

1.5 Dissatisfaction Reports

There were 61 dissatisfaction reports recorded in the current 12 months which is a reduction of 32 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 regarding similar issues to those reported on in the complaint cases, these being neglect/fail duty, incivility and oppressive behaviour and a separate issue of misinformation.

1.6 Diversity

There have been 8 allegations of discriminatory behaviour by the police recorded during the current 12 month period which is a reduction of 1 when compared to the previous 12 months.

- 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. Not upheld by PSD. (recorded July 2015)
- Complainant states that a police officer attending a Public Protection Conference made a racist comment that they should 'be more British'. Not upheld by PSD. (recorded August 2015)
- Complainant states their son's complaint of sexual assault was not dealt with properly and they believe this is due to their foreign name and the son's mental condition. Local resolution by TPA. (recorded November 2015)
- Complainant feels it was discriminatory for the officer to ask if they had any mental health issues or was seeing a doctor when they attended to report a crime. Not Upheld - by PSD. (recorded November 2015)
- Complainant was arrested and alleges the officers that carried out the arrest were homophobic. Not upheld by PSD. (recorded December 2015)
- Complainant states he was poorly cared for in custody and that this was due to his mental health issues. Not upheld by PSD. (recorded December 2015)
- Complainant states they were racially abused by attending officers following a call to an incident, the complainant inferred their comments were because they are a Gypsy. This is currently live. (recorded February 2016)
- Complainant states the officers contacting them was transphobic due to the way they reacted when the complainant answered the telephone. This is currently live. (recorded March 2016).

1.7 Performance

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

Allegation Result Description	12 Month Rolling to Jun -15	12 Month Rolling to Jun-16	Change
De Recorded	5	7	2
Disapplication - by Force	51	49	-2
Discontinued - by Force	2	0	-2
Local Resolution - by Area	126	136	10
Local Resolution - by PSD	46	56	10
Not Upheld - by Area	1	0	-1
Not Upheld - by PSD	202	196	-6
Special Requirements	0	2	2
Upheld - by PSD	35	18	-17
Withdrawn - by Force	12	7	-5
Withdrawn - by IPCC	0	3	3
Grand Total	480	474	-6

The IPCC in the most recent report (Q4, Apr 2015 to Mar 2016) assess Cumbria's performance for average number of days to finalise Local Resolution and Investigations:

- Average number of days to locally resolve allegations – Cumbria 35, MSF average 53 and National average 66.
- Average number of days to finalise cases – Cumbria 80, MSF average 97 and National average 108.
- Cumbria is the 3rd best in the country for average number of days to locally resolve allegations.

Due to a process change reminders are sent to Officers that are progressing Local Resolutions whereby 25 days have lapsed, this has increased the number of LR cases meeting the target in the last two quarters.

In the current 12 month period, 474 allegations were finalised compared to 480 in the previous period the greatest reduction (by 17) was in Upheld by PSD, with Local resolution increasing both for Area and PSD by 10 (7.9 % and 21.7% respectively) but as a proportion it has increased from 35.8% in the last period to 40.5% in the current period.

1.8 Force and IPCC Appeals

Result	Force Appeals 12 months rolling to Jun - 15	Force Appeals 12 months rolling to Jun- 16	IPCC Appeals 12 months rolling to Jun- 15	IPCC Appeals 12 months rolling to Jun- 16
Upheld	1	1	8	3
Not Upheld	42	20	14	7
Withdrawn	0	0		
Not Valid	0	0	2	
Live	0	10		2
Total	43	31	24	12

The above data highlights that the number of IPCC appeals have reduced by half and the number of force appeals has reduced by 28% (43 to 31). The percentage of upheld appeals for Force appeals has remained stable in this reporting period compared to the previous 12 months. IPCC Appeals have reduced by 12 (50%) and upheld results have also reduced in total and proportionately.

Upheld Force Appeals have increased from 2% to 3% (1 of 31 compared to 1 of 43).

Upheld IPCC Appeals have reduced from 33% to 25% (3 of 12 compared to 8 of 24).

1.9 Direction and Control Complaints

Direction and control complaints are from members of the public complaining about how the constabulary is run rather than individuals. Over the current 12 month period direction and control complaints have increased by (63%) when compared to the previous 12 month period, the largest increases being Operational management decisions and Organisational Decisions. As mentioned previously in the document this is in small part due to more appropriate use and partly to the agreement regarding complaints about the control room. The table below shows a breakdown of direction and control complaints.

Allegation Result Description	12 Month Rolling to Jun - 15	12 Month Rolling to Jun -16	Change
General policing standards	8	10	2
Operational management decisions	17	29	12
Operational policing policies	6	3	-3
Organisational decisions	5	17	12
Grand Total	36	59	23

Issues raised in the last quarter include complaints about decisions for specific cases, specific policies/procedures, issues around the floods and Control Room performance. There have been a number of items of Best Practice circulated to the Control Room in the period and some issues have now been including within the training plan.

Following the new Command and Control room structure Officers were encouraged to make decisions using the risk assessment model – THRIVE (Threat, Risk, Harm, Investigative

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Item 05 - Constabulary Integrity Part 1 final

Opportunities, Vulnerability, Engagement), their knowledge, experience, training, guidance, organisational procedures, NDM(National Decision Making model) and their discretion. Officers within the Command and Control room grade/categorise incidents using all of the skills/tools mentioned above to ensure the right resources are being sent to the incidents at the right time.

The Constabulary anticipated that the Command and Control room changes may lead to an increase in complaints from the public, professionals or partner agencies. Therefore, if a complaint was made, it would be assessed and if it was a complaint against the Constabulary then recording a complaint against the Officer may be counterproductive thus a decision has been made to record these complaints as a direction and control matter. A direct result of the new process has led to demand being managed, Officers and Police staff being moved to locations where demand is at its highest but more importantly the level of risk is identified and incidents are graded accordingly ensuring the people in Cumbria are kept safe.



Office of the Police & Crime Commissioner Report

Title: Grievance Report

Date: 7th July 2016

Agenda Item No: 07

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 notes the report

1. Introduction & Background

1.1 The attached Grievance Statistics Report shows the number of grievances lodged up to 6th July 2016 and a summary of the past 3 financial years. Currently there have been 2 grievances 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 overview as to the subject of the grievance. In addition there are statistics relating to whether the aggrieved is a police officer or 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 have been 2 grievances submitted this financial year.

2.2 There is a standing agenda item at the 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 raised. All staff support groups, including the Federation and Unison, Occupational Health 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.
- 2.4 The Constabulary do feedback and share good practise from outcomes of grievances and this feeds into organisational change.
- 2.5 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
Please Equality implications

3.2 Legal
Please Equality implications

3.3 Risk
Please Equality implications

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

If any equality and 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 reputational loss.

4. Supplementary information

Appendix 1 - Grievance Statistics for 3 years

Appendix 2 - Grievance Statistics 2016-17

Appendix 1 - GRIEVANCE STATISTICS

	2013/2014	2014/2015	2015/2016
Total number of Grievances	10	3	4
Of which:			
Resolved Stage 1	5	2	2
Resolved Stage 2	2	0	
Resolved Stage 3	0	0	
Withdrawn	0	0	
Awaiting Resolution	0	0	1
Not Resolved to Satisfaction	1	1	1
On Hold (completed but not signed off/other issues)	2		
TOTAL	10	3	4

Breakdown of Aggrieved by Gender and Race			
Total Males	5	1	3
Total Females	5	2	1
TOTAL	10	3	4
Minority Ethnic staff (male and female)	0	0	0

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

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

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

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

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Grievances

Appendix 2

Please see below the figures for the financial year 20016/2017 up to and including 6/01/15.

