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**Enquiries to: Mrs J Head**  
**Telephone: 01768 217734**

**Our reference: jh/EIP**

**Date: 1 August 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 **Monday 8 August 2016** in **Conference Room 2**, 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 Stop & Search Forms and Professional Discretion Framework cases.**

### **PANEL MEMBERSHIP**

Mr Michael Duff  
Mrs Lesley Horton  
Mr Alan Rankin (Chair)

## **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 4 May 2016 (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 Assistant Chief Constable Martland.*
- (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**

- (a) 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 Assistant Chief Constable Martland.*
- (b) To raise any overall issues identified during the dip sample session and discuss progress of actions detailed within the action sheet.

**7. GRIEVANCES**

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

**8. PROFESSIONAL DISCRETION FRAMEWORK**

- (a) To receive an update on the implementation of Professional Discretion Framework and the results of the six month review.
- (b) To raise any overall issues identified during the dip sample session and discuss progress of actions detailed within the action sheet

**9. 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.*

**10. 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.*

**11. FUTURE WORK OF THE PANEL**

To receive a report regarding future panel membership, proposed work programme and meeting dates – *To be presented by the OPCC Chief Executive.*



**Agenda Item No 4**

**ETHICS AND INTEGRITY PANEL**

Notes of a meeting of the Ethics and Integrity Panel held on  
Wednesday 4 May 2016 in Conference Room 2, Police Headquarters,  
Carleton Hall, Penrith, at 2.00 pm

**PRESENT**

Ms Lesley Horton  
Mr Alan Rankin (Chair)  
Mr Michael Duff

**Also present:**

Detective Chief Inspector (Furzana Nazir)  
Director of Legal Services (Andrew Dobson)  
Head of Human Resources (Andrew Taylor)  
OPCC Governance & Business Services Manager (Joanne Head)

**14. APOLOGIES FOR ABSENCE**

No apologies for absence were received as all members were present. The Panel Chair thanked everyone for their attendance at the meeting. The members appreciated that those representatives from the Constabulary were able to provide in-depth detail regarding the matters being presented on the agenda. However they were disappointed that senior officers from both the Constabulary and the Office of the Police and Crime Commissioner were unable to be present.

**15. DISCLOSURE OF PERSONAL INTERESTS**

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

**16. URGENT BUSINESS**

There were no items of urgent business to be considered by the Panel.

**17. NOTES OF THE PREVIOUS MEETING**

The notes of the meeting held on 12 February 2016 had been circulated with the agenda.

**Agreed;** that, the notes of the meeting held on 12 February 2016 be approved.



## 18. 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.

The Panel noted that there had been very few new claims during the last six months and the Director reported that a number of claims had now been concluded. The Director guided members through the claims which were still being processed providing details of the individual claims and advising of any issues arising. There were no identified trends or recurring issues.

On a national and local level the Constabulary, along with other forces, were in the process of dealing with employment tribunals in relation to police pensions. Currently there were 48 claims with more being added following the Constabulary implementation the national pension regulations. The claims were being co-ordinated nationally by Hertfordshire Constabulary.

**Agreed;** that, the Panel note the report.

(Andrew Dobson left the meeting at this point.)

## 19. POLICE STAFF MISCONDUCT

The Head of Human Resources presented a report which detailed the number of police staff discipline and misconduct cases which had been dealt with during the period 1 May 2015 and 30 April 2016. Three members of staff were the subject of disciplinary proceedings. Following the proceedings one member of staff had received a written warning, another words of advice and one member of staff had been dismissed following an appeal.

The Panel had had the opportunity on Thursday 28 April 2016 to dip sample police staff misconduct files. The purpose of the dip sample session was not to consider the merits of the case but to consider the transparency, fairness and timeliness of the process. The Panel again raised the issue of 'words or advice' not being fully recorded within the paper file. They were advised that it should be fully recorded electronically, it was recognised that it would be beneficial to also have it recorded on the paper file.

The members asked whether management training was provided to police staff and police officers where they had responsibility for managing police staff. The Head of Human Resources advised that training was provided and on specific matters members of the Human Resources team could provide advice and coaching.

Following the last dip sample session the members commented on the improvements which had been made to the way in which misconduct files were dealt. They complimented the Head of Human Resources and his team on the work that had obviously been undertaken to develop such improvements.



**Agreed;** that, the Panel note the report.

## **20. INTEGRITY – ANTI-FRAUD & CORRUPTION**

Detective Chief Inspector Nazir 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.

A member questioned the resignation of officers during the misconduct process and was advised that they could not when it was for Gross Misconduct, these being more serious offences or criminal matters. Where the matters were regarding misconduct an officer could resign.

The members were again pleased to note that the number of officers who were currently suspended had remained low, ie two.

Detective Chief Inspector Nazir provided members with examples of the types of issues and incidents which were currently ongoing in relation to this area of work.

**AGREED;** that the report be noted.

## **21. POLICE OFFICER MISCONDUCT**

On 28 April 2016 the Panel had the opportunity to dip sample police officer misconduct files. Having randomly selected a number of files, the Panel considered the transparency, fairness and timeliness of the process for each case.

Similar to that of police staff misconduct cases, the Panel again raised the issue of 'words or advice' not being fully recorded within the paper file. They were advised that it should be fully recorded electronically, it was recognised that it would be beneficial to also have it recorded on the paper file. Detective Chief Inspector Nazir advised that changes would be made to the form completed by supervision requiring them to detail the words of advice given and any actions agreed.

A detailed discussion took place regarding some of the cases sampled, whereby the Panel asked questions in relation to specific issues and were provided with relevant information and assurance.

**AGREED;** that the update be noted.

(Andrew Taylor left the meeting at this point.)



## 22. INTEGRITY - COMPLAINTS BY THE PUBLIC

Detective Chief Inspector Nazir 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. The number of complaints had seen an increase of 5 cases and a reduction of 66 allegations being identified in the last quarter.

