

---

Enquiries to: Mrs J Head  
Telephone: 01768 217734

Our reference: jh/EIP

Date: 30 October 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 7 November 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**  
**Deputy Chief Executive**

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

**The Panel members will meet at 9.00 am to carry out dip sampling sessions during the morning**

### **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 8 August 2019 (copy enclosed).

### **5. BODYWORN VIDEO REVIEW**

To receive an update on the outcome of the Constabulary's review into Body Worn Video, following the initial report in February 2019.

### **6. 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.*

### **7. SPIT HOODS**

- (a) To receive a report on the Constabulary's usage of Spit Hoods since their introduction.
- (b) Receive verbal feedback from the Panel following their dip sample of their usage

**8. 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.

**9. 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.*

**10. INTEGRITY**

To receive a report on the work carried out within the Constabulary's Professional Standards Department, including:

- (a) Anti-Fraud & Corruption; and
- (b) Complaints by the Public

**11. OPCC COMPLAINTS AND QSPI**

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

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

**12. THEMATIC SESSIONS UPDATE**

To receive verbal feedback on:

- (a) Communication Centre - the Panel to provide verbal feedback on their thematic session within the Constabulary's Communication Centre
- (b) To discuss how the Panel can provide a scrutiny role in relation to the Constabulary's Use of Force.

**13. COMPLAINT AND MISCONDUCT REGULATION CHANGES**

To receive an update on the development of changes to the current Complaint and Misconduct Regulations and what this means for the Constabulary and the OPCC – *Deputy Chief Constable Webster and the OPCC Deputy Chief Executive.*

**14. 2020 ANNUAL WORK PROGRAMME & MEETING DATES**

To consider and agree the Panel's annual work programme and meeting dates for 2020 - *To be presented by the OPCC Deputy Chief Executive*

**Agenda Item No 4**

**ETHICS AND INTEGRITY PANEL**

Notes of a meeting of the Ethics and Integrity Panel held on  
Thursday 8 August 2019 in Conference Room 2, Police Headquarters,  
Carleton Hall, Penrith, at 2.00 pm

**PRESENT**

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

**Also present:**

Deputy Chief Constable Mark Webster  
Detective Chief Inspector – Jenny Beattie  
Inspector – Gemma Hannah  
OPCC Chief Executive - Gill Shearer  
OPCC Governance Manager - Joanne Head

**22 APOLOGIES FOR ABSENCE**

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

**23. DISCLOSURE OF PERSONAL INTERESTS**

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

**24. URGENT BUSINESS**

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

**25. NOTES OF THE PREVIOUS MEETING**

The notes of the meeting held on 2 May 2019 and supporting action sheet were previously circulated with the agenda.

Concerning Minute 19 and the changes in relation to investigation files and force policy on refreshment breaks, Chief Inspector Beattie advised that there was currently national

discussions on this issue. DCC Webster advise that he would encourage officers to use local premises for refreshment breaks, providing a visible presence within communities, as long as they were able to respond to incidents.

**Agreed;** that, the notes from the previous meeting be agreed.

## **26. STOP AND SEARCH**

During the morning the Panel had carried out a dip sample of 50 stop and search forms. Learning had clearly become embedded as the quality of completion was being maintained. It was noted that some forms were still not fully clear on the exact reason for the stop/search, but none were fundamentally wrong and advised that this should be fed back.

A large proportion of the forms had identified that body worn video had not been activated when the stop and search was carried out. Some of these were at violent incidents and following a request the Panel had been advised that generally body worn video was used in only 46% of the forms. DCC Webster confirmed that the use of body worn video was mandated unless there was a sensitive issue. The Panel suggested that the form be changed so that where an officer answered no to body worn video being used they had to subsequently provide an explanation as to the reason.

Of those dip sampled the force had identified 7 which were returned to the officers as requiring improvement in completion. The Panel were pleased to see that detailed feedback was provided to officers to support future improvements.

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

(Note: Inspector Hannah left the meeting at this point.)

## **27. INTEGRITY**

DCI Beattie presented a report which provided a quarterly update on public complaints and work carried out by the Anti-Corruption Unit. Changes were being made to make the Anti-Corruption Unit more accessible to officers and encourage them to report confidentially. Although all lines of communication were confidential and officers or staff were unable to be identified, the perception was that they could be which often prevented reporting. The changes were to be launched in the autumn.

A discussion took place on the discrimination and diversity thematic review contained within the report. DCI Beattie advised that work was to be carried out to assist in the ability to access various types of diversity data within the organisation. The National Police Chief's Council (NPCC) had recognised this as a national issue and asked that the Constabulary report back to them. An update is to be provided to the Panel on the work being carried out at the February meeting.

A Panel member asked whether the 'There and Then' process for dealing early with public complaints was working well. Changes to legislation and Independent Office of Police Conduct (IOPC) guidance would see the requirement to record every expression of dissatisfaction. Clarification was being sought from the IOPC as this could impact on the ability to use the There and Then process.

The report provided an updated on the Constabulary's Secondary Employment and Business Interests process. Panel members were concerned that they had carried out a thematic session on this over 2 years ago and that nothing had changed in that time. DCI Beattie advised that a new electronic process with automatic renewals was to be introduced by December 2019. It was agreed that the Panel would review the new process as part of their work programme in 2020.

**AGREED;** that,

- (i) the report be noted;
- (ii) an update be provided to the Panel on progress with the Constabulary's diversity data at the February 2020 meeting; and
- (iii) the Panel review the new electronic secondary employment and business interests process in 2020.

## 28. NEW COMPLAINTS AND MISCONDUCT REGULATIONS

The Governance Manager advised the Panel on the forthcoming changes to dealing with complaints and subsequent appeals. From late January/early February 2020 it would be mandatory for Police and Crime Commissioners to deal with appeals which would be known as reviews. Work was being carried out by the OPCC to scope how this work would be carried out going forward and a number of options were being considered. In response to a question, the Chief Executive advised that the funding for the additional work would be resourced from within existing budgets.

In 2020, the OPCC would be reporting to the Panel on reviews (appeals) rather than the Constabulary, identifying any trends or issues. When carrying out their dip sample of public complaints the Panel would include the review element carried out within the OPCC.

DCI Beattie advised that a number of task and finish groups had been set up nationally with regards to the new regulations, with each force leading on a thematic area. The Complaints Manager from within the Professional Standards Department (PSD) had been invited to work on one of these groups.

**AGREED;** that the verbal updates be received.

## 29. PANEL WORK PROGRAMME

### Use of Force

Peter McCall

It had previously been agreed that a member of the Panel would attend the Constabulary's Use of Force meetings to gain a better understanding of how scrutiny of this area of business was carried out. A Panel member had attended a February meeting and was due to attend another on 14 August. It was agreed that following this meeting the Panel would review how they could add value to the process rather than attending meetings.

#### Special Constable Recruitment

DCC Webster advised that during the forthcoming recruitment of additional police officers a number of Special Constables may join the Constabulary as regular officers. At present, the recruitment of Special Constables was not the main focus and it was therefore agreed that any updates would be delayed until the middle of 2020.

#### Communications Centre

With the introduction of the new communications system, SAAB, it was agreed this would be an opportune time for the Panel to carry out a thematic session on live, pre-recorded conversations and the 101-email system. The Panel would carry this out during the afternoon of 31 October 2019.

The Panel's work programme for 2020 is to be presented to the November meeting.

- Agreed;** that,
- (i) the Panel review how they can add value to the Use of Force scrutiny process;
  - (ii) Special Constable Recruitment reports be delayed until the middle of 2020;
  - (iii) the Panel carry out a thematic session within the Communications Centre on 31 October 2019; and
  - (iv) the Panel's draft 2020 Annual Work Programme be presented at the November meeting.

**Meeting ended at 3.40 pm**

**Signed:** \_\_\_\_\_  
Panel Chair

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

# Constabulary Report to OPCC



**TITLE OF REPORT:** Constabulary Grievances

**DATE OF MEETING:** November 2019

**ORIGINATING OFFICER:** Kerry Rogerson, HR Manager

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

## Executive Summary:

The report provides a position overview in respect of ongoing, finalised and newly submitted grievances for the period 1 April 2019 until 30 September 2019.

