



Cumbria Office of the Police and Crime Commissioner & Cumbria Constabulary

Joint Procurement Regulations

November 2019

Contents

Definitions	3
Introduction	7
The Business Code of Conduct.....	12
Purpose.....	12
Application.....	12
Conduct.....	13
Prevention of Fraud and Corruption	14
Declaration of Interest.....	16
Code of Conduct Declaration Form	16
Confidentiality and Accuracy of Information	16
Competition.....	17
Business Gifts.....	17
Hospitality.....	17
Supplier Contact Form.....	18
Procurement & Contracting Policy and Procedures	19
Introduction.....	19
Purpose.....	19
Scope of the Regulations.....	20
Spend Limits.....	21
Procurement Responsibilities.....	22
Procurement Policy	25
Links to Forms	28

To be read in conjunction with the Procurement Contracting Procedures Handbook providing details of Public Procurement Regulations, Procurement Routes and Procurement Processes.

Definitions

'Authorised Officer' – means any officer who by the nature of his or her job, or as directed by a manager, is authorised to place orders.

'Award Criteria' - means the criteria upon which the decision for the award of the contract is based.

'Blue light'-means the Commissioner's and Constabulary e-Tendering Portal.

'Chief Constable' – means the Chief Constable for Cumbria Constabulary.

'Chief Executive' – means the person appointed by the Commissioner to be Head of the Commissioner's staff as defined within the Police Reform and Social Responsibility Act 2011.

'Code' – means the Business Code of Conduct.

'Commissioner' – means the Police and Crime Commissioner for Cumbria.

'Commissioners Monitoring Officer' – means the Chief Executive.

'Constabulary' – means Cumbria Constabulary.

'Consultancy Services' – means the provision of expert or professional advice by a third party.

'Contract Award Board' – means the Authorised Board to scrutinise all proposed contracts and approve those upto £50,000 and approve submission to Chief Executive for contracts above £50,000

'Contract Change Notice' – means formal notice agreed by all parties recording a variation to the existing contract.

'Contracting Authority' – means the State, Regional or Local Authorities, bodies governed by public law or associations formed by one or more such authorities or one or more such bodies governed by public law, and includes central government authorities, but does not include Her Majesty in her private capacity;

'COPCC' – means Cumbria Office of the Police & Crime Commissioner.

'CSD' – means Central Services Department.

'Customer' – means a person or organisation that buys goods, services, or works produced by another business.

'DPA' – means the Data Protection Act 1998, 2003, 2018.

'EU Procedure' – means the set of established, detailed procedural rules which must be observed when awarding works, supplies, and services contracts which are intended to promote fair and open competition and a single European Market under The Public Contract Regulations 2015.

'Existing Contract' – means an existing agreement to purchase, goods, services or works from a supplier.

'FOI' – means The Freedom of Information Act 2000.

'Framework Agreement' – means an agreement between one or more contracting authorities and one or more economic operator(supplier), the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and where appropriate, the quantity envisaged (Regulation 2 (1) The Public Contract Regulations 2015).

'Funding Arrangement' – means the arrangement made between the Commissioner and the Chief Constable for the provision of funding.

'GDPR' – means the General Data Protection Regulation 2018

'ITT' – means the Invitation to Tender.

'ITQ' – means Invitation to Quote.

'Joint CFO' – Means the Joint Chief Finance Officer (Joint role shared between the Commissioner and Chief Constable).

'Letter of Intent' – means a document outlining the general plans of an agreement between two or more parties before a legal agreement is finalised.

'MEAT' – means most economically advantageous tender.

'Officer' – means an employee of the COPCC or Constabulary.

'Organisation' – means the Police and Crime Commissioner for Cumbria.

'Organisations' – means The Police and Crime Commissioner for Cumbria and The Chief Constable for Cumbria Constabulary.

'Relevant Contract' – means a contract (not being a contract of employment) made by, or on behalf of, the Police and Crime Commissioner for Cumbria for the carrying out of works or for the supply of goods, materials or services.

'SME' – means Small and Medium sized Enterprises.

'Specialist Procurers' – means Authorised Officers that undertake procurement exercises that require specialist market knowledge.

'Total Value' – means the anticipated total spend over the lifetime of a requirement for goods, services or works. Depending on the nature of the contract, this may include implementation costs, ongoing operational costs, and end of life disposal.

'Value for Money' – means the optimum combination of whole life costs and quality (or fitness for purpose) to meet the user's requirement.

Introduction

This document sets out the Joint Procurement Regulations for the Cumbria Office of the Police and Crime Commissioner (COPCC) and Cumbria Constabulary (Constabulary). It describes the rules to be applied by staff and suppliers before, during and throughout the period that COPCC / Constabulary spends money on the supplies, services and works needed in order to deliver our services. They apply to any contracts or Purchase Orders resulting in a payment being made by the COPCC / Constabulary. The contents of this document outline procedures ensuring those engaged in buying/providing goods and services conduct business professionally in accordance with the procurement principles:

- Equal treatment: that all processes of commissioning and procurement are fair, and non-discriminatory. A Breach of this for example would be if you discriminated against a supplier based on location, nationality or any other bias.
- Transparency: a duty to ensure all commissioning and procurement processes are transparent, so that all

potential bidders can clearly see and understand the procurement and benefit from the same process, purpose and broad activity of the subsequent contract. As a part of this, public bodies must make available to all participating or interested parties, the criteria on which they will be evaluating bids for tenders in the tender documents so that all potential suppliers can respond accordingly.

- **Proportionality:** a duty to ensure procurement process, evaluative criteria for bids and contract terms are proportional to the size and technicality of the service and goods being purchased. For example, they cannot ask for unrealistic history of financial standing well above the necessary level required to deliver the contract, or insist on qualifications and accreditations not necessary, or above national standards.
- **Free movement and non-discrimination:** a duty not to discriminate between suppliers by way of geography or member states of trade unions. As a result of this, contracts cannot be awarded on the basis of a potential supplier being 'local'.

All contracts must be in the name of the **“The Police and Crime Commissioner for Cumbria”** (the Commissioner). Where appropriate the Commissioner may consent to the Chief Constable contracting and in those cases the contract must be in the name of **“the Chief Constable for Cumbria Constabulary”** (the Chief Constable). If there is any doubt, advice should be sought from the Commercial Department or Legal Services.

Public procurement is a complex process strictly governed by rules and regulations subject to fines and repeals of contracts when breaches of process have been challenged. The Joint Procurement Regulations aim to ensure the freedom of opportunity to trade with Organisations and to ensure Organisations are open and transparent in the way they undertake business aiming to ensure that Value for Money in all aspects of public sector procurement is achieved along with the right balance between quality, performance and price, when we purchase goods services and works. Following the Joint Procurement Regulations helps ensure we make the best

use of diminishing public resources and prioritise essential services.

The Joint Procurement Regulations will be reviewed annually by the Head of Commercial Solutions. Any legislative changes that come into force during such periods will be incorporated into the Regulations at the most appropriate earliest revision point in time. The next review is scheduled for April 2020.

The Joint Procurement Regulations do not apply to the policy and procedures for issuing grants. For awards of grant agreements please refer to our Grant and Funding Agreement Regulations.

