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Our reference: jh/EIP

Date: 5 August 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 12 August 2015** in **Conference Room Two**, Police Headquarters, Carleton Hall, Penrith, at **2.00 pm**.

S Edwards
Chief Executive

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

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

PANEL MEMBERSHIP

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

AGENDA

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

1. APOLOGIES FOR ABSENCE

2. DISCLOSURE OF PERSONAL INTERESTS

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

3. URGENT BUSINESS AND EXCLUSION OF THE PRESS AND PUBLIC

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

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

4. NOTES OF THE PREVIOUS MEETING

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

5. INTEGRITY – COMPLAINTS BY THE PUBLIC

- (a) To receive and note a report by Cumbria Constabulary on public complaints (copy enclosed) – *To be presented by 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.

6. INTEGRITY – ANTI-FRAUD & CORRUPTION

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

7. MISCONDUCT

To receive and note a report by Cumbria Constabulary on police staff misconduct (copy enclosed) - *To be presented by Deputy Chief Constable Skeer.*

8. GRIEVANCES

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

9. COMMITTEE ON STANDARDS IN PUBLIC LIFE

To receive and note a report outlining the conclusions of the Committee's enquiry into Leadership, Ethics and Accountability in Policing (copy enclosed) – *To be presented by the Governance and Business Services Manager.*

10. CODE OF ETHICS

To receive and note a report and review the Constabulary's implementation and compliance with the Code of Ethics (copy to follow) - *To be presented by Deputy Chief Constable Skeer.*

11. CODE OF CONDUCT

To receive and note a report regarding the Police and Crime Commissioner's compliance with the Code of Conduct (copy enclosed) - *To be presented by the Governance and Business Services Manager.*

12. MEETING DATES 2016

To agree the proposed meeting dates for the Panel in 2016 (copy enclosed) - *To be presented by the Governance & Business Services Manager.*



Agenda Item No 4

ETHICS AND INTEGRITY PANEL

Notes of a meeting of the Ethics and Integrity Panel held on Monday 11 May 2015 in Conference Room 2, Police Headquarters, Carleton Hall, Penrith, at 2.00 pm

PRESENT

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

Also present:

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

9. APOLOGIES FOR ABSENCE

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

10. DISCLOSURE OF PERSONAL INTERESTS

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

11. NOTES OF THE PREVIOUS MEETING

The notes of the meeting held on 13 March 2015 had been circulated with the agenda.

Agreed; that, the notes of the meeting held on 13 March 2015 be approved.

12. 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.

Following questions from the members the Director advised that the Constabulary's Legal Services Department dealt with the majority of the claims obtaining specialist advice when required. Although the report and appendices highlighted potential settlement amounts generally the actual settled amount was approximately only 50% of this figure. The Director



talked the members through the process for dealing with claims and advised that Cumbria received notably less claims than other forces in the North West region such as Greater Manchester and Merseyside.

A member asked what happened if a claim identified conduct issues regarding an officer and was advised that any such issues would be brought to the attention of the Constabulary's Professional Standards Department. The claim would, in the majority of cases, be halted until any conduct issues were dealt with and the claimant informed accordingly. Where this was not possible close liaison between the two departments would take place and a possible stay would be applied for.

When questioned what the Constabulary were doing in relation to identified learning from civil claims and how this was disseminated throughout the Constabulary, the Director stated that this would be done on a case by case basis. The Deputy Chief Constable and Professional Standards Department would be advised and the learning would be cascaded to relevant individuals, departments or throughout the Constabulary as appropriate. This could take many different formats such as training/development sessions or via a peer review.

On occasions when the Constabulary were dealing with an incident or case the potential for a civil claim may be identified. Where this occurred the Legal Department would be advised and allowances for such a claim made. The Deputy Chief Constable spoke to members regarding two such cases that were currently ongoing and advised them of the issues involved.

A member asked whether the current budget reductions had any bearing on decisions to defend or settle a claim. The Director advised that each claim was dealt with on its own merits. Where there was a defence the Constabulary would look to robustly defend the claim to retain the integrity of the organisation, however on occasions a settlement was required. Following a question the Director stated the Constabulary did not use confidentiality clauses in relation to civil claims such as Employer Liability Claims or Public Liability Claims.

A discussion took place on how the organisation was made aware of a claim and what support was provided to individuals. The Director advised that the Police Federation and Unison were the associations who would provide their members with support during the process. Line managers may often not be aware of an individual's civil claim unless it related to employment issues when they would be contacted to provide information.

The Panel thanked the Director for his report and stated that if the Panel were able to provide an independent view on any matter they would be happy to undertake such work.

Agreed; that the Panel note the report.

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

13. 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. Following discussion it was agreed that future reports would also include comparison figures for the previous 3 months to the current reporting period.

It was noted that there had been a decrease in the number of complaints received but an increase in the number of allegations, this being attributed to more than one allegation being contained within a complaint. The number of upheld appeals for both the Constabulary and the IPCC (Independent Police Complaints Commission) had reduced from 18% to 15% for Force appeals and 39% to 29% for IPCC appeals. This illustrated that how the Constabulary were dealing with complaints was appropriate.

A member asked what was meant by Oppressive Behaviour as during the previous 12 month rolling period the North TPA had experienced the most number of complaints in this category. DCI Duhig explained that this category related to conduct which was just above incivility. For example someone may feel they have been dealt with abruptly or feel intimidated by an officer's manner. Due to the generally low numbers involved the DCI was able to look at such instances on a regular basis to see if any trends or issues were emerging. To date none had been identified.

The report identified that during March 2015 a large proportion of received complaints related to incidents within the West Territorial Policing Area (TPA). No trends had been identified or could be attributed to the spike in numbers. A member asked when a number of complaints were received in relation to one particular TPA how did the Constabulary go about improving performance and fostering good relations between the TPA and the Professional Standards Department. Regular contact with officers and TPA's was important to ensure an understanding of the complaints process and identify issues. The Head of the Professional Standards Department and other staff would attend TPA Senior Management and other Team meetings to explain issues and provide support or information as appropriate.

The Panel enquired as to whether a reduction in officer numbers and reducing resources could result in more complaints being received about individual officers and overall service provision. The Deputy Chief Constable advised that work was going to be undertaken to advise members of the public of the changes, illustrate the financial challenges and what future service provision would look like. She briefed the Panel on the proposed change to the Communications Centre to the Command and Control model. This would allow experienced police officers to deal with calls, provide assistance to callers and assess the need for an officer to be dispatched to an incident. The call handlers would be able to identify resources throughout the county, not just for a particular TPA which could result in officers being despatched to an incident not within their TPA. Investment in mobile and digital technology would allow officers to work in the communities, rather than them having to keep returning to police stations.