## Recommendation:

- 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 April 2019 up until 30 September 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 four grievances lodged in this reporting period.
  - Three of these grievances have been transferred / dealt with under alternative procedures e.g bullying and harassment, change management
  - Of the seven ongoing grievances at the start of the period – three of these relate to one individual and are historic in nature.
  - A number of issues raised relate to dissatisfaction regarding perceived less favourable treatment. This can be directly from line management or as a result of the application of a policy or procedure.
  - Grievances dealt with during this period are generally split equally between male and female and are all from a white, British ethnicity.

By their very nature all grievances have an element of perceived inequality and/or unfairness. In this respect three of the grievances do have an associated disability element.

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

*Links to Police & Crime Plan and priorities; legal requirement; efficiency requirement; improvement.*

- There are no identified emerging trends or patterns at the time of submitting this report.

### 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.
- 5.3 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.
- 5.4 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.

## 6. HR / Equality Implications and Comments

*Including any actions arising from Equality Assessment.*

- 6.1 The management of grievances transferred to the HR department in May 2018. Now that a 12 month period has passed the procedure and recorded data will be reviewed to identify any efficiencies or improvements.
- 6.2 Three of the current grievances have an associated link into disability – whilst not indicative of an underlying issue at present this will be monitored going forward. Alongside the support provided to managers on attendance matters the HR department is already developing a briefing session which provides a practical insight into the management of disability within the workplace.
- 6.3 The internal pool of accredited mediators is now available for utilisation through the Constabulary Mediation Scheme. In support of this a mediation toolkit has been developed and launched Constabulary wide.

## 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 reference period

# Grievances – Overview 1 April 2019 to 30 September 2019

Please see below the figures for the period 1 April 2019 up to and including 30 September 2019.

|  |    |
|--|----|
| Total No. of grievances submitted in period        | 4  |
| Total No. of grievances ongoing at start of period | 7  |
| Resolved Stage 1                                   | -  |
| Resolved Stage 2                                   | -  |
| Resolved Stage 3                                   | -  |
| Not Resolved                                       | 1  |
| Awaiting Action/Resolution                         | 4  |
| Withdrawn  | -  |
| On Hold  | 3* |
| Transferred to alternative procedure               | 3  |

## Breakdown by Business Area

|       | Resolved | Ongoing | Withdrawn | On Hold | Not Resolved | Other Procedure |
|-------|----------|---------|-----------|---------|--------------|-----------------|
| West  | -        | 2       | -         | -       | -            | -               |
| North | -        | -       | -         | -       | -            | -               |
| South | -        | 1       | -         | -       | 1            | 1               |
| HQ    | -        | -       | -         | -       | -            | 1               |
| CID   | -        | 1       | -         | -       | -            | 1               |
| UOS   | -        | -       | -         | 3*      | -            | -               |

| Gender and Ethnicity Breakdown |    |
|--------------------------------|----|
| Male                           | 6* |
| Female                         | 5  |
|                                |    |
| White British                  | 11 |
| White Other                    | -  |
|                                |    |
| Police Officers                | 4  |
| Police Staff                   | 7  |

\* 3 separate grievances from one individual.

\*\* 3 individuals accounting for 6 grievances.

## Public Complaints



- Deliver a complaints system that is effective and accessible
- Support complainants through the Complaints System
- Inspire greater public confidence in the police complaints system

## Conduct



- Investigate conduct matters thoroughly and expeditiously in line with current legislation and guidance
- Provide a transparent service to both the Officers subject to investigations and the wider Constabulary and partners, such as the IOPC/OPCC
- Identify and share Learning and Best Practice

## ACU Intel



- Data Disclosure
- APSP/APIER
- Vulnerability (Associations, Business Interests/ Secondary Employment)
- Substance Misuse



- **Public complaints**
  - Purpose and Background 4
  - Complaint Cases and Allegations – Current Quarter 5
  - Percentage of Crimes 6
  - Complaint Cases and Allegations – Type 7
  - There and Then 8
  - Priority issues, Discovery/emerging issues and Learning and Development 9
  - Performance 10
  
- **Conduct**
  - Priority issues, Discovery/emerging issues and Learning and Development 11
  - Public Complaints and Conduct – 4P Plan 12



- **ACU Intel**
  - Purpose and Background 13
  
- **Appendices**
  - Appeals 15
  - Gratuities 16

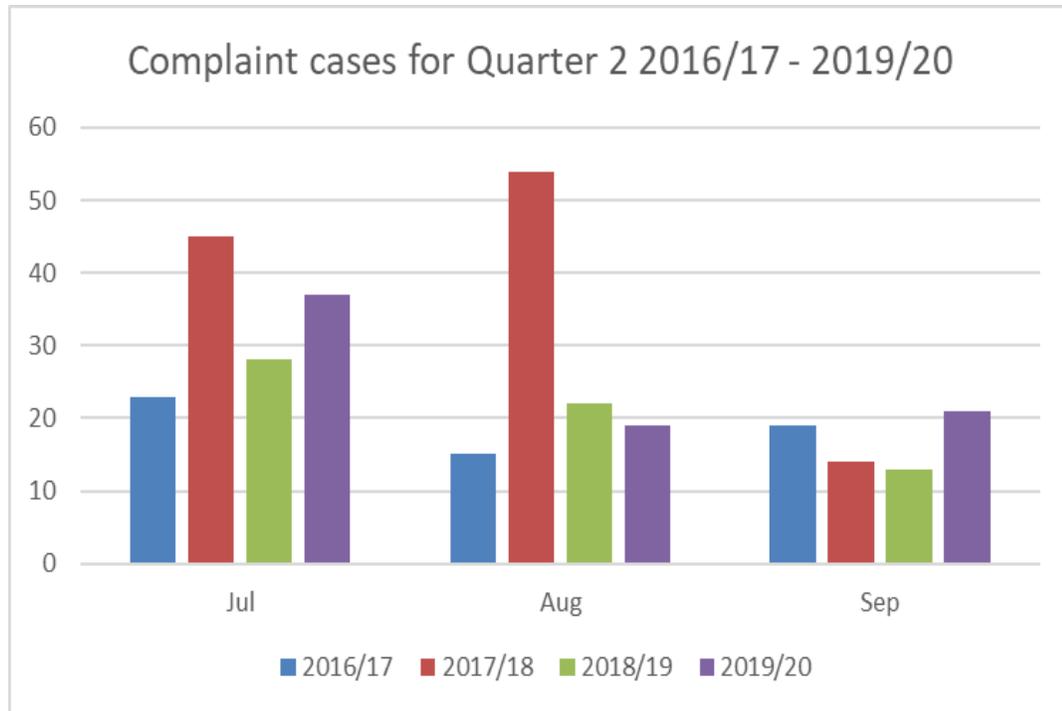


- Complaints from members of the public with regard the actions and conduct of police officers and staff are currently recorded centrally through the Professional Standards Department.
- The range of the data for this quarterly report is from 1<sup>st</sup> July – 30<sup>th</sup> September 2019.
- Data extracted utilises information from Cumbria Constabulary ICT systems which includes Centurion, the PSD case management system.
- In reviewing information, in addition to Constabulary systems, regard is given to partner agencies including The Independent Office of Police Conduct (IOPC).
- Public complaints relate to an expression of dissatisfaction in relation to Cumbria Police Officers and staff. Each complaint may consist of one or more specific allegations. Complaint allegations are broken down into a number of categories to assist with recording and analysis. Subject to the nature of the complaint, it is either allocated to a supervisor to manage locally (local resolution or local proportionate investigation) or alternatively the matter is investigated by the Professional Standards Department.
- The IOPC uses this data to understand how forces handle public complaints and to assess trends.