The Constabulary must adopt the standards within this document for the conduct of Constabulary business as part of the terms of the Funding Arrangement that exists between the Commissioner and the Chief Constable. The Joint Procurement Regulations are a collective document comprising:

- *The business code of conduct:* This sets out the principles that we will abide by when conducting business and covers issues such as gifts and hospitality. It aims to ensure high standards of integrity in all our business relationships.
- *Procurement & contracting policy and procedures:* These set out the detail of the procurement and contracting rules and processes including the level of authorisation, delegations and responsibilities that exist. They specify the minimum standards we expect our staff to comply with when purchasing goods and services and provide a guide to the steps they must follow as part of each step in the process. They ensure we maximise the opportunities for competition and value for money whilst providing a balance between the amount of administration involved and the value of the items being procured. Procurement and contracting may only be carried out by Authorised Officers. Authorisations are set out in the **COPCC Scheme of Delegation.**

The Business Code of Conduct

Purpose

This is the Business Code of Conduct for the COPCC / Constabulary. The purpose of this document is to advise the minimum standards required of staff in any commercial relationships and also to ensure fairness and consistency of approach in line with sound commercial practice.

Application

All staff employed by the Commissioner must abide by this Code in the conduct of the business of the office. In addition, staff and police officers of Cumbria Constabulary are expected to abide by the standards within this code as part of the funding arrangement that exists between the Commissioner and the Chief Constable (CC).

Staff should regard the Code as the basis of best conduct. Staff should raise any matter of concern of an ethical nature with their Line Manager, the Joint Chief Finance Officer (Joint CFO) or the Chief Executive, irrespective of whether it is addressed in this Code. Constabulary Officers and Staff should raise any

concerns with their Line Manager, the Joint Chief Finance Officer (Joint CFO) or the Chief Constable. Staff should also ensure that they comply with the relevant Organisations **Anti-Fraud and Corruption Arrangements/Policy** [\(Insert Link\)](#) requirements in respect of gifts, gratuities and hospitality. Any matters arising which are outside the bounds of this Code should be referred immediately to line management.

Conduct

Staff shall always seek to uphold and enhance the reputation of the Organisation and always act professionally by:

- maintaining the highest possible standard of probity in all commercial relationships, inside and outside the Organisation;
- rejecting any business practice which might reasonably be deemed improper and never using authority for personal gain;
- enhancing the proficiency and stature of the Organisation by acquiring and maintaining current technical knowledge and the highest standards of ethical behaviour;

- ensuring the highest possible standards of professional competence, including technical and commercial knowledge;
- optimising the use of appropriate resources to provide the maximum sustainable benefit to the Organisation.

Complying both with the letter and the spirit of:

- all legislation governing the procurement activity and the Procurement and Financial Regulations;
- guidance and professional advice and contractual obligations

Prevention of Fraud and Corruption

Authorised Officers must comply with the COPCC / Constabulary Business Code of Conduct and **Anti-Fraud and Corruption Arrangements/Policy** [\(INSERT LINK\)](#) and must not invite or accept any gift or reward in respect of the award or performance of any contract. It will be for the Authorised Officer to prove that anything received was not received corruptly. High standards of conduct are obligatory. Corrupt behaviour will lead to disciplinary proceedings.

The following clause should wherever possible be put in every written contract:

“The Commissioner may terminate this contract, under notice, and recover all its loss if the Contractor, its employees or anyone acting on the Contractor’s behalf commits any of the offences as stated in Regulation 57 (Mandatory Exclusion) of the public contract regulations 2015

Any clause limiting the Contractor’s liability shall not apply to this clause.”

For example

- The offence of bribery, where the offence relates to active corruption;
- The offence of cheating the Revenue;
- The offence of conspiracy to defraud;

If in doubt consult your Commercial Business Partner or Head of Commercial Solutions.

The Commissioner / Chief Constable could be liable where someone who performs services for example an employee or agent, accepts/pays a bribe specifically to get business, keep business, or gain a business advantage for the organisation.

Staff must never allow themselves to be deflected from this Code. Failure to do so may result in disciplinary action. In abiding by this code, the rules set out below must be followed:

Declaration of Interest

Any personal interest which may affect or be seen by others to affect your impartiality in any matter relevant to your duties must be declared. Declarations must be made in any or all of: the register of interests, secondary employment register, and annual related party transaction employee declaration.

Code of Conduct Declaration Form [\(Insert Link\)](#)

This Form must be completed by all parties involved in a procurement exercise prior to the commencement of the procurement exercise and a completed and signed copy(s) retained with the tender documents.

Confidentiality and Accuracy of Information

The confidentiality of information received in the course of duty must be respected and must never be used for personal

gain. Information given in the course of duty should be honest and clear.

Competition

The nature and length of contracts and business relationships with suppliers can vary according to circumstances. These should always be constructed to ensure deliverables and benefits. Arrangements which might in the long term prevent the effective operation of fair competition should be avoided.

Business Gifts

Gifts other than items of small value (not exceeding £10) should not be accepted but should be declined courteously. Where it may cause offence to decline a gift, the Chief Executive or relevant Commander / Director must be consulted who may make a decision with regard to accepting the gift on behalf of the COPCC / Constabulary. All such acceptances must be recorded in the Gifts and Hospitality Register with a record maintained of where the gift is held.

Hospitality

The recipient should not allow themselves to be influenced, or be perceived by others to have been influenced, in making a business decision as a consequence of hospitality. The

frequency and scale of hospitality accepted should be managed openly and with care. It should not be greater than that which the Organisation would reciprocate and which would be acceptable to the public as a use of public funds. Business hospitality must be recorded in the Gifts and Hospitality Register.

[Supplier Contact Form](#)

When purchasing from a new supplier or amending supplier details a supplier contacts form must be completed before any contract is entered into [\(Link\)](#)

Procurement & Contracting Policy and Procedures

Introduction

Procurement and Contracting Policy and Procedures aim to ensure that the supply of goods, services and works are procured in accordance with relevant legislation and in the most cost effective manner. They also aim to ensure that procurement activity is undertaken in a fair, transparent and consistent manner, ensuring the highest standards of probity and accountability. These procedures define the minimum processes expected of staff engaged in the procurement of goods, services or works on behalf of the COPCC. The Constabulary must adopt the standards within this document for the conduct of Constabulary business as part of the terms of the Funding Arrangement that exists between the Commissioner and the Chief Constable.