It was noted that allegations against officers within the Territorial Policing Areas (TPA) had reduced but there had been an increase against officers within the Control Room at Headquarters. This was attributed to an increase in the number of Direction and Control complaints where members of the public were complaining about issues rather than individuals. Changes within the Control Room meant that officers were now making decisions regarding incidents based on organisational procedures.

The Professional Standards Department were in the process of devising a feedback form. This would assist the department to gain knowledge of a complainant's journey and experience throughout the complaints process. A member suggested that the form include space to allow individuals to express their views rather than simply a tick box form. This would then invite them to recount their experience. It was agreed that a copy of the form would be presented to the Panel's next meeting in August 2016.

**AGREED;** that,  
 (i) the report be noted; and  
 (ii) a copy of the feedback form be presented to the August meeting.

## 23. 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 October 2015 and 30 April 2016. The members were provided with anonymised lists from which they selected files at random that they wished to review. The Panel reviewed 18 files and were briefed on cases relating to identified best practice. The Panel also reviewed a specific file 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.

The members were pleased to note that the action which had been identified at the Panel's session undertaken on 11 November 2015 had been completed.

**AGREED;** that, the update be noted.



## 24. 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 up to 30 April 2016 and comparative figures for previous year.

It was noted that during the first four months of 2016 the OPCC had received 15 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. As of 31 March 2016 the Constabulary had received 334 requests which represented an increase of 13% for the same period in 2015. It is expected that the Constabulary will receive over 1300 requests in 2016 which would see a 30% increase on the 2015 requests.

It was recognised that the Constabulary did not consistently respond to requests within the statutory timescales. The Constabulary recognised the capacity issue and were taking steps to resolve this issue by appointing an additional part-time disclosure and compliance officer post within the department.

The report also detailed the number of subject access requests the constabulary had received. As at 31 March 2016 24 requests had been received which was comparable to 23 requested received up to the same period in 2015.

During the reporting period the Constabulary had submitted two formal notifications of security breaches to the Information Commissioner's Office. The Panel were briefed on the nature of the two incidents and the outcomes. One of the incidents no further action was necessary and for the other the matter was yet to be concluded. An update would be provided within the next report to the Panel.

**AGREED;** that,  
 (i) the report be noted; and  
 (ii) an update regarding the outstanding security breach be provided within the next report to the Panel.



(Detective Chief Inspector Nazir left the meeting at this point.)

## **25. OPCC COMPLAINTS AND QUALITY OF SERVICE ISSUES**

The Governance Manager 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 previous years. 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.

**AGREED;** that the report be noted.

## **26. PROFESSIONAL DISCRETION FRAMEWORK**

The Panel were advised that the review of the Professional Discretion Framework was not due to be concluded until the end of May 2016. A decision was made to defer discussion until the Panel's next meeting in August 2016.

The Panel agreed that a report would be presented to the meeting on 8 August 2016 detailing the findings of the review. It was proposed that during the morning of 8 August that the Panel review some of the cases resolved citing the discretionary framework.

**AGREED;** that

- (i) a report on the Professional Discretion Framework be presented to the August meeting;
- (ii) the Panel review some of the cases resolved citing the discretionary framework.

## **27. 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.



The Governance Manager presented a copy of the annual report which had been drafted by the Panel members. A copy of the draft had been presented to the Joint Audit and Standards Committee (JASC) to provide assurance on integrity matters within the Constabulary and the Office of the Police and Crime Commissioner (OPCC).

Due to changes within the meeting and end of year reporting schedule for JASC it was proposed that for future years the Annual Report be prepared and presented to the Panel at their February meeting. This could then be agreed and finalised in time to present to JASC at their May meeting.

Information relating to work undertaken by the Panel would be inserted into the report and then circulated to the Panel members for final approval and returned to the Governance Manager by 23 May 2016. The final report was to be presented to the Police and Crime Commissioner at their public meeting in July 2016.

- AGREED,** that,
- (i) the report be noted;
  - (ii) comments from the Panel to be provided to the Governance Manager by 25 May 2016; and
  - (iii) the finalised report be presented to the Police & Crime Commissioner at their public meeting in July 2016.

**Meeting ended at 4.30 pm**

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_

Panel Chair



# Constabulary Report to OPCC

## Agenda Item No 05

**TITLE OF REPORT:** INTEGRITY – COMPLAINTS BY THE PUBLIC

**DATE OF MEETING:** 8<sup>th</sup> August 2016

**ORIGINATING OFFICER:** DCI 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:
  - Q4 Apr to Mar 16, Cumbria: 201, Last year same period: 249. MSF average: 309, National average: 268.
- The current 12 month rolling figures show that there has been a reduction of 10 cases (3%) and a reduction of 67 allegations (13%) in comparison to the last 12 months.
- A breakdown of allegations shows that all TPA's have reduced their level of allegations but HQ has shown an increase, mainly due to Direction & Control complaints.
- Allegations upheld by PSD have reduced by 7 allegations (48%) comparing the last period the current 12 months. The number of Local resolutions has increased overall by 20 (11%)
- The number of IPCC and Force appeals continue to reduce.
- The number of upheld appeals for the IPCC has reduced compared to the last period by 5 to 3 (25% of results), upheld Force Appeals have remained stable(3% of results).

### 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.
- To circulate trends regarding types of allegation and outcomes to the TPA's.
- To finalise work on improving accessibility to the complaints process.