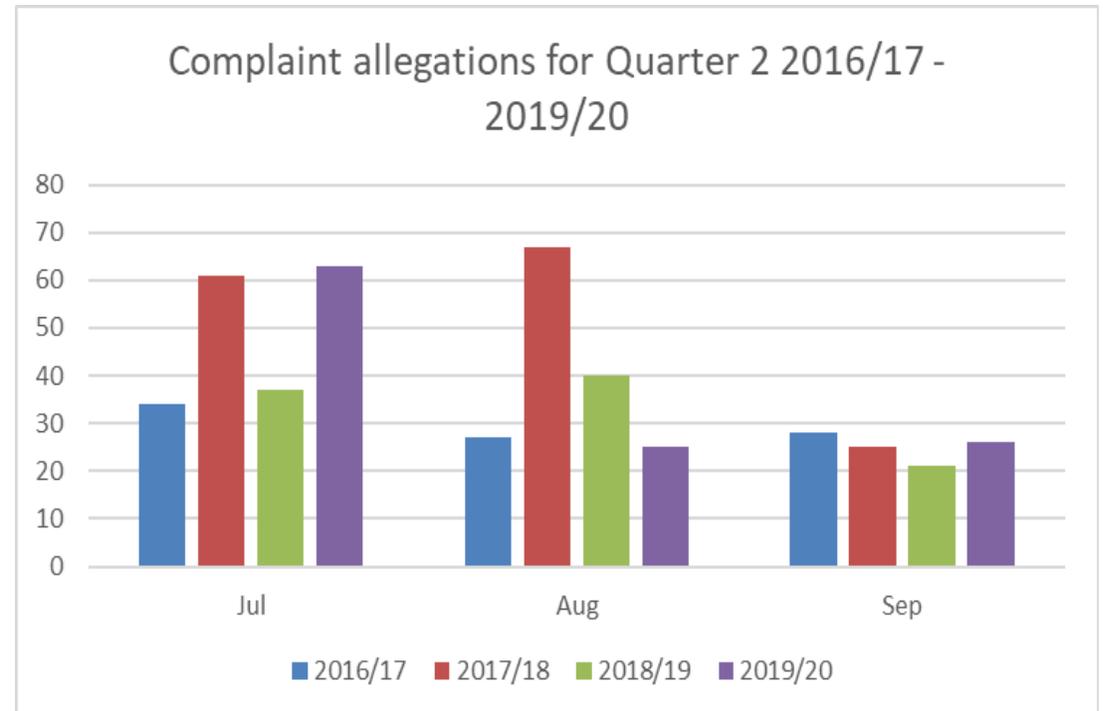
# Public Complaints: Complaint Cases and Allegations – Current Quarter



The below graph shows the total complaint cases for the current quarter and same quarter of the previous 3 years.



The below graph shows the total complaint allegations for the current quarter and same quarter of the previous 3 years.



# Public Complaints: Percentage of Crimes



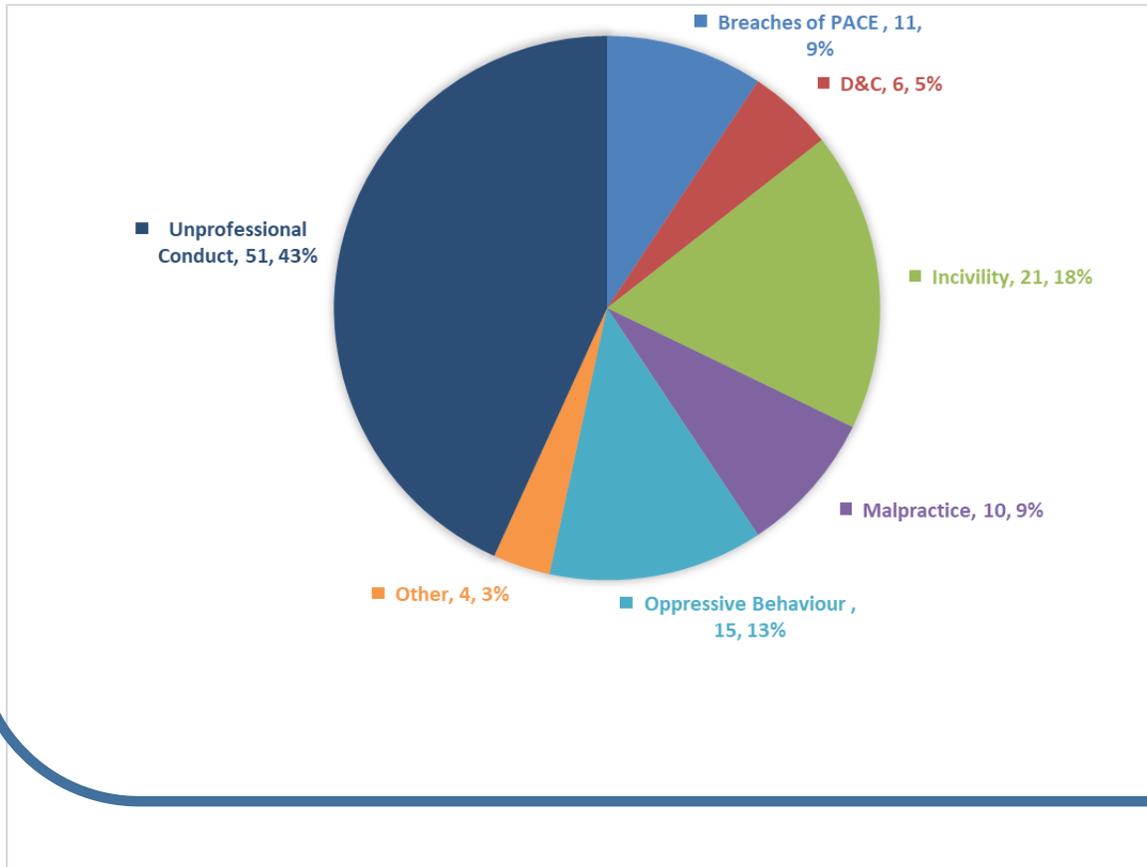
- There were **77** cases recorded in the current quarter and **114** allegations.
- **2881** have been processed via custody **2.67%** have resulted in complaint cases.
- 9700 crimes have been recorded in lines with National Crime Recording Standards, **0.79%** of all crimes have resulted in complaint cases.
- **24374** incidents have been recorded during the quarter. This relates to 3.2 complaint cases per 1000 incidents.

|           | Incident Logs | Crimes      | Total Custody<br>(inc VA) | Voluntary<br>Attendance |
|-----------|---------------|-------------|---------------------------|-------------------------|
| July      | 8496          | 3278        | 1005                      | 202                     |
| August    | 8228          | 3218        | 980                       | 188                     |
| September | 7650          | 3204        | 896                       | 162                     |
| Total     | <b>24374</b>  | <b>9700</b> | <b>2881</b>               | <b>552</b>              |

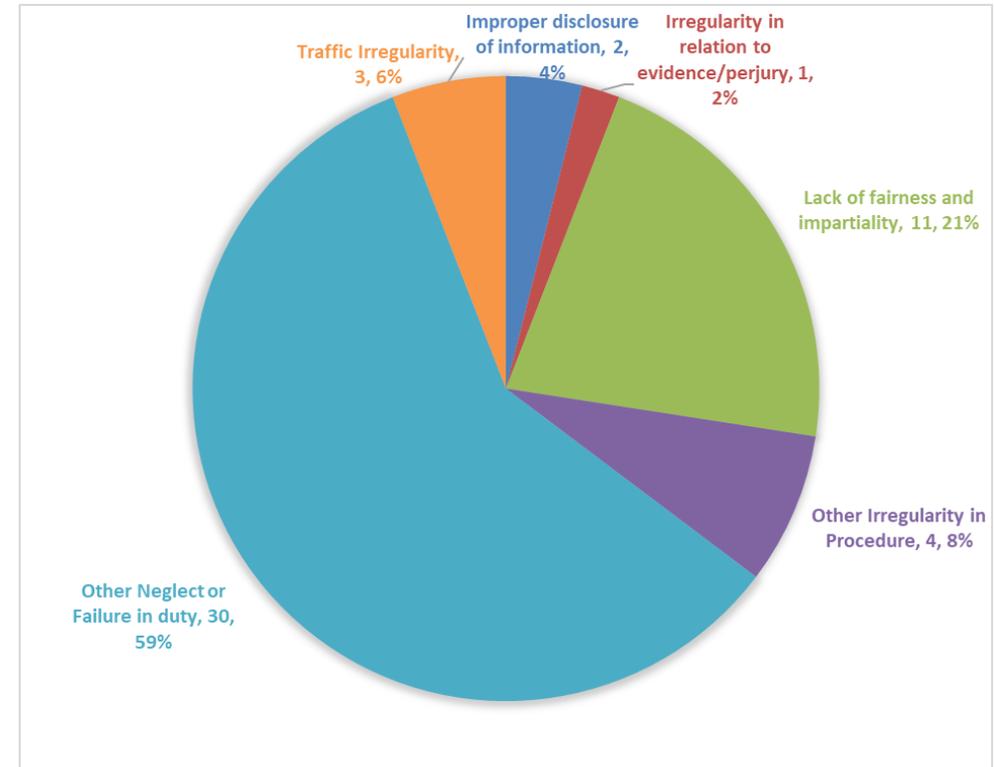
# Public Complaints: Complaint Cases and Allegations - Types



The below chart shows the number of complaint cases recorded by type for the current quarter. As shown unprofessional conduct is significantly higher than the other categories.



