

**Enquiries to: Mrs J Head
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Our reference: jh/EIP

Date: 1 August 2018

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 **Thursday 9 August 2018** in **Conference Room 3**, Police Headquarters, Carleton Hall, Penrith, at **2.00pm**. Please note that a buffet lunch will be served for Members of the Ethics and Integrity Panel.

**G Shearer
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 9.30 am to carry out dip sampling and an agreed Thematic Session.

PANEL MEMBERSHIP

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

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 16 May 2018 (copy enclosed).

5. 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 Webster*

6. INTEGRITY – COMPLAINTS BY THE PUBLIC

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

7. IMPROVING THE POLICE COMPLAINTS PROCESS

To receive a report on work carried out by Cumbria Constabulary to improve the accessibility of the complaints process (copy enclosed) – *To be presented by Deputy Chief Constable Webster*

8. SPECIAL CONSTABULARY RECRUITMENT UPDATE

To receive a verbal report on the work being carried out by the Constabulary with regard to Special Constables - *To be presented by Superintendent Jackson.*

9. REVIEW OF SMALL EX GRATIA PAYMENTS

To receive a verbal update on ex-gratia payments – *To be presented by Superintendent Jackson.*

10. STOP & SEARCH

To verbally report upon the outcome of the morning dip sample session.

11. BODY WORN VIDEO

To verbally report upon the outcome of the morning demonstration.

12. PANEL TENURE

To receive a verbal report on the proposal to extend the current tenure of the membership of the panel. – *To be presented by the OPCC Chief Executive.*

ETHICS AND INTEGRITY PANEL

Notes of a meeting of the Ethics and Integrity Panel held on Wednesday 16th May 2018 in OPCC Meeting Room, Police Headquarters, Carleton Hall, Penrith, at 2.00 pm

PRESENT

Mr Alan Rankin
Mr Michael Duff
Mr Alex Rocke
Mrs Lesley Horton

Also present:

T/Deputy Chief Constable Mark Webster
Superintendent Sarah Jackson
Director of Legal Services Andrew Dobson
OPCC Chief Executive Gill Shearer
OPCC Governance Manager Joanne Head
Paula Coulter, OPCC (taking minutes)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence. The Panel Chair thanked everyone for their attendance at the meeting

2. DISCLOSURE OF PERSONAL INTERESTS

There were no disclosures of personal interest regarding any agenda item.

3. URGENT BUSINESS

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

4. NOTES OF THE PREVIOUS MEETING

The notes of the meeting held on 8th February 2018 had been circulated with the agenda.

With regard to Minute No 5 (4th paragraph); a discussion took place around the safeguarding hubs. There will be a total of 6 neighbourhood hubs. While some are still in the build phase, there is lots of good case study evidence and areas of learning will be used to apply a performance framework for the hubs. This is still embryonic and awaiting performance data, although there are lots of aims; aspirations and good practice outcomes.

Action Sheet:

DATE OF MEETING: 21 September 2017					
Body Worn Video	The E&I Panel to be involved in the consultation process the System Operating Procedures and advised of any significant changes to these thereafter	Supt M Kennerley	Ongoing	No engagement with the Ethics Panel members. Mr Webster chased Matt Kennerley during the meeting.	August
Grievances	Future reports to include bullying	Sarah Dimmock	May 2018	Will reflect in future reports	
Public Complaints	Dates of key events (eg Kendal Calling) and whether complaints were received from them to be included in future reports	Supt Jackson	November 2017 onwards	Will reflect in future reports	

Additionally Supt. Jackson advised that:-

- A new PDR annual appraisal system is due to be launched in July. This will now be in the form of a 15 week review and will be based on a more holistic conversation. There will no longer be an annual PDR. Staff know that this is coming in and training is being provided for line managers. It was noted that some people may be reluctant to have personal conversations.
- Vexatious Complaints Policy is in draft format. This is still to be agreed by the Legal dept. and will then be shared with Members of the Ethics & Integrity Panel.
- A new system will come into force later in the year for the complaints handling process. This will be brought to the November meeting.

Agreed; that,

- (i) that the minutes and comments be noted; and
- (ii) the Vexatious Complaints Policy will be shared with Members of the Ethics & Integrity Panel; and
- (iii) Supt. Jackson will report back on the new complaints handling process to the November meeting;

5. CIVIL CLAIMS

The Director of Legal Services presented the report to the Panel. It was noted that whilst the report was in the same format as those previously presented to the Panel, the way in which the Legal Services department now reports claims to the insurers has changed. It is the intention of the department to review the new reporting process once it had been embedded for at least 12 months, with a view to adopting the same process for reporting claims to the Ethics and Integrity Panel.

The report sets out the position as at 31 March 2018. There have been 20 new claims and 7 active claims. There has been very little change since the last report, and nothing significant to report.

AGREED, that the reports and comments be noted.

6 & 7 GRIEVANCES and MISCONDUCT (items taken together)

Supt Jackson provided a verbal update in relation to grievances and misconduct

The report showed the number of grievances lodged up to 31st March 2018, together with a summary of the last 3 financial years. So far, to date, there had been no grievances lodged in this financial year, 2018/2019. Included in the report was a breakdown of those lodging grievances. The report identified the gender and race of those submitting grievances as well as an overview as to the nature of the grievance. In addition statistics relating to whether the aggrieved is a police officer or member of staff and whether the grievance relates to unlawful discrimination have been included. It was noted that there were no emerging trends or patterns at the time of writing the report.

It was acknowledged that the number of grievances were very low (8) and some of those relate to the appeals process rather than grievances.

Lots of work is ongoing around the General Data Protection Regulations (GDPR) and it has been re-enforced that checking systems must be for a policing purpose only, and in some cases can

be a criminal offence resulting in a fine or conviction. HMIC are due to carry out an inspection and Supt. Jackson will report back on this to the November meeting.

Agreed; that,

- (i) the Panel note the update; and
- (ii) Supt. Jackson will report back following the HMIC inspection to the November meeting;

8. INTEGRITY – ANTI-FRAUD & CORRUPTION

Supt. Jackson 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 status.