Purpose

The regulations seek to ensure that we:

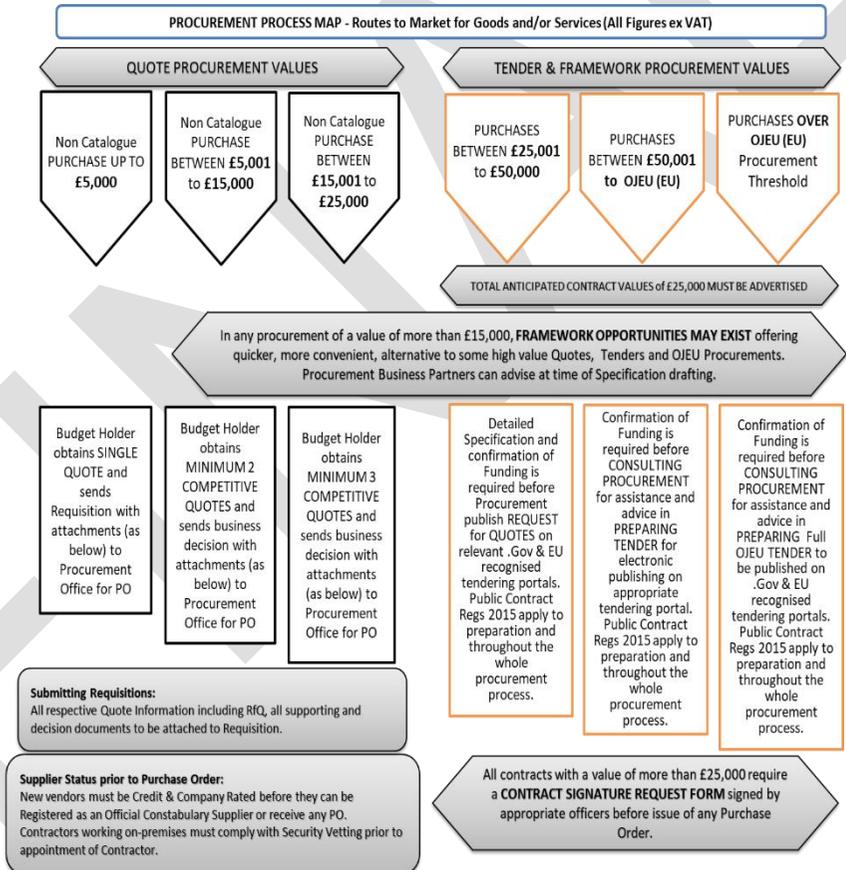
- achieve best ethical value for money for public funds spent and support the corporate aims and policies of the COPCC / Constabulary;
- be consistent with the highest standards of integrity and probity and ensure fairness in allocating public contracts;
- have due regard to the relevant Public Procurement and/or Treaty based principles of non-discrimination, equal treatment, transparency, mutual and proportionality;
- comply with all legal requirements, particularly in relation to Treaty and Public Procurement Regulations, other relevant Statutory Instruments and guidance notes published, from time to time, by Crown Commercial Services;
- constantly promote and procure secure robust and transparent governance in respect of decisions to enter into contracts.

Scope of the Regulations

All staff employed by the Commissioner and the Chief Constable must abide by the Joint Procurement Regulations in the conduct of the business of the office. In addition, Staff and

Police Officers of Cumbria Constabulary are required to abide by the standards within the Joint Procurement Regulations. Failure to comply may result in disciplinary action.

Spend Limits



Commercial Responsibilities

The Joint CFO *is responsible for* maintaining the Joint Procurement Regulations. The day to day activity of procuring goods, services and works is delegated to Authorised Officers in accordance with the **Commissioner's and Constabulary's Scheme of Delegation** (Insert Link) and must be conducted in accordance with the principles and rules of this document and the **Financial Regulations** (insert Link).

The *Chief Executive will be responsible for:*

- Ensuring that staff of the COPCC comply with these regulations and that only Authorised Officers are engaged in procurement.
- Securing the safekeeping of registers of contracts under seal and completed by signature and that records are maintained of contract exemptions.

The *Director of Legal Services will be responsible for:*

- Provision of advice on contracts including provision of standard terms and conditions.
- Securely storing all contracts related to the procured goods and services (including those under seal)

acquired on behalf of the COPCC/Constabulary by procurement.

The *Head of Commercial Solutions* will be responsible for the following:

- Chairing and administering the Contract Award Board
- Maintaining a procured goods and services Contracts Register.
- Maintaining records of all contract exemptions available as attachments to the relevant contract or purchase record and also copied in sequential date order in a paper file for Audit purposes.
- Advising Authorised Officers with regards to all aspects of procurement.
- Producing and maintaining procurement guidance in virtual and printable formats.
- Developing and implementing a procurement strategy.
- Monitoring the appropriate use of contracts.
- Monitoring aggregated procurement amounts for recommendation as fit for transferral to properly contracted procurements.

- Producing ad-hoc and annual reports on procurement activity.
- Authorising all approved lists.

All Authorised Officers engaged in procurement and contracting activity are responsible for ensuring they comply with the regulations and that any agents, consultants and contractual partners acting on their behalf also comply. Procurement activity can only be conducted by Authorised Officers.

The Commercial Team will provide advice and leadership on procurement across both Organisations, undertaking the majority of procurement activity, with catalogue and hotel/car bookings services undertaken by the Central Services Department and the business maintaining budgetary and decision making responsibilities in relation to procurement decisions.

A generalised category approach model has been adopted along with the roles of Commercial Business Partners able to

provide support within three broad areas of responsibility aligning specific procurement, product and services experience in different areas of the business. The Commercial Business Partner would normally be expected to undertake all technical procurement processes and offer current regulatory advice on commercial aspects of the procurement cycle.

General Category Definitions:

- ICT including Digital requirements
- Operational including Custody Suite, Station requirements, Fleet and Estates.
- Corporate including Commissioner requirements

Procurement Policy

The Procurement Policy of the COPCC is that:

- Procurement activity is undertaken with the primary objective of supporting the COPCC / Constabulary to achieve its priorities and objectives and operate compliantly, efficiently and effectively.
- All procurement should achieve best Value for Money both for outcomes and the efficiency and effectiveness of the procurement process.

- Procurement activity will achieve an appropriate balance between procurement risk, competition, regulatory compliance and the requirements of the business risk. Where there are conflicts between procurement risk and business risk, decision making will be taken at an appropriate level of seniority within the Organisation.
- All procurement activity will be undertaken in a transparent, fair and consistent manner, ensuring the highest standards of probity and accountability.
- All procurement will operate under robust principles and procedures to ensure best value.
- Procurement activity will only be undertaken by staff authorised to do so within the Commissioner's **Scheme of Delegation.** [\(insert Link\)](#)
- All staff involved in procurement activities will familiarise themselves with the Business Code of Conduct and consideration will be given to circumstances where members of staff would need to be excluded where their position may be compromised.

- Consideration will be given to the register of supplier contact.
- All procurement activity will comply with the Joint Procurement Regulations and Financial Regulations and Financial Rules.
- All procurement activity shall comply with statutory requirements including, but not limited to, UK legislation, Directives of the any Treaty bound Community and, relevant, published Government guidance including but not limited to Crown Commercial Services guidance.
- All staff will adhere to the policy and procurement procedure information and seek to achieve acceptance and operation of it among colleagues and stakeholders.

