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Our reference: jh/EIP

Date: 2 November 2015

AGENDA

TO: THE MEMBERS OF THE ETHCS AND INTEGRITY PANEL

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

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

S Edwards
Chief Executive

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

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

PANEL MEMBERSHIP

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

AGENDA

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

1. APOLOGIES FOR ABSENCE

2. DISCLOSURE OF PERSONAL INTERESTS

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

3. URGENT BUSINESS AND EXCLUSION OF THE PRESS AND PUBLIC

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

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

4. NOTES OF THE PREVIOUS MEETING

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

5. CIVIL CLAIMS

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

6. INTEGRITY – COMPLAINTS BY THE PUBLIC

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

7. INTEGRITY – ANTI-FRAUD & CORRUPTION

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

8. OPCC COMPLAINTS AND QSPI

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

9. INFORMATION MANAGEMENT COMPLIANCE

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

10. ETHICS & INTEGRITY PANEL – ANNUAL WORK PROGRAMME 2016

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

11. PANEL MEMBERSHIP

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

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

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

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

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



Constabulary Report to OPCC

Agenda Item No 6

TITLE OF REPORT: INTEGRITY – COMPLAINTS BY THE PUBLIC

DATE OF MEETING: 11th November 2015

ORIGINATING OFFICER: DCI Furzana NAZIR – Professional Standards

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

Executive Summary:

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

Recommendation:

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

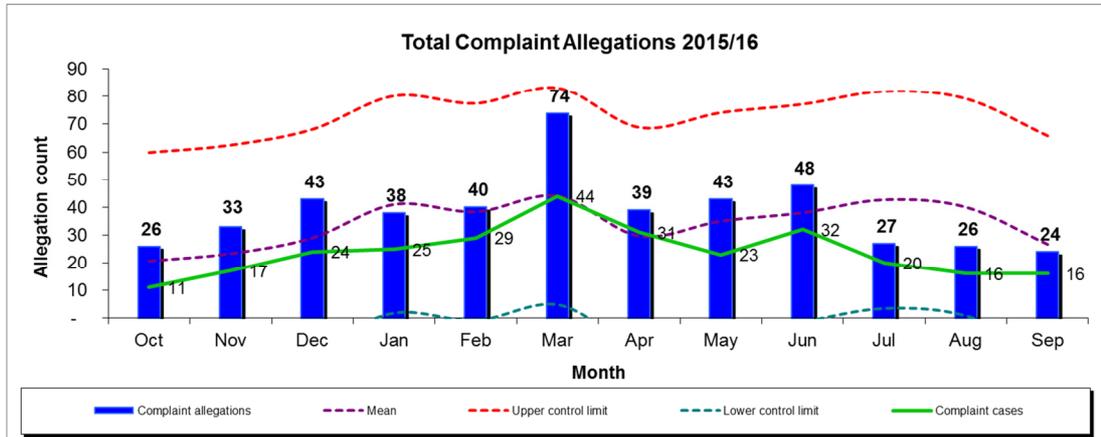
MAIN SECTION

1. Introduction and Background

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

1.1 Complaint Allegations

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



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

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

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

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

*Including Direction and Control cases/allegations.

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

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Item 06a - Complaints Performance Report

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

1.2 Allegations broken down into TPA/Area.

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

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

*Including Direction and Control cases/allegations.

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

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

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Item 06a - Complaints Performance Report

1.3 Area Allegation group breakdown

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

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

*Including Direction and Control case/allegations.

The largest increases have been seen in the following: -

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

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

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

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

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

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

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

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

1.4 Repeat Officer Strategy

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

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

1.5 Dissatisfaction Reports

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

1.6 Diversity

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

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

1.7 Performance

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

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

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

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

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

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

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

1.8 Force and IPCC Appeals

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

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

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

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

1.9 Direction and Control Complaints

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

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

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

Appendix 1

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

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

The current situation and what requires being finalised/implemented:

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

Appendix 2

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

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

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

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

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

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

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

N°	Issues Identified	Action taken	Date action completed	Review Date
		referred to and a copy attached		
Date of Dip Sample Session: 12 August 2015				
1.	The use of social media by officers and staff should be within policy and guidelines. Gatekeeping should be rigorous and effective to prevent errors occurring.	<p>There is an on line code of conduct. Officers and staff are instructed to read this before they send out on line messages. The document covers various social networking guidance, useful tips and supporting information.</p> <p>Request made to circulate a reminder on On-line news.</p>	August 2015	N/a
2.	Regarding `Words of Advice' - the file should contain a record of the aspects of what they have been advised upon as the register where this could be recorded is weeded on an annual basis.	<p>Action</p> <ul style="list-style-type: none"> Misconduct files to contain print out of management advice document. 	August 2015	Feb 2016
3.	Management Training should include dealing with misconduct issues including how to give and record Words of Advice.	<p>Action</p> <ul style="list-style-type: none"> E mail sent to training requesting that they check their management training and confirm if this area is covered either within the classroom or as an e learning package. 	On going	Nov 15



Office of the Police & Crime Commissioner Report

Title: OPCC Complaints & Quality of Service Issues

Date: 11 November 2015

Agenda Item No: 08

Originating Officer: Joanne Head

CC:

Executive Summary:

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

Recommendation:

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

1. Introduction & Background

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

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

2. Issues for Consideration

Complaints received by the OPCC

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

2014	2015
13 (8)	9 (7)

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

Commissioner Complaints

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

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

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

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

2.10 Chief Constable Complaints

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

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

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

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

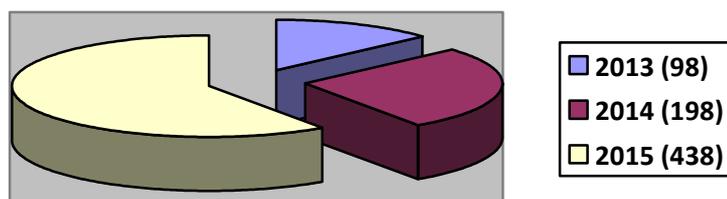
2.13 A complainant has the right of appeal to the IPCC if they feel that a complaint should be recorded or is unhappy with the outcome of the resolution process or investigation. To date only one complainant has appealed to the IPCC and this was subsequently not upheld.

2.14 OPCC Staff Complaints

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

2.15 Quality of Service Issues

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



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

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

2.18 Compliments

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

3. Implications

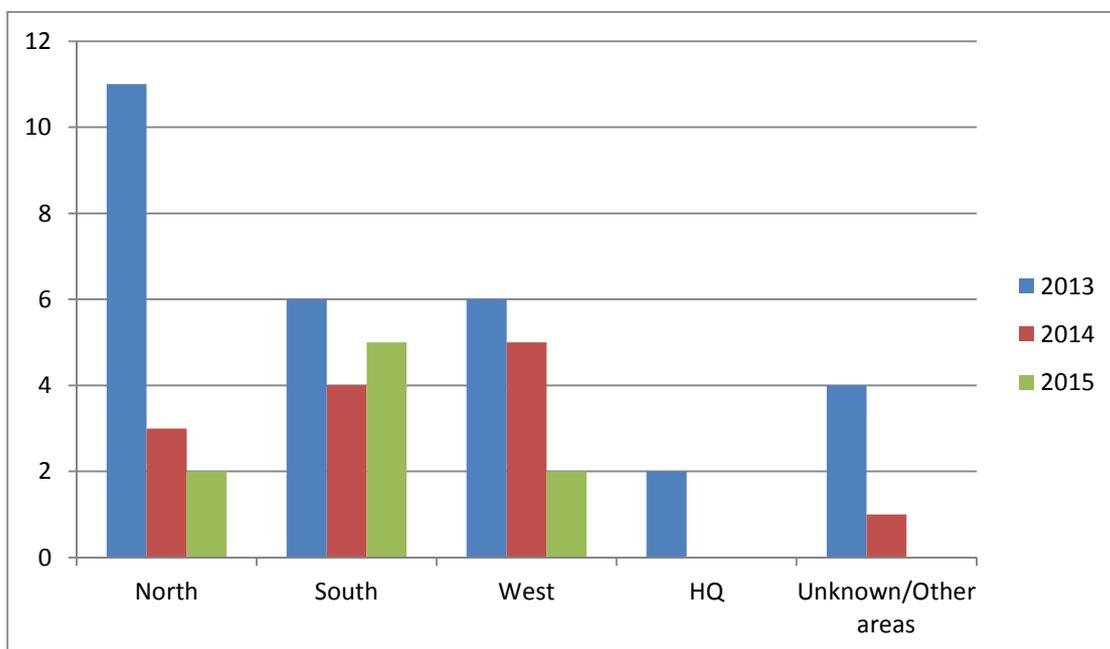
- 3.1 Financial - there are no additional financial costs associated with dealing with these complaints, quality of service issues.
- 3.2 Legal – none identified.
- 3.3 Risk - None identified, beyond that to the OPCC's reputation if it does not deal with the issues raised appropriately and proportionately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