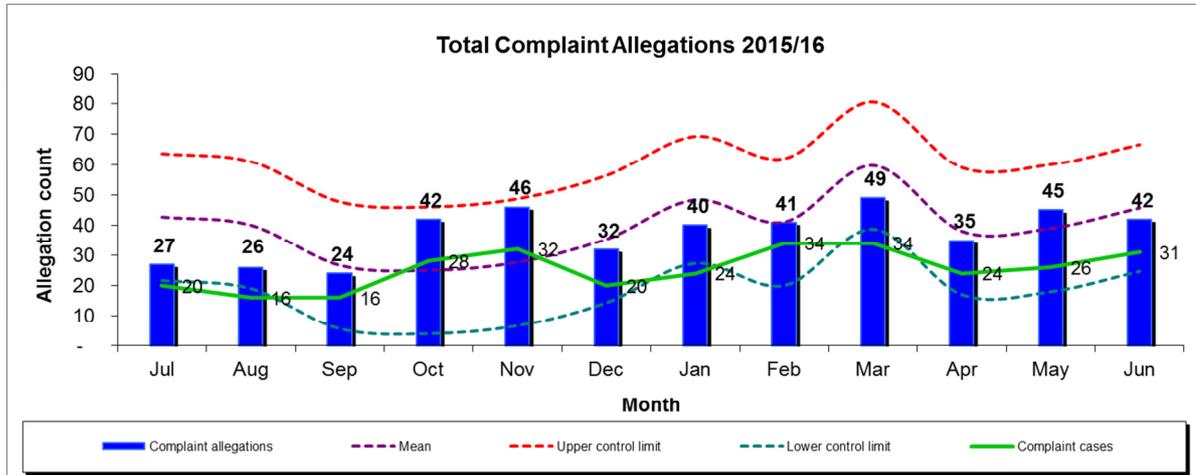
**MAIN SECTION**

**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 2015 to June 2016: -



The chart shows fluctuating levels of complaint allegations and cases. Peaks in allegations were seen in October, November March and May, although of note March’s figure of 49 is a significant reduction on the 74 in March 2015. The most significant change was the increase in Allegations and cases in October and November opposite to the three year trend of reductions in autumn. Over the 12 month period the total allegations at 446 are the lowest figure for 2 years and cases are 320, an increase of 10 on 2014/15 but a reduction on the 364 in 2013/14.

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 2015 and 2016. The figures show that the numbers of cases over the current 12 month period have reduced slightly when compared to the last 12 month period. This indicates that there are less people complaining and they are complaining about fewer issues.

	12 Month Rolling to June 2015	12 Month Rolling to June 2016	Percentage Change
<b>Cases</b>	330	320	-3.0
<b>Allegations</b>	513	446	-13.0

\*Including Direction and Control cases/allegations.

Work to improve accessibility to the police complaints system is progressing. Posters and assistance at Hate Crime Reporting Centres are to be made available.

## 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 Jun-15	12 Month Rolling to Jun-16	Change	12 Month Rolling to Jun-15	12 Month Rolling to Jun-16	Change
North	143	116	-27	90	89	-1
South	140	128	-12	98	91	-7
West	183	130	-53	101	82	-19
UOS	17	26	9	16	24	8
HQ	30	46	16	25	34	9
<b>Total</b>	<b>513</b>	<b>446</b>	<b>-67</b>	<b>330</b>	<b>320</b>	<b>-10</b>

\*Including Direction and Control cases/allegations.

Complaint cases have reduced when comparing the current 12 month period with the previous 12 months with only UOS and HQ showing increased figures.

The table shows a reduction in allegations with only UOS and HQ showing increases in the period.

## 1.3 Area Allegation group breakdown

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

12 Month Period	Group	North	South	West	UOS	HQ	Grand Total
12 Month Rolling to Jun-16	Breaches of PACE K,L,M,N,P,R	12	17	18	1	2	50
	D&C	13	13	7	11	15	59
	Discrimination F	4	2	2			8
	Incivility U	15	14	12	6	6	53
	Malpractice G,H,J	5	4	8		3	20
	Oppressive Behaviour A,B,C,D,E,Y	32	38	30	5		105
	Other W	1	2	1		2	6
	Unprofessional Conduct S,T,V,Q,X	34	38	52	3	18	145
<b>12 Month Rolling to Jun-16 Total</b>		<b>116</b>	<b>128</b>	<b>130</b>	<b>26</b>	<b>46</b>	<b>446</b>
12 Month Rolling to Jun-15	Breaches of PACE K,L,M,N,P,R	16	11	23	1	1	52
	D&C	7	6	10	1	12	36
	Discrimination F	1	2	5	1		9
	Incivility U	27	20	19	4	9	79
	Malpractice G,H,J	7	4	9	2		22
	Oppressive Behaviour A,B,C,D,E,Y	34	31	28	1	2	96
	Other W		3	1		1	5
	Unprofessional Conduct S,T,V,Q,X	51	63	88	7	5	214
<b>12 Month Rolling to Jun-15 Total</b>		<b>143</b>	<b>140</b>	<b>183</b>	<b>17</b>	<b>30</b>	<b>513</b>

\*Including Direction and Control case/allegations.

The largest increases have been seen in the following: -

- South TPA – D&C (7)
- UOS- D&C (10).
- HQ- Unprofessional Conduct (13).
- North TPA - Discrimination (3)

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 23 complaint allegations (63.9%). This is mainly due to more appropriate use of this category particularly regarding complaints about the control room. This is reflected in the main type increased being Operational Management decisions and Organisational Decisions.

The 2 main categories that have seen a rise are:-

Organisational Decisions (+12) and Operational Management Decisions (+12)

Organisational Decisions include where officers and staff should be located and how officers and staff should be deployed. We have seen a number of complaints where a member of the public disagrees with the decision not to send a Police Officer when they have called the Constabulary, this was anticipated. A Police Officer makes the decision to deploy patrols, deal with the incident over the phone or to deploy someone at a diarised time, the incident is risk assessed in order to ensure the right staff are being deployed to the right jobs at the right time.

