

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

Our reference: jh/EIP

Date: April 2019

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 2 May 2019** in **Conference Room 2**, Police Headquarters, Carleton Hall, Penrith, at **2.00 pm**. 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 two dip sampling sessions

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 11 February 2019 (copy enclosed).

5. CIVIL CLAIMS

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

6. GRIEVANCES

To receive a report on Grievances against the Constabulary with particular note of any cases of bullying - *To be presented by Deputy Chief Constable Webster.*

7. MISCONDUCT

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

(b) To raise any overall issues identified during the dip sample session and discuss progress of allocated actions.

8. INTEGRITY – ANTI-FRAUD & CORRUPTION

- (a) To receive and note a report by Cumbria Constabulary on work undertaken by the Anti-Fraud and Corruption Unit – *To be presented by Deputy Chief Constable Webster*
- (b) To receive a verbal update on the Lancashire/Cumbria intelligence system's progress – *To be presented by Superintendent Jackson*

9. INTEGRITY – COMPLAINTS BY THE PUBLIC

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

10. OPCC COMPLAINTS AND QSPI

To receive and note a report to be presented by the OPCC Chief Executive regarding

- (a) OPCC complaints; and
- (b) Quality of Service Issues received

11. THEMATIC SESSIONS UPDATE

To receive verbal feedback on:

- (a) Mental Health Detentions dip sample; and
- (b) Constabulary Use of Force

ETHICS AND INTEGRITY PANEL

Notes of a meeting of the Ethics and Integrity Panel held on
Monday 11 February 2019 in Conference Room 2, Police Headquarters,
Carleton Hall, Penrith, at 2.00 pm

PRESENT

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

Also present:

Deputy Chief Constable Mark Webster
T/Detective Chief Inspector Jenny Beattie
Chief Inspector Ben Swinson
Inspector Richard Quinn
OPCC Deputy Chief Executive - Gill Shearer
OPCC Governance Manager - Joanne Head

1. APOLOGIES FOR ABSENCE

There were no apologies for absence as all members were present.

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 8 November 2018 and supporting action sheet had previously been circulated with the agenda.

Superintendent Jackson advised that Special Constabulary Recruitment was due to take place in Spring 2019 and it was therefore agreed that she would report back to the Panel at their November 2019.

Agreed; that, the action updates be noted and minutes agreed.

5. SPIT HOODS

Chief Inspector Swinson updated the meeting on the implementation of the use of Spit Hoods by officers within the Constabulary. From January 2019, 132 officers had been trained to use Spit Hoods as part of their Personal Safety Training programme. This meant that a quarter of front line officers were now able to use Spit Hoods if necessary. There was to be a 12 month roll-out of officer training to use Spit Hoods as they attended Personal Safety Training courses. The training was also included as part of new officer induction training.

Over a 5 week period there had been 17 instances where officers had been spat at with 9 individuals carrying out these actions. The use of Spit Hoods had occurred on 4 of these occasions. When Spit Hoods were used these instances were recorded on the 'Use of Force' form which already had boxes and markers for officers to complete.

The Panel were then briefed on the 4 different types of incidents where the Spit Hoods had been used. The members noted that all 4 instances were drink or drug related. When a detainee was brought into custody the Custody Sergeant would carry out an assessment on whether or not the Spit Hood should be removed or remain which was dependent upon the detainee's demeanour. The members noted that two of the detainees had been charged under new legislation which related to the protection of emergency workers.

Over the next 3 to 6 months, whilst the process was being embedded, Chief Inspector Swinson advised that the Criminal Justice Unit would be looking at each incident when a Spit Hood was used. Custody records, use of force forms and body worn video footage would all be viewed to gain assurance that the use of Spit Hoods was appropriate. Each instance would be reported to the Constabulary's Use of Force Board for monitoring purposes.

No complaints had been received either from the person who was having the hood placed upon them or from members of the public. It was noted that using Spit Hoods resulted in a reduction of other types of use of force which would be required to prevent a detainee from spitting. DCC Webster advised that the National Police Chief's Council (NPCC) Self Defence Arrest and Restraint Working Group were receiving data regarding the use of Spit Hoods on a national basis and this would be used to inform future training.

At the November Panel meeting it had been agreed that a dip sample would be carried out as part of the August Meeting. Following discussion it was agreed that this would be deferred to the November meeting to allow more officers to be trained and the process to become more embedded.

Agreed; that, the

- (i) Panel note the verbal update; and
- (ii) Proposed dip sample session be deferred to November 2019 and an update report to be provided to the same meeting.

6. BODY WORN VIDEO

The Constabulary had carried out an evaluation of the use of Body Worn Video by its officers over the period 1 June to 1 December 2018. A number of benefits had been realised such as increasing officer safety, improving public confidence and reducing bureaucracy. Over 17,000 evidential videos had been captured with over 4,000 videos shared with the Crown Prosecution Service (CPS). Members of the public were also able to submit footage to the Constabulary by officers providing links to the system via text messages.

The use of Body Worn Video had assisted in the reduction of time to deal with complaints. As this independent evidence could easily prove or dis-prove any complaint allegations or alleged misconduct. T/Chief Inspector Beattie advised that there were to be a number of workshops held with sergeants over the next 6 weeks about the benefits of Body Worn Video to themselves and the officers they supervise. Month on month the usage was increasing which assisted officers in their work. In response to a members question, DCC Webster advised that video footage on its own cannot be presented at court and would need to be accompanied by an officers statement.

DCC Webster provided the Panel members with examples whereby Body Worn Video had recently been used to exonerate officers during incidents which subsequently involved the Independent Office of Police Conduct (IOPC). Each time the Body Worn Video had been viewed by the IOPC and reduced the amount of time taken to deal with the matter.

The Panel noted that there had not been an increase in the number of early guilty pleas at court when Body Worn Video was introduced as evidence. Chief Inspector Swinson advised that often defendants would wait until the day of the trial to see whether witnesses turned up to give evidence prior to them pleading guilty.

The Constabulary would be carrying out a further review mid-2019 and it was agreed that an update report would be presented to the Panel at their November meeting.

Agreed; that,
(i) the report be noted; and
(ii) an update report on the next review be presented to the Panel at their November meeting.

(Note: Chief Inspector Swinson and Inspector Quinn left the meeting at this point.)

7. INTEGRITY – ANTI-FRAUD & CORRUPTION

Deputy Chief Constable Webster presented the quarterly report on work undertaken by the Constabulary's Anti-Corruption Unit. It was noted that the area of most focus related to association and where the majority of risks arose, although there was a healthy level of self-reporting by officers and staff. The PASS newsletter was used to publicise any noted trends or issues to assist officers and staff on whether to self-report or not.

A discussion took place on the procedure to deal with officer and staff secondary business interests. It was noted that a number of departments had to check records and sign off each section prior to the application being considered and then approved or declined. An electronic system was to be introduced for this process to be carried out simultaneously to speed up the length of time taken.

Members asked what would happen if an individual's circumstances changed or their secondary business interest affected their work, how would they know. Superintendent Jackson advised that as part of officer and staff 15 week review questions were specifically asked around the individuals health, wellbeing and secondary business interests. Officers and staff were able to use a confidential line to seek guidance on whether or not they needed to seek permission for a secondary business interest.

It was noted that the reporting line received information relating to performance issues which should be dealt with by line managers rather than the Anti-Corruption Unit. T/Chief Inspector Beattie advised that all information was checked against their systems and then to the relevant line manager to manage the performance issues.

A discussion took place on some of the cases referred to within the report and what preventative actions were being taken by the Constabulary.

Agreed; that, the report be noted.

8. INTEGRITY - COMPLAINTS BY THE PUBLIC

Deputy Chief Constable Webster presented the quarterly report detailing the Constabulary's performance in dealing with public complaints. Superintendent Jackson advised that a new analyst would be in post by March 2019, which would see a different approach to the reporting of public complaints. Due to the small numbers, the use of percentages to illustrate an increase or decrease appeared disproportionate.