	No. 2016/17
Total No. of grievances submitted to date	2
Resolved Stage 1	0
Resolved Stage 2	0
Resolved Stage 3	0
Not Resolved	0
Awaiting Action/Resolution	2
Withdrawn	0
On Hold (completed but not signed off/other issues)	0

Gender and Ethnicity Breakdown

	No. 2015/16
Male	1
Female	1
Black Minority Ethnic	0
Officers/Staff with Disabilities	0
Police Officers	2
Police Staff	0

BCU Areas

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

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Constabulary Report to OPCC

Agenda Item No 08

TITLE OF REPORT: POLICE DISCRETIONARY FRAMEWORK

DATE OF MEETING: 8th August 2016

ORIGINATING OFFICER: Inspector C O'Hare

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

Executive Summary:

No more than 100 words.

The Discretionary framework was introduced in 2015. It is a tool to be used to ensure that investigations into low level crime are not disproportionate to the value or anticipated outcome of the crime. Additionally it acts to ensure that there is an appropriate reduction in unnecessary demand for officers outside of the Command and Control Room (CCR), positively contributing to the resilience and operational capacity of the Constabulary and consequently ensuring that we serve our Communities by focussing on priority crimes.

When considering the right outcome for a crime, the discretionary framework is often a potential option for a proportionate resolution; it is important that two things are considered:

- The way a crime is dealt with and how the appropriate outcome is selected must be victim focused, and
 - The victim must always be asked what the impact has been on them and what they want and expect to be done about it.
- Home Office Counting Rules, in relation to the National Crime Recording Standards (NCRS) must always be complied with.

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.

That the report be noted

MAIN SECTION

When Should the Discretionary Framework be Used?

Common sense should always be used when considering the use of this framework, in any event the views of the victim and impact on the community should also be considered.

When applying the framework the judgement of the officer applying it should always be compliant with the Code of Ethics.

Crimes for which it can be considered are low level such as thefts, public order, shoplifting and criminal damage. However this list is not exhaustive. In contrast, there are clear offences to which the discretionary framework should NOT be used:

- Offences related to Domestic Violence or abuse.
- Burglary in a dwelling, burglary other than in a dwelling or attempt burglary (subject to observations of value or security)
- Sexual Offences
- Assault occasioning grievous bodily harm (GBH)
- Where the victim is a Silver or Gold ASBRA (anti-social behaviour risk assessment victim) or is otherwise identified as vulnerable through the application of THRIVE.
- Where the suspect is a prolific offender.
- Where the suspect has a Restraining Order or Bail Conditions connected to the crime.
- Where the offence is identified as Hate Crime.

Why Should it be used?

When applying the Discretionary Framework officers within CCR are actively encouraged to consider the following options and impact factors;

- What is the scale of the crime and its impact on the victim and community?
- What Time and Resources would be required to investigate or identify the suspect?
- The penalty or likely outcome should the case proceed to prosecution
- Is it in the General Public interest?

These options are considered when considering the use of the framework, the internal quality assurance systems managing compliance. This ensures transparency and clarity to all users that the level of investigations to any crime is not disproportionate. i.e. if a person has stolen an item of significantly small value (eg a Mars bar at 60 pence), how much time and effort would it take to investigate and the associated costs/ outcome?

The QA Process

There are a number of CCR Sergeants working within the Command and Control Room. Within their area of responsibility is the management and continual assessment of the Discretionary Framework process to ensure it is used appropriately and that officers are using it to reduce demand.

An Inspector has responsibility for its compliance (NCRS / NSIR) and appropriate use, which is also incorporated in the quality counts process and quality assurance requirements.

Current Usage within CCR

Since 28th September 2015 to 19th July 2016 the Discretionary Framework has been used on 107 occasions. Examples of these offences are:

- 1 - SF1504744 CP-20151126-0156 is a shoplifting by unknown juvenile where 2 cans of lager were stolen and therefore low value, Low value theft with property recovered and juvenile suspect. Offender is described as 12 year male and unknown to staff.
- 2 - NC1607031 CP-20160124-0091 is theft of a phone from a nightclub due to time and resources required it was judged to be disproportionate to investigate.
- 3 - SL1604372 CP-20160331-0093 is a public order offence where victim will not provide statement and no independent witnesses.
- 4 - WC1604647 CP-20160419-0041 is theft of purse containing £4, deemed as disproportionate to investigate due to low value.
- 5 – WC1604789 CP-20160504-0047 Low value theft from unattended and insecure scarp car. No lines of investigation or ID of offender. Not proportionate to investigate.
- 6 – NC1608346 CP-20160330-0150 Low value shoplifting £2.50, suspect not identified other than potentially a 13 year old.

Summary

The national time period used for measuring demand (as per the Police Allocation Manual) is **40 minutes per incident**. The “Understanding Demand” review indicated this may be as high as **140 minutes per incident for Cumbria**. This suggests that the above number of occasions that the framework has been utilised has reduced officer time by **between 71.33 hours and 249.6 hours** (middle estimation of **160 hours**) over a **38** week period.

This equates to a conservative (middle estimation) calculation of **219 hours per year** (5.5 full weeks of officer time)

A breakdown of NPT’s evidences the application throughout the county:

North Cumbria 23%

West Cumbria 44%

South Cumbria 33%.



Constabulary Report to OPCC

Agenda Item No 09

TITLE OF REPORT:	INTEGRITY – CODE OF ETHICS
DATE OF MEETING:	8th August 2016
ORIGINATING OFFICER:	DCI Nazir – Professional Standards
Executive Summary:	<p><i>No more than 100 words.</i></p> <p>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 behaviour. 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.</p> <p>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.</p>
Recommendation:	<p><i>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.</i></p> <p>That the Ethics and Integrity Panel notes' the report.</p>

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

The 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 The Code of Ethics has been implemented and continues to be embedded within the Constabulary through its practices, policies and procedures. Learning and development (training) include code of ethics within every lesson. The Constabulary wants to continue to build upon its ethical foundation and as a result there are a number of actions on going, some have been highlighted by external auditors others by national good practice, Cumbria Constabulary initiatives and the College of Policing. Examples of some of these actions are as follows:

- Identified Code of ethics lead

- Code of ethics included in reviews (15 week reviews of officers and staff)
- Code of ethics inputs to Area management teams (AMT's) and Senior management teams (SMTs)
- Dip sampling of investigations, conduct cases and complaints to ascertain ethical investigations are conducted, some of this work is conducted by the Ethics and Integrity panel
- Interrogating Use of force data to bespoke training and to identify ethical issues, learning or good practice
- Rewarding and highlighting examples of ethical behaviour
- Paper to be submitted to Operations board re "Embedding the code of ethics"
- Liaising with Devon and Cornwall as they have been highlighted as a force that has and continues to embed the code of ethics.
- Refreshing Constabulary posters but using the Policing family to come up with ideas

Ethical behaviour is something we should do all of the time and not just when we are dealing with a difficult situation, it is everything we do and everyone has a part to play.



Ethics and Integrity Panel

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

Date: 8 August 2016

Agenda Item No: 10

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 on 12 May 2016 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. Mr Rhodes during his term of office also agreed and signed up to the same protocols and codes.
- 1.2 Staff employed by the OPCC are 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 was 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 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

- 2.13 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).
- 2.14 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.
- 2.15 During the year 2015/2016 1 complaint was received by the Panel with regard to the Commissioner, Mr Richard Rhodes. Relevant information and documentation was provided

to the County Council's monitoring officer which was subsequently provided to the individual by way of an explanation regarding the issue they had raised.