■

Links to Forms

- Contract Signature Request Form
- Contract Standing Orders Exemption Form
- Code of Conduct Declaration form
- Equality Analysis Form
- Regulation 84 Report
- Tender Evaluation Report
- Supplier Approval Form
- Framework Process
- Templates
 - ITT – Part 1 – Invitation to Tender
 - ITT – Part 2 – Requirements and Specification
 - ITT – Part 3 – Tender Response
 - Schedule 1 – Terms and Conditions
 - Request for Quote – Letter
 - Invitation to Quote

End of Document

1. Human Resources Functions				
Ref	Nature of Authority/Decision	Chief Executive Delegation To:	Functional Allocation Within OPCC	Comments
1.1	Approval of appointments <ul style="list-style-type: none"> All levels of staff Independent Custody Visitors Legally Qualified Chairs and Independent Panel Members; Committee and Panel Members 	Retained by Chief Executive Governance Manager Retained by Chief Executive	In consultation with line managers and senior line managers In consultation with ICV Administrator In consultation with PCC, DCEO and Governance Manager	
1.2	Termination – <ul style="list-style-type: none"> All levels of staff Independent Custody Visitors 	Retained by Chief Executive Retained by Governance Manager	In consultation with line managers In consultation with ICV Administrator	Appeals to Chief Executive Appeals to Chief Executive
1.3	Disciplinary Action resulting in dismissal:- <ul style="list-style-type: none"> All levels of staff Independent Custody Visitors 	Retained by Chief Executive Retained by Governance Manager	In consultation with line managers and senior line manager In consultation with ICV Administrator	Appeals to a Member of Executive Team Appeals to Chief Executive

1.4	To approve the early retirement all levels of staff for: <ul style="list-style-type: none"> • Early retirement • On the grounds of ill-health 	Retained by Chief Executive		Appeals to Member of Executive Team
1.5	Changes to Establishment or Re-grading /evaluation of all levels of staff:	Retained by Chief Executive	If post needs to be re-graded or evaluated this will be done via a Hay Panel	Appeals to Member of Executive Team
1.6	Financial assistance for professional training	Retained by Chief Executive		
1.7	Time off to participate in staff associations, trade union duties/activities and for other public duties for part time staff association/trade union representatives.	Retained by Chief Executive		
1.8	Compensatory Time Off Scheme (CTO) – The agreed ceiling* for hours accumulated should not be exceeded – if CTO does exceed the agreed ceiling, individual must report this	Retained by Chief Executive	Recommendations by Line Managers	*Ceiling limit as per Section 1.9 of Staff Ts&Cs is 74 hours for full time staff, and part time staff can accumulate the equivalent of 2 weeks of their contracted hours
1.9	Carry-over of more than 5 days annual leave	Retained by Chief Executive	Recommendations by Line Managers	
1.10	Granting requests for unpaid leave	Retained by Chief Executive	Recommendations by Line Managers and approval by Executive Team	Appeals to Member of Executive Team
1.11	Granting requests for Compassionate /special leave in excess of 3 days	Retained by Chief Executive	Recommendations by Line Managers and approval by Executive Team	Appeals to Member of Executive Team

1.12	Granting of annual leave	Line Manager	Senior Line Manager if Line Manager absent	
1.13	Granting of flexi leave	Line Manager	Senior Line Manager if Line Manager absent	
1.14	Granting of CTO within agreed limit (otherwise see 1.8)	Line Manager	Senior Line Manager if Line Manager absent	
1.15	Return to work interview following sick absence	Line Manager	Senior Line Manager if Line Manager absent	

2. Payroll Functions.				
Ref	Nature of Authority/Decision	Chief Executive Delegation To:	Functional Allocation Within OPCC	Comments
2.1	Responsibility for making all necessary arrangements for ensuring the accurate and reliable payment of wages, pensions and salaries.	Joint Chief Finance Officer	Recommendations by Executive Team	Recommendations by Head of CSD (shared support services)
2.2	Temporary Acting Up	Retained by Chief Executive	Recommendations by Executive Team	See section 1.2 Police Staff Terms and Conditions Handbook
2.3	Agreeing starting salary within the scale	Retained by Chief Executive	Recommendations by Executive Team	See section 1.3f Police Staff Terms and Conditions Handbook
2.4	Agreeing accelerated pay increments	Retained by Chief Executive	Recommendations by Executive Team	
2.5	Delayed progression through the pay scales due to poor performance	Retained by Chief Executive	Recommendations by Line Managers &	

			Executive Team	
2.6	Approval of extension of Half Pay and No Pay Sickness Scheme.	Retained by Chief Executive	Recommendations by Executive Team	As per PNB Circular 03/2 and 05/1 See Annex 2 Police Staff Terms and Conditions Handbook

3. Finance Functions				
Ref	Nature of Authority/Decision	Chief Executive Delegation To:	Functional Allocation Within OPCC	Comments
3.1	To raise purchase orders up to value of £5000	All budget lines: Governance Manager Training Budget: Head of Partnerships and Commissioning		Have checked with Angela who advised that they are yet to do the paperwork for this financial year but unless Exec Team want to change it, it will remain the same.
3.2	To raise purchase orders above value of £5000	Chief Executive, Joint Chief Finance Officer, Deputy Chief Executive		
3.3	To approve invoices for payment up to value of £5000	All budget lines: Governance Manager Training Budget: Head of Partnerships and Commissioning		

3.4	To approve invoices for payment over the value of £5000	Chief Executive, Joint Chief Finance Officer, Deputy Chief Executive		
3.5	To authorise expenses claims for all staff	Retained by Chief Executive	IT system automatically assigns claims to line managers to sign off	
3.6	To authorise expenses claims for Independent Custody Visitors, Ethics Panel Members and Misconduct Panel members.	Governance Manager		

4. Procurement functions				
Ref	Nature of Authority/Decision	Chief Executive Delegation To:	Functional Allocation Within OPCC	Comments
4.1	<ul style="list-style-type: none"> Acting as an officer authorised to undertake procurement in accordance with the Procurement Regulations 	Joint Chief Finance Officer Head of Partnerships and Commissioning Head of Communication and Business Services Victims Advocate Partnership and Strategy Manager Governance Manager Media & Comms		In line with Procurement Regulations

		Officer Communities Engagement Officer		
4.2	Commissioning of services within Office of Victim Services	Head of Partnerships and Commissioning		In line with Procurement Regulations

5. Gifts and Sponsorship to the Constabulary, Officers and Staff				
Ref	Nature of Authority/Decision	Chief Executive Delegation To:	Functional Allocation Within OPCC	Comments
5.1	Acceptance of Gifts, Hospitality and Gratuities by staff	Individual decision subject to consultation with Line Manager	Governance Manager	Anti-Fraud and Corruption Policy and Procedures
5.2	Reporting of Gifts Hospitality and Gratuities by staff. (this does not relate to corporate mementoes etc)	Individual Officer or Staff	Governance Manager	Anti-Fraud &Corruption Policy and Procedures
5.3	Acceptance of Sponsorship and Loans for the benefit of the OPCC	Retained by Chief Executive	Executive Team	
5.4	Reporting of Sponsorship and Loans for the benefit of the OPCC	Retained by Chief Executive	Executive Team	

6. Complaints / Professional Standards				
Ref	Nature of Authority/Decision	Chief Executive Delegation To:	Functional Allocation Within OPCC	Comments
6.1	Complaints from the public against: - Police and Crime Commissioner	Police and Crime Panel	Via Chief Executive and Governance Manager	Monitoring Officer for Police & Crime Panel to deal with the complaint with an escalation process if necessary.
6.2	Complaints from the public against: - Chief Constable (conduct)	Chief Executive	In liaison with the Police & Crime Commissioner and Governance Manager	
6.3	Complaints from the public against: - Officers below the rank of Chief Constable (conduct)	PSD	In liaison with Governance Officer	
6.4	Issues raised by member of the public which do not constitute a complaint but are dealt with under Quality of Service & Policing Issues (QSPI)	Governance Manager	In liaison with Governance Officer & Police & Crime Commissioner	Appeal to Chief Executive