4. Supplementary information

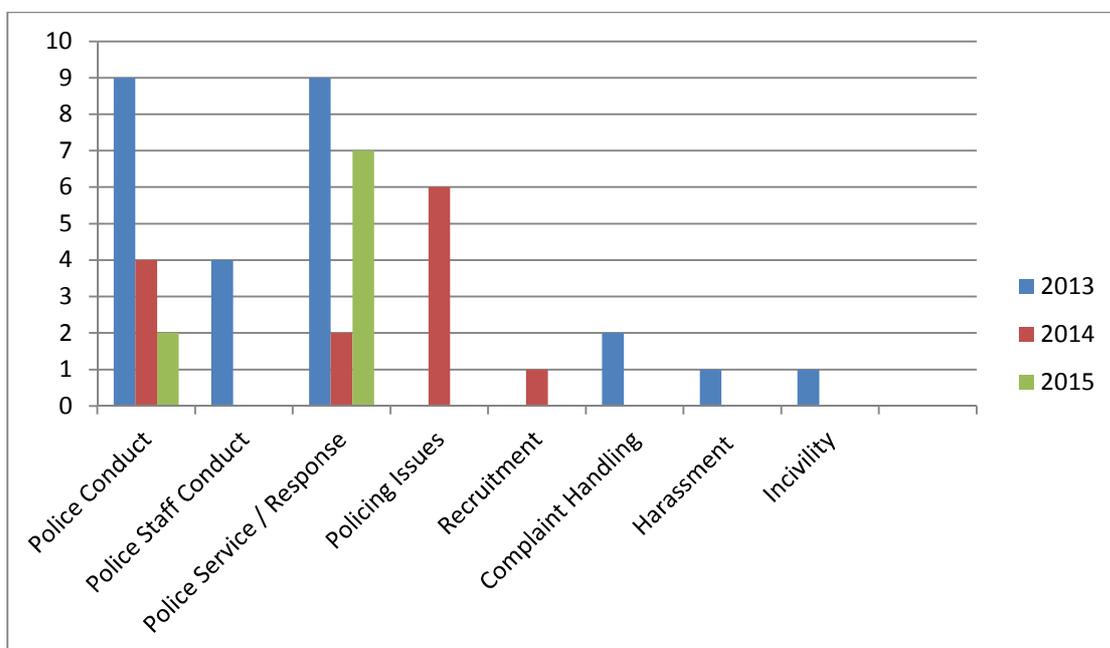
Appendix 1 – Complaints received by the OPCC