- 2.16 Whilst it was an option for the Panel to set up a sub-committee to look at the complaint, the panel members did not feel there would be any merit in doing so. No sanctions have been made against the Commissioner.
- 2.17 At the meeting of the Panel on 15 July 2016 Members agreed, at the suggestion of the County Council's Monitoring Officer, to undertake a review of the complaints procedure, with a view to reporting back to the meeting of the Panel on 11 October 2016.

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: Future Work Programme and Administrative Matters

Date: 8 August 2016

Agenda Item No: 11

Originating Officer: Stuart Edwards

Executive Summary:

The Office of the Police and Crime Commissioner has a statutory responsibility to provide policing services for Cumbria and to scrutinise the delivery of those services. As part of that scrutiny process the Commissioner, jointly with the Chief Constable, has established an Ethics and Integrity Panel composed of independent people recruited through public advertisement.

This report addresses some issues around future recruitment to the Panel and seeks the views of Panel Members on the Panel's future work programme.

Recommendation:

That,

1. The report be noted;
2. Members give consideration to their future work programme as set out in the report; and
3. The proposals concerning the appointment of a new Member and Chair be noted.

1. Introduction & Background

- 1.1.1 The Panel was established in 2015, meeting for the first time on 13 March 2015. The Panel was composed of four Members, one of whom had been specifically recruited to act as Panel Chair. At that first meeting the Panel noted its Terms of Reference and agreed a work programme for the following year.
- 1.1.2 In the period since the Panel was established the role of the Panel has gradually expanded beyond the original remit and it is now opportune to consider the future direction for the Panel.
- 1.1.3 Two Panel Members have resigned, including the Chair. This report sets out the proposed way forward for replacing those Members.

2. Future Work Programme

- 2.1 The Panel started its life with the intention of looking at particular areas such as complaints and grievances. Essentially the work programme involved a cycle of reviews of procedures and processes designed to provide assurance to both the Commissioner and Chief Constable that appropriate processes were in place and that they were being followed and implemented. The Panel was able to provide this assurance, though it did highlight a number of relatively minor areas in which processes might be improved.
- 2.2 After a number of meetings it became clear that this limited remit would probably not be sufficient to sustain the Panel or justify its existence in the longer term. At the same time it was clear that there was potential for the role of the Panel to be expanded to incorporate some other areas of activity, for example in February 2016 the Panel gave consideration to the then recently introduced Professional Discretion Framework. At the same meeting the Panel undertook a thematic dip sample of the Constabulary's use of Stop and Search powers in the light of recommendations made by HMIC following a review of the use of these powers.
- 2.3 The Commissioner and Chief Constable would both welcome the Panel undertaking more thematic dip samples or reviews of specific areas of activity or issues as they arise, with the proviso that this widening of activity remained focused on the ethical and integrity aspects of these matters.
- 2.4 A potential programme of work for the Panel is attached to this report. Panel Members are asked to consider this draft programme, which seeks to balance the more routine work previously undertaken by the Panel while allowing for the inclusion of some more thematic activity. The precise thematic activity has yet to be identified, but is likely to be matters that are topical.
- 2.5 The views of Panel Members are sought on this proposal before formal changes are made to the Panel's Terms of Reference.

3. Panel Membership

- 3.1 Since the Panel was established the Chair and one Member have resigned. A new Member has been appointed to fill one vacancy. The position of Chair is currently being filled in rotation by the two remaining existing Panel Members.
- 3.2 The Commissioner and Chief Constable are agreed that they want the Panel brought up to its original membership of four. They also wish to appoint a permanent Chair. To achieve this it is proposed to –
- 1) Proceed to publicly advertise the vacancy for a Member of the Panel;
 - 2) Offer the opportunity for existing Panel Members to apply for the position of Panel Chair.
- 3.3 Both of these processes will be undertaken concurrently, commencing in early September.

Stuart Edwards
OPCC Chief Executive
August 2016

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 2017

February 2017	May 2017	August 2017	November 2017
<p>THEMATIC DIP SAMPLE : Dip sample an agreed area of business within the Constabulary.</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>THEMATIC DIP SAMPLE: Dip sample an agreed area of business within the Constabulary.</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 by the Anti-Fraud & Corruption Unit.</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 by the Anti-Fraud & Corruption Unit.</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 by the Anti-Fraud & Corruption Unit.</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 by the Anti-Fraud & Corruption Unit.</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>THEMATIC SESSION:</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>GRIEVANCES: To receive a report on Grievances against the Constabulary identifying any trends or issues.</p> <p>OPCC COMPLAINTS & QSPI: To receive a report on complaints and quality of service issues received by the OPCC.</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>THEMATIC SESSION:</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>GRIEVANCES: To receive a report on Grievances against the Constabulary identifying any trends or issues.</p> <p>OPCC COMPLAINTS & QSPI: To receive a report on complaints and quality of service issues received by the OPCC.</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>

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.



Enquiries to: Mrs J Head
Telephone: 01768 217734

Our reference: jh/EIP

Date: 9 November 2016

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 **Thursday 17 November 2016** in **Conference Room 3**, 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 complaint and appeal files.

PANEL MEMBERSHIP

Mr Michael Duff
Mrs Lesley Horton
Mr Alan Rankin (Chair)

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 8 August 2016 (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. MISCONDUCT

(a) To receive and note a report by Cumbria Constabulary on police staff misconduct (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

(a) 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.*

(b) To raise any overall issues identified during the dip sample session and discuss progress of actions detailed within the action sheet.

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

9. 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 .*

10. FUTURE WORK OF THE PANEL

- (a) To receive an update on thematic areas of work to be considered by the Panel in 2017 – *To be provided by Deputy Chief Constable Skeer.*
- (b) To report on outcome of thematic session held on 3 November 2017 with ACC Martland.

11. 2017 MEETING DATES

To receive a consider proposed meeting dates for the Panel in 2017 (copy enclosed) - *To be presented by OPCC Chief Executive.*



Agenda Item No 4

ETHICS AND INTEGRITY PANEL

Notes of a meeting of the Ethics and Integrity Panel held on Monday 8 August 2016 in Conference Room 2, Police Headquarters, Carleton Hall, Penrith, at 2.00 pm

PRESENT

Ms Lesley Horton (Chair)

Mr Alan Rankin

Mr Michael Duff

Also present:

Assistant Chief Constable Darren Martland

OPCC Chief Executive (Stuart Edwards)

OPCC Governance & Business Services Manager (Joanne Head)

28. APOLOGIES FOR ABSENCE

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

The Panel Chair thanked everyone for their attendance at the meeting and took the opportunity to congratulate Michael Duff on being permanently appointed to the Panel.

29. DISCLOSURE OF PERSONAL INTERESTS

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

30. URGENT BUSINESS

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

31. NOTES OF THE PREVIOUS MEETING

The notes of the meeting held on 4 May 2016 had been circulated with the agenda.

Agreed; that, the notes of the meeting held on 4 May 2016 be approved.

32. INTEGRITY - COMPLAINTS BY THE PUBLIC

ACC Martland 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. It was noted that during quarter four there had been a decrease in the number of complaints received compared with the same period in 2015. 201 complaints had been



received compared to 249 in 2015. The current 12 month rolling period showed that there had been a reduction of 10 cases (3%) and a reduction of 67 allegations (13%). All Territorial Policing Areas (TPA's) had reduced their level of allegations, although HQ had shown an increase. This was attributed to the increase of Direction and Control complaints which referred to the Constabulary's operational policing policies and procedures, management decisions, general policing standards and organisational decisions. Over the current 12 month period direction and control complaints had increased by 65%. Examples of these related to the floods in 2015 and Constabulary's change to what types of incidents they would now deploy officers to and dissatisfaction from members of the public.

