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Our reference: jh/EIP

Date: 5 February 2016

AGENDA

TO: THE MEMBERS OF THE ETHCS AND INTEGRITY PANEL

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

A Meeting of the Ethics and Integrity Panel will take place on **Friday 12 February 2016** in **OPCC Meeting Room** Police Headquarters, Carleton Hall, Penrith, at **2.00 pm**.

S Edwards
Chief Executive

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

The Panel members will meet at 9.30am and at 10.00 am carry out a Thematic Dip Sample.

PANEL MEMBERSHIP

Mr Michael Duff
Mrs Lesley Horton
Mr Alan Rankin

AGENDA

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

1. APOLOGIES FOR ABSENCE

2. DISCLOSURE OF PERSONAL INTERESTS

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

3. URGENT BUSINESS AND EXCLUSION OF THE PRESS AND PUBLIC

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

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

4. PANEL MEMBERSHIP AND APPOINTMENT OF CHAIR

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

5. NOTES OF THE PREVIOUS MEETING

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

6. REVIEW OF THE PREVIOUS 12 MONTHS

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

7. INTEGRITY – COMPLAINTS BY THE PUBLIC

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

8. INTEGRITY – ANTI-FRAUD & CORRUPTION

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

9. GRIEVANCES

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

10. COMPLIANCE

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

11. HOME OFFICE CONSULTATION ON PCC COMPLAINTS

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

12. PROFESSIONAL DISCRETION FRAMEWORK

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

13. REPORT BACK ON THEMATIC DIP SAMPLE

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



Office of the Police & Crime Commissioner Report

Title: Panel Membership and Appointment of a Chair

Date: 12 February 2016

Agenda Item No: 04

Originating Officer: Stuart Edwards

Executive Summary:

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

Recommendation:

That, the Panel –

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

1. Background

Resignations

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

Appointment

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

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

Panel Chair

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

2. Supplementary information

None.



Agenda Item No 05

ETHICS AND INTEGRITY PANEL

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

PRESENT

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

Also present:

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

30. APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr Peter McCall.

31. DISCLOSURE OF PERSONAL INTERESTS

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

32. NOTES OF THE PREVIOUS MEETING

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

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

33. CIVIL CLAIMS

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

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



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

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

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

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

Agreed; that the Panel note the report.

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

34. INTEGRITY

(a) COMPLAINTS BY THE PUBLIC

The Deputy Chief Constable presented a report which detailed public complaints that the Constabulary had received during the reporting period along with comparison figures for the previous 12 months rolling period. Generally the number of complaints being received was reducing and this had prompted the Constabulary to ensure that the complaints process was available to everyone. Appendix 1 of the report detailed the work being carried out to improve access to the complaints system especially in respect of hard to reach groups. This included developing an online complaints form, utilising Hate Crime reporting centres and looking to have information in different languages on the Constabulary's website.

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

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



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

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

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

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

AGREED; that, the

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

(b) PUBLIC COMPLAINT FILES – DIP SAMPLE

During the morning the Panel members had attended the Professional Standards Department and undertaken a dip sample of public complaint files which had been finalised within the period 1 July to 30 September 2015. The members were provided with anonymised lists from which they selected files at random that they wished to review. The Panel reviewed 15 files and were briefed on cases relating to identified best practice. The Panel also reviewed 2 specific files following a request from the Police and Crime Commissioner.

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

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

AGREED; that, the update be noted.



35. INTEGRITY – ANTI-FRAUD & CORRUPTION

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

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

AGREED; that the report be noted.

36. OPCC COMPLAINTS AND QUALITY OF SERVICE ISSUES

The OPCC Chief Executive presented a report which outlined the types and number of complaints and quality of service issues which had been received by the OPCC during the last quarter and comparison figures from 2014. A breakdown of the types of complaints and which areas they related to were contained within Appendix 1 of the report.

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

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

AGREED; that the report be noted.

37. INFORMATION MANAGEMENT COMPLIANCE

(a) Office of the Police & Crime Commissioner

The Panel received a report which outlined the Office of the Police & Crime Commissioner's compliance with the Freedom of Information Act. The report detailed the number of requests received during the reporting period of 1 January to 30 October 2015 and comparative figures for 2014.