AGREED, that,
(i) the report be noted;



- (ii) future reports include comparison figures for the previous 3 months to the current reporting period; and

(b) PUBLIC COMPLAINT FILES – DIP SAMPLE

During the morning the Panel members had attended the Professional Standards Department and undertaken a dip sample of public complaint files which had been finalised within the period 1 January to 31 March 2015. The members were provided with anonymised lists from which they selected files at random that they wished to review. The Panel had reviewed 16 files. 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.

A discussion took place on how the Panel could add further value to the complaints and appeal process. It was agreed that the Constabulary, or OPCC, would be able to identify individual cases where they would appreciate the Panel's independent view on how they currently, or had previously, dealt with a file or case. This would be in addition to the files reviewed as part of the dip sample process.

AGREED; that, the update be noted.

14. INTEGRITY – ANTI-CORRUPTION UNIT

DCI Duhig presented the quarterly report on work undertaken by the Constabulary's Anti-Corruption Unit. A hand-out was provided to the Panel which listed the types of offences which were listed within the recording category 'other', as requested following the Panel's last meeting. It was noted that the highest number of incidents in one particular area was 27 and this was in relation to vetting/recruitment/employment. A member asked how frequently officers were vetted and was advised that this would depend on the role or position undertaken by an officer and how frequently they moved roles.

With regard to an individual officer's financial position the Panel were advised that the Constabulary would only be aware if they advised the organisation. The Police Federation was able to provide support and financial assistance to officers to help them with any financial issues they were experiencing. Receiving this support would reduce the risk of them becoming vulnerable to corrupt practices. The staff trade union, Unison, may be able to provide similar advice to police staff, thus preventing vulnerability of the organisations' staff.

A discussion took place on the current issues being dealt with by the unit. Following a question by a member the Deputy Chief Constable advised that suspension of an officer was a neutral act and therefore they received full pay. She also stated that due to changes in legislation where officers were being investigated for a matter deemed as Gross Misconduct they were unable to resign or retire from the force until the matter was concluded. Previously when officers had been allowed to retire or resign this had a practical option for managing the matter. Public perception was that if an officer was found 'guilty' of the matter they would



then not be entitled to receive their pension; however this was not the case unless in very extreme circumstances.

A member asked whether the issuing of the latest PASS newsletter had resulted in an increase of self-referrals. DCI Duhig advised that there had been some but that no issues or trends had been identified.

AGREED; that, the report be noted.

15. OPCC COMPLAINTS & 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 2012. He outlined to the Panel the role of the Police & Crime Commissioner (Commissioner) in dealing with complaints received against officers, staff and the Chief Constable. The Panel were advised that complaints made against the Commissioner were dealt with by the Police and Crime Panel; who were the body commissioned to provide checks and balances on the work of the Commissioner.

Members of the public often wrote to the Commissioner regarding policing matters and it was the role of the Commissioner to ascertain information regarding the matter from the Constabulary and facilitate a response to the individual.

It was noted that the number of quality of service issues received by the Commissioner had steadily increased since he came into office in 2012. This was attributed to the public's awareness of the Commissioner and the role he fulfilled.

AGREED; that, the report be noted.

16. FREEDOM OF INFORMATION ACT 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 31 March 2015 and comparative figures for the years 2012, 2013 and 2014.

It was noted that the OPCC had received 80 requests in 2013 which was attributed to the new role of the Commissioner and events which occurred during that year. The OPCC ensured that information was published on it's website for members of the public to access, therefore potentially reducing the need for requests to be made. The Panel noted the OPCC's performance in dealing with requests within the required timescales.

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. DCI Duhig guided members through the report advising that since the Act came into force in January 2005 the Constabulary had seen a year on year increase resulting in 2014 receiving 907 requests. As of 28 April 2015 the Constabulary had received 360 requests.

The ability for the Constabulary to respond to requests was often a challenge as they had to assess what information was required and often request it from the relevant department, before a response could be sent out. This was an issues experienced nationally by all forces. In Cumbria from 2013 to 2014 they had increased their performance in responding within 20 working days from 43% to 58%. The Constabulary recognised that further work was still needed to improve on this and scoping work to utilise a bespoke system was being carried out.

A member asked whether the Information Commissioner's Office (ICO) had issued sanctions against the Constabulary with regard to their response rates. DCI Duhig advised that should the ICO have concerns and be looking to issues sanctions they would contact the Constabulary prior to doing so; and to date no contact had been received. In response to a question the Deputy Chief Constable stated that should sanctions be issued and the Constabulary be monitored by the ICO then resources would need to be diverted to improve compliance with the Act.

AGREED; that, the report be noted.

17. GRIEVANCES

At their meeting on 13 March the Panel had requested that more detailed information regarding grievances should be provided to illustrate what the issues were and how they had been resolved.

The Panel were advised that work was being carried out to develop a process for future meetings. Due to low numbers of grievances being dealt with it was proposed that at their next meeting in August copies of the files would be brought for the Panel to review.

The Deputy Chief Constable assured the Panel that no issues were being raised by the staff associations or HMIC (Her Majesty's Inspector of Constabulary) through their reviews and meetings with wellbeing groups.

Members questioned whether the Constabulary could receive more grievances during the forthcoming 12 months due to the changes occurring within the force. The Deputy Chief Constable informed the Panel of the work being undertaken to manage the changes and support in place for members of staff affected by the change.

AGREED; that,
(i) the report be noted; and



- (ii) grievance files be presented at the Panel meeting in August.

(NOTE: Deputy Chief Constable Skeer and DCI Duhig left the meeting at this point.)

18. ANNUAL REPORT

As part of the Panel's Annual Work Programme they were required to prepare an annual report which would be presented to the Commissioner. The purpose of the report was to outline the work undertaken by the Panel during the year, identify any issues and concerns and any monitoring undertaken.

As the Panel only had its first meeting in March 2015, the report would be unable to reflect a full year of work, rather the first two meetings of the Panel. Members discussed the draft contents presented and agreed that they would like to insert their own comments within the report. It was agreed that the draft report be emailed to the members and comments provided to the Governance and Business Services Manager by 25 May 2015 in order that the report be presented to the Executive Board meeting on 3 June 2015.

The Panel were keen that they add value to the work of the Commissioner and the Constabulary and a discussion took place on how this could be best achieved. The fact that the Commissioner and Chief Constable had appointed an independent panel and their reviews of areas of business was reassuring to the public. The OPCC Chief Executive discussed various options with the Panel on how this work could be supplemented and agreed to meet with the Deputy Chief Constable to discuss how this could be progressed.

- AGREED,** that,
- (i) the report be noted;
 - (ii) comments from the Panel to be provided to the Governance & Business Services Manager by 25 May; and
 - (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.