Operational Management Decisions include general strategic decisions on how certain police powers should be exercised. This includes the recording of crimes. We have seen a number of complaints where a member of the public disagrees with the decision not to record a crime. These types of complaints are recorded as a Direction and Control matter following IPCC guidance which states, "where a complainant is informed that a crime will not be recorded due to NCRS (National Crime Recording Standards) and disagrees with the decision the complaint should be recorded as a Direction and Control matter (IPCC Focus Issue 2).

The largest reductions have been seen in the following: -

- All areas except HQ - Unprofessional Conduct (-69).
- All areas except HQ - Incivility (-26)

The three main groups are Unprofessional Conduct, Oppressive Behaviour and incivility:

- Unprofessional Conduct saw an overall reduction of 69 allegations (32%) with Other Neglect and failure of duty reducing by 53 (36%). The only area to increase was HQ which showed an increase across departments and situations, the main type being Other Neglect and failure of duty.
- Oppressive Behaviour showed an increase of 9 allegations (9.38%).
- Incivility reduced by 26 (33%).

The group/allegation type that saw the largest percentage increase in the current 12 month period when compared to the previous 12 months was Other Assault which increased by 21 allegations (39.9%). This is one of the Oppressive Behaviour categories and this group of allegation types has increased overall by 9 (9.38%).

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

- SharePoint (July 2015) - Correct procedure for the lawful retention of seized property.
- PASS Newsletter Force wide, July 2015, Update Recent Special Case Hearing
- PASS Newsletter Force wide, July 2015, USB security and Disclosure of information to Paramedics
- Individual (Aug 2015) - Use of force form in relation to non-compliance when restrained with handcuffs. Learning point
- Force orders (Aug 2015) - Statement issued regarding property being seized under Statutory or Common law. Learning point
- Custody bulletin(Aug 2015) - Mattress not placed on floor in cell in anticipation of officers having to take the DP to the floor and (2) The custody sergeant did not document the rationale on the custody record for the DPs clothes to be removed albeit a verbal instruction had been given. Learning point
- Force orders (Aug 2015) - Unlawful arrest in Cumbria for offence of Murder in Scotland. Organisational
- Force orders (Aug 2015) - Statement issued reminding officers of the need to be fully conversant with the procedure in respect of the issue of PIN's following upheld complaint. Learning point
- Dissemination to 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
- Dissemination to 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
- Dissemination to 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
- Dissemination to Individual (Dec 2015) Review of procedure re the provision of a statement or evidence for the defence, 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).
- Dissemination to Department Manager (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
- Dissemination to Control room staff, (Jan 2016). Control room training now including advice following complaint re attendance for a shop lifting in progress
- Dissemination to Department Manager, (Jan 2016). Insp Barr to review policy re mental health detainees
- Dissemination to Individual, (Feb 2016). Correct procedure for recording of complaints which can be taken by telephone contact.
- PSD Admin, (Feb 2016). CCTV viewing re subjudice cases
- Online News to all staff, (March 2016). Learning the Lessons Bulletin 25- February 2016.

- Dissemination to Custody, (March 2016). Custody officers reminded of timeliness of cell checks; removal of option to input multiple entries to custody records simultaneously; guidance regarding surplus items of clothing in cells
- Online News to all staff, (March 2016). Reminder of standard of driving by on duty police officers in marked police vehicles
- Online News to all staff, (April 2016) Learning the Lessons Bulletin 26 - March 2016
- Dissemination to Custody, (April 2016) Reminder regarding good communication between officers when dealing with DPs in custody to avoid incidents resulting in injury to DP
- Online News to all staff, (May 2016) Reminder to renew Business Interests.
- Dissemination to Custody, (June 2016) Concerns raised regarding the detention of an individual - namely the lack of provision of clothing following a strip search. In addition detainee is taken to hospital and is returned to his original cell which has not been cleaned. During the initial part of his detention the detainee is seen to urinate on the mattress whilst apparently asleep, he also has blood on his face which would transfer to the mattress
- Dissemination to Department Manager, (June 2016) Review of PIN notice and procedure following an issue identified as part of a public complaint when a PIN was not authorised correctly. The process has now been reviewed and revised protocol and notice are to be circulated force wide
- PASS Newsletter, (June 2016) Check accuracy of information being forwarded to another department in reply to a member of the public to prevent any perception of falsification by them. (PASS 23/16 item 4)
- PASS Newsletter, (June 2016) Inadvertent distribution of indecent images by another force. Force notified and advice re storage and sharing of images for investigation purposes on a PASS Newsletter for Cumbria Constabulary. (PASS 23/16 item 3)
- PASS Newsletter, (June 2016) Ensure any details by a witness is recorded on the overnight package and/or entered separately as an exhibit. (PASS23/16 item 1). Also ensure any attempt to contact potential witnesses is logged to prevent a perception of failure to conduct a thorough investigation (PASS 23/16 item 2)
- PASS Newsletter, (June 2016) Special case hearing result (PASS 24)

#### 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 complaints made against them are assessed following which appropriate guidance and support is provided.

There were 14 officers who met the repeat officer strategy in the current period which is a reduction of 22 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 5 had their supervisors updated, a profile was completed for one officer and the others are currently being reviewed.

### 1.5 Dissatisfaction Reports

There were 61 dissatisfaction reports recorded in the current 12 months which is a reduction of 32 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 regarding similar issues to those reported on in the complaint cases, these being neglect/fail duty, incivility and oppressive behaviour and a separate issue of misinformation.

### 1.6 Diversity

There have been 8 allegations of discriminatory behaviour by the police recorded during the current 12 month period which is a reduction of 1 when compared to the previous 12 months.