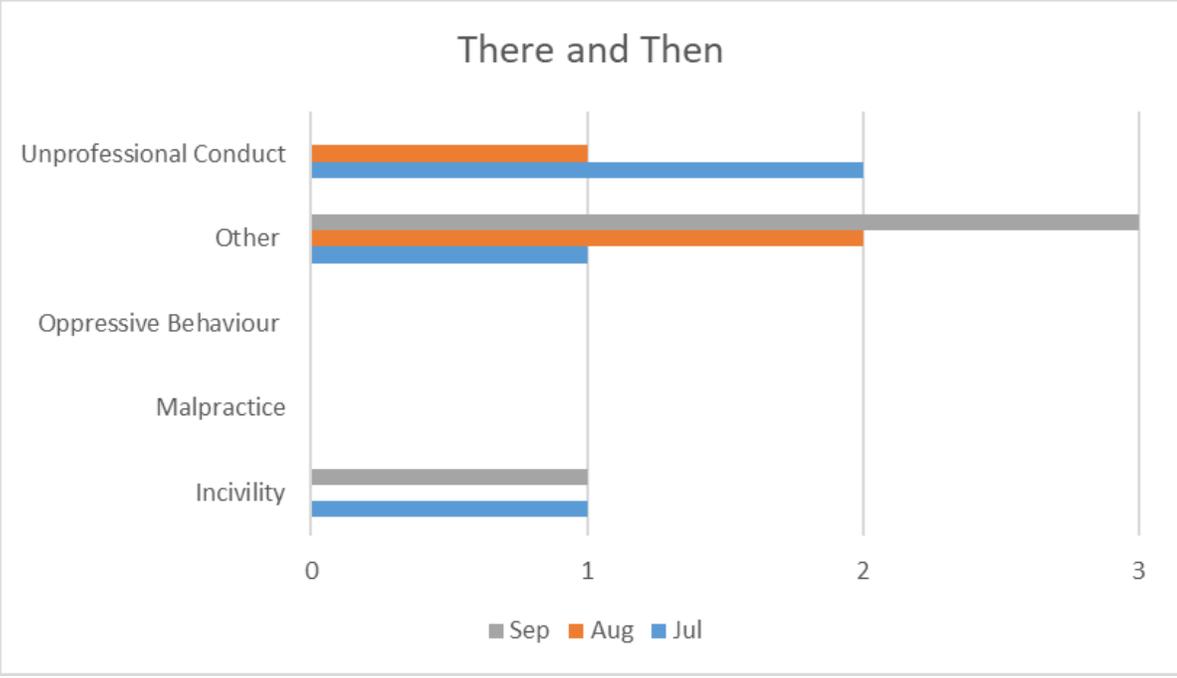
The below chart looks in more detail at the type descriptions for the allegations received for unprofessional conduct.



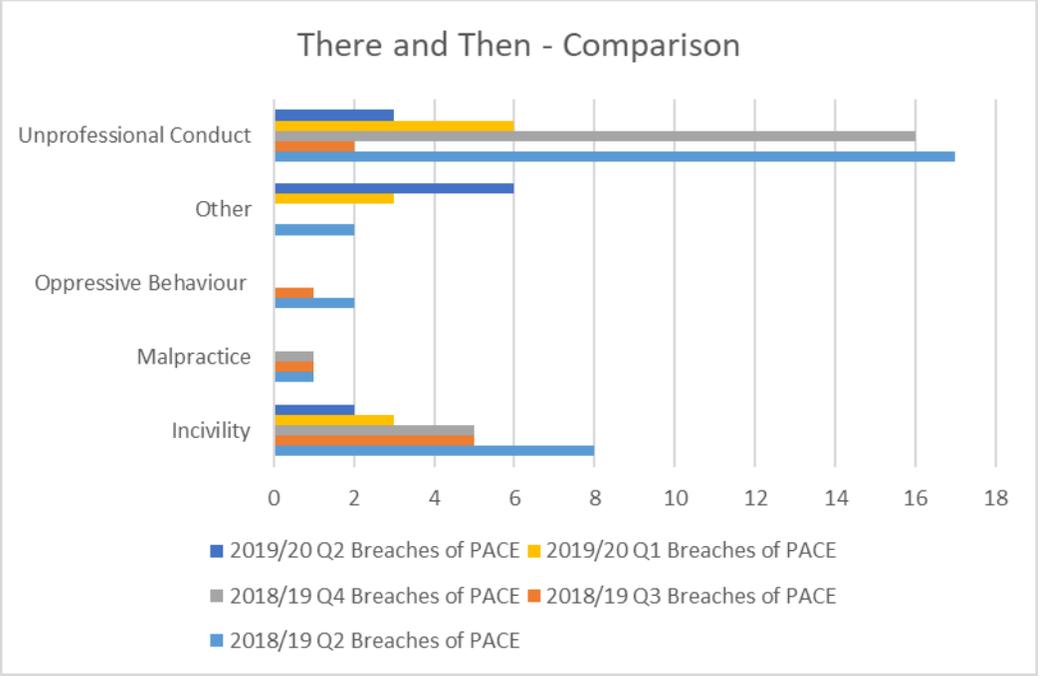
# Public Complaints: There & Then



The below graph shows There and Then by type for the quarter. The highest month was September when there were 3 recorded for Other.



The below graph shows There and Then figures for the current quarter and the previous 4 quarters to compare data by type.





## Priority Issues

- From the data gathered it is apparent that complaints in relation to Unprofessional Conduct are higher than other categories. However this is very low in comparison to the total number of crimes and custody records for the quarter.
- 3 cases were upheld by PSD.
- There have been no appeals to the IOPC in this quarter.
- Use of Force complaints have reduced, a contributing factor is the use of BWV.
  - Number of complaints upheld has reduced due to thorough investigations that are completed quickly and no appeals
- There and Then, whilst relatively low values have seen a decrease. An explanation can be suggested as a better quality service and increased confidence in the community. An alternative could be that this demonstrates potential lack of use which may be remedied by the use of PRI and Inspectors Training Days.
- The area with the most frequent complaints is North with 43 allegations. A more detailed breakdown can be found at Appendix 1-3
- Almost 40% of all complaints relate to being rude, not updating complainants and not returning property which falls within Unprofessional Conduct. See [Appendix 4-5](#) for further details.
- For appeals information please see [Appendix 6](#)



## Discovery/Emerging Issues

- Changes are planned to the statutory regime with Office of the Police and Crime Commissioner provided greater opportunity to be involved in complaint handling. OPCC will review outcomes (previously known as appeals). The implementation date of the reforms has been delayed and they are now expected to take place from February 2020. Draft regulations and statutory guidance have been subject to consultation.



## Learning and Development

- PASS Newsletters disseminated regarding BWV
- PSD staff are going into areas and IOPC and Sancus training events.



## Cumbria

- **92%** of complaint cases recorded within 10 days – this is the same figure as the same period of the previous year.
- Average number of days taken to complete complaint cases – **53**. This is 10 days less than the same period of the previous year.
- No appeals to IOPC in this period in respect of investigations completed by Cumbria Constabulary.
- IOPC annual statistics state timeliness in recording complaints has improved with over 90% being recorded within 10 days for the first time. The report also show the number of NR appeals upheld have decreased from 67% last year to 21% this year.

## Most Similar Force (MSF) and National

- Complaint cases recorded within 10 days - MSF is **90%** and National is **91%**
- Average number of days taken to complete cases in MSF – **94**
- Average number of days taken to complete case National - **100**



## Priority Issues

- **Confidentiality** remains an issue (the majority of cases relate to viewing logs/intelligence without a Policing Purpose) – All cases are investigated thoroughly and advice/reminders is sent out via PASS.
- **Timeliness of Investigations** (the majority of cases have been completed expeditiously) – Professional Standards now investigate all conduct matters, including Police Staff, and the focus will be to maintain and improve on this performance.
- **New Regulations** – Staff are receiving training and processes are being reviewed.



## Discovery/Emerging Issues

- As of 4th November 2019 Professional Standards will investigate all incidents where Officers/Staff are suspected of criminality, including Off Duty. Professional Standards have had an uplift of staff, 1 Detective Sergeant and 1 Detective Constable, in order to take on this additional responsibility.