- The People department is currently delivering Code of ethics and Abuse of Authority for Sexual Gain (AASG) inputs to all of their Police employees.
- Cumbria is the North West regional lead for AASG. The Constabulary is continuing to engage with professional partners and agencies to highlight this type of corruption.
- The People Department own a number of delivery plans and policies that are linked to Ethical behaviour i.e. Code of ethics, Vetting, Abuse of Authority for Sexual Gain (AASG), Management of Police Information (MOPI), Anti-Fraud and Corruption policy.
- The Constabulary continues to make excellent progress with vetting based on current volumes and it is anticipated that there will be full compliance over a shorter time frame – between 15/18 months, instead of the initially anticipated 24months.
- The ACU Intelligence department has developed a capability and capacity plan, this plan and the newly acquired audit tool (Anti-corruption portal) will assist the Constabulary in developing a more proactive approach to identify corruption, AASG and other serious matters.

The Constabulary plans to:

- Continue to publicise expected standards of ethical behaviour, good practice, learning and signpost staff to help/reporting lines via PASS Newsletters, Best Practice and Need to Know.
- Monitor and review the introduction of an integrity health check within the 15 week and annual reviews.
- Continue to give Professional standards inputs to all employees and to develop NCALT packages for continued learning and raise awareness of delivery plans linked to the People department.

It was noted that there had been a spike in reporting following the code of Ethics training, but that was levelling out now. More resources are being put into the corruption team and vetting will be improved.

The recruitment process for Specials was discussed.

Agreed; that, the Panel note the report

9. INTEGRITY – COMPLAINTS BY THE PUBLIC

Members of the Ethics & Integrity Panel had viewed the files in the dip sampling process on the new paperless system. Although it is still early in the process it was felt that this had worked very well. It was helpful that Members were also able to speak directly to the person involved in dealing with the case at the time, providing a better flow and a quicker process overall.

It was acknowledged that in general the themes, timeliness and quality are all good and that the nature of the wording continues to improve. However, it was felt that in some cases the timeframe for appeals was very lengthy.

Members had also spent some time in the Control Room observing the 101 system. This had been very useful and had given a flavour of the calls coming into the room and why some calls take longer than others to resolve, which can result in longer wait times on the system.

It was acknowledged that Body Worn Video will prove invaluable when it is fully rolled out, as a lot of complaints can be written off at source. Matt Kennerley will arrange a full demonstration of the Body Worn Video for members of the Ethics & Integrity Panel.

Supt. Jackson presented a report, which outlined public complaints that the Constabulary had received during the reporting period along with comparison figures for the previous 12 months rolling period.

- IOPC data continues to show that Cumbria complaints per 1000 employees remains lowest in the MSF, at 152 (most similar forces Lincolnshire 317, Norfolk 213, North Wales 241) and also against MSF/national averages:
- Oct 17 to Dec 17, Cumbria: 152, MSF average: 231 National average: 206
- The current 12 month rolling figures show that cases increased by 6.12% and there has been an increase in allegations by 9.05% in comparison to the last 12 months.
- A breakdown of allegations shows that only UOS has reduced their level of allegations in the rolling 12 months.
- The main group showing an increase when comparing the rolling 12 months is Direction & Control by 58 (113.73%).

- Allegations by Local Resolution TPA has increased by 153 allegations (137.84%) comparing the last period with the current 12 months. The number of allegations Not Upheld by PSD has reduced by 7.

- The number of Force appeals has increased from 22 to 30 (36.36%) , IOPC appeals have also increased by 14 (58.33%), when comparing the last 12 months against the previous.
- The number of Upheld appeals for the IOPC has increased by 116.67% compared to the last 12 month period, upheld Force Appeals have increased by 20%.

The Constabulary plans to:

- Continue to issue PASS Newsletters, Best Practice and Need to Know when trends are identified and publicise expected standards of ethical behaviour, good practice, learning and signpost staff to help/reporting lines via PASS Newsletters, Best Practice and Forcenet.
- Circulate quarterly reports regarding types of allegation and repeat officer data to the TPA's.
- Continue to raise awareness and implement delivery plans linked to the People department, some examples being inputs on Code of ethics, Abuse of Authority for Sexual Gain (AASG) and continued Vetting compliance.

Agreed; that,

- (i) the Panel note the update; and
- (ii) Matt Kennerley will arrange a full demonstration of the Body Worn Video for Members of the Ethics & Integrity Panel;

10. OPCC COMPLAINTS & QSPI

Complaints

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

It was acknowledged that less and less complaints are coming through to the OPCC that should have gone to the Constabulary.

Current complaints against the Commissioner were discussed. The Police and Crime Panel are looking at their complaints procedure, working in conjunction with the OPCC. Meetings have taken place with the IOPC to discuss appeals.

It was noted that work is still on going in relation to the appeals process, currently the date is April 2019 but this may change. Further information should be available in the Autumn.

QSPI's

Every year the number of QSPI's received by the OPCC increases, and the trend looks set to continue this year.

It was agreed that going forward the report will show a breakdown of the QSPI issues for the next meeting.

Agreed; that,

- (i) the Panel note the update; and
- (ii) the next QSPI report will show a breakdown of QSPI issues;

11. AOB

The Chair raised the issue of police procurement following the recent publication of a Home Office report into the cost of policing. There appeared to be a disparity with the spend between Cumbria and other forces for what appeared to be similar items.

T/DCC Webster explained that all police kit was purchased through a national framework and contracts. It was acknowledged that some of the items were not being compared 'like for like'. It was agreed that T/DCC Webster would look at the detail of the report together with the Director of Corporate Support and the Chief Finance Officer and will report back to the Ethics and Integrity Panel.

Agreed; that,

- (i) T/DCC Webster would look at the detail of the police procurement report together with the Director of Corporate Support and the Chief Finance Officer and will report back to the Ethics and Integrity Panel;

Meeting ended at 4.00 pm

Signed: _____
Panel Chair

Date: _____



Constabulary Report to OPCC

TITLE OF REPORT:**INTEGRITY – COMPLAINTS BY THE PUBLIC****DATE OF MEETING:****9th August 2018****ORIGINATING OFFICER:****Superintendent Jackson – Head of People Department****PART 1 or PART 2 PAPER:****PART 1 (OPEN)****Executive Summary:***No more than 100 words.*

- IOPC data continues to show that Cumbria complaints per 1000 employees remains lowest in the MSF at 200 (most similar forces - Lincolnshire 411, Norfolk 289, North Wales 344) and also against MSF/national averages:
 - Oct 17 to Dec 17, Cumbria: 200, MSF average: 311 National average: 274
- The current 12 month rolling figures show that cases reduced by 2.96% and there has been an increase in allegations by 5.96% in comparison to the last 12 months.
- A breakdown of allegations shows that UOS and South TPA have reduced their level of allegations in the rolling 12 months.
- The main group showing an increase when comparing the rolling 12 months is Direction & Control by 40 (59.0%).
- Allegations finalised as Local Resolution by TPA increased by 128 allegations (80.50%) comparing the last period with the current 12 months. The number of allegations Upheld by PSD has increased by 20 (222.22%).
- The number of Force appeals has increased from 22 to 41 (86.36%) , IOPC appeals have also increased by 17 (60.71%), when comparing the last 12 months against the previous.
- The number of Upheld appeals for the IOPC has increased by 77.7% compared to the last 12 month period, upheld Force Appeals have increased by 125%.