Meeting ended at 4.20 pm

Signed: _____

Date: _____

Panel Chair

Ethics & Integrity Panel – Action Sheet: 11/05/2015

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		
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		
DATE OF MEETING: 12 August 2015					



Constabulary Report to OPCC

Agenda Item No 5

TITLE OF REPORT: INTEGRITY – COMPLAINTS BY THE PUBLIC

DATE OF MEETING: 29th July 2015

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 although Cumbria complaints per 1000 employees were higher in 2014 compared to 2013, Cumbria remains lowest in MSF (most similar force) and also MSF/national averages:
 - Q4 Apr to Jun 15, Cumbria: 249, MSF average: 369, National average: 293
- The current 12 month rolling figures show that there has been a reduction of 27 cases (7%) and an increase of 13 allegations (3%) in comparison to the last 12 months.
- The figures show that the numbers of cases have remained at similar levels when compared to the previous 12 month period. This is a good indication that the increase seen in allegations over the current 12 months has been due to multiple allegations resulting from single cases. This is partly due to changes in recording practices.
- A breakdown of allegations shows that North and South TPA’s have similar levels of allegations; West TPA has seen an increase in allegations in the period.
- Allegations upheld by PSD have increased from 23 allegations (8.5%) in the last period to 35 allegations (13%) in the current 12 months.
- The percentage of allegations not upheld by PSD has increased from 38% to 39% in the current period. This is an increase of 1 allegations when compared to the previous 12 month period This indicates a high proportion of the increase in allegations have been unsubstantiated, i.e. not upheld
- The number of IPCC appeals has reduced by 18% when compared to the previous reporting period (28 to 23) and the number of force appeals has reduced at similar levels (43 to 39).
- The percentage of upheld appeals for both Force and IPCC appeals has reduced compared to the last period: Upheld Force Appeals have reduced from 28% to 2% and upheld IPCC Appeals have reduced from 35% to 26%.

Recommendation:

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

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

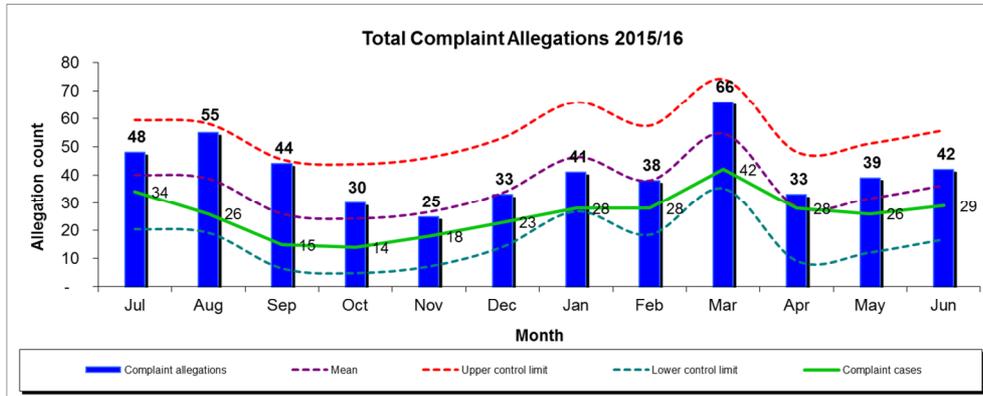
MAIN SECTION

1. Introduction and Background

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

1.1 Complaint Allegations

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



The chart shows fluctuating levels of complaint allegations and cases between July 2014 and June 2015. Peaks in allegations were seen in August 2014 with 55 allegations and March 2015 with 66 allegations. Allegations and cases were at their lowest between October and December 2014. Between January and June 2015 allegations and cases have been fairly stable 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 June 2014 and June 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.

	12 Month Rolling to June 2014	12 Month Rolling to June 2015	Percentage Change
Cases	377	350	-7.2
Allegations	502	515	2.6

*Including Direction and Control cases/allegations.

1.2 Allegations broken down into BCU

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

Area	Allegations			Cases		
	12 Month Rolling to Jun-14	12 Month Rolling to Jun-15	Change	12 Month Rolling to Jun-14	12 Month Rolling to Jun-15	Change
North	141	138	-3	99	86	-13
South	160	136	-24	107	93	-14
West	136	176	40	97	96	-1
UOS	21	16	-5	17	14	-3
HQ	31	18	-13	13	15	2
Total	489	484	-5	333	304	-29

*Not 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.

The table shows a slight reduction in allegations with only West TPA showing an increase in the period. Although allegations have increased in West TPA it is to be noted that the numbers of complaint cases have remained at a similar level (reduction of 1) this shows that there has been a number multiple allegations resulting from single cases.

1.3 Area Allegation group breakdown

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

12 Month Period	Group	North	South	West	HQ	UOS	Grand Total
12 Month Rolling to Jun-15	Breaches of PACE K,L,M,N,P,R	16	11	23	1	1	52
	Discrimination F	1	3	5		1	10
	Incivility U	28	20	18	8	4	78
	Malpractice G,H,J	7	5	9		2	23
	Oppressive Behaviour A,B,C,D,E,Y	34	31	28	2	1	96
	Other W		3	1	1		5
	Unprofessional Conduct S,T,V,Q,X	52	63	92	6	7	220
12 Month Rolling to Jun-15 Total		138	136	176	18	16	484
12 Month Rolling to Jun-14	Breaches of PACE K,L,M,N,P,R	17	11	17	5		50
	Discrimination F	3	3	2			8
	Incivility U	19	22	27	2	3	73
	Malpractice G,H,J	9	11	9		1	30
	Oppressive Behaviour A,B,C,D,E,Y	34	29	22	2	7	94
	Other W	0	0	0	0	0	0
	Unprofessional Conduct S,T,V,Q,X	59	84	59	22	10	234
12 Month Rolling to Jun-14 Total		141	160	136	31	21	489

*Not including Direction and Control case/allegations.

The largest increases have been seen in the following: -

- North TPA- Incivility increase of 9 complaint allegations (47%).

The group/allegation type that saw the largest percentage increase in the current 12 month period when compared to the previous 12 months was Unprofessional Conduct - Other Neglect or Failure in duty. The allegation type Other Neglect or Failure in duty increased by 24 allegations (19%). The largest increase (30) in this type was seen in West TPA. Analysis of the total 26 oppressive conduct or harassment complaint allegations shows that complainants believed officers had failed to carry out enquiries, make contact or record complaints. Of the 61 allegations 19 are Live, 14 were locally resolved by TPA, 6 were locally resolved by PSD, 12 were not upheld by PSD, 7 were upheld by PSD, 1 was De Recorded, 1 disapplication – by force and 1 Withdrawn by Force. This follows on from an increase noted in the last report.

There were 7 PSD best practice items circulated in the period relating to the following:
- Providing detailed updates to Comms, NCRS compliant entries on logs, correct process re medical referrals to DVLA, updating victims, giving appropriate advice and 'PP' of letter's on behalf on another.

Oppressive behaviour – Other Assault shows a slight increase (9 allegations, 20%) compared to the previous 12 months. The increase is between North & South TPA's both with an increase of 5 allegations. Of the 54 allegations 21 were not upheld by PSD, 1 was not upheld by TPA, 15 are live, 11 were Disapplication by Force and 5 local resolution by TPA and 1 withdrawn by Force. Of these 23 relate to arrest, 7 to detention 8 to other enquiries and 5 to crime enquiries.

