



Enquiries to: Mrs J Head
Telephone: 01768 217734

Our reference: jh/EIP

Date: 6 March 2015

AGENDA

TO: THE MEMBERS OF THE ETHCS AND INTEGRITY PANEL

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

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

S Edwards
Chief Executive

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

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

PANEL MEMBERSHIP

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

AGENDA

1. APOLOGIES FOR ABSENCE

2. DISCLOSURE OF PERSONAL INTERESTS

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

3. ETHICS & INTEGRITY PANEL - TERMS OF REFERENCE

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

4. ETHICS & INTEGRITY PANEL – ANNUAL WORK PROGRAMME

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

5. INTEGRITY – COMPLAINTS BY THE PUBLIC

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

6. INTEGRITY – ANTI-FRAUD & CORRUPTION

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

7. GRIEVANCES

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

8. REPORT TO THE EXECUTIVE BOARD

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

Ethics & Integrity Panel Terms of Reference

Introduction

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

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

Recommendations

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

Terms of Reference

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

- 5) To review registers maintained by the Constabulary and OPCC including gifts and hospitality, interests, secondary employment and Freedom of Information compliance. Cross reference these with Chief Officer/Commissioner expenses.
- 6) To undertake and scrutinise thematic areas of work, identifying lessons and reporting the Panel's findings to the Commissioner and the Chief Constable. Terms of reference for each review would need to be agreed by the PCC.
- 7) To undertake reviews of other ethical work as and when required.
- 8) To support the Commissioner and Chief Constable in the development of policies and procedures in relation to integrity, ethical issues and confidential reporting.
- 9) To provide a quarterly report and annual report on the work carried out by the panel, including the raising of any issues or concerns. The report to be presented to the Executive Board and be published on the Commissioner's website.
- 10) Where appropriate the Panel Chair may invite advisors to provide specialist or legal advice to support the work of the panel.
- 11) To annually review the Terms of Reference and annual work programme to ensure they allow the panel to fulfil its role effectively. Any amendments to be approved by the Executive Board.

Ethics & Integrity Panel Annual Work Programme

Purpose of the Annual Work Programme

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

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

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

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

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

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

Ethics & Integrity Panel Annual Work Programme 2015

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

In addition the following will be considered when required:

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

Constabulary Report



Agenda Item No 05

TITLE OF REPORT: INTEGRITY – COMPLAINTS BY THE PUBLIC

DATE OF MEETING: 4th February 2015

ORIGINATING OFFICER: DCI Paul DUHIG – Professional Standards

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

Executive Summary:

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

Recommendation:

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

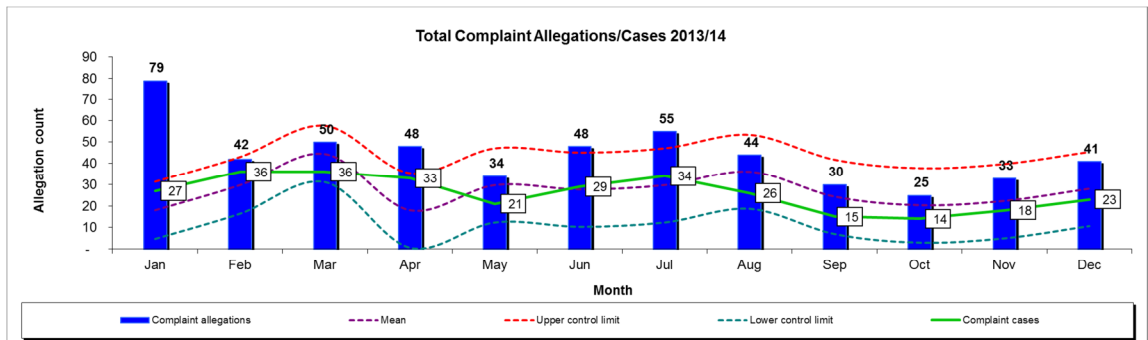
- To continue to issue PASS Newsletters and Best Practice when trends are identified.
- Continue to monitor increases in Discrimination, Oppressive Behaviour, Breaches of PACE and Unprofessional Conduct as part of Tasking and Co-ordinating Group.

MAIN SECTION

1. Introduction and Background

1.1 Complaint Allegations

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



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

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

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

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

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

*Including Direction and Control cases/allegations.

1.2 Allegations broken down into BCU

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

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

*Not including Direction and Control cases/allegations.

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

1.3 Area Allegation group breakdown

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

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

*Not including Direction and Control case/allegations.

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

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

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

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

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

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

1.4 Allegation Type breakdown

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1.5 Diversity

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

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

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

1.6 Performance

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

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

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

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

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

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

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

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

1.7 Direction and Control Complaints

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

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

1.8 Custody Adverse Incidents

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

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

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

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

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

2. Issues for Consideration

2.1 Drivers for Change

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

-

2.2 Consultation processes conducted or which needs to be conducted

-

2.3 Impact assessments and implications on services delivered

-

2.4 Timescales for decision required

-

2.5 Internal or external communications required

-

3. Financial Implications and Comments

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

3.1

4. Legal Implications and Comments

Including advice received.

4.1

5. Risk Implications

Including any mitigating actions that can be taken.

5.1

6. HR / Equality Implications and Comments

Including any actions arising from Equality Assessment.

6.1

7. ICT Implications and Comments

7.1

8. Procurement Implications and Comments

8.1

9. Supplementary Information

9.1 List any relevant documents and attach to report

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

-

9.2 List persons consulted during the preparation of report

- Name / Rank/Role

10. Update on Action Plan



Constabulary Report

Agenda Item No 07

TITLE OF REPORT:	GRIEVANCIES
-------------------------	--------------------

DATE OF MEETING:	4th February 2015
-------------------------	-------------------------------------

ORIGINATING OFFICER:	Sarah Dimmock Diversity Manager
-----------------------------	--

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

<p>Executive Summary:</p> <p>The attached Grievance Statistics Report shows the number of grievances lodged up to 20th January 2015 and a summary of the past 3 year financial years. Currently, there have been 3 grievances lodged in the current financial year.</p> <ul style="list-style-type: none">•

<p>Recommendation:</p> <p>That the Ethics and Integrity Panel notes the report.</p>
--

MAIN SECTION

1. Introduction and Background

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

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

2. Issues for Consideration

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

3. Financial Implications and Comments

3.1 Please see Equality Implications

4. Legal Implications and Comments

4.1 Please see Equality Implications

5. Risk Implications

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

6. HR / Equality Implications and Comments

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

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

7. Supplementary Information

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

Grievances

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

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

Gender and Ethnicity Breakdown

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

BCU Areas

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

Types of Grievance

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

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

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

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

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

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

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