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, Best Practice and Need to Know when trends are identified and publicise expected standards of ethical behaviour, good practice, learning and signpost staff to help/reporting lines via PASS Newsletters, Best Practice and Forcenet.
- To circulate trends regarding types of allegation and outcomes to the TPA's. Introduction of TPA – Improvement Plan on a quarterly basis
- To continue to raise awareness and implement delivery plans linked to the People department, some examples being Code of ethics, Abuse of Authority for Sexual Gain (APSP/APIER) and Vetting
- The success of Service Recovery teams cannot be under estimated. Many (if not the majority) forces have invested in service recovery teams and as a result some forces

have seen a 28% reduction in complaints and a 41% saving in front line duties (currently Inspectors are responsible for Local Resolution complaints). Service recovery teams have taken on the tasks of contacting all complainants, providing there and then service recovery (where applicable) and all minor complaints leaving specialist investigators to investigate complaints which are subject to special requirements (serious complaints).

This approach has also led to:

- Complainants spoken to within 24 hrs of their complaint
- Proactive response to complainants with a potential resolution of their complaint within 48 hrs
- This approach ensures that this process does not delay complaints that need local investigation
- Reassurance to the complainant that service improvements will take place
- Reallocation of volume of work will result in organisational savings

MAIN SECTION

1. Introduction and Background

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

The latest data periods available & reported on in this document are as follows:

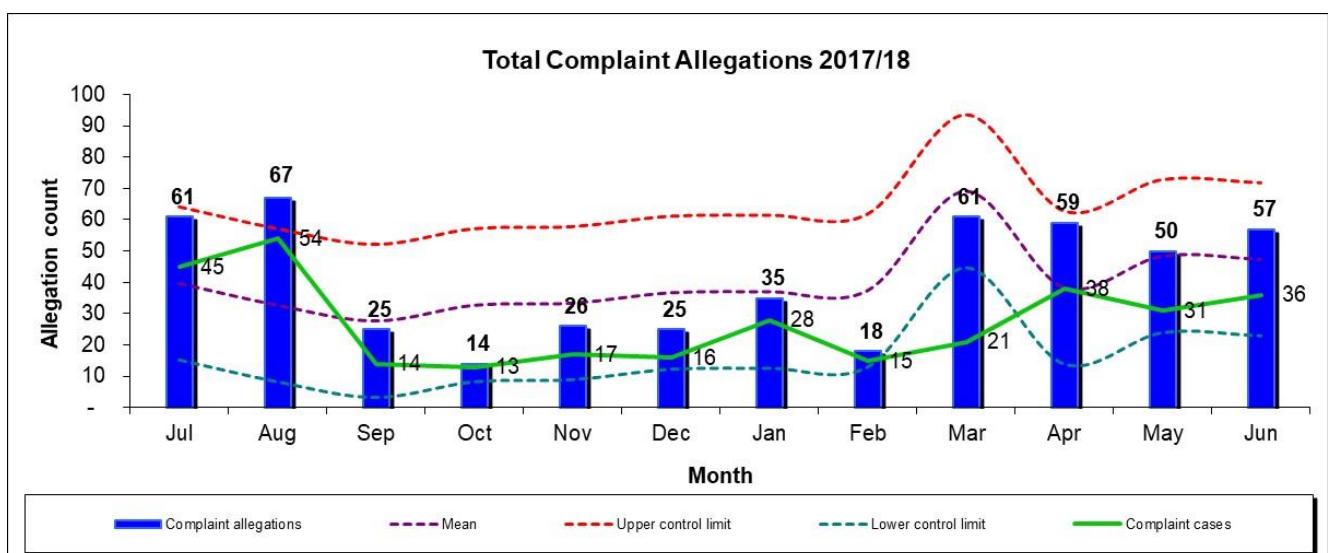
IOPC Q1, Q2, Q3 & Q4: April 2017 to March 2018

Cumbria Q1: April – June 2018

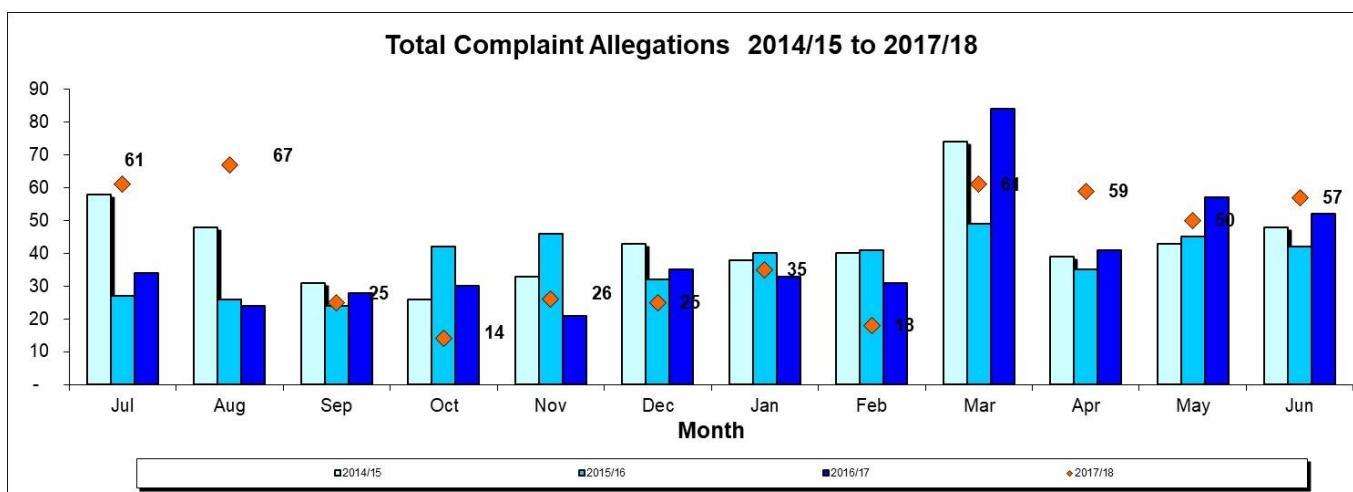
Cumbria 12 month rolling: 1st July 2017 – 30th June 2018