- 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. (recorded July 2015)
- 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. (recorded August 2015)
- 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. (recorded November 2015)
- 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. Not Upheld - by PSD. (recorded November 2015)
- Complainant was arrested and alleges the officers that carried out the arrest were homophobic. Not upheld by PSD. (recorded December 2015)
- Complainant states he was poorly cared for in custody and that this was due to his mental health issues. Not upheld by PSD. (recorded December 2015)
- Complainant states they were racially abused by attending officers following a call to an incident, the complainant inferred their comments were because they are a Gypsy. This is currently live. (recorded February 2016)
- Complainant states the officers contacting them was transphobic due to the way they reacted when the complainant answered the telephone. This is currently live. (recorded March 2016).

## 1.7 Performance

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

<b>Allegation Result Description</b>	<b>12 Month Rolling to Jun -15</b>	<b>12 Month Rolling to Jun-16</b>	<b>Change</b>
De Recorded	5	7	2
Disapplication - by Force	51	49	-2
Discontinued - by Force	2	0	-2
Local Resolution - by Area	126	136	10
Local Resolution - by PSD	46	56	10
Not Upheld - by Area	1	0	-1
Not Upheld - by PSD	202	196	-6
Special Requirements	0	2	2
Upheld - by PSD	35	18	-17
Withdrawn - by Force	12	7	-5
Withdrawn - by IPCC	0	3	3
<b>Grand Total</b>	<b>480</b>	<b>474</b>	<b>-6</b>

The IPCC in the most recent report (Q4, Apr 2015 to Mar 2016) assess Cumbria's performance for average number of days to finalise Local Resolution and Investigations:

- Average number of days to locally resolve allegations – Cumbria 35, MSF average 53 and National average 66.
- Average number of days to finalise cases – Cumbria 80, MSF average 97 and National average 108.
- Cumbria is the 3<sup>rd</sup> best in the country for average number of days to locally resolve allegations.

Due to a process change reminders are sent to Officers that are progressing Local Resolutions whereby 25 days have lapsed, this has increased the number of LR cases meeting the target in the last two quarters.

In the current 12 month period, 474 allegations were finalised compared to 480 in the previous period the greatest reduction (by 17) was in Upheld by PSD, with Local resolution increasing both for Area and PSD by 10 (7.9 % and 21.7% respectively) but as a proportion it has increased from 35.8% in the last period to 40.5% in the current period.

1.8 Force and IPCC Appeals

Result	Force Appeals 12 months rolling to Jun - 15	Force Appeals 12 months rolling to Jun- 16	IPCC Appeals 12 months rolling to Jun- 15	IPCC Appeals 12 months rolling to Jun- 16
Upheld	1	1	8	3
Not Upheld	42	20	14	7
Withdrawn	0	0		
Not Valid	0	0	2	
Live	0	10		2
<b>Total</b>	<b>43</b>	<b>31</b>	<b>24</b>	<b>12</b>

The above data highlights that the number of IPCC appeals have reduced by half and the number of force appeals has reduced by 28% (43 to 31). The percentage of upheld appeals for Force appeals has remained stable in this reporting period compared to the previous 12 months. IPCC Appeals have reduced by 12 (50%) and upheld results have also reduced in total and proportionately.

Upheld Force Appeals have increased from 2% to 3% (1 of 31 compared to 1 of 43).

Upheld IPCC Appeals have reduced from 33% to 25% (3 of 12 compared to 8 of 24).

1.9 Direction and Control Complaints

Direction and control complaints are from members of the public complaining about how the constabulary is run rather than individuals. Over the current 12 month period direction and control complaints have increased by (63%) when compared to the previous 12 month period, the largest increases being Operational management decisions and Organisational Decisions. As mentioned previously in the document this is in small part 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 Jun - 15	12 Month Rolling to Jun -16	Change
General policing standards	8	10	2
Operational management decisions	17	29	12
Operational policing policies	6	3	-3
Organisational decisions	5	17	12
<b>Grand Total</b>	<b>36</b>	<b>59</b>	<b>23</b>

Issues raised in the last quarter include complaints about decisions for specific cases, specific policies/procedures, issues around the floods and Control Room performance. There have been a number of items of Best Practice circulated to the Control Room in the period and some issues have now been including within the training plan.

Following the new Command and Control room structure Officers were encouraged to make decisions using the risk assessment model – THRIVE (Threat, Risk, Harm, Investigative

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Item 05 - Constabulary Integrity Part 1 final

Opportunities, Vulnerability, Engagement), their knowledge, experience, training, guidance, organisational procedures, NDM(National Decision Making model) and their discretion. Officers within the Command and Control room grade/categorise incidents using all of the skills/tools mentioned above to ensure the right resources are being sent to the incidents at the right time.

The Constabulary anticipated that the Command and Control room changes may lead to an increase in complaints from the public, professionals or partner agencies. Therefore, if a complaint was made, it would be assessed and if it was a complaint against the Constabulary then recording a complaint against the Officer may be counterproductive thus a decision has been made to record these complaints as a direction and control matter. A direct result of the new process has led to demand being managed, Officers and Police staff being moved to locations where demand is at its highest but more importantly the level of risk is identified and incidents are graded accordingly ensuring the people in Cumbria are kept safe.



# Office of the Police & Crime Commissioner Report

## Title: Grievance Report

**Date:** 7th July 2016

**Agenda Item No:** 07

**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 6<sup>th</sup> July 2016 and a summary of the past 3 financial years. Currently there have been 2 grievances 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 overview as to the subject of the grievance. In addition there are statistics relating to whether the aggrieved is a police officer or 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 have been 2 grievances submitted this financial year.
- 2.2 There is a standing agenda item at the 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 raised. All staff support groups, including the Federation and Unison, Occupational Health 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.
- 2.4 The Constabulary do feedback and share good practise from outcomes of grievances and this feeds into organisational change.
- 2.5 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  
Please Equality implications

3.2 Legal  
Please Equality implications

3.3 Risk  
Please Equality implications

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

If any equality and 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 reputational loss.