The number of complaints dealt with by Local Resolution had increased by 20 cases with the number of allegations upheld by PSD reducing by 7 allegations. The number of appeals considered by both the Constabulary and the IPCC continued to reduce.

The panel noted that the number of complaints relating to arrest or custody had increased. They were advised that the Constabulary had not identified any patterns or trends in relation to a particular officer or shift.

The Constabulary continued to finalise allegations within the IPCC guidelines with Cumbria remaining third best in the country for the average number of days to locally resolve allegations.

AGREED; that, the report be noted.

33. INTEGRITY – ANTI-FRAUD & CORRUPTION

ACC Martland presented the quarterly report on work undertaken by the Constabulary's Anti-Corruption Unit. He guided members through the report, commenting on each of the cases listed that had been finalised and those still ongoing providing an update on their current status.

The members were again pleased to note that the number of officers who were currently suspended had remained low, ie two. ACC Martland provided members with examples of the types of issues and incidents which were currently ongoing.

AGREED; that the report be noted.

34. GRIEVANCES

The Panel received a report which outlined the number of grievances currently being dealt with by the Constabulary in comparison to the previous 12 months and 3 year periods. In 2015-16 there had been 4 grievance cases recorded.

Culturally in Cumbria officers and staff voiced their concerns and generally matters were dealt with informally. Although this may be good for the individuals involved it did not allow the



matters to be recorded and to enable the organisation to learn for the future or make appropriate changes.

The OPCC Chief Executive advised that at a recent meeting with the secretary of the staff union, Unison, they had stated they were pleased that issues were resolved at an early stage and saw this as a positive step by the Constabulary.

AGREED; that the report be noted.

35. STOP AND SEARCH REVIEW

During the morning the Panel had undertaken a dip sample of a number of stop and search forms with a view to assessing whether the information contained within the form provided enough evidence to substantiate the grounds for the stop and search. Earlier in the year the Panel had carried out a similar dip sample following an HMIC inspection which had resulted in a number of recommendations being made to the Constabulary.

The Panel were pleased to report a very positive turnaround from those sampled earlier in the year. The reasons for the stop and the search were now clearly identified. The members noted that the number of stop and searches had decreased however ACC Martland anticipated that the numbers would increase again slowly with continued learning and awareness. Monthly dip samples would continue to be undertaken to work with officers and maintain standards.

Following discussion it was agreed that the Panel would carry out an annual dip sample of stop and search forms.

AGREED; that, the

- (i) report be noted; and
- (ii) Panel carry out an annual dip sample of the Constabulary's Stop and Search forms.

36. POLICE DISCRETIONARY FRAMEWORK

The Panel had been provided with a report relating to the Police Discretionary Framework and had planned to undertake a dip sample of cases where the discretionary framework had been utilised. Disappointingly the Panel had not been afforded the opportunity to dip sample cases but rather had only been provided with 6 cases, those which had been highlighted within the report. The report itself did not provide any context to the number of occasions whereby the framework had been utilised, ie 107. In addition the only way in which cases could be identified as having utilised the framework on the current computer system was if an officer specifically stated this in the 'free text' box. The Panel felt that there was no driver for the framework to be used by officers.

ACC Martland explained that due to a number of staff resigning and a recruitment process the changes had not been forcefully implemented. By mid-October the Control room would again be fully staffed and further progress would be made to implement the framework. It was important that the framework supported the organisation's ability to resolve issues and



balance the demand for service. The re-introduction of the framework would be monitored and form part of individual's 15 week review with their line managers. The members asked that an update report be provided to their February meeting to allow enough time for the re-introduction to take place and become embedded.

AGREED; that,
 (i) the report be noted; and
 (ii) an update report on the reimplementation of the framework be provided to the Panel's February 2017 meeting.

37. CODE OF ETHICS

The Code of Ethics for all police forces in England and Wales was launched on 15 July 2014, setting out nine policing principles and ten standards of professional behaviour. The Assistant Chief Constable presented a report which outlined the work undertaken to embed the Code of Ethics within the Constabulary. This had been done through a variety of mediums including Chief Officer Roadshows, newsletters, information on noticeboards, training courses and promotion processes to include the Code of Ethics.

The Code of Ethics was now built into and embedded into the day to day business of the Constabulary via the Ethical Framework. Including their decision making model, misconduct processes, selection and promotion procedures.

The Panel agreed that an annual report on this area of business was not required, rather reports be presented to the Panel when issues arose.

AGREED; that, the report be noted.

38. CODE OF CONDUCT

The Governance and Business Services Manager presented a report which illustrated the Chief Executive's monitoring of the Police and Crime Commissioners Code of Conduct and PCC/Officer Protocol. Upon taking up office in May 2016 the Commissioner swore an oath of office to act with integrity and agreed to abide by a Code of Conduct.

This report focused on the ethics and culture of the PCC and his office. To date no complaints had been received from either members of staff or the Commissioner. Two complaints had been received regarding the previous PCC, Mr Richard Rhodes. One had been deal with via local resolution; Mr Rhodes had left office prior to the second one being completed. No complaints had required investigation by the Police and Crime Panel (PCP) regarding the Commissioner. The Chief Executive advised that the PCP were to review their process for dealing with complaints initially. Currently the PCP membership had no involvement in the initial stages of a complaint. The proposal was to elect a sub-committee with the monitoring officer being an advisor and the members would consider the complaint. The Chief Executive would update the Panel on the outcome of the review.



The Panel agreed that an annual report on this area of business was not required, rather reports be presented to the Panel when issues arose.

AGREED; that,
 (i) the report be noted; and
 (ii) no future annual report was required but that issues should be reported to the Panel as they arose.

39. FUTURE WORK OF THE PANEL

Since the Panel was established its role had gradually expanded beyond the original remit and it was now an opportune time to consider the future direction for the Panel. The Chief Executive outlined proposals for the future work programme of the Panel. A lot of good work had been achieved during the past 18 months especially in relation to complaints and misconduct processes. It was proposed that the Panel would look at some more thematic areas of work, whilst maintaining oversight on the current areas of business.

It was agreed that the Constabulary would provide areas of thematic work for the Panel to review at the November meeting and the Panel were asked to provide any feedback to compliment this.

Earlier in the year two Panel members had resigned, including the Chair. A new member had been appointed earlier in the year, Michael Duff. However the Commissioner and the Chief Constable wanted the Panel brought up to its original membership of four including the appointment of a permanent chair. It was proposed that the opportunity for the Chair be offered to the existing membership with the panel vacancy being publically advertised.

AGREED; that,
 (i) the report be noted;
 (ii) the Constabulary provide thematic areas of work to the November meeting;
 (iii) a recruitment process be undertaken for a fourth panel member and the appointment of a permanent Panel Chair.

Meeting ended at 4.10 pm

Signed: _____

Date: _____

Panel Chair



Office of the Police & Crime Commissioner Report

Title: Police Staff Discipline and Misconduct

Date: 17 November 2016

Agenda Item No:

Originating Officer: Andrew Taylor, Head of HR

CC:

Executive Summary:

The Constabulary has a Disciplinary Policy and Procedure which affords the opportunity to resolve cases quickly and effectively at the lowest possible management level. This report provides a summary and analysis of the cases which have been dealt with in the twelve months preceding this year's meeting of the Panel

Recommendation:

That, the Ethics and Integrity Panel note the Report.

1. Introduction & Background

- 1.1 This report details the number of police staff discipline and misconduct cases dealt with during the period August 2015 and 30 October 2016.

