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Our reference: jh/EIP

Date: 30 April 2015

AGENDA

TO: THE MEMBERS OF THE ETHCS AND INTEGRITY PANEL

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

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

S Edwards
Chief Executive

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

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

PANEL MEMBERSHIP

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

AGENDA

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

1. APOLOGIES FOR ABSENCE

2. DISCLOSURE OF PERSONAL INTERESTS

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

3. URGENT BUSINESS AND EXCLUSION OF THE PRESS AND PUBLIC

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

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

4. NOTES OF THE PREVIOUS MEETING

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

5. CIVIL CLAIMS

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(Not for publication by virtue of paragraphs 1 & 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended))

6. INTEGRITY – COMPLAINTS BY THE PUBLIC

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

7. INTEGRITY – ANTI-FRAUD & CORRUPTION

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

8. OPCC COMPLAINTS AND QSPI

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

9. FREEDOM OF INFORMATION ACT COMPLIANCE

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

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

10. GRIEVANCES

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

11. ANNUAL REPORT

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



Agenda Item No 04

ETHICS AND INTEGRITY PANEL

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

PRESENT

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

Also present:

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

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

1. APOLOGIES FOR ABSENCE

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

2. DISCLOSURE OF PERSONAL INTERESTS

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

3. TERMS OF REFERENCE

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

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



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

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

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

4. ANNUAL WORK PROGRAMME

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

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

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

5. INTEGRITY

(a) COMPLAINTS BY THE PUBLIC

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

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



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

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

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

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

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

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

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



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

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

(b) PUBLIC COMPLAINT FILES – DIP SAMPLE

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

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

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

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

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



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

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

AGREED, that, the update be noted.

6. INTEGRITY – ANTI-CORRUPTION UNIT

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

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

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



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

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

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

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

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

7. GRIEVANCES

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

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



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

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

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

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

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

8. REPORT TO THE EXECUTIVE BOARD

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

AGREED, that the process be noted.



Meeting ended at 3.45 pm

Signed: _____

Date: _____

Panel Chair



TITLE OF REPORT: INTEGRITY – COMPLAINTS BY THE PUBLIC

DATE OF MEETING: 5th May 2015

ORIGINATING OFFICER: DCI Paul DUHIG – Professional Standards

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

Executive Summary:

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

Recommendation:

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

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

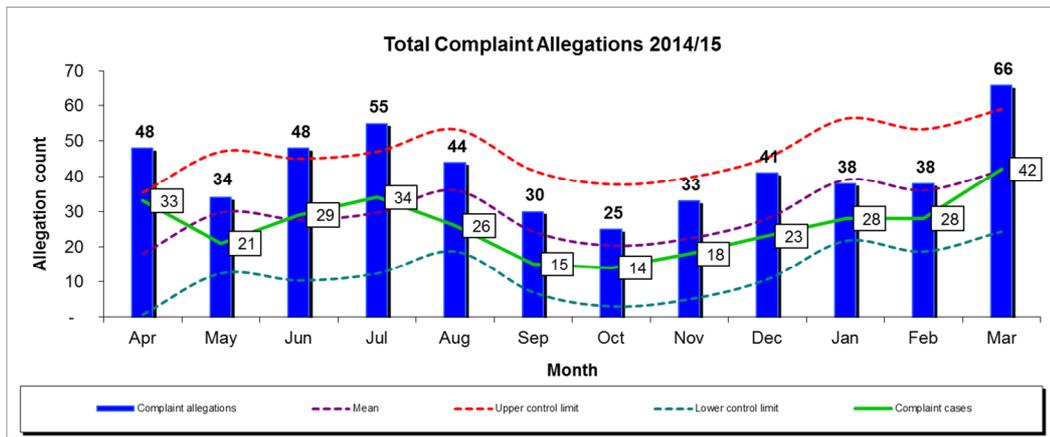
MAIN SECTION

1. Introduction and Background

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

1.1 Complaint Allegations

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



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

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

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

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

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

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

*Including Direction and Control cases/allegations.