This page has been intentionally left blank



Cumbria Office of the Police and Crime Commissioner

COPCC Arrangements for Anti-Fraud and Corruption
2019-2021

Distribution and Consultation Record

Date	23 November 2012
Version	01
Authors	Joanne Head
	01768 217734
	Joanne.head@cumbria.police.uk

Policy Approval

Approved By	Mr Richard Rhodes, Police & Crime Commissioner
Date	26 November 2012
Approved By	Mr Peter McCall, Police & Crime Commissioner
Date	November 2017

Name	Position	Version no. consulted on	Date
Stuart Edwards	Chief Executive	Version No 1	October 2012
Stuart Edwards	Chief Executive	Version No 2	November 2015
Vivian Stafford	Chief Executive	Version No 3	March 2018
Vivian Stafford	Chief Executive	Version No 4	October 2019

Version Control

Version .01	
Department	Office of the Police & Crime Commissioner
Contact	Joanne Head, Governance & Business Services Manager

Version.02	
Department	Office of the Police & Crime Commissioner
Contact	Joanne Head, Governance & Business Services Manager

Version. 03	
Department	Office of the Police & Crime Commissioner
Contact	Joanne Head, Governance Manager

Version. 04	
Department	Office of the Police & Crime Commissioner
Contact	Joanne Head, Governance Manager

Contents

Page

4. Anti-Fraud and Corruption Strategy

8. Cumbria Police and Crime Commissioner Anti-Fraud and Corruption Policy and Plan

15. Anti-Fraud and Corruption Procedure

23. Forms for declaration and registration of interests

Anti-Fraud and Corruption Strategy

ANTI FRAUD AND CORRUPTION STRATEGY

Introduction

This strategy sets out the approach that will be adopted by the Cumbria Office of the Police and Crime Commissioner (COPCC) to ensure effective procedures and responsibilities are in place to deliver the Anti-Fraud and Corruption Policy. This strategy and the related procedures set out how the commitments and principles within that document are put into practice.

To support the Policy appropriate resources will be committed to fraud and corruption prevention and detection. A series of interrelated procedures designed to frustrate any attempted fraudulent or corrupt act will be put in place by the COPCC and investigation of any instances or suspected instances of fraud and corruption which may arise will be undertaken in accordance with those procedures.

ANTI FRAUD AND CORRUPTION STRATEGY

Measures

The COPCC will maintain appropriate procedures and documentation to assure that staff in those organisations that we do business with are aware of the requirements of this strategy and related procedures.

The COPCC will maintain financial and other control measures, which will be subject to internal and external audit and scrutiny of its practices and their outcomes. It will co-operate with audit agencies in the legitimate pursuit of their interests and, in particular, it will maintain a Joint Audit and Standards Committee in partnership with the Constabulary to oversee the processes of audit of the COPCC business.

The Chief Executive is responsible, in consultation with the Joint Chief Finance Officer, for ensuring effective Arrangements for Anti-Fraud and Corruption are in place.

Staff of the COPCC are responsible for ensuring they adhere to the requirements of the Arrangements for Anti-Fraud and Corruption.

ANTI FRAUD AND CORRUPTION STRATEGY

Terms and Definitions

FRAUD

~~“The intentional distortion of financial statements or other records by persons internal or external to the Authority which is carried out to conceal the misappropriation of assets or otherwise for gain” (Audit Commission)~~

“Any intentional false representation, including failure to declare information or abuse of position that is carried out to make gain, cause loss or expose another to the risk of loss” (CIPFA)

CORRUPTION

~~“The offering, giving, soliciting or acceptance of an inducement or reward, which may influence the action of any person” (Audit Commission)~~

In general, corruption is a form of dishonesty or criminal activity undertaken by a person or organisation entrusted with a position of authority, often to acquire illicit benefit for personal gain.

Corruption includes Abuse of Authority for Sexual Gain – AASG. This can be defined as “Any behaviour by a police officer or police staff member*, whether on or off duty, that takes advantage of their position as a member of the police service to misuse their position, authority or powers in order to pursue a sexual or improper emotional relationship with any member of the public”

THEFT

“The dishonest appropriation of property belonging to another with the intention of permanently depriving the other of it” (Theft Act 1968)

IRREGULARITY

“The violation or non-observance of established rules and practices”

ANTI FRAUD AND CORRUPTION STRATEGY

Detection and Investigation

The COPCC will always investigate any actual or suspected cases of fraud, corruption, theft or irregularity and implement misconduct procedures where appropriate. Specifically:

- Staff are required to report all suspected irregularities to the Commissioner’s Joint Chief Finance Officer (Joint CFO), who will instigate the necessary investigation.

- Misconduct Procedures will be used where the outcome of the investigation indicates improper behaviour.
- Where financial or other impropriety is discovered and sufficient evidence exists to suspect that a criminal offence may have been committed, the matter may be referred to the Police.

ANTI FRAUD AND CORRUPTION STRATEGY

Supporting the Strategy

External Bodies

The COPCC will co-operate with the following external bodies, whose prerogatives extend over the conduct of the COPCC business. The list is not exhaustive.

- Externally appointed auditors and the Public Sector Audit Appointments Ltd
- Independent Office of Police Conduct
- HM Revenue and Customs
- Department of Social Security/ Contributions Agency
- The Local Government Ombudsman

Internal Bodies

The internal bodies set out below each have a responsibility to ensure that the COPCC comply with their respective elements of their Anti-Fraud and Corruption Policy and Procedures:-

Joint Chief Finance Officer: The Commissioner must appoint a Chief Finance Officer who has statutory responsibility for the integrity of financial administration (including the legality of expenditure) and the provision of the Internal Audit function.

Monitoring Officer (Chief Executive to the Commissioner): This is the statutory officer whose role is to warn of illegality or maladministration, (whether actual or potential), in matters touching the business or responsibilities of the COPCC.

Internal (Management) Audit: Provided as part of a shared service agreement from Cumbria County Council, Internal (Management) Audit is responsible for compliance audits in respect of regularity and systems.

The Seven Principles of Public Life (Nolan Committee)

Selflessness

Holders of public office take decisions in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in their performance of the official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and

must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

All staff members of the COPCC are expected to comply with the principles of public life and the Arrangements for Anti-Fraud and Corruption. Failure to do so may result in disciplinary action.

Anti-Fraud and Corruption Policy and Plan

ANTI FRAUD AND CORRUPTION POLICY AND PLAN

Introduction

This statement has been prepared utilising the Chartered Institute of Public Finance and Accountancy (CIPFA) code of practice on managing the risk of fraud and corruption.

This statement has been prepared in response to the recommendations contained in the Audit Commission document "Protecting the Public Purse — Ensuring Financial Probity in Local Government 2001 Update, Promoting Good Governance."