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



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

AGREED; that, the report be noted.

(b) Cumbria Constabulary

Cumbria Constabulary is also required to comply with the requirements of the Freedom of Information Act and a report was presented to illustrate their compliance with the Act. The Deputy Chief Constable guided members through the report advising that as of 19 October 2015 the Constabulary had received 768 requests; of which at least 52% had been received from media organisations.

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

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

AGREED; that the report be noted.

38. ANNUAL WORK PROGRAMME 2016

The Governance & Business Services Manager presented a proposed annual work programme for 2016 which had been developed to enable the panel to fulfil its terms of reference and scrutiny role. The programme detailed on a quarterly basis what areas of Constabulary and OPCC work the Panel would monitor and scrutinise. It would also enable the workload of the Panel to be balanced in terms of volume and that any annual reviews were incorporated at the correct time of year.

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



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

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

39. PANEL MEMBERSHIP

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

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

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

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

Meeting ended at 4.05 pm

Signed: _____

Date: _____

Panel Chair



Constabulary Report to OPCC

Agenda Item No 7

TITLE OF REPORT: INTEGRITY – COMPLAINTS BY THE PUBLIC

DATE OF MEETING: 12th February 2016

ORIGINATING OFFICER: DCI Furzana NAZIR – Professional Standards

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

Executive Summary:

No more than 100 words.

- IPCC data continues to show that Cumbria complaints per 1000 employees have reduced in the quarter. Cumbria remains lowest in MSF (most similar force) and also MSF/national averages:
 - Q1 Apr to Sep 15, Cumbria: 92, Last year same period: 128. MSF average: 163, National average: 143.
- The current 12 month rolling figures show that there has been an increase of 3 cases (4.6%) and a reduction of 75 allegations (13.7%) in comparison to the last 12 months.
- The figures show that the numbers of allegations have reduced when compared to the previous 12 month period. This reduction is mirrored by a reduction in Dissatisfaction reports and Miscellaneous figures. The increase in cases indicates that there are still issues to be resolved but they are not as complex.
- A breakdown of allegations shows that all TPA's have reduced their level of allegations but UOS has shown a small increase. Only West TPA has reduced its number of cases.
- Allegations upheld by PSD have increased by 25 allegations (131%) comparing the last period the current 12 months, proportionately the increase in upheld results is much less, 4% of allegations were upheld in the previous period compared to 8% in the current period.
- The number of IPCC appeals has remained stable when compared to the previous reporting period (20) and force appeals has reduced by 23% (44 to 34).
- The number of upheld appeals for the IPCC has reduced compared to the last period by 6 to 1 (3% of results), upheld Force Appeals have increased from 5 to 8 (40% of results).

Recommendation:

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

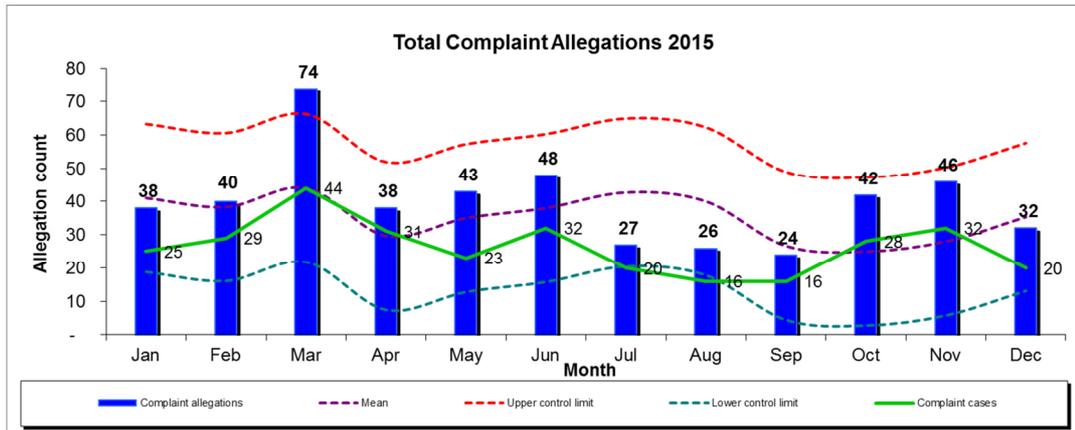
MAIN SECTION

1. Introduction and Background

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

1.1 Complaint Allegations

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



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

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

The table below shows the total number of cases and allegations including direction and control for 12 months to the end of December 2014 and December 2015. The figures show that the numbers of cases over the current 12 month period have increased slightly when compared to the last 12 month period. This indicates that there are more people complaining but they are complaining about fewer issues.