1.2 Allegations broken down into BCU

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

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

*Not including Direction and Control cases/allegations.

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

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

1.3 Area Allegation group breakdown

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

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

*Not including Direction and Control case/allegations.

The largest increases have been seen in the following: -

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

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

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

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

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

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

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

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

1.4 Repeat Officer Strategy

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

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

1.5 Dissatisfaction Reports

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

1.6 Diversity

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

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

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

1.7 Performance

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

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

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

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

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

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

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

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

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

1.8 Force and IPCC Appeals

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

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

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

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

1.9 Direction and Control Complaints

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

RESTRICTED

Item 06 - Complaints Performance Report Final.May15

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



Office of the Police & Crime Commissioner Report

Title: OPCC Complaints & Quality of Service Issues

Date: 11 May 2015

Agenda Item No: 08

Originating Officer: Joanne Head

CC:

Executive Summary:

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

Recommendation:

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

1. Introduction & Background

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

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

2. Issues for Consideration

Complaints received by the OPCC

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

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

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

Commissioner Complaints

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

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

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

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

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

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

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

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

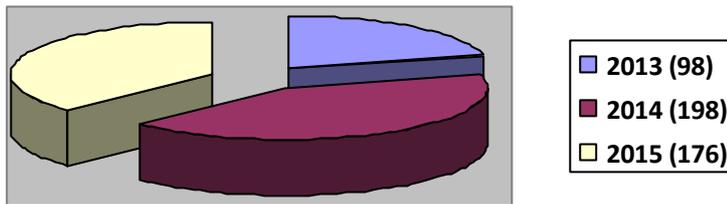
2.13 A complainant has the right of appeal to the IPCC if they feel that a complaint should be recorded or is unhappy with the outcome of the resolution process or investigation. To date only one complainant has appealed to the IPCC and this was subsequently not upheld.

2.14 OPCC Staff Complaints

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

2.15 Quality of Service Issues

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



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

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

3. Implications

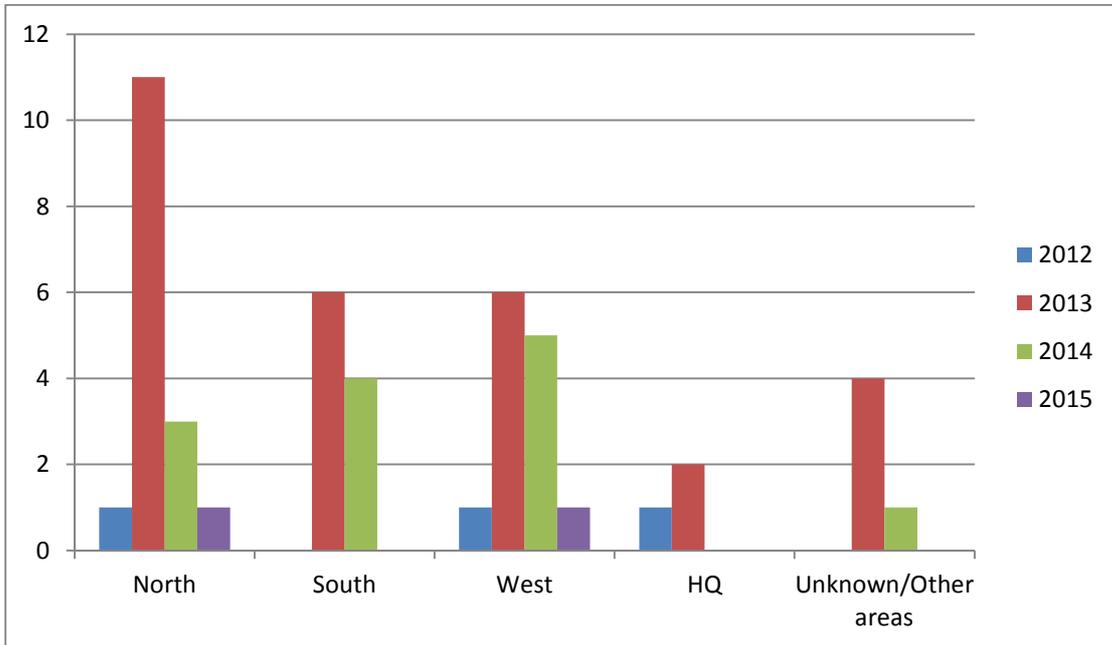
- 3.1 Financial - there are no additional financial costs associated with dealing with these complaints, quality of service issues.
- 3.2 Legal – none identified.
- 3.3 Risk - None identified, beyond that to the OPCC's reputation if it does not deal with the issues raised appropriately and proportionately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