In administering its responsibilities in relation to fraud and corruption, whether it is attempted upon the OPCC or from within, the Commissioner is committed to an effective Anti-Fraud and Corruption policy designed to;

- encourage prevention
- promote detection; and
- identify a clear pathway for investigation

The expectation regarding propriety and accountability is that the Commissioner and staff at all levels will lead by example in ensuring adherence to rules, and that all procedures and practices are above reproach.

The Commissioner also demands that individuals and organisations that they come into contact with will act towards them with integrity and without thought or actions involving fraud or corruption.

This Anti-Fraud and Corruption policy is based on a series of comprehensive and inter-related procedures designed to frustrate any attempted fraudulent or corrupt act. These cover:-

- Culture (Section 2);
- Prevention (Section 3);
- Detection and Investigation (Section 4); and
- Training (Section 5)

The Commissioner is also aware of the high degree of external scrutiny of its affairs by a variety of bodies including:-

- Her Majesty's Inspector of Constabulary Fire and Rescue Service
- Internal **and External** Audit
- HM Revenue and Customs
- Inland Revenue
- The General Public
- Public Sector Audit Appointments Ltd
- National Audit Office
- Cumbria Police and Crime Panel

ANTI FRAUD AND CORRUPTION POLICY AND PLAN

Culture

The Commissioner is determined that the culture and tone of the organisation is one of honesty and opposition to fraud and corruption. To support this, the arrangements for **Confidential Reporting** (Whistleblowing) will be clearly signposted for staff and others within COPCC offices; and are available on the OPCC [website](#).

There is an expectation and requirement that all individuals and organisations associated in whatever way with the OPCC will act with integrity, and that the Commissioner and staff at all levels will lead by example in these matters.

The Commissioner and staff are important in the stance on fraud and corruption and they are positively encouraged to raise any concerns that they may have on these issues where they are associated with the activities of the OPCC. Concerns may be about something that:

- is unlawful
- is against the Commissioner's Procurement Regulations, Financial Regulations or policies
- falls below expected standards or practices
- results in waste or loss to the Commissioner
- amounts to improper conduct

Staff can do this in the knowledge that such concerns will be treated in confidence, properly investigated and without fear of reprisal and victimisation. If necessary, a route other than their normal line manager may be used to raise such issues. Examples of such routes are:

- The Chief Executive (01768 217734)
- The **PCC-Joint** CFO (01768 217734)

- External Auditors – Grant Thornton (0141 2230000)
- Internal Audit – (01228 606280)
- Public Sector Audit Appointments Ltd (020 7072 7445)

The Public Interest Disclosure Act 1988 protects employees, who report suspected fraud or corruption activities, from any reprisals as long as they meet the rules set out in the Act. In simple terms, the rules for making a protected disclosure are:-

- the information disclosed is made in good faith
- the person making the disclosure must believe it to be substantially true
- the person making the disclosure must not act maliciously or make false allegations
- the person making the allegation must not be seeking any personal gain

The designated officer required under the Act to receive disclosures is the PCC Joint CFO. Members of the public are also encouraged to report concerns through any of the above avenues. Allegations/concerns can be made anonymously, however it should be noted that such cases can be more difficult to investigate. The likelihood of action will depend on:

- the seriousness of issues raised
- credibility of the concern
- likelihood of confirming the allegation from attributable sources

Senior management are responsible for following up on any allegation of fraud and corruption received and will do so by:

- dealing promptly with the matter;
- recording all evidence received;
- ensuring that evidence is sound and adequately supported;
- ensuring security of all evidence collected;
- notifying the PCC Joint CFO, and implementing disciplinary procedures where appropriate.

The Commissioner will deal swiftly and thoroughly with any member of staff who attempts to defraud the OPCC or is corrupt. The Commissioner will be robust in dealing with financial malpractice.

ANTI FRAUD AND CORRUPTION POLICY AND PLAN

Prevention

The Commissioner recognises that a key preventative measure in the fight against fraud and corruption is to take effective steps at the recruitment stage to establish, as far as possible, the previous record of potential staff in terms of their propriety and integrity. Staff recruitment is therefore required to be in accordance with procedures laid down by the Chief Executive and in particular to obtain written references regarding known honesty and integrity of potential staff before employment offers are made

All employees are expected to follow any Code of Conduct related to their personal professional qualifications and also to abide by the internal Codes of Conduct, policies and procedures. This policy and the role that appropriate staff are expected to play in the Corporate Governance framework and systems of internal control will be featured in staff induction procedures.

The Commissioner and Deputy Commissioner are required to adhere to the Code of Conduct relating to the declarations of interest. Staff are also required to declare pecuniary interests.

The Commissioner and all staff are required to declare in a public register any offers of gifts, gratuities or hospitality that are in any way related to the performance of their duties. Records of supplier contact are also required as part of these arrangements and the procurement regulations. Gifts, gratuities, hospitality and supplier contact disclosure forms are circulated to staff on a monthly basis with entries reviewed by the Chief Executive. The **Joint** Chief Finance Officer reviews entries in respect of the Chief Executive. The Deputy Monitoring Officer undertakes an annual dip sample between the gifts, gratuities and hospitality registers, the supplier contact register and contracting activity undertaken within the COPCC.

Significant emphasis has been placed on the thorough documentation of financial systems, and every effort is made to continually review and develop these systems in line with best practice to ensure efficient and effective internal controls. The adequacy and appropriateness of the financial systems used for the Commissioner's financial transactions, is independently monitored by both Internal Audit and External Audit. Senior Management place great weight on being responsive to audit recommendations

The Joint Audit and Standards Committee provides an independent and objective view of internal control by receiving and considering audit plans, reports and management letters and reports as appropriate.

As part of the prevention approach, the Commissioner will participate in National Fraud Initiatives organised by the Public Sector Audit Appointments Ltd. The Public Sector Audit Appointments Ltd and External Audit will also assist in prevention with the issue of warning bulletins and outcomes from surveys on fraud and corruption.

ANTI FRAUD AND CORRUPTION POLICY AND PLAN

Detection and Investigation

The array of preventative systems, particularly internal control systems within the OPCC, has been designed to provide indicators of any fraudulent activity. Although generally they should be sufficient in themselves to deter fraud, it is often the alertness of staff and the public to such indicators that enables detection to occur and the appropriate action to take place when there is evidence that fraud or corruption may be in progress.

Despite the best efforts of financial managers and auditors, many frauds are discovered by chance or 'tip off', and arrangements are in place to enable such information to be properly dealt with.

Depending on the nature and anticipated extent of the allegations, Internal Audit will normally work closely with management and other agencies such as the police to ensure that all allegations and evidence is properly investigated and reported upon.

The OPCC's Disciplinary Procedures will be used where the outcome of the Audit Investigation indicates improper behaviours.

The Commissioner may wish the police to prepare a case for the CPS regarding the prosecution of offenders where financial impropriety is discovered.

Any identified or reported allegations of fraud or corruption against the Commissioner would be dealt with by the Chief Executive and in accordance with the Police Reform and Social Responsibility Act 2011 be reported to the Police and Crime Panel. The Panel would then determine what action was to be taken in line with statutory guidance.