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

*Including Direction and Control cases/allegations.

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

1.2 Allegations broken down into TPA/Area.

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

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

*Including Direction and Control cases/allegations.

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

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

1.3 Area Allegation group breakdown

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

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

*Including Direction and Control case/allegations.

The largest increases have been seen in the following: -

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

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

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

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

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

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

- Issue 16 (Feb 2015) – Regarding recent misconduct hearing findings in relation to: - Honesty and integrity: Orders and instructions: Confidentiality and Discreditable conduct.
- Issue 17 (Mar 2015) - Regarding Recent Misconduct Hearing findings in relation to: - Orders and Instructions and Honesty and Integrity.
- Police Officers and other operational staff (Mar 2015) – Regarding appropriate advice to be given in relation to removal of Tazer barbs.
- Individual (Mar 2015) - Issues surrounding the application of the CPS gravity matrix - caution issued for theft to the value of £1200 - matrix states only applicable to the value of £200.
- Individual (Mar 2015) - Officers dealing with a case should be reminded that when decision is made regarding criminal action or not, whether there is any related property requiring return/disposal.
- PSD Staff (Mar 2015) - Where individuals need to 'pp' letters on behalf of another person they need to ensure they are authorised to do so and that if their signature is unclear they document their name/id or collar number.
- Crime Registrar/ICT project team (May 2015) - A criminal investigation with 3 linked crimes and subsequent Caseman entries were not entered on the record which contained details of the hate crime. This led to the file being submitted for ERO without consideration by the Hate Crime Officer or CPS. The crime was subsequently reassessed and resulted in a positive prosecution
- Online News to all staff (May 2015) - Providing Victims with updates i.e. Further actions taken
- Force Orders (May 2015) – Officers are to complete section under "Witness Care" on the reverse of the statement form MG11 which requires an answer to be provided to a series of questions relating to that witness attending court.
- CI Comms Centre (June 2015) - Correct practice of recording incident report when allegation made of possible crime (harassment) which may or may not be linked to ongoing investigation.
- SharePoint (July 2015) - Correct procedure for the lawful retention of seized property.
- PASS Newsletter Force wide, July 2015, Update Recent Special Case Hearing
- PASS Newsletter Force wide, July 2015, USB security and Disclosure of information to Paramedics
- Individual (Aug 2015) - Use of force form in relation to non-compliance when restrained with handcuffs. Learning point
- Force orders (Aug 2015) - Statement issued regarding property being seized under Statuary or Common law. Learning point
- Custody bulletin(Aug 2015) - Mattress not placed on floor in cell in anticipation of officers having to take the DP to the floor and (2) The custody sergeant did not document the rationale on the custody record for the DPs