The two main issues identified across the allegations received were poor communication and lack of or inappropriate investigation. T/Chief Inspector Beattie advised that during the last quarter there had been over 30,000 interactions with members of the public resulting in only 5 complaints of incivility being made. The Constabulary's Professional Standards Department were reviewing their approach to how the organisation and individuals learnt from complaints which would be in line with new legislation and the Practice Requires Improvement (PRI) approach. PRI would recognise the changing and wide range of challenges faced by officers and staff.

The introduction of new Home Office Legislation and Regulations would see a change to the definition of a complaint as being any expression of dissatisfaction resulting in an increase in the number of complaints recorded.

The number of cases being dealt with via the 'There and Then' process which sees complaints and dissatisfaction dealt with at a very early stage had increased proportionately from 79 to 91 in the reporting period. The number of Force appeals had reduced as had the number of appeals sent to the IOPC.

Agreed; that, the report be noted.

9. 2019 DRAFT ANNUAL REPORT

The Governance Manager presented a draft of the Panel's Annual Report, which had been previously circulated to all the Panel members. The report detailed the work overseen by the Panel and the thematic sessions they had carried out.

Following suggested amendments a further draft would be circulated to the Panel members for their approval. The final report would then be presented to the Police and Crime Commissioner.

The report would also be provided to the Joint Audit Committee to supplement their oversight work.

Agreed; that, the draft report be approved.

10. THEMATIC SESSIONS

During the morning the Panel members had been afforded the opportunity to listen in to live telephone calls within the Communications Centre. They had listened to 20 live calls, these being a mixture of 999, 101 and referrals from the ambulance service. The Panel had also listened to 4 out of 5 pre-recorded calls.

The majority of calls listened to by the Panel had been dealt with in a courteous and professional manner with the exception of one. The members felt that given the circumstances of domestic violence taking place at the time of the 999 call the call handler could have dealt with the young victim differently. The members described their views and opinions following which DCC Webster advised he would have the Comms Centre Inspector listen to the call and report back to him. Any identified learning would be disseminated to the individual officers and other call handlers. The Panel were advised that the Constabulary was due to implement a new IT system within the Comms Centre. Once embedded, it was agreed that the Panel would revisit the Comms Centre, mostly likely prior to their November meeting. The dip sample would pre-dominantly be pre-recorded calls but with some live calls to ascertain the benefits of the new system.

A discussion took place on the burden placed upon the Constabulary in dealing with mental health issues that were ultimately the responsibility of health partner agencies. This led to a

discussion on the issues of detainees with mental health issues being detained in custody when they should have been released due to a lack of mental health beds in secure accommodation.

It was agreed that the Panel would carry out a thematic dip sample of mental health detentions prior to their May Panel meeting.

As part of the discussions in relation to Thematic Sessions, and following on from earlier discussions regarding Spit Hoods, the Panel felt it may be appropriate to look at the Constabulary's use of force. It was agreed that a member of the Panel would be invited to attend the Use of Force Board on 13th February 2019 to gain an understanding of what work was carried out, how the Constabulary manage the reviews, what organisational learning is disseminated, any changes to policy and potential areas of thematic work for the Panel.

- Agreed;** that,
- (i) the Control Room Inspector review the pre-recorded call and any identified learning be disseminated to the call handler;
 - (ii) the Panel revisit the Comms Centre in November and review the benefits of the new system and pre-dominantly pre-recorded calls; and
 - (iii) the Panel carry out a dip sample of mental health detentions prior to their May meeting.
 - (iv) a Panel member attend the Constabulary's Use of Force Board meeting on 13 February 2019.

Meeting ended at 4.00 pm

Signed: _____
Panel Chair

Date: _____

Constabulary Report to OPCC



Agenda Item No 06

TITLE OF REPORT: Constabulary Grievances

DATE OF MEETING: 2 May 2019

ORIGINATING OFFICER: Kerry Rogerson, HR Manager

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

Executive Summary:

No more than 100 words.

The report provides a position overview in respect of ongoing, finalised and newly submitted grievances for the period 1 October 2018 until 31 March 2019.

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 note the report.
- That the Ethics and Integrity Panel provide feedback regarding the format of the report and how they wish this to be presented for future panels.

MAIN SECTION

1. Introduction and Background

- 1.1 The attached Grievance Statistics Report shows the number of grievances lodged during the period 1 October 2018 up until 31 March 2019, together with a summary of ongoing and finalised cases within the reference period.
- 1.2 Included in the report is an overview of the characteristics of those lodging grievances. The report identifies 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 alleged discrimination have been included.
- 1.3 Summary position is as follows:
 - To date, there have been five grievances lodged in this reporting period.
 - Two grievances have been resolved at stage one.
 - One individual accounts for 3 of the separate grievances
- 1.4 Issues range from grievances against the application of a policy or procedure to complaints related to action taken against an individual e.g. investigation.
- 1.5 By their very nature, all grievances have an element of perceived inequality and/or unfairness.

The one grievance finalised as unresolved is directly linked to alleged disability discrimination under the Equality Act.

This is a longstanding attendance case which has been managed in accordance with the medical advice received from the Force Medical Adviser. Adjustments in respect of hours, role and duties have been put in place where considered appropriate and reasonable over an extended period of time. The individual in this case is challenging the medical opinion and as a result the adjustments and management action taken in this respect.

2. Issues for Consideration

- 2.1 Drivers for Change.
 - There are no specific emerging trends or patterns at the time of submitting this report.
 - Grievances submitted are predominantly from white, British males. However one collective grievance involved mainly white, British females.
 - Specific items impacting on equality are raised through the Valuing Individuals Group (VIG) to ascertain if there are any issues that the Constabulary should be dealing with. At this time no issues have been raised.
 - The People Department will continue to meet with the Federation and Unison when necessary to discuss issues that are emerging and look to informally resolve them prior to a formal grievance being submitted. The Constabulary proactively engages to address concerns.

3. Financial Implications and Comments

Budget implications – one off and/or on-going costs, savings, growth, capital and revenue.

- 3.1 Please see Risk and Equality Implications

4. Legal Implications and Comments

Including advice received.

4.1 Please see Risk and Equality Implications

5. Risk Implications

Including any mitigating actions that can be taken.

5.1 With any complaint which is potentially linked to the employment relationship there is the risk of employment tribunal or judicial review should the matter not be resolved.

5.2 Through working in partnership with Unison and the Federation the aim is to continue to avoid formal proceedings and resolve issues in an informal manner to the satisfaction of all parties.

6. HR / Equality Implications and Comments

Including any actions arising from Equality Assessment.

From May 2018 the management of Grievance transferred to the HR department including the recording and monitoring of progress and outcome.

A number of key changes were introduced to improve the management of cases but also to reflect feedback received from HMICFRS:

- Stage 3 consideration can now be undertaken by a senior member of the Constabulary e.g. (member of COG) this was amended from a member of Chief Officers.

This has allowed more timely progression of stage 3 considerations as there is a wider pool of availability.

- A HR officer, with no previous involvement, will be now allocated to provide advice and guidance to the stage manager.

This has provided required and consistent support to the stage managers providing both procedural and legislative guidance.

- Consideration of welfare support where applicable for the aggrieved individual.

Welfare support is now offered at all formal acknowledgement stages and incorporated as standard with correspondence.

An internal pool of accredited mediators is now available for utilisation. A Mediation policy is currently being developed to support effective and efficient usage – this will be formally launched as part of a proactive and positive marketing campaign regarding grievances.

7. Supplementary Information

7.1 List any relevant documents and attach to report

Such as Business Cases, Equality Assessments, PIDs, Media Strategy.