### **4. Supplementary information**

Appendix 1 - Grievance Statistics for 3 years

Appendix 2 - Grievance Statistics 2016-17

## Appendix 1 - GRIEVANCE STATISTICS

	2013/2014	2014/2015	2015/2016
<b>Total number of Grievances</b>	10	3	4
Of which:			
Resolved Stage 1	5	2	2
Resolved Stage 2	2	0	
Resolved Stage 3	0	0	
Withdrawn	0	0	
Awaiting Resolution	0	0	1
Not Resolved to Satisfaction	1	1	1
On Hold (completed but not signed off/other issues)	2		
<b>TOTAL</b>	10	3	4

<b>Breakdown of Aggrieved by Gender and Race</b>			
Total Males	5	1	3
Total Females	5	2	1
<b>TOTAL</b>	10	3	4
Minority Ethnic staff (male and female)	0	0	0

<b>Police Staff Grievances</b>			
Male	1	0	0
Female	3	1	1
<b>Police Officers</b>			
<b>Male</b>	<b>4</b>	<b>1</b>	<b>2</b>
<b>Female</b>	<b>2</b>	<b>1</b>	<b>1</b>
<b>TOTAL</b>	<b>10</b>	<b>3</b>	<b>4</b>

<b>Area</b>			
West	3	0	1
North	0	2	1
South	3	0	
UOS/CID	2	0	
HQ	2	1	2
<b>TOTAL</b>	10	3	4

<b>Subject of Grievance</b>			
Other Individuals	4	1	
Force Policy	6	2	4
<b>TOTALS</b>	10	3	

<b>Grievances involving alleged discrimination</b>			
<b>Race</b>	0	0	0
<b>Sex</b>	0	0	0
<b>Disability</b>	0	0	0
<b>Age</b>	0	0	0
<b>Sexual Orientation</b>	0	0	0
<b>Religion and Belief</b>	0	0	0
<b>Transgender</b>	0	0	0
<b>TOTAL</b>	0	0	0

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# Grievances

## Appendix 2

Please see below the figures for the financial year 20016/2017 up to and including 6/01/15.

	No. 2016/17
Total No. of grievances submitted to date	2
Resolved Stage 1	0
Resolved Stage 2	0
Resolved Stage 3	0
Not Resolved	0
Awaiting Action/Resolution	2
Withdrawn	0
On Hold (completed but not signed off/other issues)	0

### Gender and Ethnicity Breakdown

	No. 2015/16
Male	1
Female	1
Black Minority Ethnic	0
Officers/Staff with Disabilities	0
Police Officers	2
Police Staff	0

### BCU Areas

	Resolved	Further Action	Withdrawn	On Hold	Not Resolved
West	0	0	0	0	0
North	0	0	0	0	0
South	0	1	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
2	0	0	0	0	0

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## Constabulary Report to OPCC

### Agenda Item No 08

**TITLE OF REPORT:** POLICE DISCRETIONARY FRAMEWORK

**DATE OF MEETING:** 8<sup>th</sup> August 2016

**ORIGINATING OFFICER:** Inspector C O'Hare

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

#### Executive Summary:

*No more than 100 words.*

The Discretionary framework was introduced in 2015. It is a tool to be used to ensure that investigations into low level crime are not disproportionate to the value or anticipated outcome of the crime. Additionally it acts to ensure that there is an appropriate reduction in unnecessary demand for officers outside of the Command and Control Room (CCR), positively contributing to the resilience and operational capacity of the Constabulary and consequently ensuring that we serve our Communities by focussing on priority crimes.

When considering the right outcome for a crime, the discretionary framework is often a potential option for a proportionate resolution; it is important that two things are considered:

- The way a crime is dealt with and how the appropriate outcome is selected must be victim focused, and
  - The victim must always be asked what the impact has been on them and what they want and expect to be done about it.
- Home Office Counting Rules, in relation to the National Crime Recording Standards (NCRS) must always be complied with.

#### 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 report be noted

## MAIN SECTION

### **When Should the Discretionary Framework be Used?**

Common sense should always be used when considering the use of this framework, in any event the views of the victim and impact on the community should also be considered.

When applying the framework the judgement of the officer applying it should always be compliant with the Code of Ethics.

Crimes for which it can be considered are low level such as thefts, public order, shoplifting and criminal damage. However this list is not exhaustive. In contrast, there are clear offences to which the discretionary framework should NOT be used:

- Offences related to Domestic Violence or abuse.
- Burglary in a dwelling, burglary other than in a dwelling or attempt burglary (subject to observations of value or security)
- Sexual Offences
- Assault occasioning grievous bodily harm (GBH)
- Where the victim is a Silver or Gold ASBRA (anti-social behaviour risk assessment victim) or is otherwise identified as vulnerable through the application of THRIVE.
- Where the suspect is a prolific offender.
- Where the suspect has a Restraining Order or Bail Conditions connected to the crime.
- Where the offence is identified as Hate Crime.

### **Why Should it be used?**

When applying the Discretionary Framework officers within CCR are actively encouraged to consider the following options and impact factors;

- What is the scale of the crime and its impact on the victim and community?
- What Time and Resources would be required to investigate or identify the suspect?
- The penalty or likely outcome should the case proceed to prosecution
- Is it in the General Public interest?

These options are considered when considering the use of the framework, the internal quality assurance systems managing compliance. This ensures transparency and clarity to all users that the level of investigations to any crime is not disproportionate. i.e. if a person has stolen an item of significantly small value ( eg a Mars bar at 60 pence), how much time and effort would it take to investigate and the associated costs/ outcome?

### **The QA Process**

There are a number of CCR Sergeants working within the Command and Control Room. Within their area of responsibility is the management and continual assessment of the Discretionary Framework process to ensure it is used appropriately and that officers are using it to reduce demand.

An Inspector has responsibility for its compliance (NCRS / NSIR) and appropriate use, which is also incorporated in the quality counts process and quality assurance requirements.