The last report identified an issue, an increase in complaints regarding malpractice-mishandling of property. This increase has continued in West TPA whilst South TPA reduced and North TPA remained low. The West Allegations are low, a total of 9 allegations, but a 200% increase. Complainants feel that on occasions they have not had property returned, property has been lost and property has also been damaged. The 19 mishandling of property allegations in the current period have been finalised as follows: - 2 not upheld- by PSD, 1 Locally Resolved by PSD, 2 Locally Resolved by TPA, 2 Withdrawn by Force, 1 Disapplication, 1 Upheld by PSD and 10 Currently Live. There were 3 PSD best practice items circulated in relation to the retention and return of property in the current period and one specifically in relation to coroner's cases.

In the current 12 month period there has been 20 areas whereby PASS Newsletters/Best Practise guidance have been issued. Recommendations are to continue to issue PASS Newsletters and Best Practice when trends are identified.

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 22 officers who met the repeat officer strategy in the current period which is a reduction of 40 on the previous period. There were 3 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 are currently in the process of reviewing a detailed subject profile which has been disseminated by PSD to prevent future complaints.

1.5 Dissatisfaction Reports

There were 92 dissatisfaction reports recorded in the current 12 months which is a reduction of 32 when compared to the previous 12 month period. The three main categories reported on in the lower level dissatisfaction reports over the 12 month are similar to those reported on in the complaint cases these being neglect/fail duty, oppressive behaviour and incivility. The reduction in dissatisfaction reports may be linked to the increase in complaints as some of the reports previously recorded as dissatisfaction may have been recorded as complaints.

1.6 Diversity

There have been 10 allegations of discriminatory behaviour by the police recorded during the current 12 month period which is an increase of 2 when compared to the previous 12 months.

- There were two allegations from female complainants regarding officers discriminating against them due to their gender. Both were not upheld by PSD

RESTRICTED

Item 05 - Public Complaints Performance Report (To publish)

- One allegation where the complainant felt that the officer had mocked her mental health by asking her if she was going to harm herself. This allegation was locally resolved.
- One allegation where the complainant states that officers had a racial and homophobic attitude. Officers allegedly called the complainants criminals from Romania. This allegation was not upheld by PSD.
- One allegation where the complainant believes officer refused to investigate due to the complainant's ethnicity. This allegation was locally resolved by PSD.
- One allegation where complainant believes officer was bullying and believes officer's motive was racist. Remains sub judice.
- Complaint in relation to mental health, the complaint believes the ASB from neighbours has not been investigated because of his mental health issues. This allegation was locally resolved by TPA.
- An allegation of discrimination due to disability as a complainant did not feel her report of criminal damage had been badly and insensitively dealt with due to her disability. This allegation was locally resolved.
- A complaint of an officer being racially discriminatory, adopting a fake accent. Not Upheld - by PSD.
- A complaint of an officer being racially discriminatory being offensive to the complainant and assaulting him. 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 Jun-14	12 Month Rolling to Jun-15	Change
Case to Answer	21	17	-4
De Recorded	11	10	-1
Disapplication - by Force	34	51	17
Discontinued - by Force		2	2
Dispensation - by Force	2		-2
Local Resolution - by TPA	111	125	14
Local Resolution - by PSD	82	46	-36
No Case to Answer	14	15	1
Not Upheld - by TPA	8	1	-7
Not Upheld - by PSD	195	202	7
Upheld - by PSD	23	35	12
Withdrawn - by Force	12	12	0
Grand Total	513	516	3

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 (Q4 Apr 14 to Mar 15) for average number of days to finalise Local Resolution and Investigations:

- Average number of days to locally resolve allegations – Cumbria 41, MSF average 55 and National average 66.
- Average number of days to finalise allegations by local investigation – Cumbria 125, MSF average 127 and National average 147.
- Cumbria is the 5th best in the country for average number of days to locally resolve allegations.

In the current 12 month period, 516 allegations were finalised compared to 513 in the previous period the biggest increase was in Disapplication in the current period 51, in the last period 34.

In the current period the number of allegations not upheld by PSD also increased by 7 to 202 and 35 allegations were upheld by PSD increased by 12 (6.78%) of the 516 allegations finalised. This indicates that a high proportion of allegations have been unsubstantiated (i.e. not upheld).

Allegations upheld- by PSD have also increased from 23 allegations (8.5%) in the last period to 35 allegations (13%) in the current 12 months.

1.8 Force and IPCC Appeals

Result	Force Appeals 12 months rolling to Jun 14	Force Appeals 12 months rolling to Jun 15	IPCC Appeals 12 months rolling to Jun 14	IPCC Appeals 12 months rolling to Jun 15
Upheld	11	1	10	6
Not Upheld	27	29	17	13
Withdrawn	1			
Not Valid	0		1	2
Live	0	13		2
Total	39	43	28	23

The above data highlights that the number of IPCC appeals have reduced by 18% (28 to 23) and the number of force appeals has remained at similar levels (39 to 43). However the percentage of upheld appeals for both Force and IPCC appeals has reduced in this reporting period compared to the previous 12 months:

Upheld Force Appeals have reduced from 28% to 2% (1 of 43 compared to 11 of 39)

Upheld IPCC Appeals have reduced from 36% to 26% (6 of 23 compared to 10 of 28)

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 (54%) 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 the grading and deployment policies to poor cleaning of cells being a health and safety hazard. The table below shows a breakdown of direction and control complaints.

Allegation Result Description	12 Month Rolling to Jun-14	12 Month Rolling to Jun-15	Change
General policing standards	0	7	7
Operational management decisions	17	18	1
Operational policing policies	4	6	2
Organisational decisions	3	6	3
Grand Total	24	37	13

One issue raised under general standards was in relation to the ‘pp’ on letters from PSD, this was covered by Best Practice guidance in March 2015.

Other issues under general standards include that the Constabulary is gender biased against women, poor cleaning of the cells, two cases where the complainant is not happy with the outcome of a specific case and two cases where complainants are questioning the process of police activity, warrants and PNC recording and removal. There are no items of specific best practice in relation to these allegations.



Office of the Police & Crime Commissioner Report

Title: Police Staff Discipline and Misconduct

Date: 12 August 2015

Agenda Item No: 07

Originating Officer: Andrew Taylor, Head of HR

CC:

Executive Summary:

Cumbria Constabulary recognises that all Police Staff employees need to know the standards of conduct and discipline expected of them and has a duty to ensure its staff achieve and maintain the required standards, in order to enable its operations and activities to be carried out effectively.

The Disciplinary Policy addresses the circumstances where disciplinary action may be necessary, and the principles which may be applied to enable the fair and consistent handling of all disciplinary matters.

Recommendation:

That, the Ethics and Integrity Panel

- (i) notes' the report; and
- (ii) consideration is given to the future frequency of reporting being on an annual basis due to the low numbers involved.