- Grievance Data for the period 2018/2019



Constabulary Report to OPCC

Agenda Item No 09

TITLE OF REPORT: INTEGRITY – COMPLAINTS BY THE PUBLIC

DATE OF MEETING: 2nd May 2019

ORIGINATING OFFICER: Superintendent Jackson – Head of People Dept

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 Most Similar Forces (MSF) at 155 complaints for the year to date.
- Cumbria is below the MSF and national average for complaints per 1000 employees.
- The figures for the current quarter demonstrates that there is a reduction across many of the areas examined.
- The current quarters figures show that cases decreased by 6% and allegations by 4% in comparison to the same quarter last year.
- Cases and There & Then (T&T) combined have decreased from 98 to 82.
- A breakdown of allegations shows that almost all areas have increased their level of allegations in the quarter.
- Allegations finalised as Upheld by PSD increased by 9 allegations comparing with last similar quarter.
- The number of Force appeals has reduced from 9 to 4, IOPC appeals have also reduced from 11 to 3.
- The number of Upheld appeals for the IOPC and the force have reduced with no Upheld appeals in the quarter, both categories still have live appeals.
- This data is encouraging given that officers and staff interact with the public hundreds of thousands of times a year. In 2018, Cumbria Constabulary's Communication Centre took in excess of 200,000 calls, including 58,726 999 emergency phone calls. Officers attend 65,925 incidents, making 9,710 arrests whilst more than 4,000 cases were prosecuted.

MAIN SECTION

1. Introduction and Background

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

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

IOPC Q3: October to December 2018

Cumbria Q4: January to March 2019

Overall this report illustrates that in comparison to the MSF and national averages Cumbria has low figures in relation to most of the areas discussed in this report. With a lot of the data it is difficult to quantify due to the large number of variables involved:

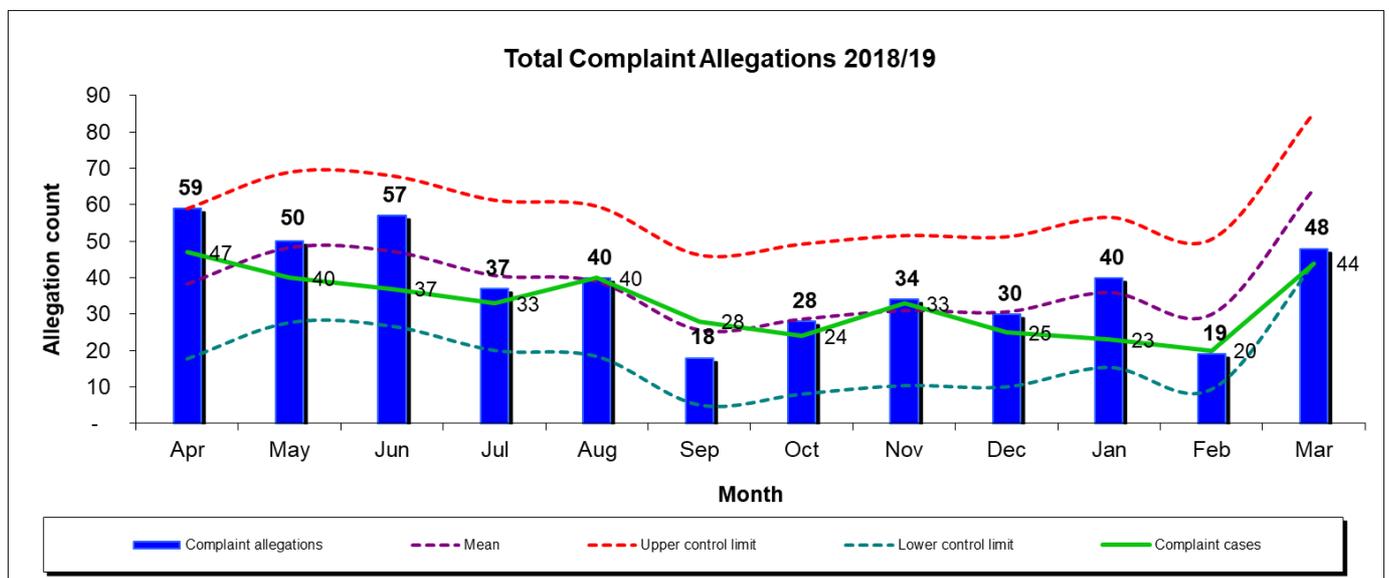
- Changes to on line reporting and recording There and Then outcomes
- The “Practice Requirement Improvement” is being utilised across the force where an officer can review issues that have been raised with their supervisor and Inspector to assist them in learning from previous mistakes.
- There is increased emphasis to officers on wearing and using body worn camera, this offers greater evidence and offers protection from false allegations. We are seeing a particular reduction in the number of complaints of excessive force following the roll-out of the cameras.
- Internal processes and structures have been changed within the constabulary to improve sharing of information.
- Staffing levels have also changed which reflects on some of the figures appearing much higher than the same quarter last year, this will be detailed further in the report.

1.1 Public Complaints

Reporting is on cases

1. Cases: each individual occasion of complaint by a member of the public
2. Allegations: the number of issues they are complaining about within that case.

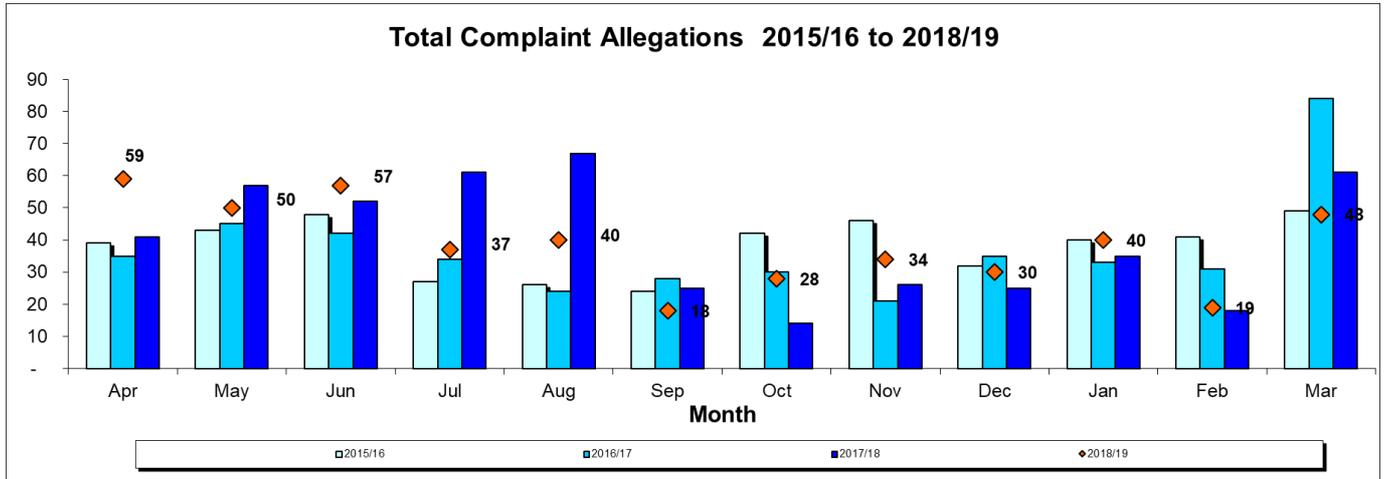
The below chart shows levels of complaint cases and allegations in the last 12 months ending 31st March 2019.



The chart shows following the reduction in quarter 3, October to December 2018, figures rose for both complaint allegations and cases over the last quarter however are lower than the early summer months in 2018. Over the 12 month period the total allegations are 460 and cases are 394. Cases have been mostly on or below the 3 year average over the the last 12 months except for April, September and November. Allegations have mostly been on or below the 3 year average over the last 12 months however there were several months; April, May, November and January where allegations were above the average.

Looking at the current quarter allegations are below the 3 year average except for January which was slightly higher but below the upper control limit. Cases are below the 3 year average.