4. Supplementary information

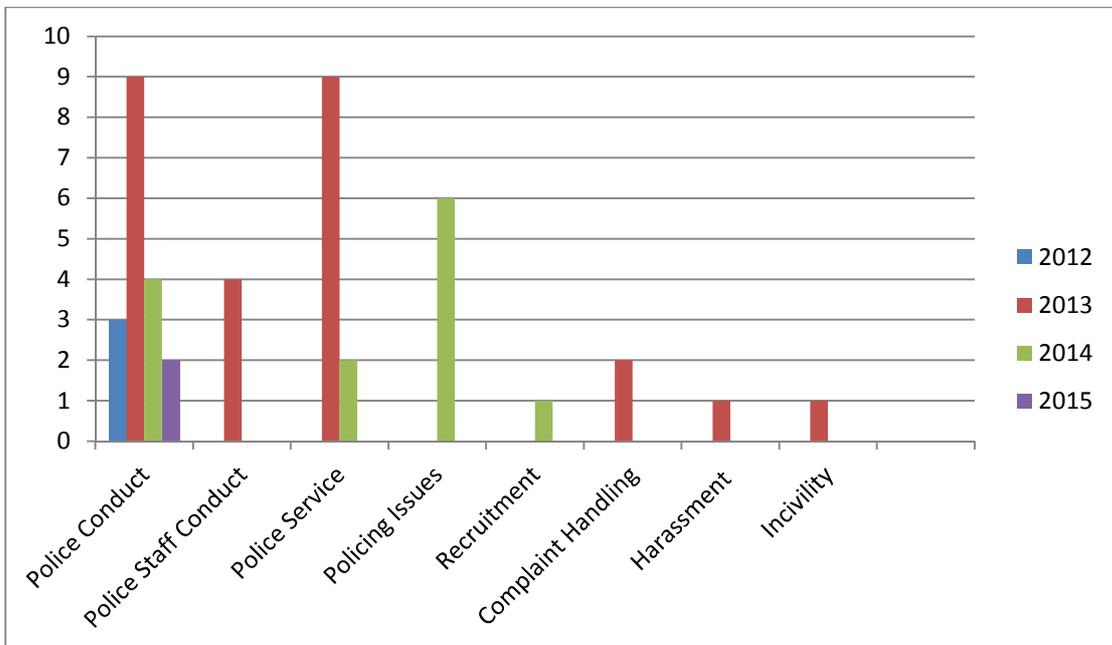
Appendix 1 – Complaints received by the OPCC