2. Issues for Consideration

- 2.1 Between August 2015 and November 2016 twenty four members of Police Staff were the subject of disciplinary proceedings in accordance with the Constabulary Policy on Police Staff Discipline. Nine staff members were female, fifteen were male. None were of a minority ethnic origin. * Note that five cases were assessed in May 2016.
- 2.2 Of the nineteen remaining cases; one case was subject of a public complaint and locally resolved, seven cases were no further action, four received words of advice in relation to conduct, four received advice in relation to the Code of Ethics, one person resigned prior to the outcome of the investigation and two were unknown but an online publication regarding conduct was produced.
- 2.3 There are currently two investigations which are ongoing and not subject to review by the panel at this time.

2.4 No hearings have taken place during this timeframe. 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 the provisions of the Employment Rights Act 1996 are breached in terms of unfair dismissal there would be implications for the Constabulary which may lead to financial and status loss.

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



Constabulary Report to OPCC

Agenda Item No 08 (i)

TITLE OF REPORT: INTEGRITY – COMPLAINTS BY THE PUBLIC

DATE OF MEETING: 11th November 2016

ORIGINATING OFFICER: DCI 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 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 16, Cumbria: 55, MSF average: 91, National average: 70.
- The current 12 month rolling figures show that there has been an increase of 25 cases (9%) and a reduction of 2 allegations (0.4%) in comparison to the last 12 months.
- A breakdown of allegations shows that all Areas have increased their level of allegations except North & West TPAs, mainly due to Oppressive Behaviour allegations.
- Allegations upheld by PSD have reduced by 33 allegations (72%) comparing the last period the current 12 months. The number of Local resolutions has increased overall by 2 (1%)
- The number of IPCC and Force appeals continue to reduce.
- The number of upheld appeals for the IPCC has reduced compared to the last period by 6 to 3 (21% of results), upheld Force Appeals have increased (6% of results).

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, Best Practice and Forcenet when trends are identified.
- To circulate trends regarding types of allegation and outcomes to the TPA's.
- To finalise work on improving accessibility to the complaints process.

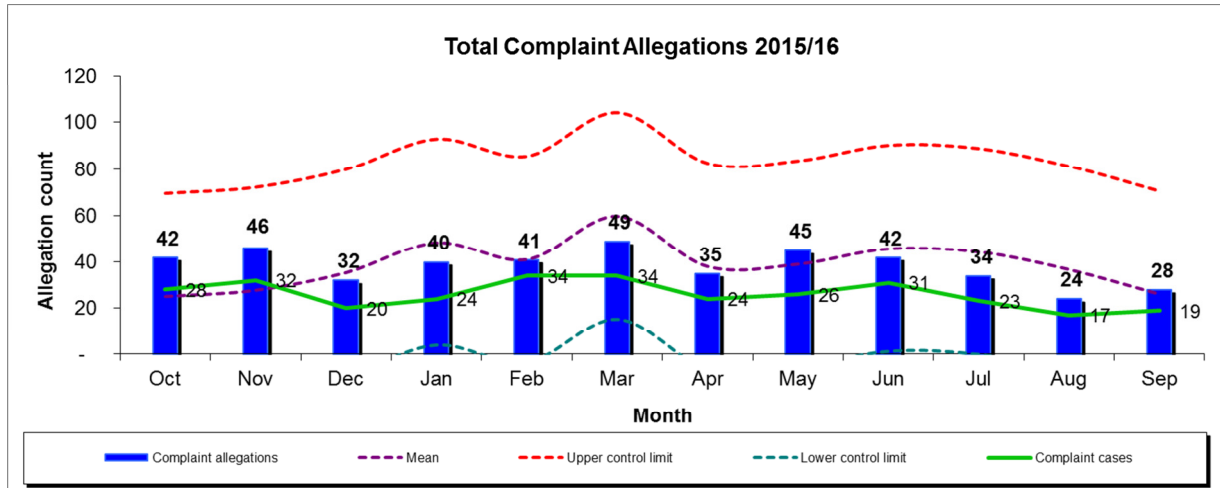
MAIN SECTION

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 2015 to June 2016: -



The chart shows fluctuating levels of complaint allegations and cases. Peaks in allegations were seen in October, November, March and May, although only October, November, May and September were over the three year average. The most significant change was the increase in Allegations and cases in October and November opposite to the three year trend of reductions in autumn. Over the 12 month period the total allegations at 458 are the lowest figure for 2 years and cases are 312, an increase of 24 on 2014/15 but a reduction on the 334 in 2013/14.

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 2015 and 2016. The figures show that the numbers of cases over the current 12 month period have increased compared to the last 12 month period. This indicates that there are more people complaining but they are complaining about less issues.

	12 Month Rolling to Sep 2015	12 Month Rolling to Sep 2016	Percentage Change
Cases	287	312	8.7
Allegations	461	459	-0.4

*Including Direction and Control cases/allegations.

Work to improve accessibility to the police complaints system has been completed, this will be reviewed in December by a PSD Complaints investigator.

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-15	12 Month Rolling to Sep-16	Change	12 Month Rolling to Sep-15	12 Month Rolling to Sep-16	Change
North	127	107	-20	88	79	-9
South	123	134	11	80	95	15
West	160	142	-18	81	81	0
UOS	22	29	7	18	26	8
HQ	29	47	18	20	31	11
Total	461	459	-2	287	312	25

*Including Direction and Control cases/allegations.

Complaint cases have increased when comparing the current 12 month period with the previous 12 months with only North showing a reduction.

The table shows a reduction in allegations with South, UOS and HQ showing increases in the 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	UOS	HQ	Grand Total
12 Month Rolling to Sep-16	Breaches of PACE K,L,M,N,P,R	9	16	23	1	2	51
	D&C	15	15	7	14	17	68
	Discrimination F	3	2	3			8
	Incivility U	11	12	15	6	7	51
	Malpractice G,H,J	5	5	9		4	23
	Oppressive Behaviour A,B,C,D,E,Y	31	39	34	4	1	109
	Other W	1	3	1	1	1	7
	Unprofessional Conduct S,T,V,Q,X	32	42	50	3	15	142
12 Month Rolling to Sep-16 Total		107	134	142	29	47	459
12 Month Rolling to Sep-15	Breaches of PACE K,L,M,N,P,R	11	11	20	1		43
	D&C	9	5	9	2	11	36
	Discrimination F	3	2	4			9
	Incivility U	28	20	17	5	7	77
	Malpractice G,H,J	6	5	6	2	1	20
	Oppressive Behaviour A,B,C,D,E,Y	26	27	23	3	2	81
	Other W	1	3	1		2	7
	Unprofessional Conduct S,T,V,Q,X	43	50	80	9	6	188
12 Month Rolling to Sep-15 Total		127	123	160	22	29	461

*Including Direction and Control case/allegations.

The largest increases have been seen in the following: -

- South TPA – Oppressive Behaviour (12) and D&C (10)
- UOS- D&C (12).
- West TPA - Oppressive Behaviour (11)

The group that saw the largest percentage increase in the current 12 month period when compared to the previous 12 months was Direction & Control increase of 32 complaint allegations (88.9%). This is mainly due to more appropriate use of this category particularly regarding complaints about the control room. This is reflected in the main type increased being Operational Management decisions and Organisational Decisions.

The 2 main categories that have seen a rise are:-

Organisational Decisions (+15) and Operational Management Decisions (+14)

Organisational Decisions include where officers and staff should be located and how officers and staff should be deployed. We have seen a number of complaints where a member of the public disagrees with the decision not to send a Police Officer when they have called the Constabulary, this was anticipated. A Police Officer makes the decision to deploy patrols, deal with the incident over the phone or to deploy someone at a diarised time, the incident is risk assessed in order to ensure the right staff are being deployed to the right jobs at the right time.