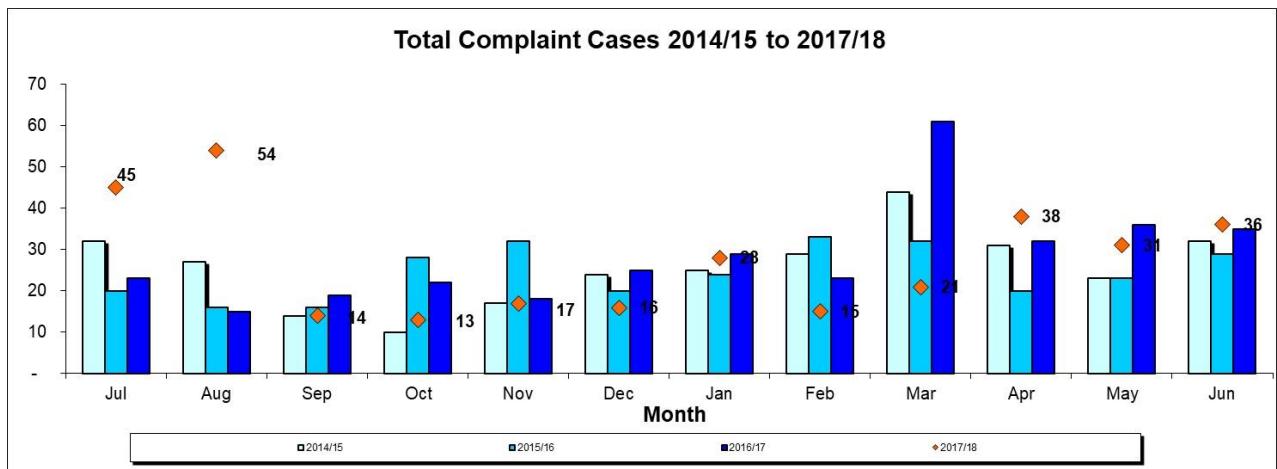
1.1 Complaint Allegations

The below chart shows levels of complaint cases and allegations in the last 12 months from July 2017 to 30th June 2018:



The chart shows following the winter reduction figures have increased again for both complaint allegations and cases. Over the 12 month period the total allegations are 498 and cases are 328. Since April, Cumbria has been on or above its 3 year average for both complaints and allegations.





Allegations & Cases have increased after the reduced period from September to February.

The table below shows the total number of cases and allegations including direction and control for 12 months to the end of June 2017 and 2018. The figures show that the numbers of allegations over the current 12 month period have increased compared to the last 12 months and cases reduced in the same period. This shows there are slightly less people wishing to complain although they are complaining about more issues.

	12 Month Rolling to June 2017	12 Month Rolling to June 2018	Percentage Change
Cases	338	328	-2.96%
Allegations	470	498	5.96%

*Including Direction and Control cases/allegations.

Allegations broken down into TPA/Area.

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

Area	<u>Allegations</u>			<u>Cases</u>		
	12 Month Rolling to June 2017	12 Month Rolling to June 2018	Change	12 Month Rolling to June 2017	Rolling to June 2018	Change
North	126	169	+43	99	119	+20
South	125	119	-6	86	71	-15
West	121	148	+27	82	85	+3
UOS	33	26	-7	25	20	-5
HQ/Other	65	36	-29	46	33	-13
Total	470	498	+28	338	328	-10

*Including Direction and Control cases/allegations.

The table shows an increase in allegations with the largest increase in North TPA followed by West TPA in this period.

Complaint cases have reduced overall when comparing the current 12 month period with the previous 12 months however North TPA shows a significant increase and West TPA a slight rise in the period. There is no clear trends for North TPA however an improvement plan is being used to identify issues that require development.

It is with this in mind that PSD have Introduced the Improvement Plan which for the first time provides Senior Managers and Managers with a quarterly report on Complaints, Misconduct and other matters. This comprehensive report highlights notable conduct and complaint cases; complaint allegation analysis per shift per area over quarterly periods; direction and control complaints and performance. Hopefully this information will assist managers with organisational learning.

1.2 Area Allegation group breakdown (Glossary of allegation types at end of document)

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 June 2017	Breaches of PACE K,L,M,N,P,R	8	16	16	0	0	40
	D&C	14	7	11	8	28	68
	Discrimination F	4	0	3	0	1	8
	Incivility U	24	18	17	9	8	76
	Malpractice G,H,J	5	6	3	1	5	20
	Oppressive Behaviour A,B,C,D,E,Y	18	30	26	5	3	82
	Other W	4	6	4	2	3	19
	Unprofessional Conduct S,T,V,Q,X	49	42	41	8	17	157
12 Month Rolling to June 2017 Total		126	125	121	33	65	470
12 Month Rolling to June 2018	Breaches of PACE K,L,M,N,P,R	15	9	17	2	1	44
	D&C	39	22	31	3	13	108
	Discrimination F	2	2	1	0	2	7
	Incivility U	22	11	16	7	7	63
	Malpractice G,H,J	12	7	8	0	3	30
	Oppressive Behaviour A,B,C,D,E,Y	21	20	25	3	2	71
	Other W	1	0	1	0	0	2
	Unprofessional Conduct S,T,V,Q,X	57	48	49	11	8	173

12 Month Rolling to June 2018 Total	169	119	148	26	36	498
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*Including Direction and Control case/allegations.

Change between 12 Month Rolling June 2017 and June 2018						
Group	North	South	West	UOS	HQ	Group Total
Breaches of PACE K,L,M,N,P,R	7	-7	1	2	1	4
D&C	25	15	20	-5	-15	40
Discrimination F	-2	2	-2	0	1	-1
Incivility U	-2	-7	-1	-2	-1	-13
Malpractice G,H,J	7	1	5	-1	-2	10
Oppressive Behaviour A,B,C,D,E,Y	3	-10	-1	-2	-1	-11
Other W	-3	-6	-3	-2	-3	-17
Unprofessional Conduct S,T,V,Q,X	8	6	8	3	-9	16
Area Total	43	-6	27	-7	-29	28

The four main groups reported on are Unprofessional Conduct, Oppressive Behaviour, Direction & Control and Incivility.