Appendix 2 – Quality of Service issues received by the OPCC

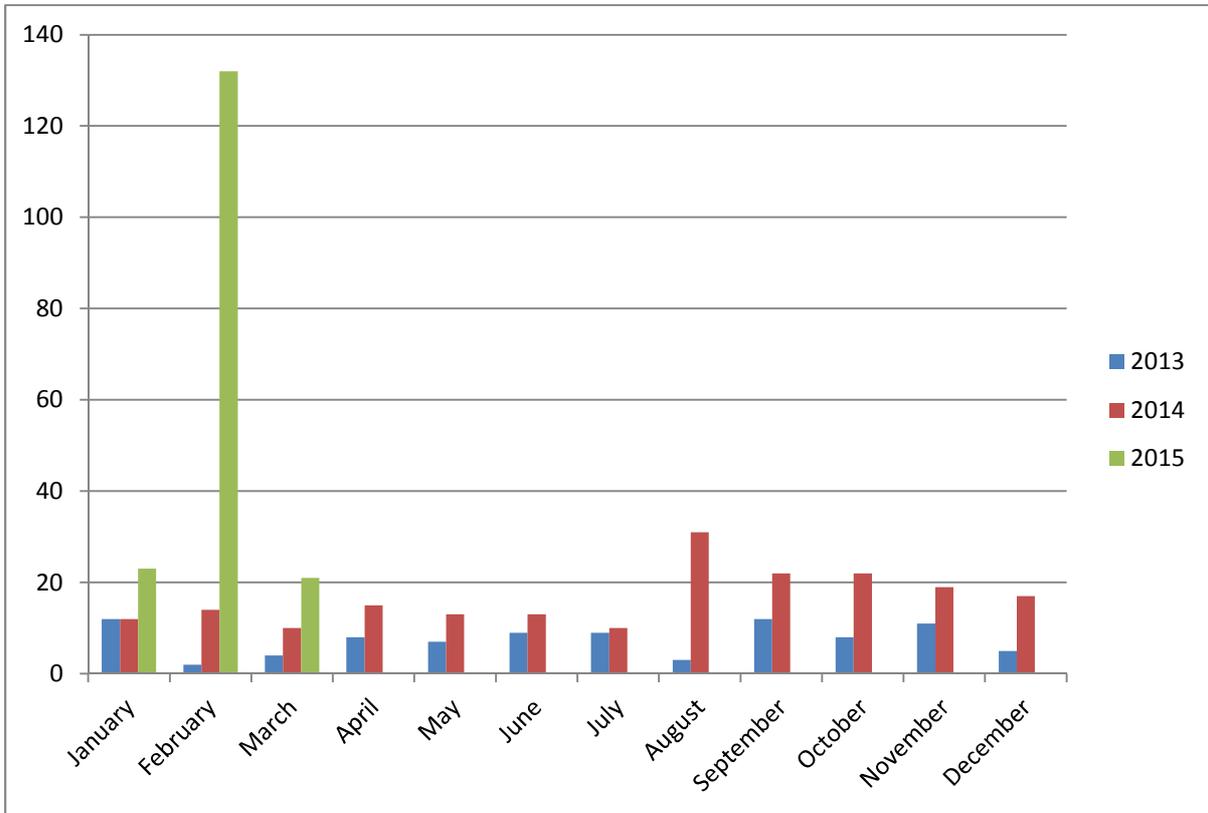
Complaints received by the OPCC - Areas



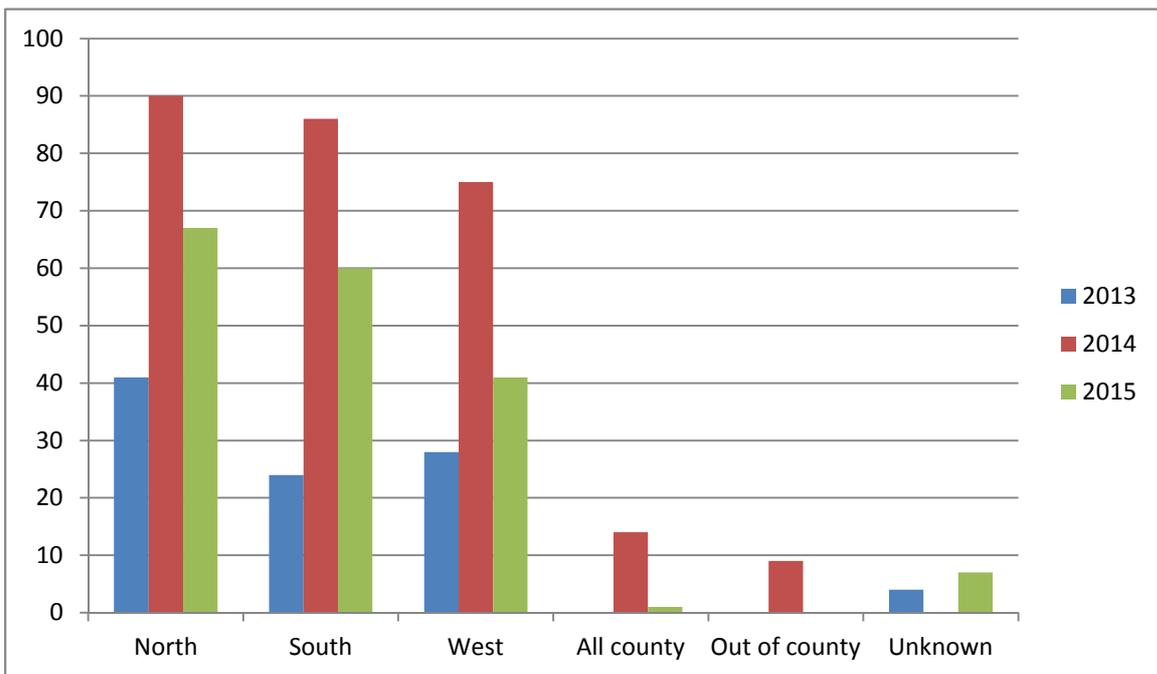
Types of Complaints



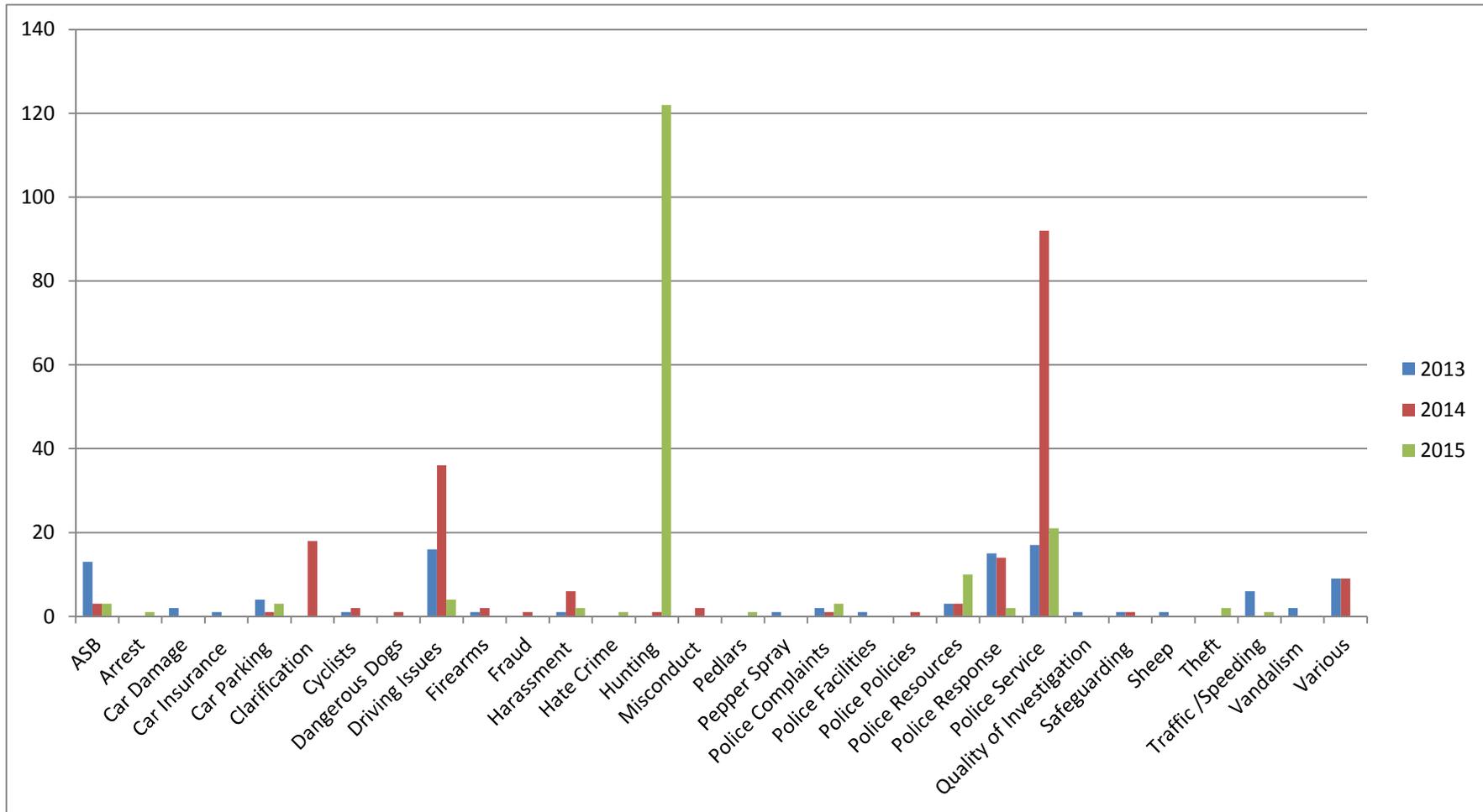
QSPI's per Month



QSPI's per Area



QSPI Types





Ethics and Integrity Panel