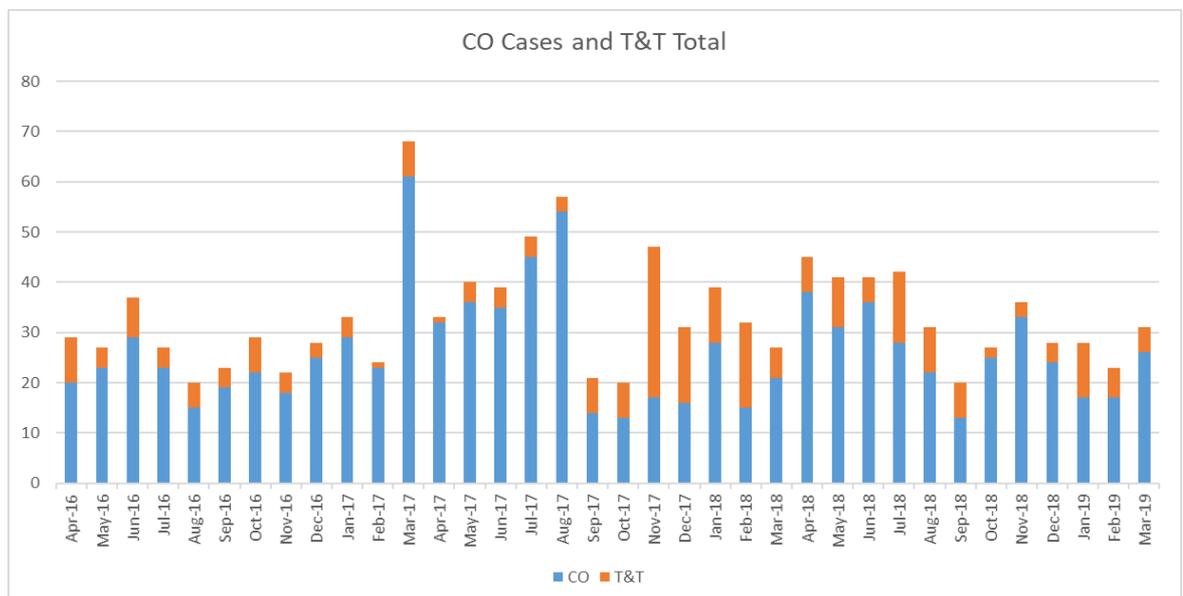
The chart below compares the allegations by month for the current year (red diamond) against the last three, and highlights November as being higher than the last two years, despite it remaining on the 3 year average, this is due to the higher 2015/16 figure.



The table below shows the total number of cases and allegations for the current quarter, last quarter and the same quarter last year. The figures show that the numbers of allegations and cases compared to the same quarter last year have slightly decreased, however there is an increase compared to the previous quarter.

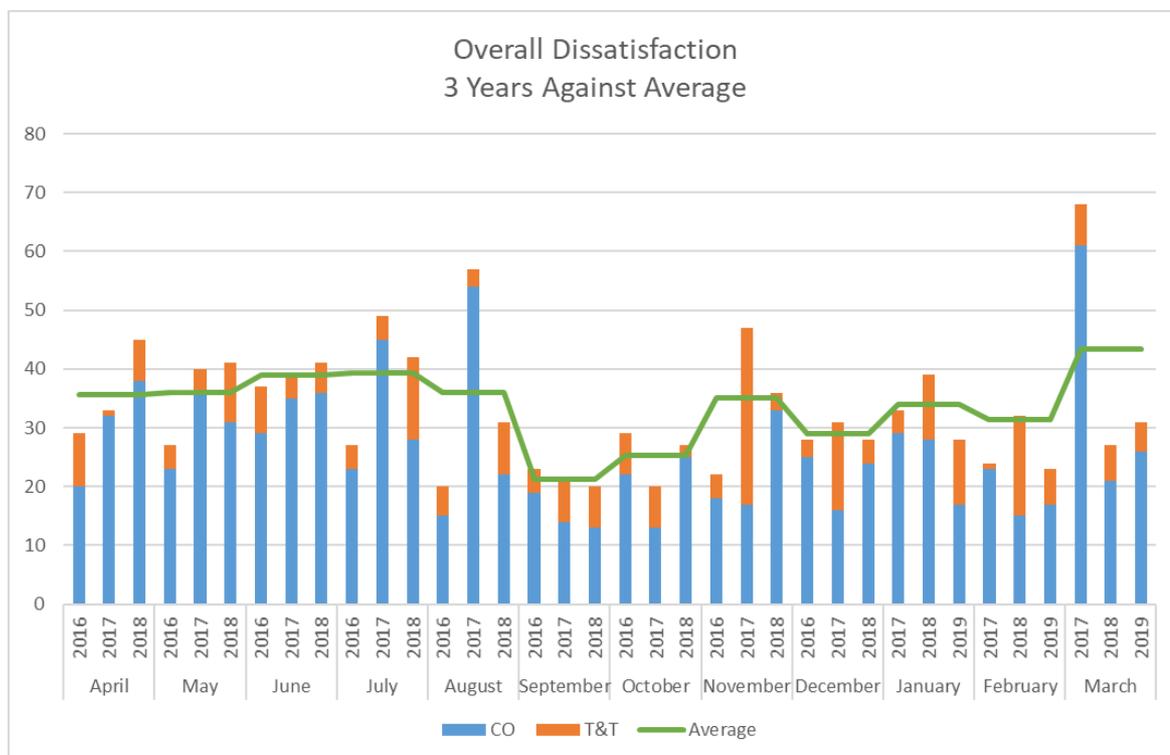
	Q4 2017 / 2018	Q3 2018 / 2019	Q4 2018 / 2019	% Change to Q4 2017 / 2018
Allegations	114	92	110	-3.51%
Cases	64	82	60	-6.25%

The other method of recording dissatisfaction is There & Then (T&T) which records matters of service confidence. Combining the figures for Complaints and T&T show the overall levels of dissatisfaction.



Complaint cases and T&T show that overall public dissatisfaction with the service has reduced in the current quarter compared to the same quarter last year, from 98 in 2017/18 to 82 in 2018/19.

The following chart over the page shows that the current years overall dissatisfaction is in line with the average.



A full break down of T&T categories is at Section 1.5.

1.2 Results by TPA/Area.

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

Area	Allegations			Cases		
	Q4 2017 / 2018	Q4 2018 / 2019	Change	Q4 2017 / 2018	Q4 2018 / 2019	Change
North	38	41	7.89%	27	24	-11.11%
South	30	28	-6.67%	16	16	0%
West	34	21	-38.24%	13	15	15.38%
UOS	4	12	200%	3	0	-100%
HQ/Other	8	8	0%	5	5	0%
Total	114	110	-3.51%	64	60	-6.25%

The table shows a slight decrease in allegations and cases. The largest decrease for allegations was in West while the largest increase was in UOS. 3 of the 12 allegations were for incivility and 3 were for unprofessional conduct, 2 of the allegations were for discrimination which were the only two allegations of discrimination across the force.

It is difficult to determine whether there is an issue within specific teams as a large proportion of the allegations relate to “unknown officers” and is not changed until there is confirmation of who the allegation is against. Due to this it could misrepresent figures in particular areas until the identity of the officer is confirmed.

1.3 Results by Allegation Type

Each Allegation is identified by the complaints manager based on the National Allegations Types and Groups. Reporting on the below graph is by exception.

Group	Allegation Type Description	Q4 2017/18	Q4 2018/19	Change
Breaches of PACE K,L,M,N,P,R	Breach of Code A PACE on stop and search	2	1	-1
	Breach of Code B PACE on searching of premises and seizure of property	4	3	-1
	Breach of Code C PACE on detention, treatment and questioning	7	8	1
Breaches of PACE K,L,M,N,P,R Total		13	12	-1
D&C	Operational management decisions	4	1	-3
	Operational policing policies	6	6	0
	Organisational decisions	18	18	0
D&C Total		28	25	-3
Discrimination F	Discriminatory behaviour	1	2	1
Discrimination F Total		1	2	1
Incivility U	Incivility, impoliteness and intolerance	9	18	9
Incivility U Total	Incivility, impoliteness and intolerance	9	18	9
Malpractice G,H,J	Corrupt Practice		1	1
	Irregularity in relation to evidence/perjury		2	2
	Mishandling of Property	6	5	-1
Malpractice G,H,J Total		6	8	2
Oppressive Behaviour A,B,C,D,E,Y	Oppressive conduct or harassment		5	5
	Other Assault	7	12	5
	Serious Non-Sexual Assault		2	2
	Unlawful/unnecessary arrest or detention	1	7	6
Oppressive Behaviour A,B,C,D,E,Y Total		8	26	18
Other W	Other		4	4
Other W Total			4	4
Unprofessional Conduct S,T,V,Q,X	Improper disclosure of information	2	8	6
	Lack of fairness and impartiality	6	4	-2
	Other Irregularity in Procedure	2	5	3
	Other Neglect or Failure in duty	14	22	8
	Traffic Irregularity	5	2	-3
Unprofessional Conduct S,T,V,Q,X Total		29	41	12
Grand Total		94	136	42

- Oppressive behaviour has increased by 18 allegations with each allegation type within the group showing an increase over the same quarter in the previous year.
- Incivility has increased by 9 allegations which is double compared to the same quarter in the previous year.
- Unprofessional Conduct shows an increase of 41%.