Operational Management Decisions include general strategic decisions on how certain police powers should be exercised. This includes the recording of crimes. We have seen a number of complaints where a member of the public disagrees with the decision not to record a crime. These types of complaints are recorded as a Direction and Control matter following IPCC guidance which states, "where a complainant is informed that a crime will not be recorded due to NCRS (National Crime Recording Standards) and disagrees with the decision the complaint should be recorded as a Direction and Control matter (IPCC Focus Issue 2).

The largest reductions have been seen in the following: -

- All areas except HQ - Unprofessional Conduct (-46).
- All areas except UOS - Incivility (-26)

The three main groups are Unprofessional Conduct, Oppressive Behaviour and incivility:

- Unprofessional Conduct saw an overall reduction of 46 allegations (24.5%) with Other Neglect and failure of duty reducing by 39 (30%). The only area to increase was HQ which showed an increase across departments and situations, the main type being Other Neglect and failure of duty.
- Oppressive Behaviour showed an increase of 28 allegations (34.6%).
- Incivility reduced by 26 (33.8%).

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 Assault which increased by 31 allegations (62%), this is one of the Oppressive Behaviour types.

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

- Online News to all staff (Oct 2015) All staff are reminded of the necessity to ensure criminal enquiries are conducted efficiently and to also be cognisant of statutory time-limits which may impact on investigations either at initial recording or subsequently if a recording decision is amended as a result of insufficient evidence or case review.
- Online News to all staff (Oct 2015) All staff are reminded where the driver of an unmarked police vehicle, with no covert warning equipment wishes to stop a vehicle the driver should unless exceptional circumstances exist, obtain the assistance of a marked car to take the lead role before making any attempt to stop the vehicle. If any officer is unsure on correct stopping of vehicles then please contact the driver training unit at HQ.
- Online News to all staff (Nov 2015) All staff are reminded that together with the necessity to follow the NCRS and Home Office Counting Rules, they should ensure that when allegations are made to the police by way of letter, decisions regarding recording/action or forwarding to appropriate body, which in this case may have been Action Fraud, are appropriately documented together with the rationale. This can be accommodated within the incident reporting system which ensures that there is a record of receipt, decision and action which avoids the potential for matters to be overlooked
- Pass Newsletter Forcewide (Oct 2015) Issue 19 Recent Special Case Hearing
- Force Orders (Nov 2015) Reminder to staff regarding the transportation of persons detained under the Mental Health Act - ie via Ambulance
- Online News to all staff (Oct 2015) Learning the Lessons Bulletin 24- October 2015
- Pass Newsletter Forcewide (Nov 2015) Issue 20 Recent Special Case Hearing
- Online News to all staff (Dec 2015) Photographs taken of exhibits for public circulation which showed exhibit information
- Dissemination to Individual (Dec 2015) Review of procedure re the provision of a statement or evidence for the defence, procedure to be reviewed and circulated in due course in line with Constabulary review.
- Control room staff (Dec 2015) Certain incidents (e.g. high risk mispers/RTCs) are often correctly THRIVE'd as grade 2 logs but need an immediate police response, rather than a response within 60 minutes. (please ensure via link, or the CMR Sgt that Dispatch are made aware of any such log so they can deploy accordingly). Calls to deal with members of the public who are having a 'mental health crisis' require the Ambulance Service informing. (please ensure we take responsibility to inform the Ambulance Service rather than instructing the caller to do so after their call to us). Logs created in Storm can be viewed in Webstorm before they are shared with Dispatch which can lead to confusion over deployment and command. (please ensure we share the log with Dispatch as soon as possible, while we continue to speak to the caller and update the log).
- Dissemination to Department Manager (Dec 2015) Issues surrounding response times provided to callers to the Communications Centre and non compliance with set timings

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- Pass Newsletter Forcewide (Dec 2015) Issue 20 Advice re Alcohol consumption and duties
- Pass Newsletter Forcewide (Dec 2015) Issue 22 Recent Special Case Hearing
- Dissemination to Control room staff, (Jan 2016). Control room training now including advice following complaint re attendance for a shop lifting in progress
- Dissemination to Department Manager, (Jan 2016). Insp Barr to review policy re mental health detainees
- Dissemination to Individual, (Feb 2016). Correct procedure for recording of complaints which can be taken by telephone contact.
- PSD Admin, (Feb 2016). CCTV viewing re subjudice cases
- Online News to all staff, (March 2016). Learning the Lessons Bulletin 25-February 2016.
- Dissemination to Custody, (March 2016). Custody officers reminded of timeliness of cell checks; removal of option to input multiple entries to custody records simultaneously; guidance regarding surplus items of clothing in cells
- Online News to all staff, (March 2016). Reminder of standard of driving by on duty police officers in marked police vehicles
- Online News to all staff, (April 2016) Learning the Lessons Bulletin 26 - March 2016
- Dissemination to Custody, (April 2016) Reminder regarding good communication between officers when dealing with DPs in custody to avoid incidents resulting in injury to DP
- Online News to all staff, (May 2016) Reminder to renew Business Interests.
- Dissemination to Custody, (June 2016) Concerns raised regarding the detention of an individual - namely the lack of provision of clothing following a strip search. In addition detainee is taken to hospital and is returned to his original cell which has not been cleaned. During the initial part of his detention the detainee is seen to urinate on the mattress whilst apparently asleep, he also has blood on his face which would transfer to the mattress
- Dissemination to Department Manager, (June 2016) Review of PIN notice and procedure following an issue identified as part of a public complaint when a PIN was not authorised correctly. The process has now been reviewed and revised protocol and notice are to be circulated force wide
- PASS Newsletter, (June 2016) Check accuracy of information being forwarded to another department in reply to a member of the public to prevent any perception of falsification by them. (PASS 23/16 item 4)
- PASS Newsletter, (June 2016) Inadvertent distribution of indecent images by another force. Force notified and advice re storage and sharing of images for investigation purposes on a PASS Newsletter for Cumbria Constabulary. (PASS 23/16 item 3)
- PASS Newsletter, (June 2016) Ensure any details by a witness is recorded on the overnight package and/or entered separately as an exhibit. (PASS23/16

item 1). Also ensure any attempt to contact potential witnesses is logged to prevent a perception of failure to conduct a thorough investigation (PASS 23/16 item 2)

- PASS Newsletter, (June 2016) Special case hearing result (PASS 24)
- Dissemination to Chief Inspector, (July 2016). Incident occurred in Oct 2015, whereby a male said to be armed with a large knife, was missing/to be located. The IPCC highlighted that the decision not to utilise air support had not been documented on the incident log.
- Forcenet News to all employees. (July 2016) Reminder for OIC to ensure that both victim and suspect are updated in relation to NFA decisions by CPS.
- Forcenet News to all employees. (August 2016). Guidance for use of Dissatisfaction reports.
- Forcenet News to all employees. (September 2016). IPCC Learning the Lessons Bulletin 27-August 2016.
- Forcenet News to all employees. (September 2016). Reminder of the necessity to submit Use of Force forms - parameters etc. Circulated both via forcenet and to relevant TPA Commander

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 complaints made against them are assessed following which appropriate guidance and support is provided.

There were 16 officers who met the repeat officer strategy in the current period, two of them twice, which is a reduction of 29 on the previous period. These officers have been highlighted through the PSD TT&CG process, for three of the officers dissemination reports have been produced, of the others 7 had their supervisors updated, a profile was completed for one officer and the others are currently being reviewed.