Title: OPCC FREEDOM OF INFORMATION ACT COMPLIANCE

Date: 11 May 2015

Agenda Item No: 9(a)

Originating Officer: Joanne Head

CC:

Executive Summary:

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

Recommendation:

That, the members of the Panel note the report.

1. Introduction & Background

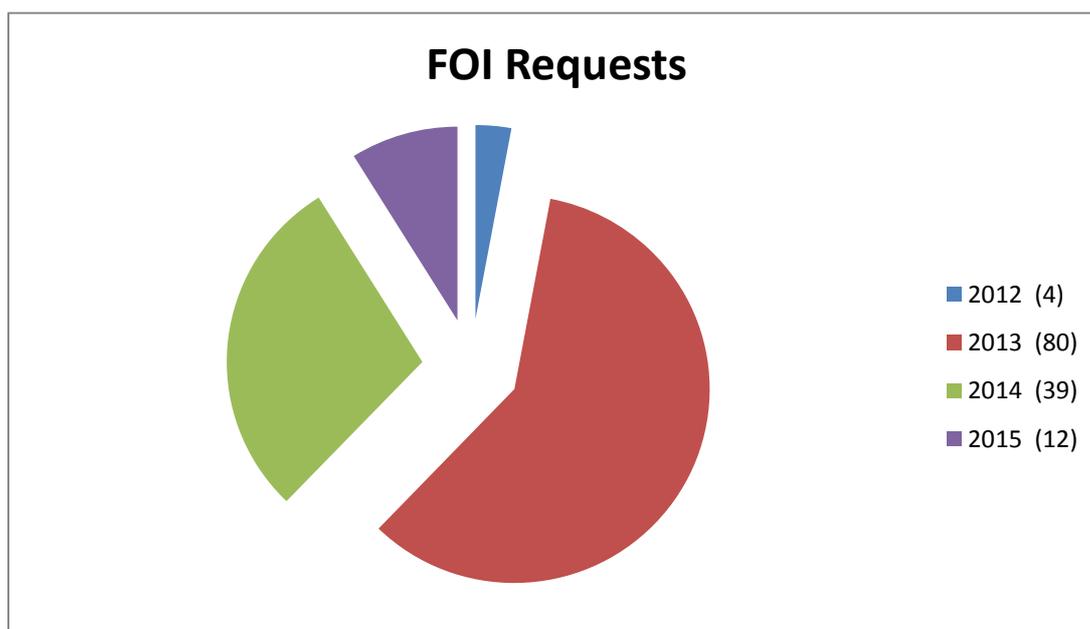
- 1.1 This report is to provide information to the Panel, acting on behalf of the Commissioner, so the Panel can assure the Commissioner that the OPCC are complying with the Freedom of Information Act.
- 1.2 The Chief Constable and the Police & Crime Commissioner (the Commissioner) are required to comply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