Most of the other groups showed marginal changes with some slightly increasing and other slightly decreasing when compared to the previous years quarter 4 data.

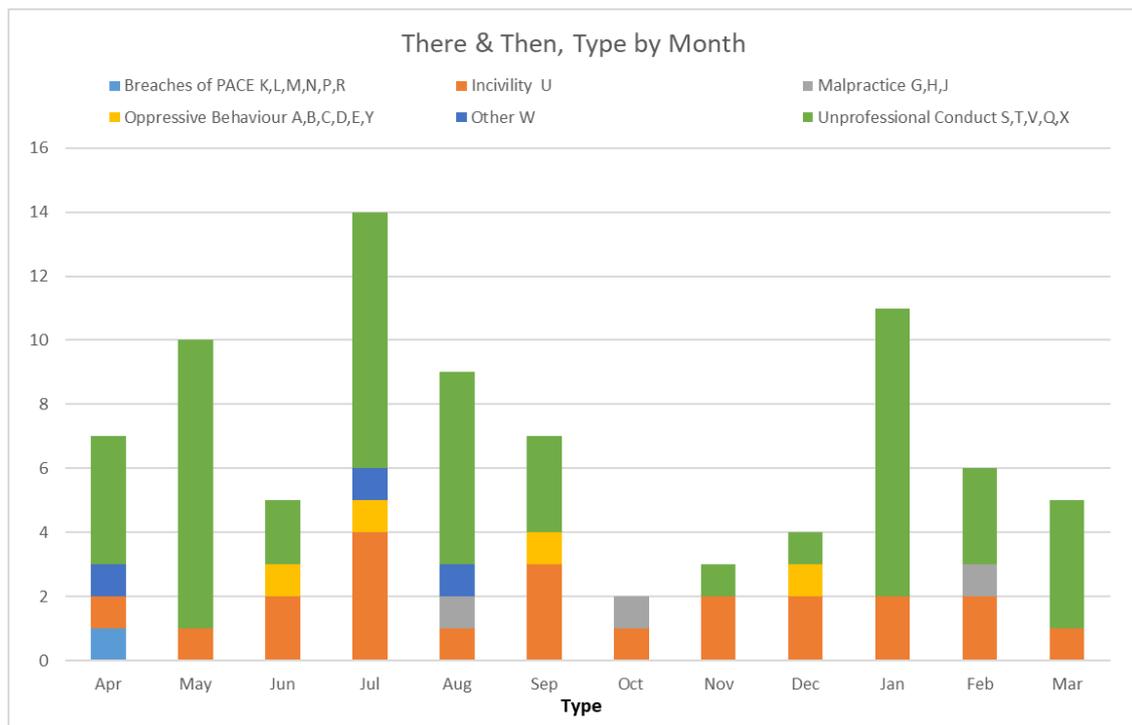
Issues Identified

The two main themes across the allegations identified in this period are:

- Poor communication – officers swearing, being rude or not listening and failing to give information especially updates. In some cases incorrect or conflicting advice was given.
- Lack of or inappropriate Investigation - mainly when the aggrieved feels that they were ignored or investigated more than the other party. Also when the complainant feels that insufficient resources were used for their case and in some cases were providing information to the investigating officer and still felt no action was being taken.

PSD have since circulated an internal message on “Need to Know” to help inform officers about steps they can take to increase positive interactions with the public in such cases, and thereby help to prevent any dissatisfaction.

1.4 There & Then



T&T reports recorded in the current quarter increased. The main category reported was unprofessional conduct which combined forms 73% of reports in the quarter.

1.5 Diversity

There have been 2 allegations of discriminatory behaviour recorded during the current quarter which is an increase of 1 compared to the same quarter last year.

Allegation 1 for Q4 January - March 2019:

January 2019 -

Complaint of a person being stopped at a train station and believes they were subjected to racial profiling and harrassment. This allegation is currently live.

February 2019 –

Complaint of a person who states that failure by police to recognise him as a victim was discriminatory based on a lack of understanding of domestic abuse where the victim is a male. This allegation is currently live.

As part of the next quarterly report for July 2019/20 there will be an update on previous cases covering the last year to review the outcomes of diversity related cases.

1.6 Best Practice

In quarter 4, best practice circulated included reminders to be conscious of how people are treated. One of the examples related to being mindful of how some language could be deemed inappropriate when used in particular situations. The other example was concerning information provided that was in contravention of legislation.

A full list is included at the end of the document in Appendix 2

1.7 Performance

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

Allegation Result Description	Q4 2017/18	Q4 2018/19	Change
De-recorded	1	7	6
Disapplication - by Force	4	5	1
Discontinued - by Force	3	3	0
Dispensation - by Force	0	0	0
Local Resolution - by TPA	66	53	-13
Local Resolution - by PSD	7	5	-2
Not Upheld - by TPA	0	0	0
Not Upheld - by IOPC	0	0	0
Not Upheld - by PSD	7	50	43
Special Requirements - No Case	1	0	-1
Special Requirements - Case	0	2	2
Upheld - by PSD	1	10	9
Withdrawn - by Force	4	1	-3
Withdrawn - by IOPC	0	0	0
Grand Total	94	136	42

The IOPC, in their most recent report (end of Q3, April to December 2018) assesses Cumbria's performance:

- Average number of days to locally resolve allegations – Cumbria 44, MSF average 78 and National average 72. Cumbria's figure and the national figures have increased by 1 when comparing the same period the previous year whilst the MSF has stayed the same.
- Average number of days to finalise cases – Cumbria 151, MSF average 179 and National average 154. Cumbria has seen a reduction in the number of days taken to finalise cases compared to the same period last year which had 160 days.
- Average number of allegations per 1000 employees cases – Cumbria 155, MSF average 238 and National average 196. In the same quarter last year Cumbria had 151.

In the current quarter, 136 allegations were finalised compared to 94 in the same period in the previous year.

The greatest increase was 'Not upheld by PSD' (from 7 to 50). The reason for this is due to PSD staffing levels. In quarter 4 of the previous year there were only two complaints investigators in PSD. The Constabulary has since amalgamated the complaints and misconduct teams, essentially

doubling the capacity, resulting in more cases being finalised. This has directly caused the dramatic increase. The other increase was Upheld by PSD (by 9) for the same reasons as detailed above.

Local Resolutions by TPA has the greatest reduction, -13 (-20%) when compared with the same quarter last year.

1.8 Force and IOPC Appeals

Result	Force Appeals Q4 2017 / 2018	Force Appeals Q4 2018 / 2019	IOPC Appeals Q4 2017 / 2018	IOPC Appeals Q4 2018 / 2019
Upheld/Partially	2	0	4	0
Not Upheld	7	1	4	0
Withdrawn	0	0	0	0
Not Valid	0	0	1	0
Live	0	3	0	3
Invalid	0	0	2	0
Total	9	4	11	3

The above data highlights that the number of IOPC appeals have reduced by 73% (8) and the number of force appeals has decreased by 56%. The percentage of Upheld IOPC appeals has reduced in this quarter to 0. Force Appeals also reflect a reduction in upheld appeals although the live cases for both authorities may change this when finalised.