clothes to be removed albeit a verbal instruction had been given. Learning point

- Force orders (Aug 2015) - Unlawful arrest in Cumbria for offence of Murder in Scotland. Organisational
- Force orders (Aug 2015) - Statement issued reminding officers of the need to be fully conversant with the procedure in respect of the issue of PIN's following upheld complaint. Learning point
- Custody staff (Aug 2015) - Reminder to custody Sergeants regarding the issuing of cautions in domestic violence cases and the necessity to refer to CPS. Learning point
- Custody Staff (Aug 2015) - Circulation to raise awareness to check any imposed conditions prior to creating bail variation notices to ensure that they are not sent to a home address where there is a condition regarding residing at another location. Learning point
- Custody Sergeants (Aug 2015) - Reminder to Custody Sergeants regarding the issue of conditional cautions and permissible conditions. Learning point.
- Online News to all staff (Oct 2015) All staff are reminded of the necessity to ensure criminal enquiries are conducted efficiently and to also be cognisant of statutory time-limits which may impact on investigations either at initial recording or subsequently if a recording decision is amended as a result of insufficient evidence or case review.
- Online News to all staff (Oct 2015) All staff are reminded where the driver of an unmarked police vehicle, with no covert warning equipment wishes to stop a vehicle the driver should unless exceptional circumstances exist, obtain the assistance of a marked car to take the lead role before making any attempt to stop the vehicle. If any officer is unsure on correct stopping of vehicles then please contact the driver training unit at HQ.
- Online News to all staff (Nov 2015) All staff are reminded that together with the necessity to follow the NCRS and Home Office Counting Rules, they should ensure that when allegations are made to the police by way of letter, decisions regarding recording/action or forwarding to appropriate body, which in this case may have been Action Fraud, are appropriately documented together with the rationale. This can be accommodated within the incident reporting system which ensures that there is a record of receipt, decision and action which avoids the potential for matters to be overlooked
- Pass Newsletter Forcewide (Oct 2015) Issue 19 Recent Special Case Hearing
- Force Orders (Nov 2015) Reminder to staff regarding the transportation of persons detained under the Mental Health Act - ie via Ambulance
- Online News to all staff (Oct 2015) Learning the Lessons Bulletin 24- October 2015
- Pass Newsletter Forcewide (Nov 2015) Issue 20 Recent Special Case Hearing
- Online News to all staff (Dec 2015) Photographs taken of exhibits for public circulation which showed exhibit information

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

1.4 Repeat Officer Strategy

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

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

1.5 Dissatisfaction Reports

There were 73 dissatisfaction reports recorded in the current 12 months which is a reduction of 26 when compared to the previous 12 month period. The four main categories reported on in the lower level dissatisfaction reports over the 12 month are similar to those reported on in the complaint cases these being neglect/fail duty, misinformation, oppressive behaviour and incivility.

1.6 Diversity

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

- Complainant believes their complaints of Anti-Social Behaviour involving neighbours were dismissed on the grounds of their disability. Local Resolution - by TPA

- Complainant states that an officer spoke to them in what they allege was a faux Northern Irish accent, which they believe was a racial slur on them. Not Upheld - by PSD
- Complainant states that an officer from Cumbria Constabulary telephoned them and believes that this officer was discriminatory towards them due to their disability. Local Resolution - by TPA
- Complainant states that they were arrested, the officer was discriminatory towards them making reference to them being a gypsy. No case to answer
- Complainant states that they were victim of an offence, which they reported to the Police. They believe the offender was released without charge and believes that the officer who made this decision discriminated against them because the offender is female and ex forces. Not upheld by PSD
- Complainant states that a police officer attending a Public Protection Conference made a racist comment that they should 'be more British'. Not upheld by PSD
- Complainant states their son's complaint of sexual assault was not dealt with properly and they believe this is due to their foreign name and the son's mental condition. Local resolution by TPA.
- Complainant feels it was discriminatory for the officer to ask if they had any mental health issues or was seeing a doctor when they attended to report a crime. This is currently Live
- Complainant states he was poorly cared for in custody and that this was due to his mental health issues. This is currently Live
- Complainant was arrested and alleges the officers that carried out the arrest were homophobic. Not upheld by PSD

1.7 Performance

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

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

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

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

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

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

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

1.8 Force and IPCC Appeals

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

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

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

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

1.9 Direction and Control Complaints

Direction and control complaints are from members of the public complaining about issues rather than individuals. Over the current 12 month period direction and control complaints have increased by (112%) when compared to the previous 12 month period, the largest increase being Operational management decisions. As mentioned previously in the document this is partly due to more appropriate use and partly to the agreement regarding complaints about the control room. The table below shows a breakdown of direction and control complaints.