Incivility

The largest reduction of the four main groups (-17%) has been in Incivility when comparing the 12 month period ending June 2017 to the following 12 month period

- South TPA – reduced by 7
- North TPA - reduced by 2
- West TPA – reduced by 1

Oppressive behaviour also increased (-13%) but these 2 groups are often inverse due to the similarity in definition and application of judgement of the Complaints & Misconduct manager.

Direction & Control

Direction & Control saw the largest percentage increase 40 (59%) in the current 12 month period when compared to the previous 12 months. Direction and Control complaints are from members of the public complaining about how the Constabulary is run rather than actions of individuals.

- North TPA – an increase of 25
- West TPA – an increase of 20
- South TPA – an increase of 15

Direction & Control refers to organisational decisions as opposed to a complaint against an individual. Complaints in this group present the opportunity to review and develop Force policies and procedures for complaints to be addressed as a performance issue. This is preferable when possible, presenting an opportunity for learning & development.

Organisational Decisions increased by 55 (211.5%). The totals for HQ and UOS have reduced significantly year on year, North and West both saw significant increases in Organisational decisions, West having some multiple allegations cases but North did not.

The three main themes in D& C are:

- Decisions regarding custody in relation Code C (detention, treatment and questioning of detained person). Of note instruction has recently been received from IOPC regarding decisions made in Custody; they should be recorded as specific conduct matters, rather than Direction and Control as complainants are complaining about their treatment that they have not received as opposed to specific policies. This may result in a decrease in D&Cs going forwards.

A number of the custody related matters are in relation to appropriate adults for vulnerable persons. It is important to consider what is defined as a vulnerable person as per the college of Policing;

A person is vulnerable if, as a result of their situation or circumstances, they are unable to take care of or protect themselves or others from harm or exploitation.

Custody sergeants are still unsure at what point they would trigger Appropriate Adult services, the recent directive is that an Appropriate Adult must be considered from the outset and not just when a detained person is due for interview. Learning is being cascaded to ensure they are supported.

- Intelligence also seems to indicate that a lot of complaints originate from evidential decisions not to pursue criminal investigations because they do not pass the full code test, even though there is a suspect.
- Complaints re the seizure of FI's following a criminal offence by the licence holder,

Allegation Result Description	12 Month Rolling to June 2017	12 Month Rolling to June 2018	Change
General policing standards	5	0	-5
Operational management decisions	35	5	-30
Operational policing policies	2	22	+20
Organisational decisions	26	81	+55
Grand Total	68	108	+40

A Direction and Control complaint is one that relates to one of the following:

- Operational policing policies
- Organisational decisions
- General standards in the force
- Operational management decisions

The following are examples of areas relating to direction and control:

- The formulation of guidelines and the making of general decisions on the deployment and posting of officers or groups of officers.
- A policy decision to (or not to) arrest and charge for particular offences.
- The decision on how, generally, to perform certain functions, for example firearms licensing, use of firearms, stop and search, seizing of property for evidential purposes.

Direction is someone making a person do is/her work in a certain way by providing them with instructions, guidance or advice as to how the work must be done. Someone providing direction will often coordinate the how the work is done, as it is being undertaken.

Control is someone dictating what work a person does and how they go about doing that work.

Unprofessional Conduct

Unprofessional Conduct has increased in the current 12 month period by 16 (10.2%), with an increase seen in every TPA with the exception of HQ

- West TPA – an increase of 8
- North TPA – an increase of 8
- South TPA – an increase of 6

Within this group, the main Allegation type which has increased in the previous 12 months is Lack of fairness and impartiality, by 18 (75%). Traffic Irregularity also increased 6 (50%). South TPA showed the highest increase of Lack of fairness and impartiality 9 to 15.

Lack of fairness complaints have increased in relation to counter allegations; Counter Allegation' refers to a very narrow and rare set of circumstances, a private individual encountering a crime

There are three possible counter allegation scenarios:

- Appropriate force
- Reasonable use of force
- Excessive force

Common law provides that defence of one's self, family or property is a defence to a charge of assault. Allegations may involve a charged assault suspect making a claim that they were assaulted during the course of a fight. This must be subject to normal investigatory practices but, categorically, this is not a counter allegation.

Taffic Irregularity complaints includes allegations where police officers are alleged to be using hand held devices whilst driving. There has been a number of signposting by PSD to advise colleagues in respect of same.

Furthermore there have been a number of public complaints about the manner of driving by officers, responding to emergency calls but not taking the desired care and attention

There were 2 Sexual Assault in the 12 month period. One previously reported on in the Q3 report, the allegation being an adult male complaining a strip search was sexual motivated but this was Not Upheld by PSD. The other was an adult female complainant who claimed on entering custody that a male officer had touched her sexually, this was investigated but proven not to have occurred and was finalised as Not Upheld by PSD and the investigation resulted that there was no case to answer in respect of misconduct.

In the quarter 1, the following PASS Newsletters and Best Practice guidance have been issued in respect of identified issues: -

LESSON LEARNED CATEGORY	DISSEMINATION By / To	BRIEF DESCRIPTION
April 2018		
05/04/2018	Custody	Amended guidance - Cumbria Constabulary Corporate Procedures Guidance - Use of Force in Custody Searching Detainees and Related Matters
12/04/2018	PSD DI to Area DI	Advice re asking staff to contact members of their family detailed on incident logs
20/04/2018	Custody Insp to all North Custody officers and DO's	Reminder of the necessity to document buzzer and intercom checks conducted in a cell along with the necessity to document all offers of food and drink thoroughly
May 2018		
23/05/2018	Area Supt to supervision in South	In relation to DSIs being identified quickly and ensuring that PSD is informed of these
25/05/2018	Intranet	Guidance document titled "Use of Force in Custody, Searching Detainees and Related Matters" has now been added to our library and is available Force wide
21/05/2018	PSD DS to Individual	Lessons Learnt -Management Action to include learning/advice (re officer not investigating or getting involved in cases that relate to friends or family members) .
June 2018		
15/06/2018	UOS Insp to UOS PS	One to one management support to provide reminder of LR process and supervisory responsibility to investigate complaints by engaging with the complainant

3.1 Repeat Officer Strategy

PSD are currently working more closely with area supervisors to provide an auditable trail of individual performance management where an officer hits the repeat officer threshold.