APPENDICES

Appendix 1

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

Appendix 2

LESSON LEARNED CATEGORY	DISSEMINATION By / To	BRIEF DESCRIPTION
January 2019		
Individual	Insp Minnikin to officer involved	Officer has been given advice and has apologised for his conduct following an allegation of aggressive behaviour towards a member of the public.
Individual	Insp Brennand to officer involved	Officer given advice regarding necessity to document actions to improve performance and ensure all actions are auditable.
Individual	Sgt Roberts to officers involved	Reminder given that all actions should be recorded and BWV used.
Individual	Management to all officers involved	Officers are reminded of the need to adhere to correct procedures in relation to submitting forms and documenting actions.
Organisational	Officer involved	An officer attended the complainants address in relation to an allegation made against him. Complainant felt the officer was rude and was telling lies about trying to communicate him. His property has an active Storm Alert and his wife carries an alarm that is linked to Cumbria Constabulary due to actions from the accuser and her family. Complainant feels that the officer should have known this background information before attending his address. It was noted that officers should be fully briefed and background checks conducted however not always possible when actions are time critical and in some circumstances including this one limited details could be given to officers due to the sensitive nature resulting and historic investigations being restricted.
Individual	Officer involved	Following what was considered to be aggressive behaviour an officer was advised of the Code of Conduct and Big 6.
February 2019		
Individual	Sgt Sampson to officers involved	Officers have been given advice in relation to poor communication that resulted in the complainant being subjected to serious financial implications.
Organisational	Article submitted for Need to Know	Advice given force wide via Need to Know for officers to be mindful of language used that could be inappropriate in some situations.
Individual	DI Nutter to officer involved	Complainant reported that her daughter may have been raped whilst in hospital. Complainant feels that an inadequate investigation was conducted and that an officer was rude and wouldn't let her speak. Officer had not read notes provided by social worker before attending a safeguarding meeting Officer spoken to and deemed human error, officer has learnt from this and understands the importance of reading minutes thoroughly. Another allegation from the complainant is that an officer attended her home address and was rude, pretended to be thick and

		made them repeat everything they said. Officer involved has taken on board the comments made.
Custody	Custody trained sergeants	Following a failure to action a breach of a non-molestation order guidance has been circulated to all custody trained sergeants to remind them of procedure for dealing with non-molestation orders and other substantive offences.
Organisational	Article submitted for Need to Know	Following an RTC where the complainants details were given to the company of the other vehicle involved a reminder was published regarding the sharing of information between parties following an RTC in contravention of the RTA 1971.
March 2019		
Individual	Both officers involved	Officers given advice to use BWC to capture the incident but also to gain more knowledge of the underlying issue experienced by the complainant. One of the officers has also been advised to be mindful of how language and attitudes make people feel.
Individual	Insp O'Hare to officers involved	Following the detention of a child without arrest officers involved have been advised on the legal position regarding lawful arrest, the use of BWV, correct procedures for submission of forms and recording of actions. Officers have already changed their working practices prior to management advice and had acted in what they believed was in the best interests of the child at the time.
Individual	Firearms Licensing Manager	Complainant alleged that firearms enquiry officer had 'exceeded his authority' and told a community that the complainant was being investigated by the police and was a 'bad payer of rent', this was not proven. Performance issues were identified in relation to firearms licensing checks and documenting findings correctly, recommendations were passed to the Firearms Licensing Manager to review and action as appropriate.

Ethics and Integrity Panel



Title: OPCC Complaints

Date: October 2018

Agenda Item No: 10a

Originating Officer: Joanne Head

CC:

Executive Summary:

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

Recommendation:

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

1. Introduction & Background

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

2. Issues for Consideration

Complaints received by the OPCC

- 2.1 Detailed below is a table illustrating the number of complaints which have been received by the OPCC up to 31 March 2019. In brackets are the number of those complaints which were passed to Cumbria Constabulary to deal with, these were all regarding police officers below the rank of Chief Constable, the Police and Crime Commissioner has no statutory responsibility to deal with such matters. As can be seen from the figures detailed below a large proportion of the complaints received by the OPCC, the Commissioner is unable to deal with.

2014	2015	2016	2017	2018	2019
13 (8)	2 (2)	22 (22)	5 (5)	16 (15)	2(2)

- 2.2 Generally the public are more aware of the Police and Crime Commissioner, the roles and responsibilities he has and the procedures to be followed regarding making complaints about police officers and staff or the Constabulary.

Commissioner Complaints

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

YEAR	N° of Complaints Received	Complaint not about the PCC	Dealt with by informal resolution	Police & Crime Panel investigation
2017	2	0	2	0
2018	5	0	5	0
2019	0			

2.8 The majority of the complaints received relate to individuals who are dissatisfied with the way in which the Commissioner has carried out his duties or work he has undertaken in their opinion, rather than his personal conduct. Of the 5 complaints received in 2018, all have now been resolved by the County Council's Monitoring Officer by way of local resolution.

2.9 Chief Constable Complaints

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

2.10 The table below illustrates the number of complaints received from 1 January 2017 to 31 March 2019. There are no complaints outstanding.

YEAR	N° of Complaints Received	Recorded	Not Recorded	Dealt with by informal / local resolution	Investigation	IOPC Appeal
2017	4	2	2	2	0	1
2018	3	3	0	3	0	2
2019	1	0	1	0	0	0

2.11 A complainant has the right of appeal to the IOPC if they feel that a complaint should be recorded or is unhappy with the outcome of the resolution process or investigation. Of the complaints dealt with in 2018, two were appealed to the IOPC, none of which were upheld.

2.12 OPCC Staff Complaints

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

3. **Police Integrity Reforms**

3.1 In December 2014, the Home Secretary conducted a consultation on Police Integrity with a view to reforming the police complaints and disciplinary systems, making them more public focused and independent. A copy of the consultation and the Government's response can be viewed on their website - [Home Office consultation and response](#)

3.2 Outlined below are proposed changes to the police public complaints process which will directly affect the OPCC.

Complaints System

- Recording Complaints - all complaints received by either the Constabulary or the Commissioner will be recorded.
- Complaints - Police and Crime Commissioners are to decide locally whether or not they take on any role in relation to the receiving complaints and dealing with them, up to and including local resolution. Proposed legislation will enable Commissioners to establish the arrangements they believe most appropriate to improve the complaints system at a local level.
- Appeals - Police and Crime Commissioner will be mandated to consider appeals brought by complainants in cases dealt with through local resolution handled by the police. Commissioners will not be able to decide to leave the appeal function with the Constabulary.

3.3 Legislation is required to pass through Parliament before the proposed changes can be finally implemented. It was hoped that this would have been finalised for implementation on 1 April 2018, however due to other draft legislation and issues being discussed, predominantly Brexit, the required legislation has not been passed.

3.4 The Home Office and the IOPC during the latter part of 2018 and the beginning of 2019 have consulted widely on proposed guidance in preparation for implementation when legislation is passed and receives Royal Assent.

3.5 As Police and Crime Commissioners will take on the role of dealing with Appeals, there is a likelihood that there will be an increase in the number of complaints received against them from individuals dissatisfied with the outcome of their appeal. The Home Office will be consulting with Police and Crime Panels (PCP) on any potential increase and how these would be dealt with. PCP's will need to look at their decision making processes as to whether a complaint met the strict criteria and consider whether to record it or not.

4. Implications

4.1 Financial - there are no additional financial costs associated with dealing with these complaints, quality of service issues.

4.2 Legal – none identified.

4.3 Risk - None identified, beyond that to the OPCC's reputation if it does not deal with the issues raised appropriately and proportionately according to the merits of the individual case.

4.4 HR / Equality - none specifically identified.

Ethics and Integrity Panel



Title: OPCC Quality of Service & Policing Issues

Date: April 2019

Agenda Item No: 10b

Originating Officer: Joanne Head

1. Introduction & Background

1.1 The Office of the Police & Crime Commissioner (OPCC) receives a number of telephone calls and emails from members of the public who wish to raise issues or dissatisfaction about some element of the policing service they have experienced. These are regarded as quality of service and policing issues (QSPI).