1.5 Dissatisfaction Reports

There were 58 dissatisfaction reports recorded in the current 12 months which is an reduction of 26 when compared to the previous 12 month period. The main categories reported on in the lower level dissatisfaction reports over the 12 month are regarding similar issues to those reported on in the complaint cases, these being neglect/fail duty, incivility and oppressive behaviour which combined form 71% of dissatisfaction reports in the period.

1.6 Diversity

There have been 8 allegations of discriminatory behaviour by the police recorded during the current 12 month period which is a reduction of 1 when compared to the previous 12 months.

- Complainant states their son's complaint of sexual assault was not dealt with properly and they believe this is due to their foreign name and the son's mental condition. Local resolution by TPA. (recorded November 2015)

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- Complainant feels it was discriminatory for the officer to ask if they had any mental health issues or was seeing a doctor when they attended to report a crime. Not Upheld - by PSD. (recorded November 2015)
- Complainant was arrested and alleges the officers that carried out the arrest were homophobic. Not upheld by PSD. (recorded December 2015)
- Complainant states he was poorly cared for in custody and that this was due to his mental health issues. Not upheld by PSD. (recorded December 2015)
- Complainant states they were racially abused by attending officers following a call to an incident, the complainant inferred their comments were because they are a Gypsy. Not Upheld by PSD. (recorded February 2016)
- Complainant states the officers contacting them was transphobic due to the way they reacted when the complainant answered the telephone. Withdrawn. (recorded March 2016).
- Complainant states that on the 12 May 2016 they were having to cope with an episode of PTSD (Post Traumatic Stress Disorder). They was lying in the road and after some time the police arrived on the scene. They state that as a transsexual they believe the officers behaved in a transphobic manner and the complainant believes they wanted to teach them a lesson. The police officers would not have treated a similarly gendered person in this manner. Withdrawn (recorded July 2016)
- Complainant states that on 7 December 2015 they were arrested by officers from the Civil Nuclear Constabulary and transported to the TACT unit in Manchester. The complainant has made a separate complaint in respect of how they were transported to Manchester but believes that the officers' actions were based on their religion, racial background and culture. This is currently live. (recorded September 2016)

1.7 Performance

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

Allegation Result Description	12 Month Rolling to Sep -15	12 Month Rolling to Sep-16	Change
De Recorded	5	6	1
Disapplication - by Force	58	51	-7
Discontinued - by Force	2		-2
Local Resolution - by Division	130	108	-22
Local Resolution - by PSD	37	61	24
Not Upheld - by Division	1		-1
Not Upheld - by PCC		1	1
Not Upheld - by PSD	221	167	-54
Special Requirements	1	6	5
Upheld - by PSD	46	13	-33
Withdrawn - by Force	11	16	5
Withdrawn - by IPCC		3	3
Grand Total	512	432	-80

The IPCC in the most recent report (Q1, Apr 2016 to Jun 2016) assess Cumbria’s performance for average number of days to finalise Local Resolution and Investigations:

- Average number of days to locally resolve allegations – Cumbria 37, MSF average 56 and National average 64.
- Average number of days to finalise cases – Cumbria 74, MSF average 112 and National average 103.
- Average number of allegations per 1000 employees cases – Cumbria 55, MSF average 91 and National average 70.
- Cumbria is the 5th best in the country for average number of days to locally resolve allegations.

In the current 12 month period, 432 allegations were finalised compared to 512 in the previous period. The greatest reduction (by 54) was in Not Upheld by PSD, Upheld by PSD has reduced (by 33) with Local resolution by PSD increasing by 24 (64.9%) but as a proportion Local resolution has increased from 32.6% in the last period to 39.1% in the current period.

1.8 Force and IPCC Appeals

Result	Force Appeals 12 months rolling to Sep - 15	Force Appeals 12 months rolling to Sep- 16	IPCC Appeals 12 months rolling to Sep- 15	IPCC Appeals 12 months rolling to sep- 16
Upheld		2	9	3
Not Upheld	37	16	10	7
Withdrawn				
Not Valid			2	
Live		12		4
Total	37	30	21	14

The above data highlights that the number of IPCC appeals have reduced by a third and the number of force appeals has reduced by 23% (7). The percentage of upheld Force appeals has increased in this reporting period compared to the previous 12 months. IPCC Appeals upheld results have also reduced.

Upheld Force Appeals have increased from 0% to 6% (0 of 37 compared to 2 of 30).

Upheld IPCC Appeals have reduced from 43% to 21% (9 of 21 compared to 3 of 14).

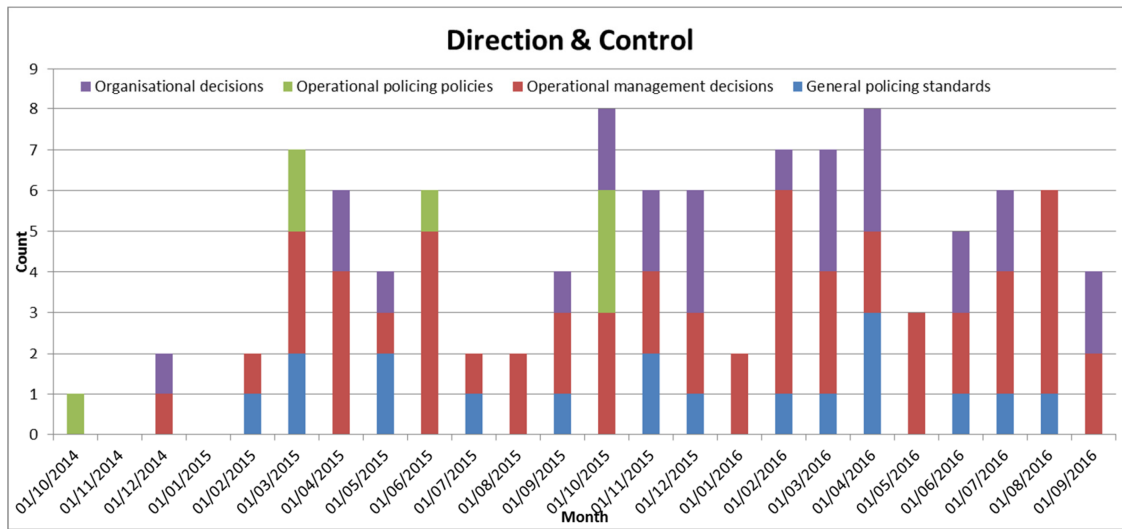
1.9 Direction and Control Complaints

Direction and control complaints are from members of the public complaining about how the constabulary is run rather than individuals. Over the current 12 month period direction and control complaints have increased by 32 (89%) when compared to the previous 12 month period, the largest increases being Operational management decisions and Organisational Decisions. As mentioned previously in the

document this is in small part due to more appropriate use and partly to the agreement regarding complaints about the control room. The table below shows a breakdown of direction and control complaints.

Allegation Result Description	12 Month Rolling to Sep - 15	12 Month Rolling to Sep -16	Change
General policing standards	7	11	4
Operational management decisions	20	34	14
Operational policing policies	4	3	-1
Organisational decisions	5	20	15
Grand Total	36	68	32

Issues raised in the last quarter include complaints about decisions for specific cases, specific policies/procedures, issues around the floods and Control Room performance. There have been a number of items of Best Practice circulated to the Control Room in the period and some issues have now been including within the training plan. Complaints are starting to reduce as callers become accustomed to the changes in response and employees become accustomed to using the new formats and tools to grade/categorise incidents and so ensure the right resources are being sent to the incidents at the right time.