ANTI FRAUD AND CORRUPTION POLICY AND PLAN

Training

The Commissioner recognises that the continuing success of its Anti-Fraud and Corruption Policy and its general credibility will depend largely on the effectiveness of programmed training and responsiveness of staff throughout the organisation.

To facilitate this, the Commissioner supports the concept of induction and training particularly for staff involved in internal control systems to ensure that their responsibilities and duties in this respect are regularly highlighted and reinforced.

ANTI FRAUD AND CORRUPTION POLICY AND PLAN

Conclusion

The Commissioner has in place clear networks of systems and procedures to assist it in the fight against fraud and corruption. These arrangements will keep pace with any future developments in both preventative and detection techniques regarding fraudulent or corrupt activity that may affect its operation.

To this end, there is continuous overview of such arrangements, in particular, by the PCC Joint CFO, through the Chief Internal Auditor and External Auditor.

ANTI FRAUD AND CORRUPTION POLICY AND PLAN

Fraud Response Plan

All instances of fraud and corruption will be investigated in accordance with this plan.

Fraud and corruption may be reported through a range of channels including direct to a line manager, by another manager or by means of external reports. The means of reporting fraud will be publicised within the OPCC and will be made known to partners and those individuals and organisations that we come into contact with.

The arrangements for detection and investigation are set out in the Anti-Fraud and Corruption Policy and Procedure. The Joint CFO and the Chief Internal Auditor will agree the approach to any investigation and ensure all parties are aware of reported fraud and corruption. Any investigation will

ensure any weaknesses in internal control are identified and that corrective action is taken in order to minimise the risk of any reoccurrence. Issues considered will be reported to the Joint Audit and Standards Committee.

Disciplinary procedures are likely to be invoked where the outcome of any investigation indicates misconduct. Proven cases of gross misconduct may result in dismissal of the employee. Misconduct includes fraud committed by a member of staff against the organisation.

Where financial impropriety is discovered arrangements may be made where appropriate for the prosecution of offenders by the CPS.

In instances where the misconduct takes another form such as the misuse of systems and equipment that does not result in financial loss then the outcomes will be monitored by the Commissioner through the processes in place to oversee Human Resources issues.

The Commissioner will seek to ensure that lessons are learned from any mistakes made that allowed any instances of fraud or corruption to be perpetrated or to have gone unnoticed. This will be achieved by ensuring that system weaknesses or other contributory factors are identified and addressed. This will normally be achieved through an Internal Audit investigation, report and action plan to ensure that audit recommendations are implemented.

The External Auditor also has the powers to investigate fraud and corruption independently and the Commissioner will make use of these services in appropriate cases.

The Joint CFO will determine if a matter needs to be brought to the attention of the Chief Executive and Commissioner.

In the event that the Commissioner is involved, the matter will be brought to the attention of the Monitoring Officer.

The Joint CFO and the Chief Internal Auditor will maintain a link with the Public Sector Audit Appointments Ltd in order to keep them apprised of developments in serious cases.

Anti-Fraud and Corruption Procedure

This procedure has been written to support the Police and Crime Commissioner's Anti-Fraud and Corruption Policy.

ANTIFRAUD AND CORRUPTION PROCEDURE

Introduction

The COPCC has a policy against fraud and corruption. In summary, the COPCC will not tolerate fraud or corruption including theft and irregularity in the administration of their responsibilities, and expect staff to take positive action wherever fraudulent or corrupt activity is suspected.

The COPCC is clear that Misconduct Procedures will be invoked where improper behaviour is indicated, and that if there is evidence of criminal behaviour this is prima facie gross misconduct requiring immediate action to be taken where suspension or summary dismissal are likely. Where there is evidence of criminal behaviour the matter may be referred to the Police.

The Anti-Fraud and Corruption Procedure provides guidance to all staff to ensure adherence to the policy.

ANTI-FRAUD AND CORRUPTION PROCEDURE

What is meant by Fraud and Corruption?

Fraudulent or corrupt acts may include:

- **System Issues:** where a process/system exists which is prone to misuse/abuse by either employees or public, (e.g. misuse of the order processing systems).
- **Financial Issues:** where individuals or companies have fraudulently obtained money from the Authority, (e.g. invalid invoices/work not done).
- **Equipment Issues:** where Authority equipment is used for unauthorised personal use, (e.g. personal use of the organisation's assets - vehicles/computers/telephones etc.).
- **Resource Issues:** where there is a misuse of resources, (e.g. theft of cash/assets).
- **Other Issues:** activities undertaken by Staff, which may be: unlawful; against policies or procedures; fall below established standards or practices; or amount to improper conduct, (e.g. receiving unapproved hospitality).

ANTI-FRAUD AND CORRUPTION PROCEDURE

Your Duty

It is the duty of everyone:

- Not to commit or connive in any fraudulent or corrupt act.
- To raise with a senior officer or manager or the people listed in the contacts section of this procedure, any suspicion of improper activity which indicates fraudulent or corrupt behaviour on the part of a colleague or an external third party
- Not to discuss suspicions of improper practice other than with a senior officer or manager or the people listed as Contacts.
- Senior officers or managers must investigate or cause to be investigated, any such suspicion which has been raised with them.
- To maintain and constantly monitor the necessary controls to guard against fraud and corruption, which are laid out in the COPCC's procedural documentation, principally the Procurement Regulations and the Financial Regulations/Rules.
- Ensure any payments due to an employee are authorised by an independent member of staff.
- Always maintain controls that ensure functions involving the safeguarding of resources are administered by two members of staff (for example the order and certification of receipts of goods).
- As a public servant, to assess the needs of the public, partners and our suppliers impartially, professionally and without personal prejudice and to determine the outcome of competitive situations with these same qualities.
- When private or personal interests arise in any matter, which presents when at work, not to let those interests influence actions on behalf of the Commissioner. (The test is – “can I justify my actions if they become public?” If in doubt, consult your manager/supervisor).
- To adhere to the guidelines below regarding ‘Special Interests’ and offers or acceptance of hospitality and gifts and gratuities.
- To record supplier contact

ANTI-FRAUD AND CORRUPTION PROCEDURE

What to do if you suspect Fraud or Corruption

The Public Interest Disclosure Act 1998 provides legal protection for employees who raise genuine concerns in relation to suspected fraud and corruption issues.

If you have reason to suspect fraud or corrupt activity on the part of a colleague, you should raise the matter discreetly and as soon as possible with your line manager. If you feel that immediate contact with your manager is inappropriate under the circumstances, the following people are also directly approachable.

Contacts

- The Chief Executive (Monitoring Officer) (01768 217734)
- The Joint CFO (01768 217734)
- Internal Audit – (01228 606280)

In ordinary circumstances, these are the normal points of contact for these issues in the COPCC, however in an exceptional case if an individual feels that concerns cannot be raised through any of the above routes, then the following external organisations offer alternative confidential 'helpline' services. .

- External Auditors – Grant Thornton (0141 2230000)
- National Audit Office (020 7798 7999)
- Action Fraud (0300 123 2040)

ANTI-FRAUD AND CORRUPTION PROCEDURE

What to do if a member of staff raises concerns with you

If an allegation of fraud or corruption is made to you as a line manager, you must raise the matter with the Chief Executive and/or the PCC Joint CFO. They will determine the appropriate investigative response and whether the Internal Auditor should become involved or a criminal investigation undertaken.