1.2 Our service standard is that:

- An acknowledgement will be sent out on the day of receipt of the correspondence advising them that they will receive a full response from the OPCC within 28 days. Should the matter take longer to conclude updates will be provided on a 28 days basis until the matter is finalised.
- Where possible a response will be provided at the earliest opportunity and is often before 28 days.

1.3 A system has been developed within the OPCC to acknowledge, log and monitor the resolution of the issues raised. Once a QSPI is logged within the OPCC it is then allocated appropriately. Predominantly the majority of issues are passed through to the Chief Constable's Office who then allocate it to the appropriate Territorial Policing Area (TPA) or department to deal with. Regular contact between OPCC staff and the Chief Constable's Office takes place to ensure that matters are progressed in a timely manner. The staff officers have access to the same information and QSPI spreadsheet as the OPCC and will update it accordingly.

1.4 Where an urgent matter is received, the OPCC will directly contact the Chief Constable's office to ensure that the matter is progressed immediately.

1.5 Since its inception the number of QSPIs received and dealt with by the OPCC has increased year on year as can be seen from the figures below:

2013	2014	2015	2016	2017	2018	2019
98	198	167	235	270	350	126 (up to 31.3.19)

The number of QSPI's received in the first 3 months of 2018 was 64, in 2019 the OPCC has seen a 49% (126) increase and it is anticipated that this increase could be maintained throughout the year.

- 1.6 In February and March 2019 the OPCC received 42 enquiries following the Commissioner's decision to increase council tax funding for the second year. Public consultation was carried out prior to the decision of which 2,161 members of the public responding; with over 70% stating they supported the proposed increase. Each enquiry has been provided with a response and detail of the rationale behind the increase.
- 1.7 As can be seen from the appendices the issues raised by members of the public are very broad ranging. The Commissioner will write to every individual using information provided by the Constabulary, the OPCC or other partner organisations. Of the 350 QSPI's processed from 1 January to 31 December 2018 the OPCC itself provided the response to 88 (25%) with the Constabulary providing information for the OPCC to respond with, and in some instances directly contacting individuals, for 262 cases (75%).

2. Making A Difference

- 2.1 In each instance, the OPCC helps to facilitate the individual to be provided with a tailored response or explanation to the issues that they have raised. On many occasions the matter is dealt with at a local level, with police officers and staff making contact or visiting the individual. This then enables the Constabulary to find out more about the issue and look to implement a suitable solution or resolution for not only them but on occasions the wider community.
- 2.2 Where matters are passed to the Constabulary the OPCC is advised of progress and of either a final solution, which has been agreed with the individual, or information/advice relating to their issues.
- 2.3 Members of the public also contact the OPCC for advice and clarification on a variety of topics and issues. Again, these will all receive a response either providing the information sought or signposting the individual to the correct organisation who can assist them.

3. Organisational Learning

- 3.1 On a six monthly basis the OPCC will analyse the information it has received via the QSPI process. This enables us to look at any trends or patterns regarding issues concerning the public, see how the OPCC has facilitated an outcome or service recovery for the Constabulary and whether there is any organisational learning.
- 3.2 Detailed below illustrates the amount of shared learning between the OPCC, the Constabulary and the Professional Standards Department relating to the total number of QSPI's dealt with from 1 January to 30 December 2018:

95% shared learning with TPA's
5% shared learning with PSD

For 100% of the QSPIs received the OPCC provided advice, information; or was the conduit through which the Constabulary contacted and resolved the issue with the individual.

- 3.3 Appendix 1 illustrates the nature of the top five issues raised within 2017 and 2018 are detailed below as compared to the first 3 months of 2019. As can be seen from the table below Council Tax issues have been prominent during the reporting period, which had not been experienced in previous years.

Issues Raised	2017	2018	2019
Appleby Horse Fair	5	131	1
Police Resources / Police Service	88	124	37
Car Parking / Driving Issues	45	36	19
Anti-Social Behaviour	19	19	4
Cyber Crime / Fraud	7	5	3
Council Tax			42

- 3.4 Where an issue is repeatedly being raised by members of the public territorial policing teams will include this within their daily tasking meetings and where necessary ongoing work for that area. The Commissioner through funding of specific projects or initiatives has helped to assist local communities with the issues that they raise. For example following concerns raised regarding speeding the Commissioner funded 'speed watch' initiatives which is being extended across the county via Neighbourhood Watch Volunteers. A number of community-based projects across the county have received funding with an aim to reducing anti-social behaviour particularly in young people.

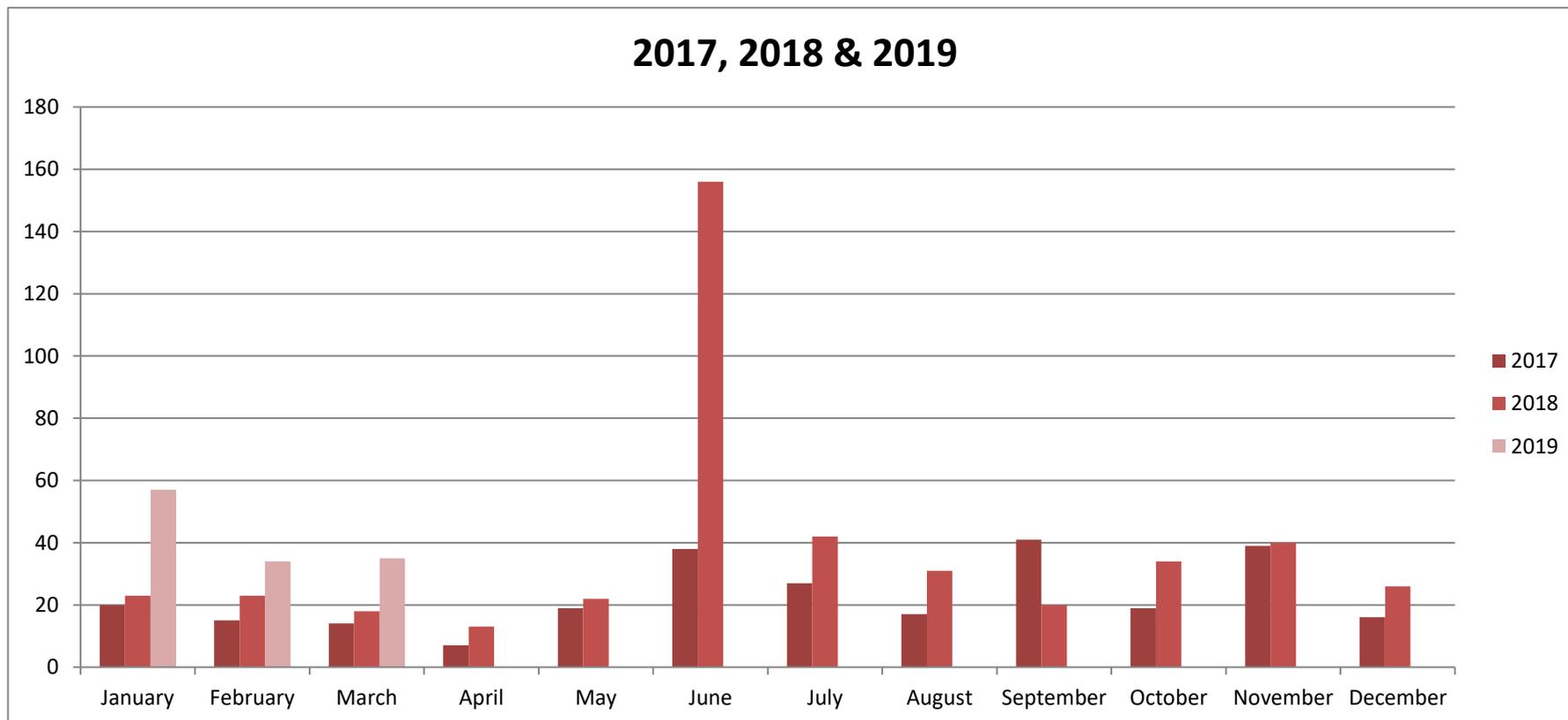
4. Implications

- 4.1 Financial - there are no additional financial costs associated with dealing with these complaints, quality of service issues as these tasks form part of staff roles.
- 4.2 Legal – none identified.
- 4.3 Risk - None identified, beyond that to the OPCC's reputation if it does not deal with the issues raised appropriately and proportionately according to the merits of the individual case.
- 4.4 HR / Equality - none specifically identified.