Appendix 2 – Quality of Service issues received by the OPCC

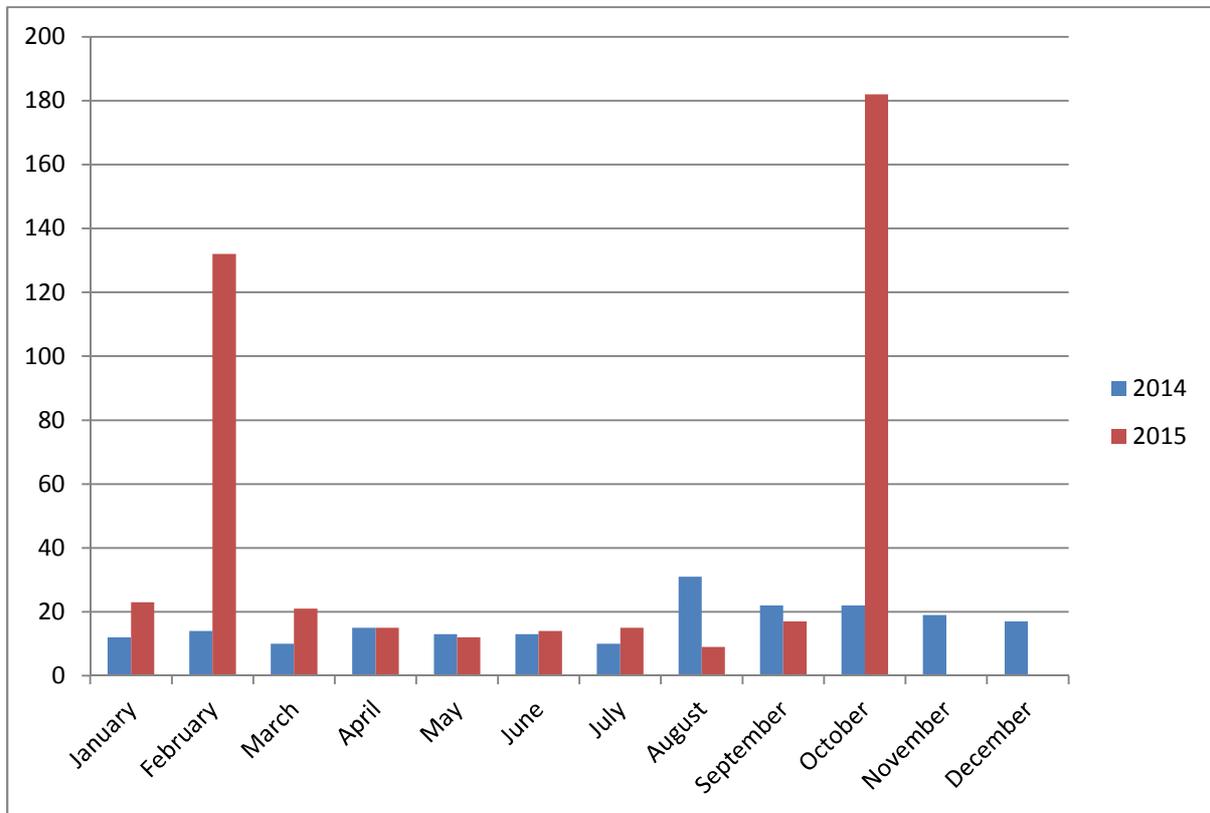
Complaints received by the OPCC - Areas



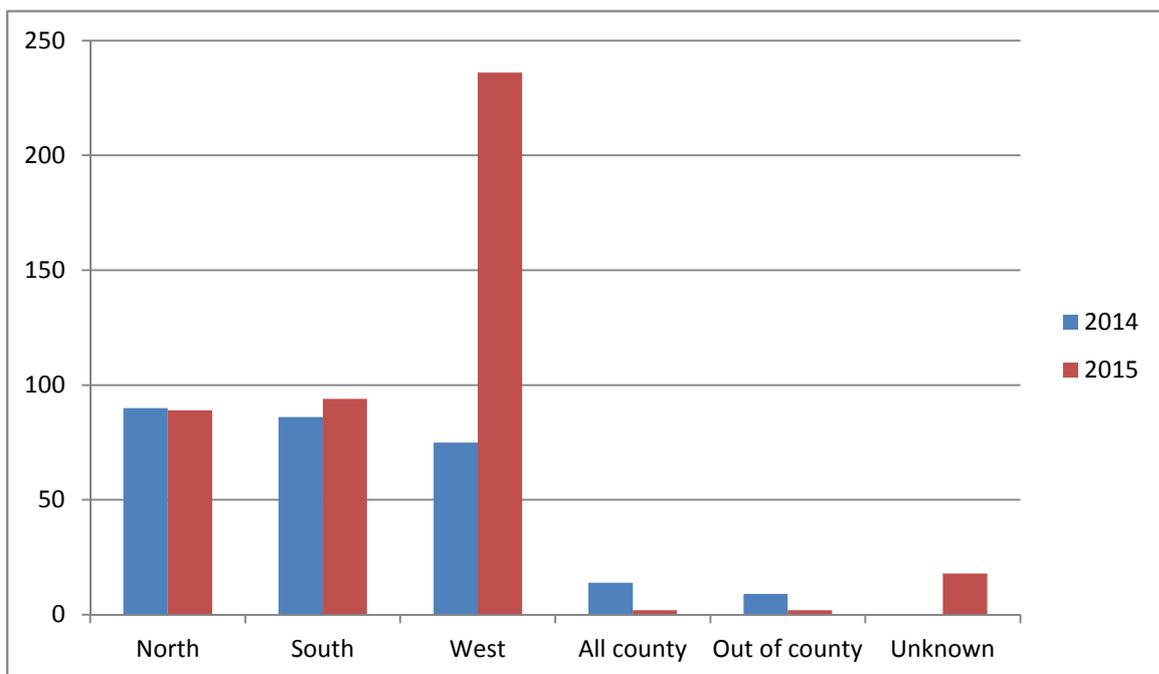
Types of Complaints



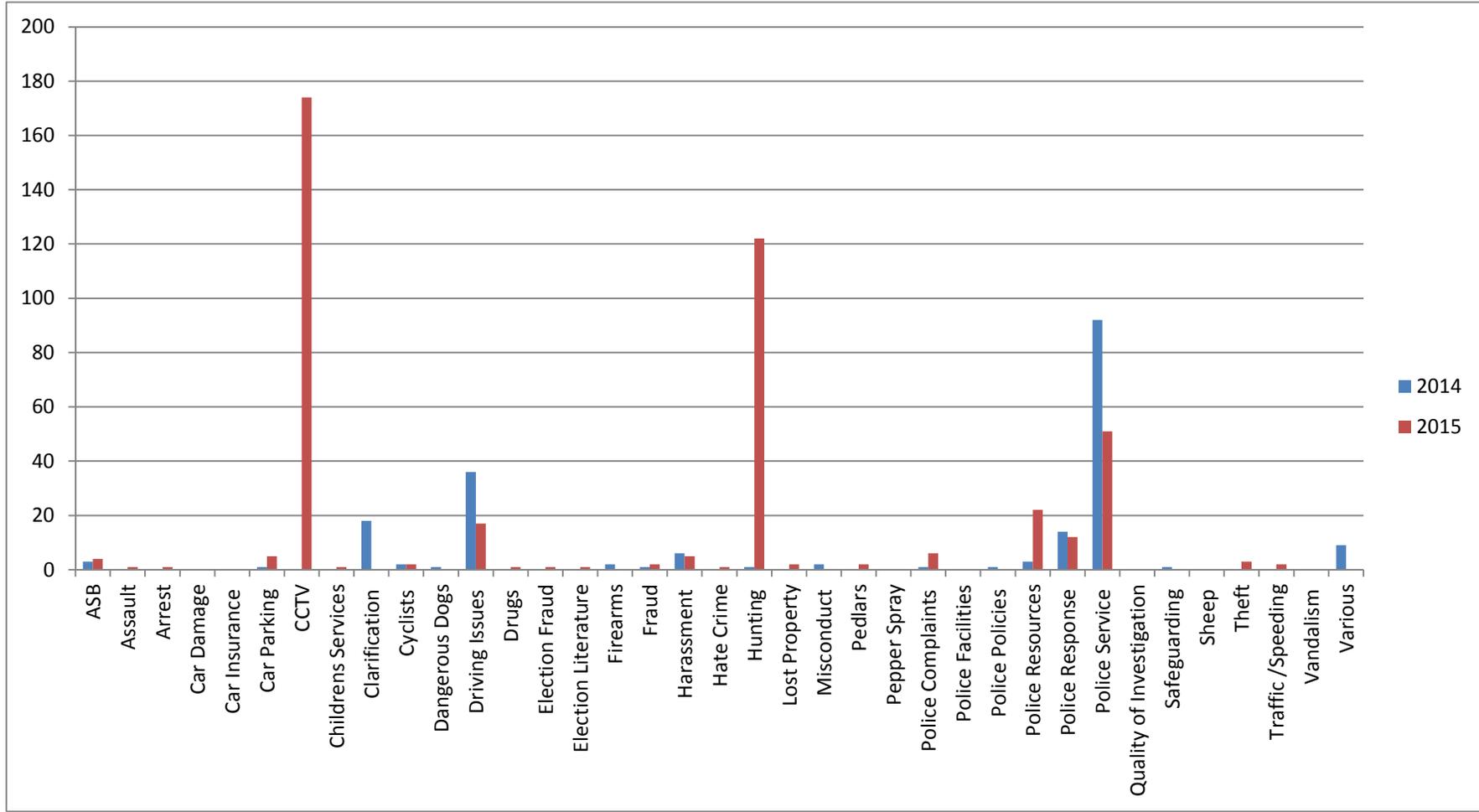
QSPI's per Month



QSPI's per Area



QSPI Types





Ethics and Integrity Panel

Title: OPCC INFORMATION MANAGEMENT COMPLIANCE

Date: 11 November 2015

Agenda Item No: 9(a)

Originating Officer: Joanne Head