**Current Usage within CCR**

Since 28<sup>th</sup> September 2015 to 19<sup>th</sup> July 2016 the Discretionary Framework has been used on 107 occasions. Examples of these offences are:

- 1 - SF1504744 CP-20151126-0156 is a shoplifting by unknown juvenile where 2 cans of lager were stolen and therefore low value, Low value theft with property recovered and juvenile suspect. Offender is described as 12 year male and unknown to staff.
- 2 - NC1607031 CP-20160124-0091 is theft of a phone from a nightclub due to time and resources required it was judged to be disproportionate to investigate.
- 3 - SL1604372 CP-20160331-0093 is a public order offence where victim will not provide statement and no independent witnesses.
- 4 - WC1604647 CP-20160419-0041 is theft of purse containing £4, deemed as disproportionate to investigate due to low value.
- 5 – WC1604789 CP-20160504-0047 Low value theft from unattended and insecure scarp car. No lines of investigation or ID of offender. Not proportionate to investigate.
- 6 – NC1608346 CP-20160330-0150 Low value shoplifting £2.50, suspect not identified other than potentially a 13 year old.

**Summary**

The national time period used for measuring demand (as per the Police Allocation Manual) is **40 minutes per incident**. The “Understanding Demand” review indicated this may be as high as **140 minutes per incident for Cumbria**. This suggests that the above number of occasions that the framework has been utilised has reduced officer time by **between 71.33 hours and 249.6 hours** (middle estimation of **160 hours**) over a **38** week period.

This equates to a conservative (middle estimation) calculation of **219 hours per year** (5.5 full weeks of officer time)

A breakdown of NPT’s evidences the application throughout the county:

**North Cumbria 23%**

**West Cumbria 44%**

**South Cumbria 33%.**



# Constabulary Report to OPCC

## Agenda Item No 09

**TITLE OF REPORT:** INTEGRITY – CODE OF ETHICS

**DATE OF MEETING:** 8<sup>th</sup> August 2016

**ORIGINATING OFFICER:** DCI Nazir – Professional Standards

### Executive Summary:

*No more than 100 words.*

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 behaviour. 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:

*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 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

The 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 The Code of Ethics has been implemented and continues to be embedded within the Constabulary through its practices, policies and procedures. Learning and development (training) include code of ethics within every lesson. The Constabulary wants to continue to build upon its ethical foundation and as a result there are a number of actions on going, some have been highlighted by external auditors others by national good practice, Cumbria Constabulary initiatives and the College of Policing. Examples of some of these actions are as follows:

- Identified Code of ethics lead

- Code of ethics included in reviews (15 week reviews of officers and staff)
- Code of ethics inputs to Area management teams (AMT's) and Senior management teams (SMTs)
- Dip sampling of investigations, conduct cases and complaints to ascertain ethical investigations are conducted, some of this work is conducted by the Ethics and Integrity panel
- Interrogating Use of force data to bespoke training and to identify ethical issues, learning or good practice
- Rewarding and highlighting examples of ethical behaviour
- Paper to be submitted to Operations board re "Embedding the code of ethics"
- Liaising with Devon and Cornwall as they have been highlighted as a force that has and continues to embed the code of ethics.
- Refreshing Constabulary posters but using the Policing family to come up with ideas

Ethical behaviour is something we should do all of the time and not just when we are dealing with a difficult situation, it is everything we do and everyone has a part to play.



# Ethics and Integrity Panel

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

**Date: 8 August 2016**

**Agenda Item No: 10**

**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 on 12 May 2016 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. Mr Rhodes during his term of office also agreed and signed up to the same protocols and codes.
- 1.2 Staff employed by the OPCC are 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 was 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 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

- 2.13 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).
- 2.14 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.
- 2.15 During the year 2015/2016 1 complaint was received by the Panel with regard to the Commissioner, Mr Richard Rhodes. Relevant information and documentation was provided

to the County Council's monitoring officer which was subsequently provided to the individual by way of an explanation regarding the issue they had raised.

- 2.16 Whilst it was an option for the Panel to set up a sub-committee to look at the complaint, the panel members did not feel there would be any merit in doing so. No sanctions have been made against the Commissioner.
- 2.17 At the meeting of the Panel on 15 July 2016 Members agreed, at the suggestion of the County Council's Monitoring Officer, to undertake a review of the complaints procedure, with a view to reporting back to the meeting of the Panel on 11 October 2016.

#### 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: Future Work Programme and Administrative Matters

**Date: 8 August 2016**

**Agenda Item No: 11**

**Originating Officer: Stuart Edwards**

### Executive Summary:

The Office of the Police and Crime Commissioner has a statutory responsibility to provide policing services for Cumbria and to scrutinise the delivery of those services. As part of that scrutiny process the Commissioner, jointly with the Chief Constable, has established an Ethics and Integrity Panel composed of independent people recruited through public advertisement.

This report addresses some issues around future recruitment to the Panel and seeks the views of Panel Members on the Panel's future work programme.

### Recommendation:

That,

1. The report be noted;
2. Members give consideration to their future work programme as set out in the report; and
3. The proposals concerning the appointment of a new Member and Chair be noted.

### 1. Introduction & Background

- 1.1.1 The Panel was established in 2015, meeting for the first time on 13 March 2015. The Panel was composed of four Members, one of whom had been specifically recruited to act as Panel Chair. At that first meeting the Panel noted its Terms of Reference and agreed a work programme for the following year.
- 1.1.2 In the period since the Panel was established the role of the Panel has gradually expanded beyond the original remit and it is now opportune to consider the future direction for the Panel.
- 1.1.3 Two Panel Members have resigned, including the Chair. This report sets out the proposed way forward for replacing those Members.