5. Supplementary information

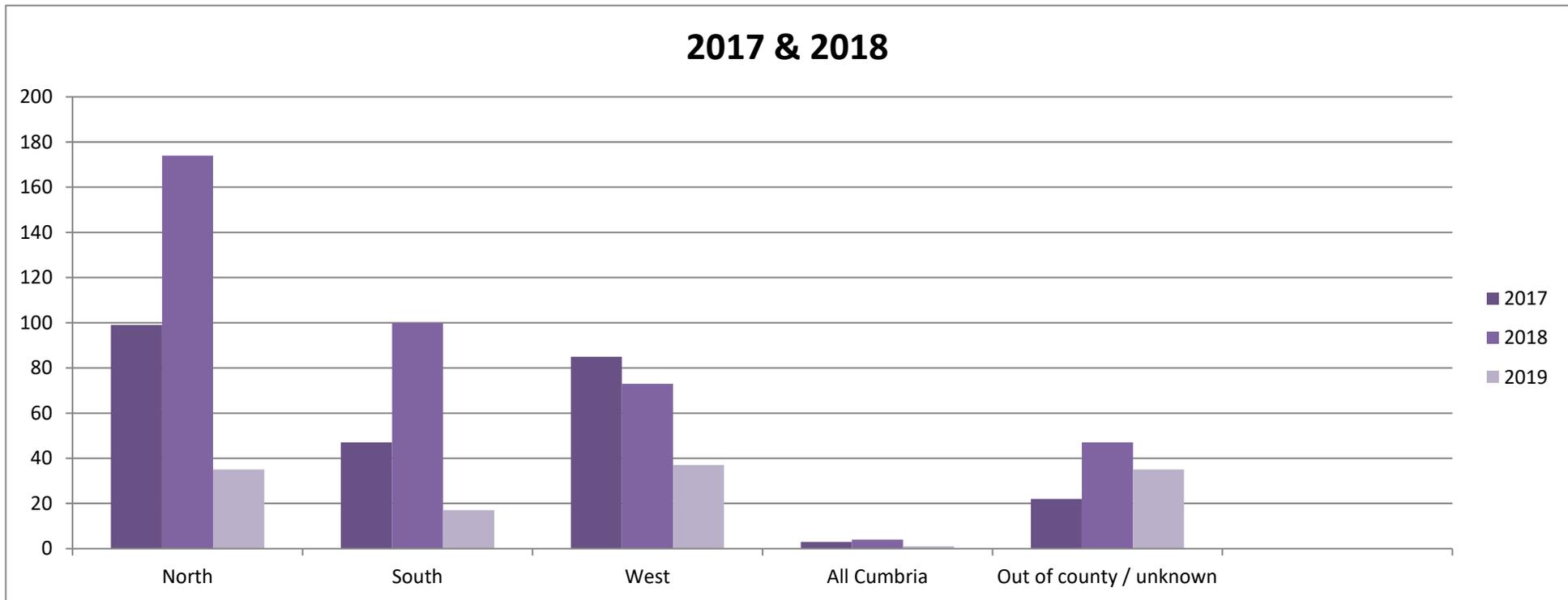
Appendix 1 – Quality of Service issues received by the OPCC

QSPI'S per Month



It can be seen from the above chart in June 2018, there was a significant increase in the number of QSPI's received. This can be attributed to 128 members of the public contacting the Commissioner regarding Appleby Horse Fair. In the first 3 months of 2019 the OPCC has received a number of requests in relation to Council Tax Policing Precept increases.

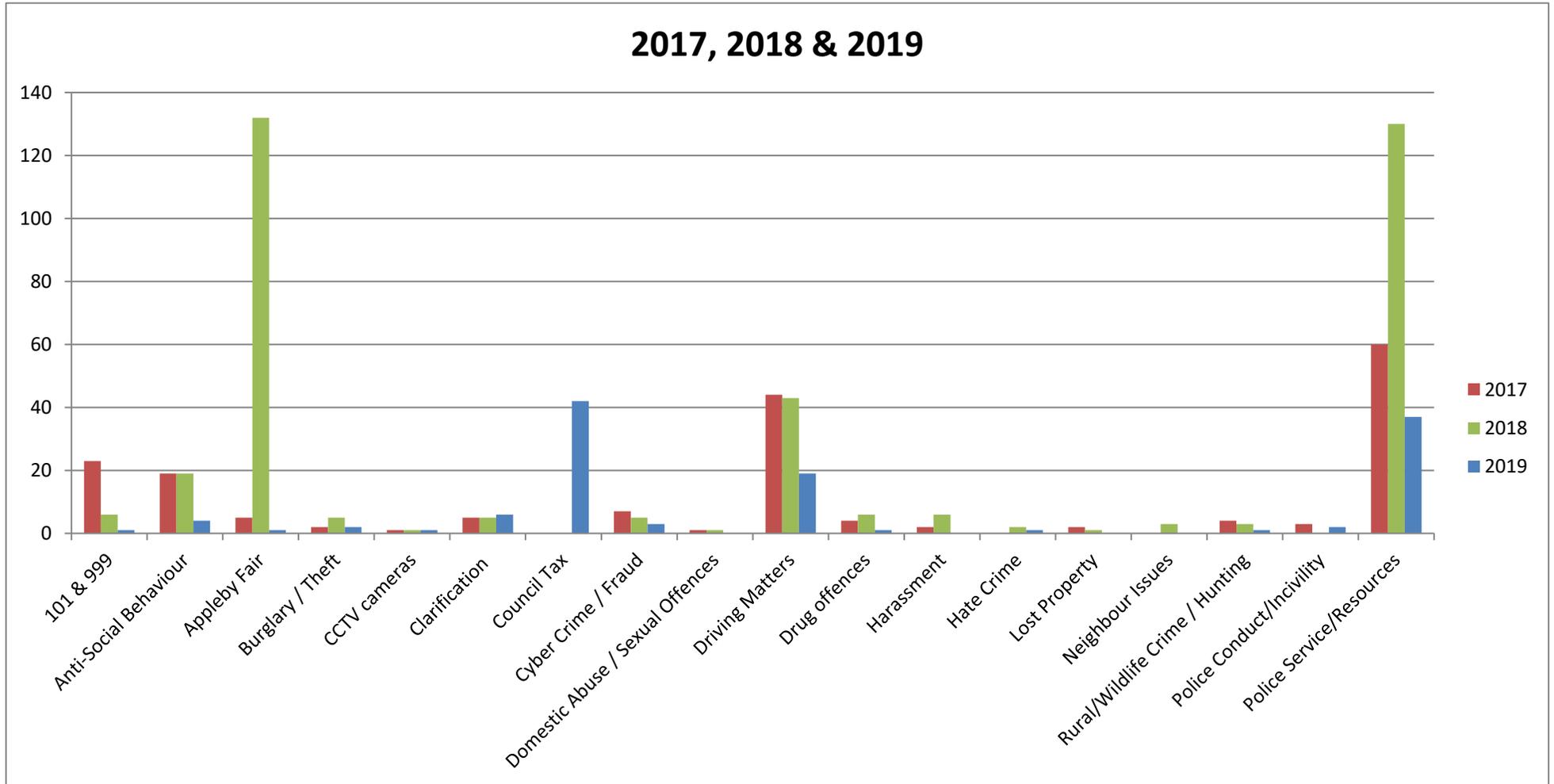
QSPI's per Area



The number of QSPI's received in the first 3 months of 2018 was 64. In 2019 the OPCC has seen a 49% increase up to 126 during the same period.

QSPI Categories

2017, 2018 & 2019



The above figures are for the periods 2017, 2018 and 1 January to 31 March 2019