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

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

Appendix 1

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

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

The current situation and what requires being finalised/implemented:

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

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



Office of the Police & Crime Commissioner Report

Title: Constabulary Grievances

Date: 6th January 2016

Agenda Item No: 09

Originating Officer: Sarah Dimmock

CC:

Executive Summary:

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

Recommendation:

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

1. Introduction & Background

- 1.1 The attached Grievance Statistics Report shows the number of grievances lodged up to 6th January 2016 and a summary of the past 3 year financial years. Currently, there has been 1 grievance lodged in the current financial year and this has not increased since the last report as of 28th July 2015
- 1.2 Included in the report is a breakdown of those lodging grievances. The report identifies the gender and race of those submitting grievances as well as an over view as to the subject of the grievance. In addition there are statistics relating to whether the aggrieved is a police officer or member of police staff and whether the grievance relates to unlawful discrimination.
- 1.3 The report provides data from the last 3 years to enable a comparison to be taken.

2. Issues for Consideration

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

3. Implications

3.1 Financial

1.1 Please see Equality Implications

3.2 Legal

1.2 Please see Equality Implications

3.3 Risk

1.3 Please see Equality Implications

3.4 HR / Equality

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

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

4. Supplementary information

Appendix 1 - Grievance Statistics for 3 years

Appendix 2 - Grievance Statistics 2014-15

GRIEVANCE STATISTICS RESTRICTED

Agenda Item No 10
Appendix 1

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

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

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

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

| Subject of Grievance | | | |
|-----------------------------|----|----|---|
| Other Individuals | 5 | 4 | 1 |
| Force Policy | 11 | 6 | 2 |
| TOTALS | 16 | 10 | 3 |

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

RESTRICTED

GRIEVANCE STATISTICS RESTRICTED

RESTRICTED

RESTRICTED Grievances

Agenda Item No 10
Appendix 2

Please see below the figures for the financial year 20015/2016 up to and including 6/01/15.

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

Gender and Ethnicity Breakdown

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

BCU Areas

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

Types of Grievance

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

RESTRICTED



Ethics and Integrity Panel

Title: OPCC Transparency Compliance

Date: 12 February 2016

Agenda Item No: 11a

Originating Officer: Joanne Head

CC:

Executive Summary:

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

Recommendation:

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

1. Introduction & Background

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

Expenses

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

OPCC Audit

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

Internal Audit

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

Procurement & Commissioning

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

Register of Interests

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

Secondary Employment

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

Decision Making

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

Funding

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

Proactive Work

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

2. Implications

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



Constabulary Report to OPCC

Agenda Item No 11b

TITLE OF REPORT: INTEGRITY – Transparency

DATE OF MEETING: 12th February 2016

ORIGINATING OFFICER: DCI Furzana NAZIR – Professional Standards

PART 1 or PART 2 PAPER: PART 1

Executive Summary:

No more than 100 words.

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

Recommendation:

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

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

MAIN SECTION

1. Introduction and Background

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

Expenses

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

Constabulary Audit

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

Internal Audit

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

Procurement

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

Secondary Employment & Business Interests

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

Decision Making

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

Proactive Work

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

2. Implications

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



Office of the Police & Crime Commissioner Report

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

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

Executive Summary:

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

Recommendation:

That, the Panel –

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

1. Background

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

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

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

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

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

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

2. Supplementary information

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



Home Office

Complaints about Police and Crime Commissioners

Public Consultation

December 2015

Complaints about Police and Crime Commissioners

Public Consultation

December 2015



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Scope of the consultation

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

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

Geographical scope: England and Wales.

Financial assessment: Attached at Annex A.

Basic information

To: This consultation is open to the public.

Duration: This consultation closes on 10 March 2016.

Enquiries: PCCComplaintsConsultation@homeoffice.gsi.gov.uk

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

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

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

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

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

Responses: Confidentiality & Disclaimer

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

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Introduction

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

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

Scrutiny of PCCs

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

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

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

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

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

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

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

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

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

The Government's proposed changes for PCC complaints

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

Clarity on what constitutes a complaint

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

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

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

⁵ Nolan Principles - The 7 Principles of Public Life:

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

Powers to Investigate

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

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

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

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

Informal Resolution

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

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

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

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

Consultation questions

Complaint definition and guidance

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

Complaint investigation

3. Question for PCPs only:

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

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

4. Question for PCPs only:

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

5. Question for PCPs and PCC Chief Executives only:

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

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

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

Informal resolution guidance

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