Officers who are subject of a public complaint will automatically trigger if they are subject of 3 complaint cases in a 12 month period. They will be allocated to the relevant investigating officer to ensure that trends and areas of concern in respect of performance are identified at the earliest opportunity. HR are consulted to incorporate any relevant information within the investigators review. The Complaints and Misconduct Manager & Anti-Corruption Unit also assess the officers person record and contribute any relevant information.

Details of the complaint and officer are then raised for discussion at the Professional Standards Tactical & Co-ordination Group. If further action is required, then a dissemination is forwarded to the officers line manager to facilitate a professional review. This early intervention approach will seek to maintain standards as well as address (or identify) any officer wellbeing issues.

There were 8 entries under the Repeat Officer Strategy in the current Quarter 1. An increase from 6 in the previous period, Quarter 4. 1 officer has 2 entries as a repeat officer in the Quarter and has already been raised again in the new quarter.

The the rolling 12 months, there were 41 Repeat Officer Strategy entries, 4 of these officers had one or more entry under the strategy in the 12 month period. This is an increase on the previous 12 month period which had 33 entries.

For the 12 month rolling period: 17 (41.67%) of the identified officers are in West TPA, 12 (29.27%) in South, 9 (21.95%) in North & 3 (7.32%) in UOS.

The Complaints Manager is liaising with the TPA Commanders highlighting opportunities for learning, development, force training and bodycam use. Also how officers that receive more complaints due to being easily identifiable, via ethnicity or accent, can be supported.

Over the past twelve months PSD have developed a more intrusive process to the Repeat Officer Strategy, in an attempt to demonstrate a progressive attitude towards individual and organisational failings. Mistakes are learning opportunities; individuals should be encouraged to adopt a reflective practice approach.

The process in short:

Summary of all complaints provided by Complaints and Misconduct Investigator, prior to sharing same with ACU Intel and HR. This provides an holistic overview in respect of the officer. The complaints manager then makes an assessment of the information provided focus on 3 key areas:

*Learning
Service Delivery
Improve outcomes.*

This information is the discussed at the People Department T &CG meeting and the Head of People makes a determination in respect of additional actions if appropriate. This could be in the form of; strength based coaching for example.

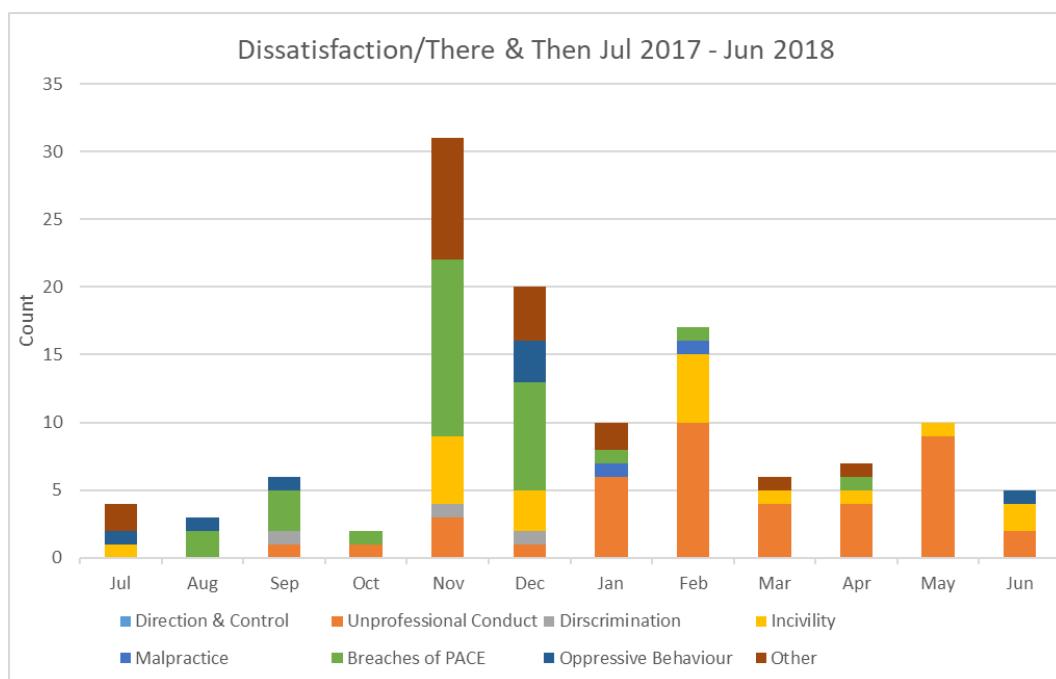
The respective supervisor then would capture same in “Learning to Improve” document which provides greater transparency and improved focus on improving performance. The document once completed is then returned to PSD and retained as part of the officers development

3.2 There & Then

Up until November 2017, complaints were dealt with as dissatisfaction reports. From November onwards, these are now recorded as There and Then reports. There and Then reports capture complaints that can be resolved at the time of raising ie. service recovery.

Once a complaint is received, it is assessed by the Duty Complaints Investigator. If the complaint can be dealt with and finalised 'There and Then' through the investigator acting as a facilitator, the complaint is recorded as a There & Then and a miscellaneous incident (MI) number is created. There and Then are dealt with by a trained and experienced PSD Investigator. Thus these matters are dealt with more consistently, trends identified and the TPA are dealing with less matters.

The previous Dissatisfaction cases were categorised using keywords. The There & Then cases are now categorised using 'Types'. For the purpose of reporting and consistency, the previous Dissatisfaction categories have been converted in to the current There & Then categories, using the Group table (Appendix 1.0).



There were 121 dissatisfaction reports recorded in the current 12 months which is an increase of 72 when compared to the previous 12 month period. This is due to the transition from Dissatisfaction Reports to There & Then Reports. The main categories reported on in the lower level dissatisfaction reports over the 12 month are in Unprofessional Conduct Breaches of PACE and Incivility which combined form 58.68% of dissatisfaction reports in the period.

There has been a reduction in incivility complaints because the majority have been captured under the "There and then" mantle.

Once officers' complete their initial training there is no training provided in respect of communication techniques. All PST training concentrates on techniques rather than communication.

Student officers are provided with communication techniques (LEAPS) – but this is never refreshed.