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

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

2. Issues for Consideration

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



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

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

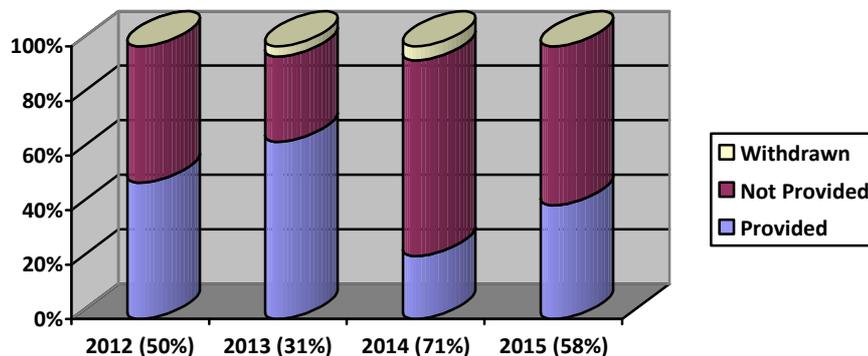
- 2.6 There are a number of reasons why a request cannot be dealt with within the 20 working day timescale. In 2013 thirteen requests took more than 20 days to deal with and the timescales ranged from 22 days to 38 days. This was due to the nature of the information requested and the obtaining, or exempting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

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

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

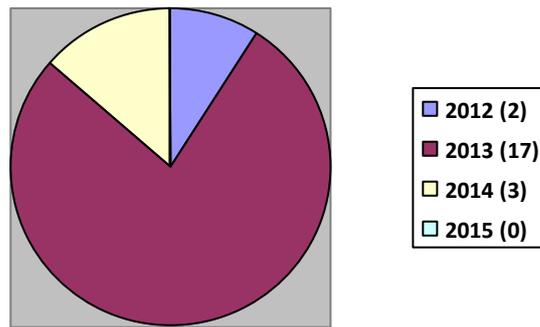
2.10 Information Provided:

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



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

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



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

3. Implications

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



Agenda Item No 09(b)

TITLE OF REPORT: FOI Compliance

DATE OF MEETING: 11th May 2015

ORIGINATING OFFICER: DCI Paul DUHIG – Professional Standards

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

Executive Summary:

No more than 100 words.

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

Recommendation:

- That the Panel notes the contents of the report.

MAIN SECTION

1. Introduction and Background

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

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

2. Issues for Consideration

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

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

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

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

3. Issues for Consideration

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



Agenda Item No 10

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

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

Recommendation:

That the Ethics and Integrity Panel notes the report.

MAIN SECTION

1. Introduction and Background

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

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

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

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

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

2. Implications and Comments

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

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

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



Office of the Police & Crime Commissioner Report

Title: Ethics & Integrity Panel Report

Date: 3 June 2015

Agenda Item No: xxxxx

Originating Officer: Joanne Head

CC:

Executive Summary:

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

Recommendation:

That, the

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

1. Introduction & Background

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

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

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

2. Issues Considered by the Panel

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

Dip Sample of Public Complaint Files

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

Complaints from the Public

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

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

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

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

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

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

Integrity

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

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

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

Grievances

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

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

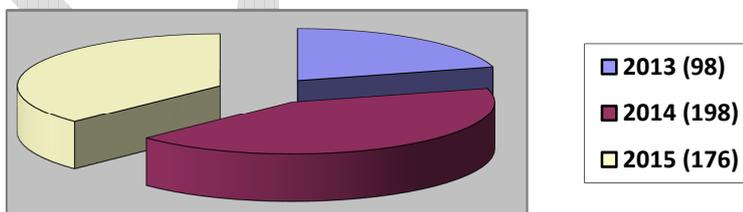
2.xx *[Insert any comments from panel members following 11 May 2015 meeting].*

OPCC Complaints and Quality of Service

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

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

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



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

Civil Claims

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

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

FOI Compliance

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

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

3. Conclusion

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

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

4. Supplementary information

Ethics & Integrity Panel website page -

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

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Ethics Panel Annual Work Programme

1 Purpose of the Annual Work Programme

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

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

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

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

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

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

Ethics & Integrity Panel Annual Work Programme 2015

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

In addition the following will be considered when required:

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