## Learning and Development

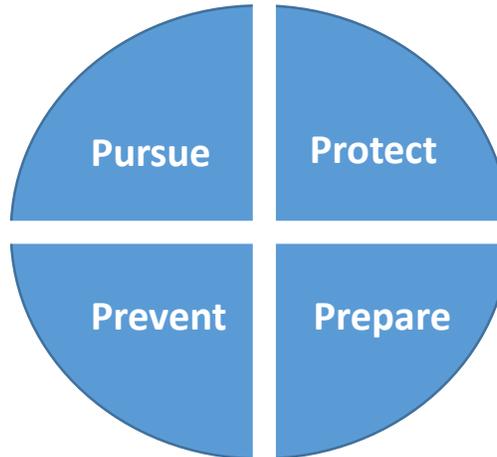
- PASS Newsletters provide organisational learning following the outcome of misconduct investigations/proceedings. – [See Appendix 7-8](#)
- Restorative Practice Review Process (RPRP), which is aligned to PRI, is being utilised in advance of the new regulations.
- Timetabled presence of Professional Standards representatives in territorial policing areas (1<sup>st</sup> 2<sup>nd</sup> and 3<sup>rd</sup> Monday of each month).



## Completed Actions, Recommendations & Bids

- Professional Standards carry out all internal investigations, including staff
- Standards of Professional Behaviour covers staff and officers
- Professional Standards are the lead investigator for all criminality, including off duty, however support from specialist departments will be requested when required.

- Organisational learning is circulated by PASS
- Early intervention through the use of integrity interviews, management contact and dissemination reports
- Presentations on the code of ethics
- Staff in areas providing updates to Area Management Teams



- Staff from within Professional Standards are assigned to geographical areas and specialised departments
- Welfare Officers (incl Mental Health First Aider) provided for Officers/Staff subject to an investigation, victims and witnesses
- Ensuring integrity of investigations through the use of in-house skilled detectives/staff investigators e.g. SOIT, DMI and IT super users

- Upskilling of Staff Investigators (PIP 1 and tier 2) accreditation. Uplift in staff – additional 1 DS and 1DC.
- All staff receive training in misconduct investigations, including attendance in training of new regs.
- Working environments being improved via structural changes to the fabric of the PSD estate.
- SPOC identified to prepare for the department's embedding of new regulations and to manage demand so PSD can deal with the more serious offences



- The Anti-Corruption Intelligence Unit is responsible for the sterile management of intelligence that includes the anonymous confidential reporting facility.
- The Unit has a dedicated analyst that provides support to the Anti Corruption Unit and Public Complaints Team.
- The **PASS** initiative is utilised for prevention and education regarding misconduct comprising people, areas, systems and standards.
- The report will consider activity relating to key themes, these themes reflecting regional and national priorities
- The date range for the data is 1<sup>st</sup> July – 30<sup>th</sup> September 2019



## Priority Issues



- Reduction is observed between quarters in respect of systems, this will cover data breaches and systems misuse. The Constabulary and ACU-Intel have invested time and education in this area, however it is expected that there will still be incidents in future.
- Increased reporting in discreditable conduct and honesty and integrity issues can be attributed to training across these areas and media profile around issue.
- It is recognised that a threat still exists in the form of social media use and this is reflected through the confidential mailbox to identify officers and staff who have posted inappropriately. Outcomes relating to this can include intervention through education or enforcement where the misconduct threshold is met.
- Whilst figures are relatively low in terms of APSP, reporting is still observed linked to this thematic area. Again appropriate action is taken where standards of professional behaviour are breached.



## Discovery/Emerging Issues

Social media and data disclosure remain recurring themes for reporting and intel development. There is a balance between staff and officers.



## Learning and Development

Dissemination reports to SLT, Training input to students, Integrity Interviews, Sergeant and Inspector briefings, Days in area, Regional meetings – sharing best practice. Partner working regarding APSP presentations and internal media campaign in relation to appropriate relationships in the workplace. Use of Risk & Vulnerable Matrix/Repeat Officers /BI/SE and Gratuities to identify vulnerability – [Appendix 9-12](#)

## Appendix: Appeals

### Force

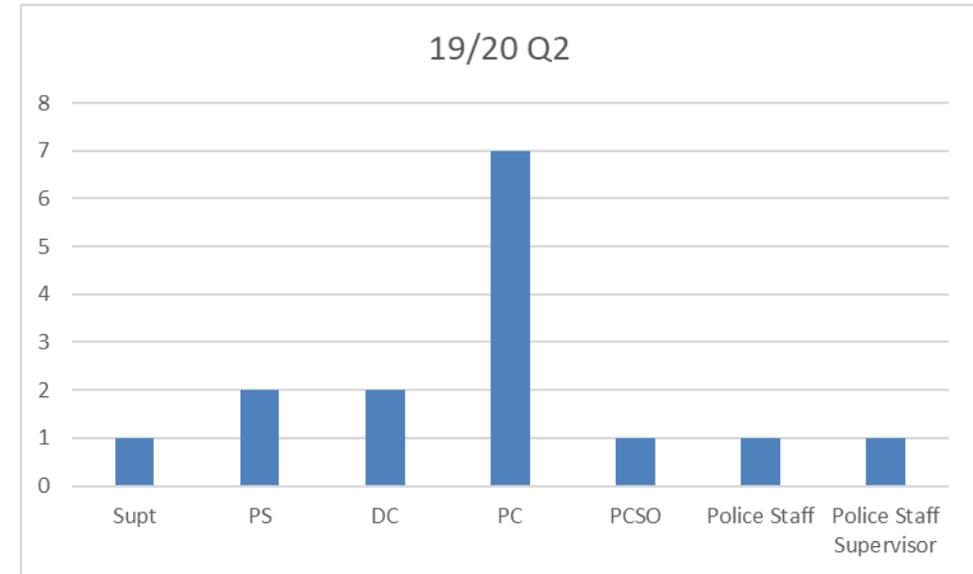
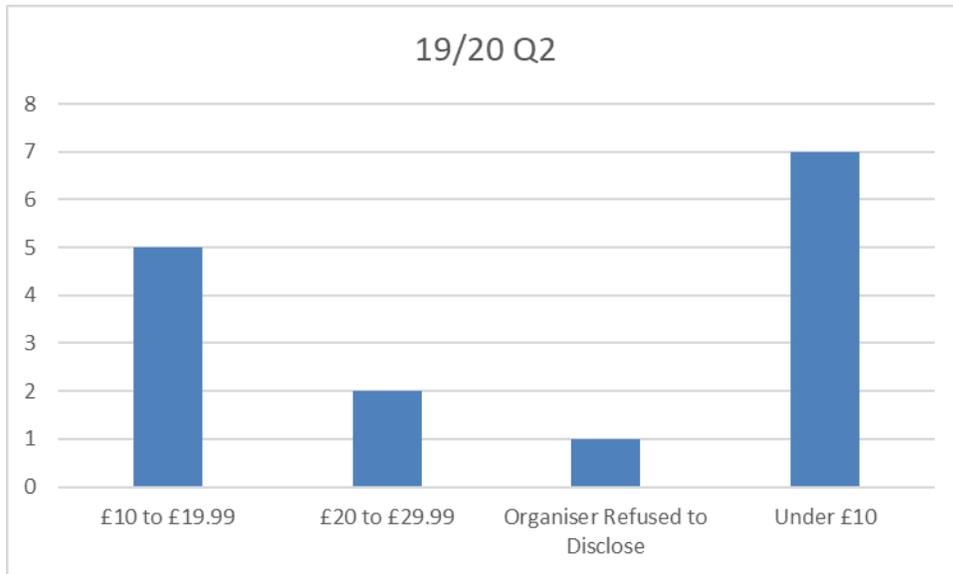
|            | Force      |            |
|------------|------------|------------|
| Result     | Q2 2018/19 | Q2 2019/20 |
| Upheld     |            |            |
| Not Upheld | 8          | 7          |
| Withdrawn  |            |            |
| Not Valid  |            |            |
| Live       |            | 2          |
| Invalid    |            |            |

### IOPC

|            | IOPC       |            |
|------------|------------|------------|
| Result     | Q2 2018/19 | Q2 2019/20 |
| Upheld     |            |            |
| Not Upheld | 1          |            |
| Withdrawn  |            |            |
| Not Valid  |            |            |
| Live       | 2          |            |
| Invalid    |            |            |

# Appendix: Gratuities

- 15 gifts and gratuities offered in the current quarter.
- All gifts and gratuities in the current quarter were accepted.