## 2. Future Work Programme

- 2.1 The Panel started its life with the intention of looking at particular areas such as complaints and grievances. Essentially the work programme involved a cycle of reviews of procedures and processes designed to provide assurance to both the Commissioner and Chief Constable that appropriate processes were in place and that they were being followed and implemented. The Panel was able to provide this assurance, though it did highlight a number of relatively minor areas in which processes might be improved.
- 2.2 After a number of meetings it became clear that this limited remit would probably not be sufficient to sustain the Panel or justify its existence in the longer term. At the same time it was clear that there was potential for the role of the Panel to be expanded to incorporate some other areas of activity, for example in February 2016 the Panel gave consideration to the then recently introduced Professional Discretion Framework. At the same meeting the Panel undertook a thematic dip sample of the Constabulary's use of Stop and Search powers in the light of recommendations made by HMIC following a review of the use of these powers.
- 2.3 The Commissioner and Chief Constable would both welcome the Panel undertaking more thematic dip samples or reviews of specific areas of activity or issues as they arise, with the proviso that this widening of activity remained focused on the ethical and integrity aspects of these matters.
- 2.4 A potential programme of work for the Panel is attached to this report. Panel Members are asked to consider this draft programme, which seeks to balance the more routine work previously undertaken by the Panel while allowing for the inclusion of some more thematic activity. The precise thematic activity has yet to be identified, but is likely to be matters that are topical.
- 2.5 The views of Panel Members are sought on this proposal before formal changes are made to the Panel's Terms of Reference.

## 3. Panel Membership

- 3.1 Since the Panel was established the Chair and one Member have resigned. A new Member has been appointed to fill one vacancy. The position of Chair is currently being filled in rotation by the two remaining existing Panel Members.
- 3.2 The Commissioner and Chief Constable are agreed that they want the Panel brought up to its original membership of four. They also wish to appoint a permanent Chair. To achieve this it is proposed to –
- 1) Proceed to publicly advertise the vacancy for a Member of the Panel;
  - 2) Offer the opportunity for existing Panel Members to apply for the position of Panel Chair.
- 3.3 Both of these processes will be undertaken concurrently, commencing in early September.

**Stuart Edwards**  
**OPCC Chief Executive**  
August 2016

# Ethics Panel Annual Work Programme

## 1 Purpose of the Annual Work Programme

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

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

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

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

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

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

## Ethics & Integrity Panel Annual Work Programme 2017

February 2017	May 2017	August 2017	November 2017
<p><b>THEMATIC DIP SAMPLE :</b> Dip sample an agreed area of business within the Constabulary.</p>	<p><b>PUBLIC COMPLAINT FILES:</b> Dip sample finalised public complaint files held by the Constabulary. Where appropriate live cases may also be reviewed.</p>	<p><b>THEMATIC DIP SAMPLE:</b> Dip sample an agreed area of business within the Constabulary.</p>	<p><b>PUBLIC COMPLAINT FILES:</b> Dip sample finalised public complaint files held by the Constabulary. Where appropriate live cases may also be reviewed.</p>
<p><b>PUBLIC COMPLAINTS PERFORMANCE DATA:</b> To receive reports containing data on how the Constabulary have met their statutory requirements.</p> <p><b>ANTI-FRAUD &amp; CORRUPTION UNIT REPORT:</b> To receive a report on the cases being dealt with by the Anti-Fraud &amp; Corruption Unit.</p>	<p><b>PUBLIC COMPLAINTS PERFORMANCE DATA:</b> To receive reports containing data on how the Constabulary have met their statutory requirements.</p> <p><b>ANTI-FRAUD &amp; CORRUPTION UNIT REPORT:</b> To receive a report on the cases being dealt with by the Anti-Fraud &amp; Corruption Unit.</p>	<p><b>PUBLIC COMPLAINTS PERFORMANCE DATA:</b> To receive reports containing data on how the Constabulary have met their statutory requirements.</p> <p><b>ANTI-FRAUD &amp; CORRUPTION UNIT REPORT:</b> To receive a report on the cases being dealt with by the Anti-Fraud &amp; Corruption Unit.</p>	<p><b>PUBLIC COMPLAINTS PERFORMANCE DATA:</b> To receive reports containing data on how the Constabulary have met their statutory requirements.</p> <p><b>ANTI-FRAUD &amp; CORRUPTION UNIT REPORT:</b> To receive a report on the cases being dealt with by the Anti-Fraud &amp; Corruption Unit.</p>
<p><b>ANNUAL REPORT:</b> To consider the annual report to be provided to the Commissioner on the work carried out by the Panel.</p> <p><b>THEMATIC SESSION:</b></p>	<p><b>CIVIL CLAIMS:</b> To receive a report on Civil Claims to monitor any trends/issues and how learning/training has been implemented.</p> <p><b>GRIEVANCES:</b> To receive a report on Grievances against the Constabulary identifying any trends or issues.</p> <p><b>OPCC COMPLAINTS &amp; QSPI:</b> To receive a report on complaints and quality of service issues received by the OPCC.</p> <p><b>MISCONDUCT – OFFICER &amp; STAFF DISCIPLINE:</b> To receive reports on officer and staff discipline and dip sample cases reviewing the initial assessment and outcome to confirm consistency/fairness in approach to misconduct cases.</p>	<p><b>THEMATIC SESSION:</b></p>	<p><b>CIVIL CLAIMS:</b> To receive a report on Civil Claims to monitor any trends/issues and how learning/training has been implemented.</p> <p><b>GRIEVANCES:</b> To receive a report on Grievances against the Constabulary identifying any trends or issues.</p> <p><b>OPCC COMPLAINTS &amp; QSPI:</b> To receive a report on complaints and quality of service issues received by the OPCC.</p> <p><b>MISCONDUCT – OFFICER &amp; STAFF DISCIPLINE:</b> To receive reports on officer and staff discipline and dip sample cases reviewing the initial assessment and outcome to confirm consistency/fairness in approach to misconduct cases.</p>

**In addition the following will be considered when required:**

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