1. Introduction & Background

- 1.1 This report details the number of police staff discipline and misconduct cases dealt with during the period November 2012 and May 2015.

2. Issues for Consideration

- 2.1 Between November 2012 and May 2015 twenty five members of Police Staff were the subject of disciplinary proceedings in accordance with the Constabulary Policy on Police Staff Discipline. Fourteen staff members were female and eleven were male. None were of a minority ethnic origin.

- 2.2 Two cases required no further action and in a further case no action was required as the staff member was dismissed under a separate process. Six staff members resigned prior to outcome and one case was closed as the staff member died prior to outcome. Twelve cases resulted in words of advice being given by management.
- 2.3 Three cases went to a formal disciplinary hearing in front of Senior Management, one resulted in a written warning, one resulted in a final written warning and one staff member was dismissed.
- 2.4 No appeals were heard during this time period.

3. Implications

3.1 Financial

1.1 Please see Equality Implications

3.2 Legal

1.2 Please see Equality Implications

3.3 Risk

1.3 Please see Equality Implications

3.4 HR / Equality

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

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



Office of the Police & Crime Commissioner Report

Title: Constabulary Grievances

Date: 28th July 2015

Agenda Item No: 08

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

- (i) notes' the report; and
- (ii) consideration is given to the future frequency of reporting being on an annual basis due to the low numbers involved.

1. Introduction & Background

- 1.1 The attached Grievance Statistics Report shows the number of grievances lodged up to 28th July 2015 and a summary of the past 3 year financial years. Currently, there has been 1 grievance lodged in the current financial year.
- 1.2 Included in the report is a breakdown of those lodging grievances. The report identifies the gender and race of those submitting grievances as well as an 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 8
Appendix 1**

	2012/2013	2013/2014	2014/2015
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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	0	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
Grievances

Agenda Item No 8
Appendix 2

Please see below the figures for the financial year 2015/2016 up to and including 20/01/15.

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

RESTRICTED

Grievances

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: Tone from the Top

Date: 12 August 2015

Agenda Item No: 09

Originating Officer: Stuart Edwards

Executive Summary:

On 29 June 2015 the Committee on Standards in Public Life, chaired by Lord Paul Bew, published their report of the inquiry the Committee had conducted into police accountability. The report, entitled "Tone from the Top; Leadership, Ethics and Accountability in Policing" was produced following an eight month inquiry which considered whether the accountability model for local policing was effective in supporting and promoting high ethical standards.

Recommendation:

That, the report be noted.

1. Introduction & Background

- 1.1 The report contains a number of recommendations to the Home Office, Police and Crime Commissioners, Police and Crime Panels and various relevant Associations asking for a more energetic and consistent approach to be applied to promoting high ethical standards and for more robust checks and balances to be put in place within the accountability structures of local policing.
- 1.2 A full copy of the report is attached and it can also be found at (insert e-mail address).

2. Issues for Consideration

- 2.1 The report presents 19 recommendations, which are set out below. The report also contains an Ethical Checklist for Police and Crime Commissioners. The Committee on Standards in Public Life (CSPL) has indicated that it will write to all candidates for the Police and Crime Commissioner elections scheduled for May 2016 asking them to respond to the recommendations in the CSPL Ethical Checklist; the CSPL will then look to the media to publicise the candidates' responses.

- 2.2 Of the 19 recommendations, recommendations 2, 3, 5, 6, 10, 17 and 20 apply to Police and Crime Commissioners and/or their Offices. Recommendations 13, 14, 15, 16 and 18 apply to both Police and Crime Commissioners and Chief Constables.
- 2.3 The Ethical Checklist and recommendations are set out below, together with comments on how they are, or might be applied, in Cumbria.

Ethical Checklist	
CSPL Recommendation	Monitoring Officer Response
1. Will your Police and Crime Plan for 2016-7 include a commitment to hold the Chief Constable explicitly to account for promoting ethical behaviour and embedding the College of Policing's Code of Ethics?	This recommendation, like all five of the recommendations in the CSPL Checklist, apply are decisions for the Police and Crime Commissioner elected in May 2016. From a Monitoring Officer's perspective it would appear to be a reasonable recommendation.
2. Will you publicly commit to abide by a code of conduct once that has been adopted by the Association of Police and Crime Commissioners?	On election all Commissioners swear an Oath of Office. In Cumbria the Commissioner has signed up to an Ethical Framework for Police and Crime Commissioners developed by the Association of Police and Crime Commissioners (APCC), a local Code of Conduct (which includes a commitment to adhere to "The Seven Principles of Public Life"), an Anti-Discrimination Code of Conduct and a Commissioner-Officer Protocol. Any monitoring officer would expect a Commissioner to commit to abide by a code of conduct developed by the APCC.
3. Will you require the same of any Deputy you appoint?	There is no Deputy Commissioner in Cumbria. If there were the same, high standards of behavior would be expected as of a Commissioner.
4. When making appointments of Chief Constable, Deputy PCC or senior staff to your office will you ensure open and transparent appointment processes and include an independent external member on the appointing panel?	When a new Chief Constable was appointed in 2014 the appointment panel included an external independent member drawn from a list held by the College of Policing. The external independent member produced a report for consideration by the Police and Crime Panel (PCP). The other members of the Panel were drawn from different sectors, geographical areas and political groups. The same approach would be taken to the appointment of senior staff within the

	Commissioner's Office (OPCC).
5. Will you publish, in an easily accessible format, details of your pay and rewards, gifts and hospitality received, your business interests and notifiable memberships?	This information is already made available via the Commissioner's website, as required by the Elected Local Policing Bodies (Specified Information) Order 2012.

2.4. The Committee's Recommendations:

	CSPL Recommendation	Monitoring Officer Response
1	The Association of Police and Crime Commissioners, working with the Association of Policing and Crime Chief Executives should develop a nationally agreed minimum code of conduct by the end of 2015, which all current PCCs should publicly sign up to by then, and all future PCCs on taking up office.	This recommendation would be welcomed. At the present time we have a locally developed Code of Conduct, supported by an Anti-Discrimination Code of Conduct and a Commissioner-Officer Protocol. The Commissioner, like all Commissioners, has signed an Oath of Office. He has also committed to the Ethical Framework developed by the APCC.
2	PCCs and their Deputies should receive an ethical component as an essential part of their induction. While this should be locally tailored and delivered it should cover the Seven Principles of Public Life, the Association of Police and Crime Commissioners Ethical Framework and the College of Policing's Code of Ethics. This is to provide an understanding of ethics in practice and the role of PCCs as ethical leaders, promoting and modelling the high standards of conduct for which they hold others to account.	All of these things will be included in the induction programme following the PCC election in 2016.
3	A Deputy PCC should be subject to the same mandatory national minimum code of conduct as PCCs and publicly available protocols should be in place for their relationships with other employees of the PCC.	The development of a new Code of Conduct refers back to Recommendation 1, but would be adopted in Cumbria. A Deputy Commissioner would be subject to the same codes and protocols as the Commissioner they supported.
4	The Association of Police and Crime Commissioners, Association of Policing and Crime Chief Executives, the National Police Chiefs' Council and Local Government Association should work collaboratively to produce a model Memorandum of Understanding between the PCC and Chief Constable to include working arrangements, recognition of the role of statutory officers and a supporting statutory officer protocol.	This recommendation is welcomed.
5	Joint Audit Committees should publish an Annual Report in a form that is easily accessible to the public.	The Joint Audit and Standards Committee already produce an annual report which is available on the Commissioner's website (via the Committee's page). It is also presented to the PCP for their consideration.
6	PCCs' responsibility for holding Chief Constables to account on behalf of the public should explicitly include holding the Chief Constable to account for promoting ethical behaviour and embedding the	Locally the Commissioner has been updated by the Chief Constable on implementation of the Code of Ethics and external assurance has