# Ethics and Integrity Panel



## Title: OPCC Complaints

**Date:** October 2018

**Agenda Item No:** 11a

**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 30 September 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) | 18(17) |

- 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. All of the 5 complaints received in 2018, 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 30 September 2019. There are no complaints outstanding. Regarding two of the complaints received, initial information was provided but when further information was requested no further correspondence was received from the individuals. This was followed up and the complaints were subsequently withdrawn.

| 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 | 3                         | 0        | 3            | 0   | 0             | 0           |

### 2.11 OPCC Staff Complaints

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

## 3. Implications

- 3.1 Financial - there are no additional financial costs associated with dealing with these complaints, quality of service issues.
- 3.2 Legal – none identified.
- 3.3 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.
- 3.4 HR / Equality - none specifically identified.

# Ethics and Integrity Panel



Peter McCall

## Title: OPCC Quality of Service & Policing Issues

**Date: October 2019**

**Agenda Item No: 11b**

**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:

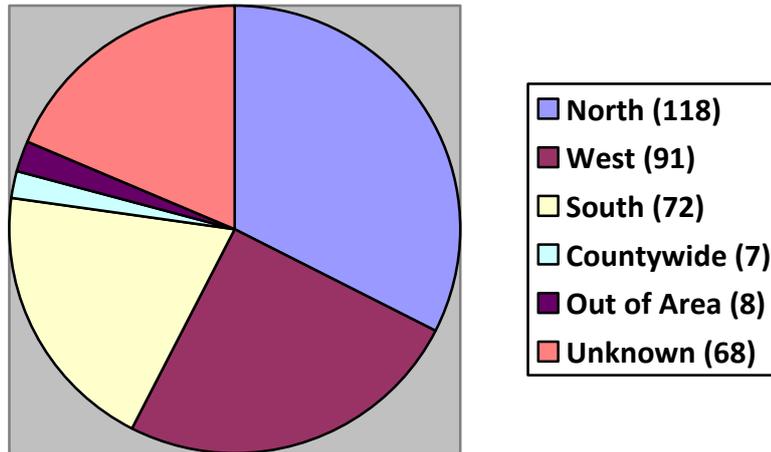
- An acknowledgement is sent out on the day of receipt of the correspondence advising them that they will receive a full response from the OPCC within 28 days. Should the matter take longer to conclude updates are provided on a 28 days basis until the matter is finalised.
- Where possible a response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

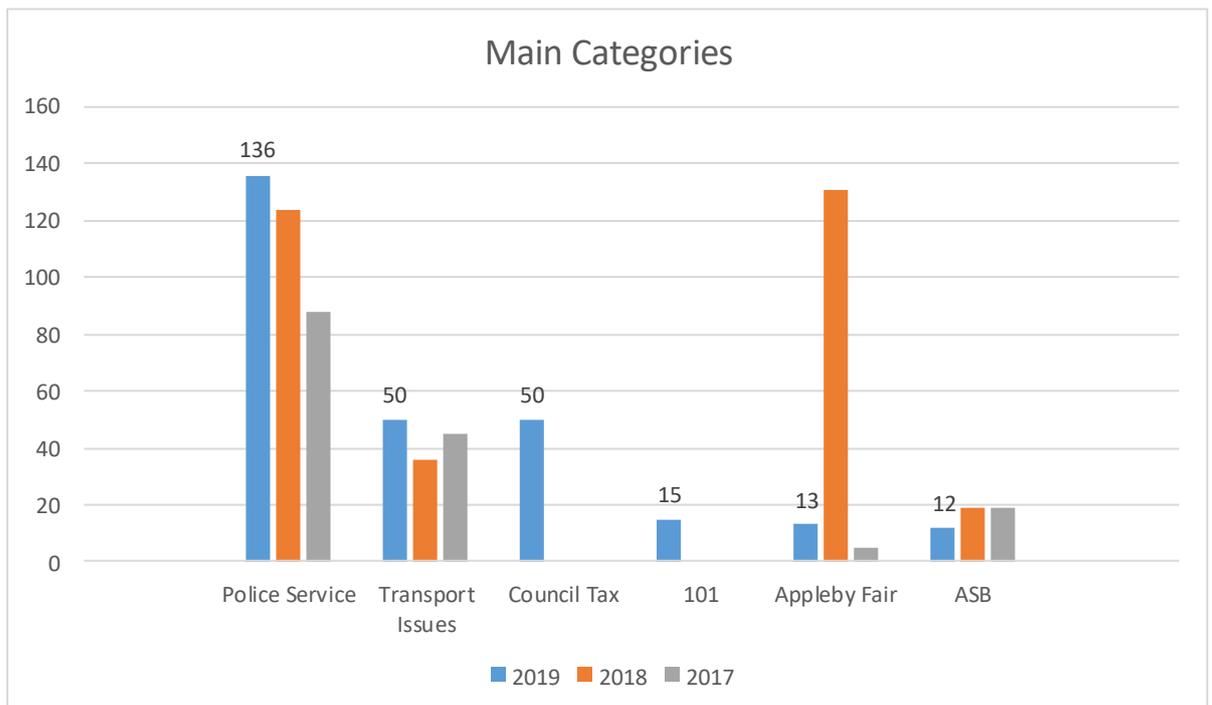
1.4 Where an urgent matter is received, the OPCC will directly contact the Chief Constable's office to ensure that the matter is progressed immediately. Since its inception the number of QSPIs received and dealt with by the OPCC has increased year on year as can be seen from the figures below:

| 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019<br>(up to 30.09.19) |
|------|------|------|------|------|------|--------------------------|
| 98   | 198  | 167  | 235  | 270  | 350  | 355<br>(up to 30.09.19)  |

1.6 The number of QSPI's received in the first 3 months of 2018 was 64, in 2019 the OPCC received 126 resulting in a 49% (126) increase. During the remainder of the year, the OPCC has seen a continuation of this increase. Compared to 247 in the first 9 months of 2018, the OPCC in 2019 has received 355, an increase of 108 cases (44%). Below is an area breakdown of where the complainant is based in Cumbria, or where they are from outside the county. When contacting the OPCC an individual may not always provide their location which is recorded as 'unknown'.



1.7 Members of the public will contact the OPCC regarding a broad range of issues. The Commissioner will write to every individual using information provided by the Constabulary, the OPCC or other partner organisations. Below is a breakdown of the top 6 types of issues raised from 1 January to 30 September 2019.



## 2. Identified Issues

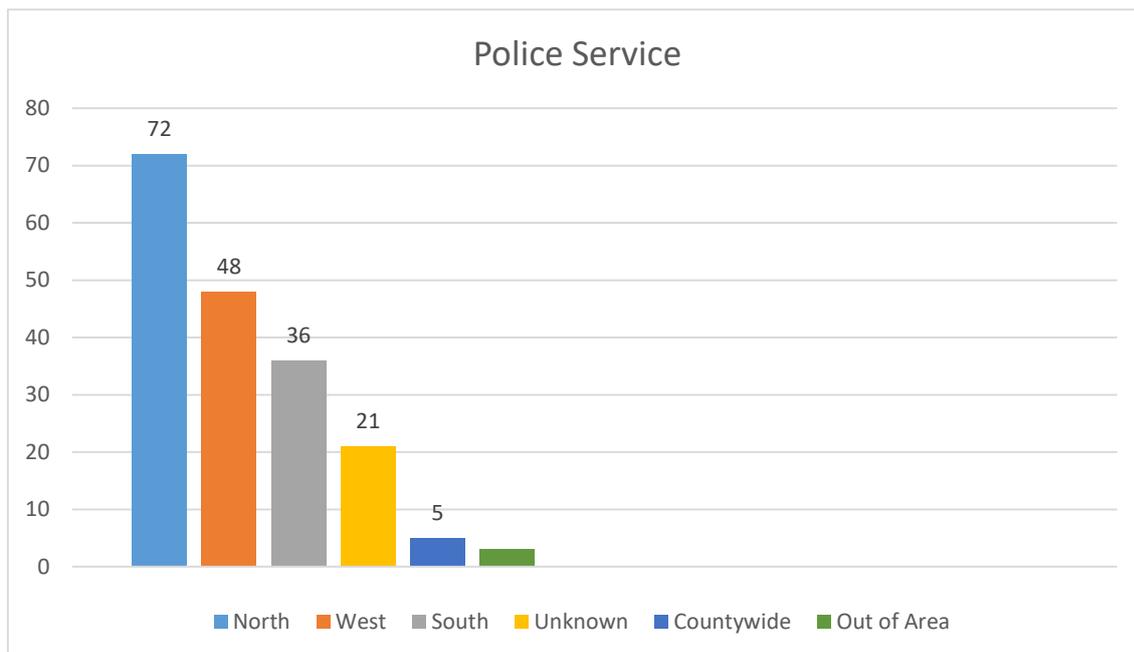
2.1 In each instance, the OPCC helps to facilitate the individual to be provided with a tailored response or explanation to the issues that they have raised. On many occasions the matter is dealt with at a local level, with police officers and staff making contact or visiting the individual. This then 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. There are six categories that are the most common areas of complaint and further details on these are provided below:

### 2.4 Police Service

Up to the end of September 2019, 185 concerns were raised in relation to the general level of policing service received. A breakdown by area is included below:

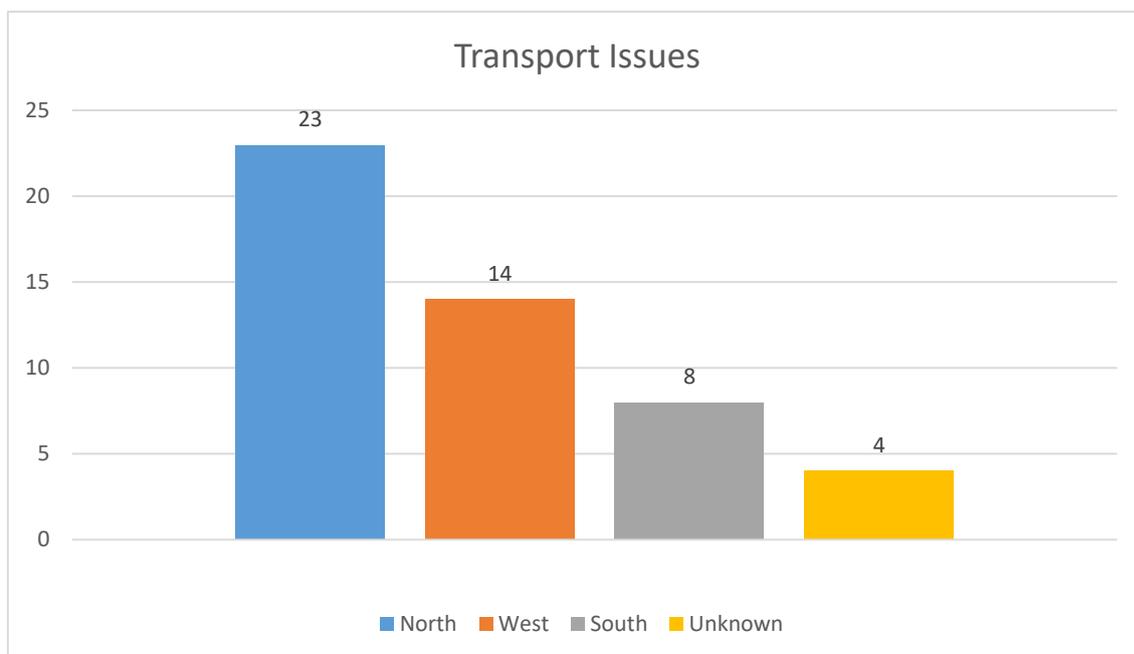


The concerns logged within this category indicate that the individual is unhappy with the level of policing service they have received, and/or the outcome of the investigation. The OPCC has identified that a large number of these concerns are triggered by the lack of communication or updates received from the Police during an investigation. When the OPCC responds to these cases we include details of what has happened during the investigation and why. If appropriate we also include contact details for the officer in the case (OIC) to enable the individual to make direct contact should they require any further updates. In some cases we arrange for a local officer to go and visit the individual to provide clarity regarding the investigation and advice of any other action that can be taken by the individual.

A small number of these concerns have enabled the OPCC and Chief Constable's Office to identify areas where improvements can be made. Further training and advice to officers involved in those instances can be implemented where a need is identified. In addition, processes and procedures may be re-issued as a reminder to teams or the whole Constabulary where appropriate.

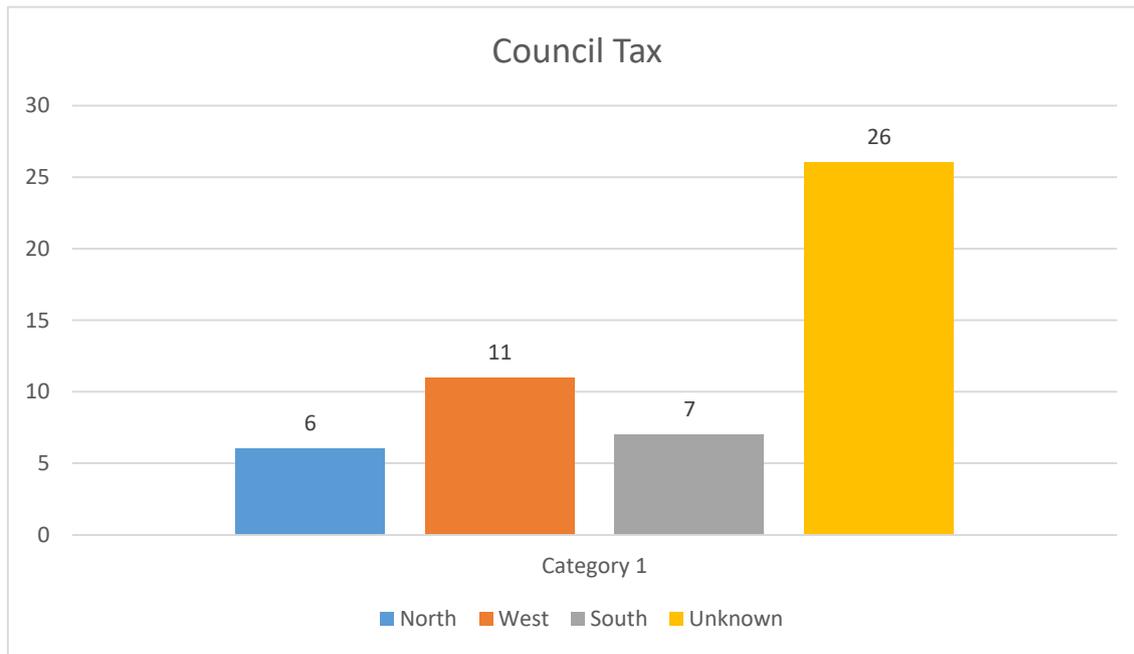
## 2.5 Transport Issues

'Transport Issues' covers a range of concerns such as: speeding, general driving issues; damage to vehicles; parking issues; abandoned vehicles and cyclists on pavements. The main concerns raised being speeding vehicles and dangerous driving. In the majority of cases the OPCC arranged for police contact to be made with the individual, enabling the local policing team to gather as much information/intelligence directly from the member of public as possible. This can then be used in future policing plans and patrol strategies for that area. Community speed watch groups have also been set up in some areas following intervention from the OPCC.



## 2.6 Council Tax

In early 2019, the OPCC received 50 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 was provided with a response and the rationale behind the increase.



## 2.7 101

During the reporting period the OPCC has received contact from 15 members of the public who were dissatisfied with the 101 telephone service. Predominantly this related to the amount of time it took for members of the public to be connected to a member of staff within the Comms Centre; or that calls were being lost and the individual had to telephone again. A new communication system has been installed within the Comms Centre and has encountered some initial problems with work ongoing to identify the issues.

The Constabulary is exploring a number of opportunities to develop how members of the public can contact them. With the advancement of technology and many members of community preferring to engage in digital way, it is important that the force maximises the potential of opportunities such as call-back, email and self-completion.

## 2.8 Appleby Horse Fair

In May/June 2019, the OPCC received 13 enquiries concerning the Appleby Horse Fair; compared with 137 received in May and June 2018. This demonstrates that the work carried out by the Constabulary and the Multi-Agency Strategic Co-ordinating Group (MASC) following the 2018 Fair has reduced the number of issues and concerns experienced by members of the public.

## 2.9 Anti-Social Behaviour

The OPCC received 12 complaints regarding anti-social behaviour, the majority of which were in West Cumbria. Pro-active teams were tasked to undertake patrols in the areas of concern to better understand the issues and act as a form of deterrent for this behaviour. The Police also installed a Community Safety funded anti-social behaviour camera in the Workington area to assist all local agencies to work to resolve the issues.