Office of the Police & Crime Commissioner Report

Title: OPCC Complaints

Date: 17 November 2016

Agenda Item No: 09

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) receives 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. 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	2016
3 (2)	29 (19)	13 (8)	2 (2)	22 (22)

- 2.2 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

- 2.3 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.
- 2.4 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.
- 2.5 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.
- 2.6 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.

- 2.7 The Panel will be aware that Police and Crime Commissioner elections were held on 5 May 2016. Following the election a new Commissioner, Mr Peter McCall, was elected. Detailed in the table below is the number of complaints received regarding the previous Commissioner, Mr Richard Rhodes, and by what method they were dealt with. No complaints have been received to date regarding the new Commissioner.

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
2016	2	0	2	0

- 2.8 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.

2.9 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.

- 2.10 The table below illustrates the number of complaints which were received from 22 November 2012 to 31 March 2016. During that period there have been three Chief Constables in charge of the Constabulary. In February 2016 a complaint was received regarding T/CC Mrs Skeer who has since returned to her substantive post as Deputy Chief Constable and therefore authority to deal with the complaint has transferred to the Chief Constable. There remains two 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
2016	4	4	0	1	1	

2.11 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.

2.12 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.

2.13 OPCC Staff Complaints

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

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



Office of the Police & Crime Commissioner Report

Title: OPCC Quality of Service & Policing Issues

Date: November 2016

Agenda Item No: 09

Originating Officer: Joanne Head

1. Introduction & Background

- 1.1 The Office of the Police & Crime Commissioner (OPCC) receives a number of telephone calls and emails from members of the public who wish to raise issues or dissatisfaction about some element of the policing service they have experienced. These are regarded as quality of service and policing issues.
- 1.2 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 or appropriate level. Regular contact between OPCC staff and the Constabulary staff officers takes place to ensure that the matters are progressed in a timely manner.
- 1.3 The OPCC is advised of progress and of either a final solution which has been agreed with the individual or information which can then be incorporated into a final response which the Commissioner will then send to the individual.
- 1.4 As can be seen from the attached information members of the public contact the Police and Crime Commissioner/OPCC regarding a variety of issues. The number of instances which relate to the same issues are relatively low.
- 1.5 In each instance the OPCC helps to facilitate the individual to be provided with a response or explanation to the issues that they have raised. This could be by, an officer speaking with them directly, a response letter providing a full explanation, or advise on the appropriate authority or organisation for the individual to raise the matter with.

2. Issues for Consideration

2.1 Quality of Service Issues

As the role of the Commissioner has become more widely understood 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 from 1 January to 30 September 2016 (Appendix 1). 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 were reported.

2.2 As can be seen from Appendix 1 the nature of the top six issues raised within the first seven months of 2016 are:

- 101
- Anti-Social Behaviour
- Car Parking
- Driving Issues
- Police Response / Service

2.3 101

Members of the public have contacted the OPCC to complain about the ability to get through to Cumbria Constabulary via the 101 system. Many have given up as the call has not been answered and then contacted the OPCC to report issues. The numbers illustrated in the attached information does not take into account the telephone calls received by the OPCC where a member of the public has contacted the OPCC and is subsequently advised to contact the Constabulary via 101 as this information is not recorded. A number of members of the public have also raised their concerns at public surgeries held by the Commissioner over the past few months.

2.4 The Commissioner having been made aware of this has raised it at his 1-2-1 meetings with the Chief Constable. Weekly performance updates received from the Constabulary and in general terms issues are starting to be addressed.

2.5 Anti-Social Behaviour

Anti-Social Behaviour issues are predominantly reported from North Area (5 cases) although South and West Areas have also reported 1 and 2 cases respectively. Some of these instances have occurred when other offences are being committed and reported upon such as drug and traffic offences.

Some of the instances reported to the OPCC are:

- A gang of youths throwing soil and hurling abuse at local residents.
- Residents experiencing ASB due to their property backing onto the local primary school. Gangs of youth throwing items at their house and verbally abusing them and other residents.

- In a children's play area, evidence of substance abuse, anti-social behaviour and vandalism. The individual felt that these actions appear to go unchecked because it would appear residents have little regard or respect for the local constabulary.
- ASB being experienced by local elderly residents

It is noted from the correspondence received by the OPCC that ASB is experienced by a broad range of the community and is not isolated to a particular group or community.

2.6 Each of the above reported instances were forwarded to the Constabulary, via the Chief Constable's office for the matter to be dealt with. On each occasion the individual incidents were looked at with various solutions being put in place via the local problem solving team and individual officers with a view to looking at longer term solutions.

2.7 Car Parking

The majority of instances reported to the OPCC relate to private/residential parking, this is not a matter for the Constabulary to deal with but is in fact dealt with by the local authority for that area. The Constabulary have responded to the individuals and where appropriate have deployed local officers/PCSO's to look into the matters raised and be mindful of when they are out on patrol.

2.8 Driving Issues

This category covers a wide variety of issues from speed limits and proposed improvements of the A66; drivers in Carlisle speeding and 'jumping red lights'; boy racers in Penrith; speeding on rural roads in the Kendal area; seeking road safety measures in Moor Row. An individual also raised concerns over the police response following a road traffic accident and their inability to contact the police via the 101 system.

2.9 Police Response / Service

Issues raised in relation to 'police response' relate to dissatisfaction on the response provided; the lack of communication/response; an officers attitude; being made to feel they are not being taken seriously. On occasions members of the public send letters to the Chief Constable/Cumbria Constabulary and copy the PCC/OPCC into them. These are logged and retained for information.

- Dissatisfied with a police investigation into an assault of their son, the information presented at court and the lack of the victim's injuries being fully detailed at court.
- Dissatisfied with the way in which their original issues were dealt with and subsequently their complaint and appeal.
- Due to noisy neighbours asked the police to attend to ask neighbours to turn loud music down. A police car drove into the street but did not ask the residents to turn down the music. When they rang 101 to complaint they stated that the call handler became nasty with them.
- An individual emailed the OPCC regarding issues with her son, however when the police contacted her about the matter she denied having sent the email or that there had been any issues.

- Family felt that the constabulary were not taking threats towards their daughter and themselves seriously or responding in a timely manner, but when counter-allegations were made they were interviewed almost immediately.
- Two individuals feel that the police are not taking their allegations of assault and harassment seriously.
- A father felt that his son and friends had been dealt with too harshly by the police.
- An individual spotted drug dealing in Barrow, had rung up about it and then someone had rung back and left a message but they can't hear. When they rang 101 to ask what was happening they were told that no one knew anything about it.

2.10 How the OPCC has made a difference

The OPCC through raising the issues with the Chief Constable's staff office facilitates individuals to receive a written response answering their questions or queries. Where appropriate the OPCC can ask that direct contact from the Constabulary be made with the individual enabling the matter to be progressed or resolved quickly.

Resolutions have been achieved through a variety of mediums:

- Officers in the local policing team have contacted the individual to seek a resolution, provide an update or obtain further information.
- The Chief Constable's office provides a full explanation of the issue or procedure and this is subsequently provided to the individual to finalise the matter.

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



Ethics and Integrity Panel

Title: 2017 Meeting Dates

Date: 17 November 2016

Agenda Item No: 11

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 2017.

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 and 2016 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 2017 thought has been given to Panel members and attending officers/staff availability; and the Constabulary's reporting periods.

2.2 The proposed meeting dates for 2017 are:

- ❖ Thursday 9th February
- ❖ Thursday 11th May
- ❖ Thursday 10th August
- ❖ Thursday 9th November

2.4 In addition to the above dates additional dates will need to be arranged 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.