	College of Policing's Code of Ethics. Each PCC's Police and Crime Plan should set out how they intend to do this, and their Annual Report should show delivery against the objectives set out in the plan	been received from Her Majesty's Inspectorate of Constabulary (HMIC) through positive comments on implantation of the Code by the Constabulary. Inclusion of the Code of Ethics in the Police and Crime Plan refers back the first recommendation in the Ethical Checklist, which would be supported.
7	The Police and Crime Commissioner Elections Order should be amended so that all candidates for the post of PCC should be required to publish their responses to the Committee's Ethical Checklist. For the May 2016 elections all candidates should be asked to consider and answer the Checklist and the Committee will be encouraging relevant media outlets to play their part in seeking out and publicising their responses.	The CSPL has indicated that it will write to all candidates for the Police and Crime Commissioner elections scheduled for May 2016 asking them to respond to the recommendations in the CSPL Ethical Checklist
8	Drawing on existing good practice and experience, the Association of Police and Crime Commissioners, Association of Policing and Crime Chief Executives and the Local Government Association should work together to develop national guidance on the meaning of a decision of "significant public interest", so that it is better understood when PPCs should publish records of such decisions.	This recommendation is welcomed.
9	Police and Crime Panels should review the PCC's Annual Report in public session attended by the PCC as part of their annual scrutiny programme and make recommendations as appropriate.	This already happens in Cumbria.
10	As a matter of good practice: <ul style="list-style-type: none"> • PCCs should publish a forward plan of decisions identifying the subject matter of the decision, why it is key, the meeting at which the decision is due to be taken, who will be consulted before the decision is taken and what reports/papers will be available for inspection; and • Police and Crime Panels should produce a forward plan of work specifying, as appropriate, the information required from PCCs in order for them to carry out that work. 	The Commissioner already produces a forward plan and this is published on the Commissioner's website. At the present time consultees and background papers are listed in reports and it would in some instances to accurately predict what they might be in advance. All significant decisions are made at the Commissioner's Executive Board, which meets in public. Papers are made available five clear working days before meetings. The requirement for PCPs to develop a forward plan by would be welcomed.
11	The Home Secretary should conduct an urgent review of whether there are sufficient powers available to take action against a PCC whose conduct falls below the standards expected of	This is a matter for the Home Secretary. Proposals have been considered by the APCC.

	public office holders.	
12	To demonstrate an equivalent level of transparency and accountability to the Chief Constables that they oversee, the Association of Police and Crime Commissioners and Association of Policing and Crime Chief Executives should work together to host and make publicly available a list of PCC's pay and rewards, gifts and hospitality and outside business interests, including notifiable memberships, in an easily accessible format.	The information listed is all available locally, as required under the Elected Local Policing Bodies (Specified Information) Order 2012. The Home Affairs Committee have previously recommended that the Home Office establish and publish a national register, but this suggestion was not taken forward.
13	Chief Constables and PCCs should keep the arrangements for gifts, gratuities and hospitality registers and business interests, including notifiable memberships, and other employment under regular review as part of ensuring and evidencing that the Code of Ethics remains embedded in everyday practice.	The OPCC registers are reviewed monthly. The OPCC CE/Monitoring Officer reviews the Chief Constable's declarations of gifts, gratuities and hospitality monthly.
14	Where a joint Chief Financial Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest; be made publicly available; and regularly monitored by the Joint Audit Committee.	This is not applicable in Cumbria. If it were it is acknowledged that appropriate safeguards would be required. There would also be professional expectations on the office holder.
15	Where a Joint Press/Media Officer is appointed, an explicit policy and appropriate controls should be put in place to manage any potential conflicts of interest; be made publicly available; and regularly monitored by the Joint Audit Committee.	This is not applicable in Cumbria. If it were it is acknowledged that appropriate safeguards would be required. There would also be professional expectations on the office holder.
16	The Joint Audit Committee should scrutinize the basis of the assurances provided as to the integrity of crime data, including the related performance management systems.	Crime recording is inspected by both HMIC and Internal Audit. Both report to the Joint Audit and Standards Committee.
17	PCCs and their Deputies should publish a register of meetings involving external stakeholders and routinely publish information about significant meetings involving external attempts to influence a public policy decision. The published information should include dates of meetings, details of attendances and meaningful descriptors of subject matter. It should normally be published within one month on their website in an easily accessible format.	The Commissioner and the OPCC maintain a Contact with Suppliers register, which is updated monthly. Meetings attended by the Commissioner are published on the website
18	All parties with responsibility for complaints should make clear and actively publicise where their responsibilities – especially in relation to actual investigations and their outcomes – begin and end. The implementation of the proposed changes to the police complaints and disciplinary systems should be monitored locally by PCCs and nationally by the Home Office, IPCC and HMIC. Responsibility for handling police complaints	This recommendation is welcomed. Information in relation is published on the Commissioner's website. In addition members of the public who telephone the OPCC are provided with appropriate advice on the process This recommendation is welcomed. This recommendation is welcomed,