Within West Cumbria, PCSO's were tasked to continually engage with the youths to work to minimise any escalation of anti-social behavior; and local PCSO's also attending youth clubs in the area to further engage with the young people.

### **3. Local Focus Hubs**

In 2018, Local Focus Hubs were introduced within each of the three policing areas in Cumbria. There are two hubs: Allerdale & Copeland; one in Carlisle City Centre and two in the south of the county in Barrow and Kendal.

These multi-agency hubs bring together organisations such as the police, local councils, housing associations, drug and alcohol support services, Environmental Health, licensing, enforcement, planning, Trading Standards, Fire & Rescue and locally represented charities; also with the ability to link in with Highways and CRASH. This enables the hubs to respond to issues in an efficient manner.

A wide variety of issues can be referred into the Hub from a number of agencies including the Constabulary. When a QSPI is referred to a hub they will encourage local PCSO's and Problem Solving officers to resolve the issues prior to the hub taking on the issue. Various methods are used to ensure reports and actions are followed up with individuals being updated and any referral kept open until the issue is resolved. Weekly meetings are held with all the organisations to discuss a broad range of issues. On a number of occasions areas of both ASB and vulnerable victims have been identified which were previously not known to the police. Such issues would then be fed into monthly tasking meetings that set priorities for the police and partner agencies.

By working together with other organisations, the hubs have proved a valuable tool in assisting individuals and communities with resolutions for wide ranging issues. Often issues reported to the OPCC or the Police are not in fact policing issues, but by using a joined up approach solutions can be found. The Constabulary are able to use the information within the local focus hubs to influence and priorities issues within communities. Once these are initially resolved, continued oversight ensures that problems do not arise again.

### **4. Making a Difference**

As previously stated, all QSPI's are provided with either a resolution to their issues or information to assist them to understand any decisions or rationale. Where issues are dealt with through the local focus hubs it is recognised that working with individuals has resulted in changes to not only their personal lives but also that of the wider communities.

For example, numerous complaints were received from a member of the public about footballs being thrown over a school playing field, landing on a roadway and into a garden. The focus hub spoke with the individual; coordinated with the local council regarding civil law; the local PCSO engaged with the schools delivering advice and trying to prevent further issues, carrying out regular patrols in the area. The matter has been monitored longer term and confirmed that no further issues were being experienced.

This type of work is replicated throughout many of the QSPI's received and actioned by the OPCC. Meaning that the Commissioner is ensuring that the issues raised by communities within Cumbria are responded to and in the majority of cases resolved.

As with all QSPI's the information provided by individuals is used not only to resolve their issues but to allow the Constabulary to look at the wider community and scope whether similar issues are being experienced by others. Quality assurance work is carried out to monitor issues longer term and this information can then be used to inform local policing teams and the work that they carry out.

The information collated by the OPCC from QSPI's is subsequently used by the Commissioner to inform his Police and Crime Plan and any subsequent reviews thereof. The Constabulary also uses this information to assist in their implementation of the Police and Crime Plan and local policing plans.

#### **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.

# Ethics and Integrity Panel



## Title: Police Integrity Reforms

**Date: October 2019**

**Agenda Item No: 13**

**Originating Officer: Joanne Head**

**CC:**

### 1. The Policing and Crime Act

- 1.1 The Policing and Crime Act has given Police and Crime Commissioners an explicit responsibility for the performance of the complaints system locally, responsibility for appeals currently heard internally by forces; and the ability to take on certain other functions of the system where appropriate.
- 1.2 The different models within the legislation are to give Commissioner's the levers to affect the performance of the complaints system locally if they need to. If the complaints system is operating smoothly, other than taking on responsibility for appeals, the Commissioner need not change the process if they are confident they have the oversight of the system that they need. Within Cumbria, the Ethics and Integrity Panel assist the Commissioner to have effective oversight of the police complaints process.

### 2. Police Integrity Reforms

- 2.1 In July 2019, the Home Office wrote to police forces and OPCC's to advise them that changes to the current Complaints and Misconduct regulations would commence from 1 February 2020. It is hoped that legislation will be laid before Parliament at the beginning of December 2019 therefore allowing the requisite timeframe prior to the legislation becoming law.
- 2.2 The IOPC during the latter part of 2018 and the beginning of 2019 consulted widely on proposed guidance in preparation for implementation when legislation receives Royal Assent. To assist police forces and Police and Crime Commissioners, the IOPC are developing a number of information bulletins which will give some practical advice on how to deal with complaints and reviews under the new legislation. Updated consultation versions are due to be circulated mid-November.
- 2.3 Training sessions have been developed by the College of Policing, in conjunction with the Home Office and the IOPC; and these are being delivered during September and October to all police forces and OPCC's. The IOPC are to hold 1-day events for police forces and OPCC's in

November, December and January. These sessions will provide an update on the IOPC Statutory Guidance regarding complaints, reviews and their practical

#### 2.4 Recording Complaints

It is recognised that between 45% and 70% of complaints are about issues that could be dealt with quickly and easily without the need for long investigations. In order for police forces to deal with complaints at the earliest opportunity, the training is promoting the consideration of dealing with initial complaints as quickly as possible with the individual to find a resolution. Should a complainant not agree to a more informal solution they can, if they wish, ask to have their complaint 'recorded' and dealt with by PSD. This will potentially result in more complaints being logged or recorded by the Constabulary.

#### 2.5 Complaints

Part of the rationale behind the new regulations is to understand whether complaints relate to a performance issue or misconduct. It also shifts the focus from simply identifying what an individual has done to how police forces can identify and use organisational learning to improve. Where it is identified as being a performance issue, line management will have the ability, where appropriate, to deal with this using a Practice Requiring Improvement model. Following conclusion of the complaint any individual and/or organisational learning will be fed back to PSD and disseminated wider, where necessary.

#### 2.5 Reviews (Appeals) -

Police and Crime Commissioners will be mandated to consider appeals brought by complainants in cases dealt with through the '*Recorded – No Investigation*' category of complaints handled by the police. The Commissioner has made the decision to deal with reviews only as it is important that the Constabulary received, understand and resolve complaints appropriately. Learning from complaints can ensure individual and organisational development and improvement.

2.6 As Police and Crime Commissioners and their offices take on the role of dealing with Reviews (appeals) there is a likelihood that there will be an increase in the number of complaints received from individuals dissatisfied with the outcome of their appeal. The Home Office has been 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. The OPCC is considering a delegation of authority to deal with the reviews to a member of staff who will carry out the role of Appropriate Authority.

2.7 A process will be developed to enable the Panel to continue to dip sample review files when they are carried out by the OPCC.

2.8 The Panel will be provided with a verbal update from the Constabulary and the OPCC during the meeting on preparations that are being made.

**Recommendation:**

That, the Panel notes the proposed changes to legislation and work being carried out by the Constabulary and the Office of the Police and Crime Commissioner.

**3. Implications**

- 3.1 Financial - The OPCC will incur additional financial costs to enable staff to have licensed access to the Centurion case management system on an annual basis. There may be additional financial costs associated with dealing with reviews, dependent upon how the PCC carries out this function.
- 3.2 Legal – none identified.
- 3.3 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.
- 3.4 HR / Equality - none specifically identified.

# Ethics and Integrity Panel



## Title: 2020 Meeting Dates

**Date: 2 October 2019**

**Agenda Item No: 14**

**Originating Officer: Joanne Head**

**CC:**

### Executive Summary:

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

### Recommendation:

That, the Panel considers and agrees the proposed meeting dates for 2020.

#### 1. Introduction & Background

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

#### 2. Issues for Consideration

- 2.1 When considering the meeting dates for 2020 thought has also been given to the dip sample sessions that the Panel members carry out in relation to Constabulary complaints and police officer/police staff misconduct cases. These are held approximately 1 week prior to the Panel Meeting.

2.2 The proposed meeting dates for 2020 are:

- ❖ Thursday 6<sup>th</sup> February
- ❖ Friday 1<sup>st</sup> May
- ❖ Thursday 6<sup>th</sup> August
- ❖ Friday 6<sup>th</sup> November

2.3 The additional dip sample sessions for public complaints and misconduct files have been arranged as follows:

- ❖ Thursday 23<sup>rd</sup> April @ 9.00 am
- ❖ Thursday 29<sup>th</sup> October @ 9.00 am