CC:

Executive Summary:

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

Recommendation:

That, the members of the Panel note the report.

1. Introduction & Background

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

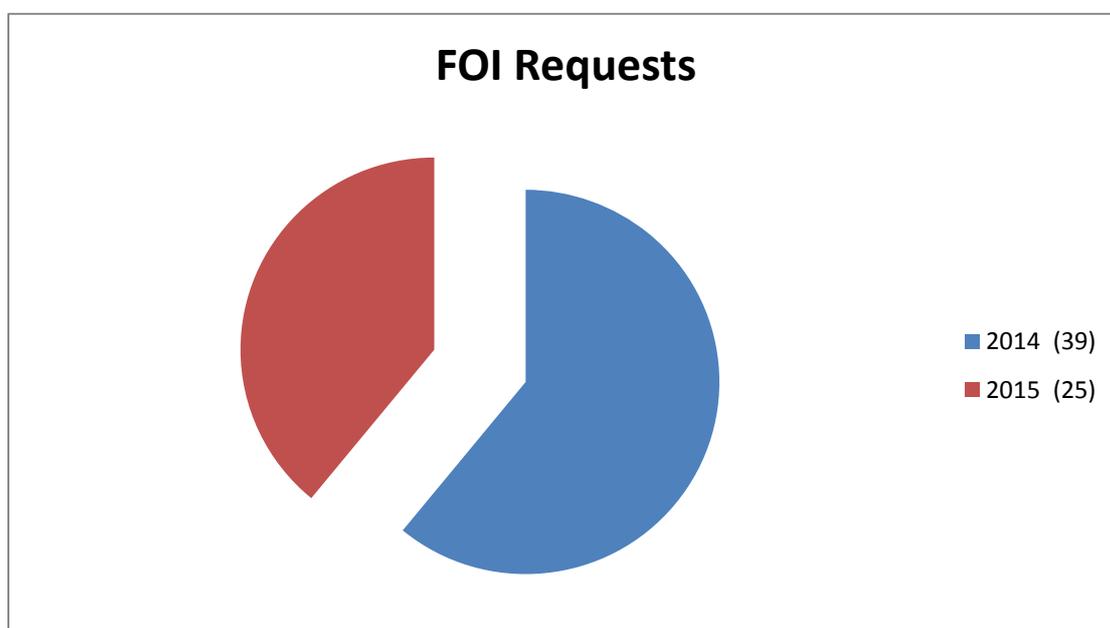
Commissioner, where necessary, to enable the Commissioner to comply with his obligations under the FOI Act and the Environmental Information Regulations whenever a request is made for information.

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

2. Issues for Consideration

Freedom of Information Act

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



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

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

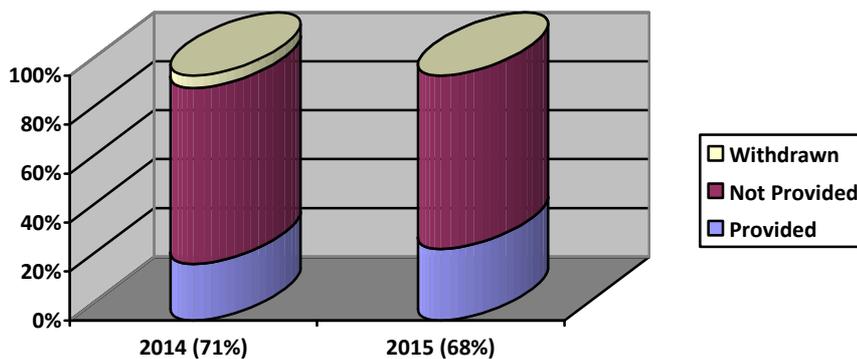
It should be noted that 2 requests were received at the end of October and are therefore still being processed.