	<p>through local resolution should not sit with those with appellate responsibility in relation to the same complaints.</p> <p>The Home Office should consider whether or not complaints about PCCs should continue to be handled by the IPCC.</p>	<p>particularly as it reflects the position taken by the Commissioner.</p> <p>Currently only complaints involving the potential commissioning of a criminal offence are referred to the IPCC. Most complaints are dealt with by the PCP.</p>
19	<p>The Committee endorses the Home Affairs Committee's recommendations that:</p> <p>the Home Office bring forward proposals to amend the powers of commissioners to suspend or remove chief constables under Section 38(2) and 38(3) of the Police Reform and Social Responsibility Act 2011 by stipulating the grounds on which they may do so.</p> <p>the Home Office should also provide guidance to commissioners on the use of their powers in both respects. In the case of a suspension there should also be a clear system of safeguards similar to those which guide suspension in respect of conduct.</p> <p>Police and Crime Panels inquire and report into the circumstances whenever a chief constable's service is brought to an end irrespective of whether the Schedule 8 scrutiny process is formally engaged.</p> <p>the Home Office bring forward proposals to extend the Schedule 8 process to include scrutiny by the police and crime panel where a commissioner chooses not to agree to an extension of the chief constables' contract to bring it in line with the process for the removal of a chief constable.</p>	<p>These recommendations are matters for the Home Secretary. The arguments regarding them have been well rehearsed over the last few years.</p>
20	<p>PCCs' appointment procedures should comply with open and transparent appointment processes including:</p> <p>a requirement for there to be an independent member on the appointment panel set up to oversee the appointments process for Chief Constables and senior Office of PCC staff; and</p> <p>a requirement that a criterion for selection be that the panel is satisfied that the candidates can meet the standards of the Seven Principles of Public Life.</p> <p>details of the independent panel member should</p>	<p>All of these recommendations are welcomed.</p> <p>It should be noted that there has been some discussion about whether legislation should be considered requiring all Commissioners to have Deputy Commissioner and for them to stand jointly for election. It is understood that there will be no requirement for this to be the case in May 2016, though it would probably be considered good practice candidates for election in</p>

	<p>be published.</p> <p>Where a PCC intends to appoint a deputy PCC the PCC should disclose that fact and the intended Deputy (if known) at the time of the election.</p> <p>A decision to suspend or accept a resignation of a Chief Constable or to appoint a Deputy PCC should be regarded as a decision of 'significant public interest'.</p>	<p>May 2016 to name their Deputy (if any) in advance of the election.</p>
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3. Implications

- 3.1 Financial – if the OPCC and Commissioner do not actively manage their conduct then there is the potential for the organisation to be subject to costly litigation which could have an impact upon its ability to provide a policing service in Cumbria.
- 3.2 Legal - the OPCC has a statutory obligation to prevent and deal with conduct issues as outlined within the report.
- 3.3 Risk - there is the potential for the organisation and the Commissioner to suffer with regard to its reputation leading to a loss of public confidence, if it does not actively prevent, identify and deal appropriately with conduct issues.

4. Supplementary information

- Commissioner/Officer Protocol
- Anti-Discrimination Code of Conduct
- Code of Conduct
- Ethical Framework for Police and Crime Commissioners

All of the above documents are available to view on the OPCC website via the following link:
<http://www.cumbria-pcc.gov.uk/richard-rhodes/role-of-the-pcc.aspx>



Office of the Police & Crime Commissioner Report

Title: Code of Ethics

Date: 12 August 2015

Agenda Item No: 10

Executive Summary:

The Code of Ethics – a first in England and Wales - was launched on 15 July 2014 and sets out nine policing principles and ten standards of professional behavior. It was developed by the College of Policing and laid as a code of practice before Parliament as part of the Anti-Social Behaviour, Crime and Policing Act 2014.

The principles in the code are designed to guide decision making for everyone in policing. Combined with the standards of professional behaviour, the code will encourage officers and staff to challenge those who fall short of the standards expected.

Recommendation:

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

1. Introduction & Background

1.1 The Code of Ethics was created as part of an aim to professionalise the service and the College consulted extensively to ensure it is a Code of Ethics 'by' policing 'for' policing. It has practical examples for officers and staff to use in their everyday jobs and sets out nine policing principles and 10 standards of professional behaviour. It encourages officers and staff to challenge those who fall short of the code, while at the same time protecting those who report wrongdoing.

1.2 Policing Principles

Every person working for the police service must work honestly and ethically. The public expect the police to do the right thing in the right way. Basing decisions and actions on a set of policing principles will help to achieve this

- Accountability
- Fairness
- Honesty
- Integrity
- Leadership
- Objectivity
- Openness
- Respect
- Selflessness

1.3 **Standards of Professional Behaviour**

These standards reflect the expectations that the professional body and the public have of the behaviour of those working in policing.

- Honesty and integrity
- Authority, respect and courtesy
- Equality and diversity
- Use of force
- Orders and instructions
- Duties and responsibilities
- Confidentiality
- Fitness for work
- Conduct
- Challenging and reporting improper conduct

1.4 Following Royal Assent of the Anti-Social Behaviour, Crime and Policing Act 2014 the Constabulary undertook to roll-out, implement and embed the Code of Ethics within its everyday working practices. This was done through a variety of mediums including, Chief Officer Roadshows, training courses to include the Code of Ethics, PASS newsletter, information on noticeboards and on the Constabulary's intranet website.

1.5 Appended to this report is a breakdown of how the Code of Ethics has been implemented and continues to be embedded within the Constabulary.

- Appendix 1 - Leadership and Engagement
- Appendix 2 - Resourcing and Sustainability
- Appendix 3 - Methodology and Rigour



Ethics and Integrity Panel

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

Date: 12 August 2015

Agenda Item No: 11

Originating Officer: Stuart Edwards

CC:

Executive Summary:

The Office of the Police and Crime Commissioner has a statutory responsibility to provide policing services for Cumbria. The public is entitled to expect the conduct of the Commissioner to be of the highest standard and act with impartiality. The OPCC must ensure that effective procedures and responsibilities are in place to deliver that service. This annual report is to provide assurance to the Ethics and Integrity Panel on the Chief Executive's monitoring of the PCC/Officer Protocol and the Code of Conduct.

Recommendation:

That, the report be noted.

1. Introduction & Background

- 1.1 The Office of the Police and Crime Commissioner (OPCC) is responsible for providing policing services within Cumbria. As leader of the local policing body the Commissioner is critical to setting the culture of transparency and ethical behaviour in which the public can have trust across the criminal justice system in their area. Since coming into office the Police and Crime Commissioner has agreed and signed up to a number of protocols and codes which will enable him to carry out his role with integrity and transparency.
- 1.2 Staff employed by the OPCC are also bound by codes of conduct relating to how they conduct themselves whilst carrying out their roles and functions. In addition the volunteers recruited for the Independent Custody Visiting Scheme sign a 'Memorandum of Understanding' which details what is expected of them whilst carrying out their role.

- 1.3 New employees or staff on secondment or temporary contracts who are working for the OPCC are advised of the protocols and codes which they will need to adhere to when they commence with the organisation. Where appropriate protocols are signed by an individual and a copy kept within their personnel file.

2. Issues for Consideration

- 2.1 The Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order 2012 sets out the oath of office which Commissioners take, which includes promises to act with integrity, give the public a voice, be transparent and be accountable to the public. In support of that declaration a set of governance documents have been adopted by the Commissioner.