In summary we teach our officers' how to use force proportionately but no scenario based training ever concentrates on communication techniques as a stand-alone. This

is now being raised in Learning and Development to develop enhanced training with the professional challenge.

3.3 Diversity

There have been 7 allegations of discriminatory behaviour by the police recorded during the current 12 month period which is a reduction of 1 compared to the previous 12 months.

Allegations for Q1 April - June 2018:

June 2018 - Complaint of officers informing the complainant that they had to produce their driving licence on request as the law had changed and there was no option to produce it at a later date. The officer told the complainant they had a provisional licence which they dispute and so impounded the vehicle. (complaint about discrimination withdrawn LR appeal not upheld)

June 2018 - Complainant states that the custody staff discriminated against them by refusing to give them a pen and also states that they were released from custody after 5pm meaning they could not access appropriate services and no consideration was given for their wellbeing in these circumstances. Complainant initially detained under section 136 MHA.

June 2018 - The complainant reports that the investigating officer was discriminatory against them by inferring that the complainant did not know what constituted an assault because they were from a foreign country which the complainant found extremely offensive. This matter was finalised by the Area DI "Regarding the remark the DC made that you allege was 'racist'; I am satisfied that the comments which made reference to your nationality was an attempt by them to explain any misconceptions you may have had regarding UK Law as opposed to any Law or procedure you may have been familiar with from another Country. These comments were not racist or intended to be insulting"

3.4 Performance

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

Allegation Result Description	12 Month Rolling to June 2017	12 Month Rolling to June 2018	Change
Disapplication - by Force	39	5	-34
Discontinued - by Force	0	1	1
Dispensation - by Force	0	0	0
Local Resolution - by TPA	159	287	128
Local Resolution - by PSD	60	21	-39
Not Upheld - by TPA	4	0	-4
Not Upheld - by IOPC	0	13	13
Not Upheld - by PSD	123	127	4
Special Requirements No Case	3	4	1
Special Requirements Case	6	0	-6
Upheld - by PSD	9	29	20
Withdrawn - by Force	21	11	-10
Withdrawn - by IOPC	0	0	0
Grand Total	420	506	86

The IOPC in the most recent report (end of Q4, Jan 2018 to Mar 2018) assess Cumbria's performance for average number of days to finalise Local Resolution and Investigations:

- Average number of days to locally resolve allegations – Cumbria 43, MSF average 69 and National average 72. Cumbria has maintained its figure, the MSF increased by 12 and national figures have increased by 1 when comparing the same period the previous year.
- Average number of days to finalise cases – Cumbria 87, MSF average 106 and National average 116. Cumbria has increased compared to the same period last year which had 86 days.
- Average number of allegations per 1000 employees cases – Cumbria 200, MSF average 311 and National average 274. Same Quarter last year Cumbria was at 207.

In the current 12 month period, 506 allegations were finalised compared to 420 in the previous period.

The greatest increase (by 128, 80.50%) was Local Resolutions by TPA. Local Resolutions by PSD has the greatest decrease by 39 (-65%) when comparing the latest 12 month period to last. Disapplication - by Force has reduced by 34 (-87.18%).

3.5 Force and IOPC Appeals

Result	Force Appeals 12 months rolling to June 2017	Force Appeals 12 months rolling to June 2018	IOPC Appeals 12 months rolling to June 2017	IOPC Appeals 12 months rolling to June 2018
Upheld/Partially	4	9	9	16
Not Upheld	18	21	16	23
Withdrawn	0	1	0	0
Not Valid	0	1	1	4
Live	0	9	2	2
Total	22	41	28	45

The above data highlights that the number of IOPC appeals have increased by 60.7% (17) and the number of force appeals has increased by 86.36% (19). The percentage of Upheld IOPC appeals has increased in this reporting period by 77.7% (7) compared to the previous 12 months.

At the end of all public complaint investigations the Complaints Manager completes an executive summary irrespective of whether the complaint(s) were upheld or not as there are opportunities to learn.

By adopting this approach we potentially gain an improved understanding of what concerns local people. The Complaints Manager focus' on three key areas:

Learning/Service Delivery/Improve outcomes;

- Was it a systemic breakdown?
- An individual's mistake?
- Was there any misconduct?
- Can anything be done to prevent it happening again?

We ensure the same scope is applied in respect of force appeals so that a continuous learning culture is embedded.

For example the IOPC have recently UPHELD an appeal and provided the following conclusion:

"The investigation report is lacking in critical analysis of the evidence that was gathered and I do not find that the evidence has been looked at objectively".

In determination of same the Complaints Manager has written to the IOPC to ask the objective question of, if the investigation is lacking in critical analysis what does that mean and can they please provide specific feedback to ensure the same mistake is not repeated.

APPENDIX

1.0

Group	Allegation Ref	Allegation Title
Breaches of PACE	K	Breach of Code A PACE on stop and search
	L	Breach of Code B PACE on searching of premises and seizure of property
	M	Breach of Code C PACE on detention, treatment and questioning
	N	Breach of Code D PACE on identification procedures
	P	Breach of Code E PACE on tape recording
	R	Multiple or unspecified breaches of PACE which cannot be allocated to a specific code
Direction & Control	01	Operational policing policies
	02	Organisational decisions
	03	General policing standards
	04	Operational management decisions
Discrimination	F	Discriminatory behaviour
Incivility	U	Incivility, impoliteness and intolerance
Malpractice	G	Irregularity in relation to evidence/perjury
	H	Corrupt Practice
	J	Mishandling of Property
Oppressive Behaviour	A	Serious Non-Sexual Assault
	B	Sexual Assault
	C	Other Assault
	D	Oppressive conduct or harassment
	E	Unlawful/unnecessary arrest or detention
	Y	Other Sexual Conduct
Other W	W	Other
Unprofessional Conduct	Q	Lack of fairness and impartiality
	S	Other Neglect or Failure in duty
	T	Other Irregularity in Procedure
	V	Traffic Irregularity
	X	Improper disclosure of information

Ethics and Integrity Panel



Title: Improving the Police Complaints Process

Date: 1 August 2018

Agenda Item No: 07

Originating Officer: Superintendent Sarah Jackson

CC:

Executive Summary:

There has been some considerable efforts to improve the accessibility of the complaints process Professional Standards Department (PSD) of the People Department.

Recommendation:

That, the Panel note the report.