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

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

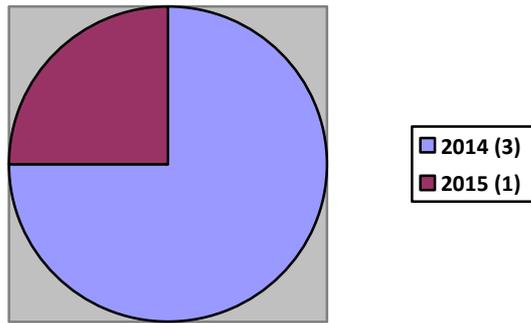
2.10 Information Provided:

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



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

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

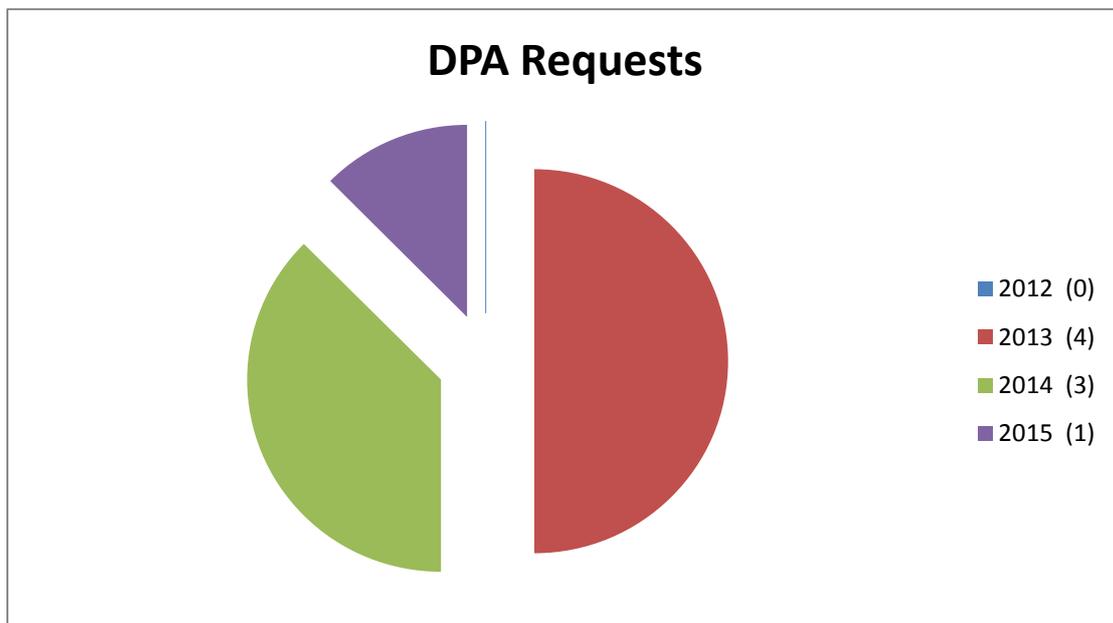


- 2.13 Under the FOI Act the OPCC is required to maintain and publish a Publication Scheme. The scheme must specify classes of information which the OPCC publishes or intends to publish and whether or not this is freely available to the public or if there will be a charge. The OPCC maintains such a scheme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

Data Protection Act – Subject Access Requests

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

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



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

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

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

3. Implications

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

Ethics and Integrity Panel Report

Title: Freedom of Information & Data Protection Compliance

Date: 11 November 2015

Agenda Item No: 9b

Originating Officer: Mr David Cherry

CC:

1. Introduction and Background

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

2. Issues for Consideration

- 2.1 Freedom of Information Requests

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

2.2 Subject Access Requests

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

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

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

3. Other Data Protection Considerations

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

- Record the breach and take no further action, or

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

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

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

4. Implications

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

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

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

David Cherry
Force Disclosure Manager

2 November 2015

Ethics Panel Annual Work Programme

1 Purpose of the Annual Work Programme

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

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

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

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

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

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

Ethics & Integrity Panel Annual Work Programme 2016

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

In addition the following will be considered when required:

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