PCC / Officer Protocol

- 2.2 Upon taking up office the Commissioner agreed, as part of a suite of governance arrangements and documents, to undertake to abide by the PCC/Officer Protocol.
- 2.3 The purpose of this Protocol is to assist the Commissioner and OPCC staff to perform effectively by giving clearer guidance on their respective roles and expectations and about their relationship with each other. The Protocol also gives guidance on what to do should things go wrong. Responsibility for the operation of this Protocol in the case of employees lies with the Chief Executive.
- 2.4 Should any employee wish to raise an issue in relation to the Commissioner, which cannot be resolved informally, they will have recourse through the OPCC's Grievance Procedure or to the Office of the Police and Crime Commissioner's Monitoring Officer, as appropriate to the circumstances.
- 2.5 Since the inception of the Office of the Police and Crime Commissioner no complaints have been received from any member of staff or secondee in relation to the Commissioner. Neither has any complaint been made by the Commissioner about any member of staff.

Anti-Discrimination Code of Conduct

- 2.6 In addition to the PCC/Officer Protocol the Commissioner has signed a declaration that he will not accept discrimination within the OPCC. The Commissioner has taken personal responsibility with regard to his behaviour and to treat everyone with dignity and respect.
- 2.7 This code of conduct also confirms that the Commissioner will ensure that all communities are treated fairly and without prejudice. Ensuring that everyone has the opportunity to comment or be involved in the work of the OPCC ensuring that the police service they

receive is appropriate to their needs. The Commissioner has undertaken to remain impartial in his approach to work.

- 2.8 There have been no issues brought to the attention of the Chief Executive/Monitoring Officer with regard to either the Commissioner's or a member of staff's conduct.

Code of Conduct & Ethical Framework

- 2.9 Upon entering office the Commissioner agreed to abide by a Code of Conduct which regulates his conduct when acting or representing to act in that role. The code has been developed in line with the seven Nolan principles as set out in Standards in Public Life: First Report of the Committee on Standards in Public Life.
- 2.10 The code provides guidance on disclosable interests, use of resources, conflicts of interest, disclosure of information, transparency and complaints.
- 2.11 An Ethical Framework has been developed by the Association of Police and Crime Commissioners (APCC), following discussions between the APCC and the Committee on Standards in Public Life (CSPL). It supports documents developed and adopted locally in Cumbria such as the Code of Conduct, Commissioner-Officer Protocol, Anti-Discrimination Code of Conduct, Complaints Policy and Decision Making Protocol. It also supports the Oath of Office sworn by all Police and Crime Commissioners on election. The Commissioner has adopted the Ethical Framework.
- 2.12 The adoption of Ethical Framework for Police and Crime Commissioner is optional, and locally the Commissioner has already signed up to a number of documents that vouch for his commitment to operating in a highly ethical way. By adopting the Ethical Framework the Commissioner has sought to highlight that commitment.
- 2.13 Again there have been no issues brought to the attention of the Chief Executive/Monitoring Officer with regard to the conduct of the Commissioner whilst in the execution of his duties.

Police & Crime Panel

- 2.14 In line with the Police Reform and Social Responsibility Act and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012, complaints received in relation to the Police and Crime Commissioner, including regarding their conduct, are provided to and dealt with by the Police and Crime Panel (the Panel).
- 2.15 The Panel have agreed to adopt a complaints procedure to consider non-criminal complaints in relation to the Commissioner. The procedure states the Monitoring Officer of Cumbria County Council would consider all non-criminal complaints regarding both quality of service and conduct, and act to broker local resolutions to resolve the complaints and resolve relationships. The procedure provides that if local resolutions could not be

brokered and the complainant wished to take the matter further this could then be brought to the attention of the Panel.

- 2.16 During the year 2014/2015 a total of 2 separate complaints have been received by the Panel with regard to the Commissioner. With regard to both of the complaints received by the panel, the OPCC provided relevant documentation or information as requested. This information was subsequently provided by the County Council's monitoring officer to the individuals as way of an explanation regarding the issues that they raised. It should be noted that no action has been taken or sanctions made against the Commissioner following the complaints being made.
- 2.17 Whilst it was an option for the Panel to set up a sub-committee to look at the complaints, the panel members did not feel there would be any merit in doing so. No sanctions have been made against the Commissioner.

Ethics and Integrity Panel

- 2.18 The purpose of this panel is to provide a forum which challenges, encourages and supports the Commissioner and the Chief Constable in monitoring and dealing with integrity and ethical issues within Cumbria Constabulary and the Office of the Police and Crime Commissioner.
- 2.19 As part of their terms of reference the Panel monitor the operation and effectiveness of the PCC's Code of Conduct and the PCC/Officer Protocol.

3. Implications

- 3.1 Financial – if the OPCC and Commissioner do not actively manage their conduct then there is the potential for the organisation to be subject to costly litigation which could have an impact upon its ability to provide a policing service in Cumbria.
- 3.2 Legal - the OPCC has a statutory obligation to prevent and deal with conduct issues as outlined within the report.
- 3.3 Risk - there is the potential for the organisation and the Commissioner to suffer with regard to its reputation leading to a loss of public confidence, if it does not actively prevent, identify and deal appropriately with conduct issues.

4. Supplementary information

- Commissioner/Officer Protocol
- Anti-Discrimination Code of Conduct
- Code of Conduct
- Ethical Framework for Police and Crime Commissioners

All of the above documents are available to view on the OPCC website via the following link:
<http://www.cumbria-pcc.gov.uk/richard-rhodes/role-of-the-pcc.aspx>



Ethics and Integrity Panel

Title: 2016 Meeting Dates

Date: 12 August 2015

Agenda Item No: 12

Originating Officer: Stuart Edwards

CC:

Executive Summary:

The Police & Crime Commissioner and the Chief Constable both wish to ensure high standards of integrity and ethical working within their respective organizations. In order to achieve that objective and provide openness and accountability to the public they have established the Ethics & Integrity Panel.

Recommendation:

That, the Panel considers and agrees the proposed meeting dates for 2016.

1. Introduction & Background

- 1.1 The Ethics and Integrity Panel were established in February 2015 with the first panel meeting taking place in March 2015. Upon its formation it was agreed that the panel would meet on a quarterly basis throughout the year.
- 1.2 Meeting dates were set up to correspond with the reporting cycle of the Constabulary to ensure that reports contained the most up to date information possible. Therefore the meeting dates in 2015 were held during the second week of the month.
- 1.3 Following each panel meeting a report is prepared and presented to Police and Crime Commissioner at the next available Executive Board meeting.

2. Issues for Consideration

- 2.1 When considering the meeting dates for 2016 thought has been given to Panel members and attending officers/staff availability; and the Constabulary's reporting periods.

- 2.2 Police and Crime Commissioner Elections will be held on 5 May 2016 and this has been taken into consideration when proposing the May 2016 date.
- 2.3 The proposed meeting dates for 2016 are:
- ❖ Friday 12th February
 - ❖ Wednesday 4th May
 - ❖ Monday 8th August
 - ❖ Friday 11th November
- 2.4 In addition to the above dates an additional date may need to be arranged in May 2016 to enable the Panel to carry out all of its dip sampling of misconduct and grievance files. This will be arranged following consultation with the Panel members and the Constabulary.