1. Introduction & Background

- 1.1 Police accountability is an important factor in public confidence.
In exercising their legal authority police organisations and individual officers inevitably make some mistakes; sometimes they fail to act as they should, and sometimes they abuse their legal powers.
- 1.2 The public will tend to define police accountability by the practicable opportunities they have to complain about police behaviour.
- 1.3 In 2017 we revised our approach and sought to
 - Assess complainants understanding of the police complaints system
 - Assess complainants level of satisfaction
 - Assess police officers' understanding of the police complaints system
 - Assess police officers' level of satisfaction when they are subject of a complaint.
 - Create an approach within the PSD that promotes the intention to "Deliver – Support – Inspire"
 - Increase responsibility and accountability by organisational learning

2. Complaints: Research and Improvements

- 2.1 Complaints and Misconduct Investigators were tasked with completing feedback forms from complainants at the conclusion of respective investigations, for a period of three (3)

months. This feedback led to the creation of an Information for Complainants booklet that provides help and advice on;

- What is a complaint?
- How do I make a complaint?
- What happens after I make a complaint?
- How will my complaint be resolved?
- Outcomes and rights of appeal
- Other agencies/support

- 2.2 All complainants are provided with this booklet, which is also available on the Cumbria Constabulary internet.
- 2.3 Furthermore, the public provided feedback in relation to their expectations of the investigation process, and the themes found were a desire to:
- Stop the situation happening to somebody else;
 - Be provided with an apology; and
 - Be provided with an explanation
- 2.4 Following on from this PSD introduced a “service recovery” approach called “there and then” resolutions. This saw the introduction of a designated Complaints investigator tasked with contacting complainants in every case. This ensures that:
- Complaints are dealt with quickly and efficiently
 - The process is simple for complainants and staff to understand and that not in all cases is there a need to follow a complex procedure to lodge a complaint.
 - That there is an outcome and lessons learnt from the process
 - That complainants are reassured by our commitment to swiftly deal with their dissatisfaction
- 2.5 Managing the expectations of a complainant throughout an investigation was also considered a key issue. This resulted in the introduction of “Complainant Service Agreements”. This agreement determines a bespoke update policy in response to the complainant’s specific needs in order to manage their expectations.
- 2.6 PSD recognise the true value of feedback and as part of our continuing commitment, we have introduced a complainant questionnaire, which is sent to all complainants at the conclusion of investigations and is available online. The contents of same are discussed at the People Department force tasking group as part of our collective commitment to improve overall levels of satisfaction with the entire complaints process.

3. Police: Research and Improvements

- 3.1 Typical responses provided by police officers when asked about their level of understanding and satisfaction of the complaints process were:
1. Notification of complaint (created unease and anxiety for the officer affected)
 2. Time taken to complete an investigation was too long and exacerbated their concerns
 3. Lack of understanding of supervisors of how to manage the process

- 3.2 Previously any officer subject of a complaint investigation was notified of same via email, with little consideration about the impact of receipt.
1. We have revised this so that all officers, who are the subject of a complaint are personally informed by their respective Inspector, who is also required to complete a wellbeing questionnaire in respect of the officer(s) subject of a complaint investigation. This has helped in putting affected officer at ease from the outset, and provides a line of communication with a line manager should it be required.
 2. The Complaints and Misconduct Manager together with the Detective Chief Inspector have monthly meetings with Complainants and Misconduct Investigators to ensure timeliness in respect of complaint investigations. Any complaint investigation that exceeds 120 days is discussed at the People Department Force Tasking group.
 3. The Professional Standards Department recognised the need for greater understanding by line managers of the complaints process. In recognition of same there have been two forcewide sessions delivered by an external agency (sancus) to Line managers (Sergeants and above) in respect of police officers and police staff.

- 3.3 Furthermore, PSD staff deliver training in the complaints process to all newly promoted Sergeants and deliver inputs to the Custody forum and Use of force forum. In addition, PSD has delivered forcewide training to all staff (which includes new students) in respect of the Code of Ethics and the 10 standards of professional behaviour.

4. Organisational Learning

- 4.1 PSD have adopted a “learning to improve” approach in relation to public complaints. This is fully supported by the current Complaints and Misconduct Manager and promotes a progressive attitude towards individual and organisational learning.
- 4.2 On a quarterly basis PSD now share information in respect of complaints and misconduct (to each TPA) in order to create a culture that enables the organisation to learn lessons to determine if the complaints were as a result of :
- Systemic breakdown
 - Individual error
 - Misconduct
- 4.3 The data provided informs senior managers of:
- Notable Conduct and Complaint cases.
 - Proactive work currently been undertaken by ACU.
 - List of suspended officers and staff, list of restricted officers and staff
 - Repeat officers (subject of 3 complaints or more in a 12 month period).
 - Complaint allegation analysis per area and shift over a three-month period
- 4.4 This document has been positively received providing senior managers and early interventions are put in place where concerns are raised.

5. Moving Forward

- 5.1 There are new changes to the police complaints process that are likely to come into being in April 2019. This will involve the recording of ALL complaints (likely to have a significant impact on the bureaucratic process) and the OPCC being the relevant appeal body for minor complaints.
- 5.2 Furthermore, the success of Service Recovery teams cannot be under estimated. Many (if not the majority) forces have invested in service recovery teams and as a result some forces have seen a 28% reduction in complaints and a 41% saving in front line duties (currently Inspectors are responsible for Local Resolution complaints). Service recovery teams have taken on the tasks of contacting all complainants, providing there and then service recovery (where applicable) and all minor complaints leaving specialist investigators to investigate complaints which are subject to special requirements (serious complaints).
- 5.3 This approach has also led to:
- Complainants spoken to within 24 hrs of their complaint
 - Proactive response to complainants with a potential resolution of their complaint within 48 hrs
 - This approach ensures that this process does not delay complaints that need local investigation
 - Reassurance to the complainant that service improvements will take place
 - Reallocation of volume of work will result in organisational savings
- 5.4 The Head of PSD has recently secured additional resource to uplift the department by an additional 0.5 FTE, which will assist in providing an improved and timelier response to complainants. The impact of this investment is to be monitored once the post is filled.

6. Welfare Support

- 6.1 It is the intention of PSD to develop a Welfare Support Officer Role. The role is designed to support officers and staff who are subject to an ongoing investigation. This will include completing a welfare support contact log, signposting to support services available, and understanding how to escalate any risk or identified concern.
- 6.2 The role will be voluntary and will linked into the MH First Aid training that is being developed via the Better Health at Work Scheme.