Notwithstanding the above procedure the manager may feel, due to the nature of the allegation, that it is inappropriate to inform the personnel listed and in such exceptional circumstances any other of the contacts listed above may be informed. Arrangements will then be made to:

- Deal promptly with the matter
- Record all evidence received
- Ensure the evidence is sound and adequately supported
- Ensure the security of all evidence collected

- Advise the PCC Joint CFO and the Internal Auditor

ANTI-FRAUD AND CORRUPTION PROCEDURE

Advice to members of the public

In the event of a member of the public becoming suspicious of fraudulent or corrupt administrative or financial activity within the COPCC, the matter should be reported to the Monitoring Officer in the first instance. Any information will be treated in confidence and can, if you wish, be provided anonymously.

Contact Details

01768 217734

commissioner@cumbria-pcc.gov.uk

ANTI-FRAUD AND CORRUPTION PROCEDURE

Special Interests

Employees must disclose in writing any financial interest (direct or indirect) which they may have in any contract the COPCC has entered into, or may enter into. They must not accept any fees or rewards whatsoever other than proper remuneration from their employer. The standards expected from staff in commercial transactions are set out in the Business Code of Conduct.

Interests other than financial can be equally as important – and include for example, kinship, friendship, membership of a society or association, or trusteeship and so on. The individual must judge whether the interest is sufficiently close as to give rise to suspicion, or create a perception that a transaction can give rise to suspicion. It is always better to err on the side of caution than to deal with a challenge after the event. If a matter that involves such intangible interests arises at a meeting of the COPCC in which you are a participant, you must orally disclose that interest and ensure that it is minuted in the record of the meeting.

The Chief Executive and Monitoring Officer to the COPCC will maintain a Register of Interests for the Commissioner and COPCC staff. These Forms relating to the Commissioner and members of the Executive Team are available for public inspection on the COPCC website. Policies and procedures for

vetting, secondary employment and business interests will be used to support obligations in respect of declarations of interest.

Members of OPCC staff will be required to complete the register of interests form, forms for secondary employment and related party transactions. The forms will be countersigned by the individual's line manager following a meeting. It is important that the responses and completion of the form is done honestly and that it is updated if changes to an individual's circumstances occur. Forms are completed by all members of OPCC staff. Forms for the Commissioner and COPCC staff will be held by the Chief Executive. The forms for related party transactions and secondary employment will remain confidential subject to inspection by Senior Managers, internal / external audit or other persons undertaking approved investigations.

ANTI-FRAUD AND CORRUPTION PROCEDURE

Conflict of Interests

Where identified conflict of interest arises the Commissioner and staff are required to raise this with the Monitoring Officer or Deputy Monitoring Officer. Consideration will be given to the issues surrounding the conflict and where necessary appropriate steps will be taken to remove the individual from being involved in any decisions or business dealings relating to this issue. Where this is not possible the Monitoring Officer or Line Manager will oversee all elements of the process to ensure there was no impropriety and to safeguard the member of staff.

Where conflict relates to the Police and Crime Commissioner it may not be possible to remove them from a decision if they are the only person with authority to make it. Should this arise the Monitoring Officer would oversee all elements of the decision process to ensure no undue influence was brought to bear.

The appointment of a Joint Chief Finance Officer (CFO) between the Constabulary and the Police and Crime Commissioner raises specific risks of conflict of interests arising for the post-holder. In response to this risk, procedures for identifying, recording and resolving conflicts of interest in relation to the Joint CFO role have been agreed. The procedures provide options for resolving conflicts of interest including separate advice to the PCC and Chief Constable by the Joint CFO and Deputy CFO, support from another PCC CFO through the PACCTS 'buddy scheme' and a support arrangement from the PCC CFO for Durham.

ANTI-FRAUD AND CORRUPTION PROCEDURE

Politically Restricted Posts (PORP)

All posts within the Office of the Police and Crime Commissioner will be designated as a PORP.

Posts that have been designated as PORPs will include reference to this fact in the job description and post holders will be informed of the restrictions which apply.

Designation as a PORP means that the post holder is disqualified from election to a Local Authority or National and European Parliaments. (This does not include Parish or Community Councils). Designation as a PORP also restricts PORPs from:

- Candidature for public elected office (other than to a Parish or Community Council);
- Holding office in a political group;
- Canvassing at elections;
- Speaking or writing publicly (other than in an official capacity) on matters of party political controversy.

In addition to the specific restrictions placed on an individual nominated as a PORP, the organisations of the COPCC and Constabulary should not issue material that is likely to affect public support for a legally constituted political party.

ANTI-FRAUD AND CORRUPTION PROCEDURE

Gifts, Gratuities, Hospitality and Supplier Contact Records

The Chief Executive is responsible for ensuring a register is maintained to record all interests and of all gifts, gratuities and hospitality offered and declined or retained. They are also responsible for ensuring records are maintained of supplier contact.

ANTI-FRAUD AND CORRUPTION PROCEDURE

Offers and Acceptance of Hospitality

It is essential when dealing with organisations or individuals likely to benefit from the goodwill of the COPCC or existing/potential contractors that:

- You are never placed in the position of owing favours.

- Your conduct does not allow for any suspicion that you could be unfairly favouring any particular third party over others.
- Invitations of hospitality should only be accepted if they do not exceed £25. Invitations to events should only be accepted if: You are participating (e.g. speaking) or attending as part of your duties and responsibilities, and attendance has been properly authorised by the Chief Executive. The Chief Executive's attendance must be authorised by the Commissioner.
- Hospitality that could be considered excessive or might give the perception of influence should be avoided. Any hospitality received should not be greater than that which the organisation would reciprocate and which would be acceptable to the public as a use of public funds.

Whilst a working lunch, or refreshments such as tea or coffee, is often an acceptable part of normal working relations, the following should be avoided:

- Hospitality received which constitutes more of a social function.
- An excess of hospitality, both in terms of frequency or lavish meals. Meals should not exceed £25.
- Includes any alcoholic beverage.
- Hospitality which could give rise to suspicions of favour.

If there is any doubt as to whether an invitation should be accepted or declined, your line manager should be consulted.

The Commissioner and COPCC staff should record all offers of Hospitality (accepted or declined) on the Gifts and Hospitality and Gratuities Declaration form available in the OPCC/Governance/Gifts and Hospitalities folder. Staff will be reminded on a monthly basis to complete the relevant forms and quarterly at team meetings of their obligations. Forms will be monitored by the Chief Executive and published on the OPCC website.

The Gifts and Hospitality Register for the Chief Constable will be countersigned by the COPCC Chief Executive. The Register is to be reviewed by the Chief Executive on a quarterly basis and published on the COPCC and force website.

ANTI-FRAUD AND CORRUPTION PROCEDURE

Offers and Acceptance of Gifts and Gratuities

Gifts other than small value, not exceeding £10, should be courteously declined, other than where this may cause offence. In these circumstances the Chief Executive may be consulted and can determine to accept the gift on behalf of the COPCC. Such gifts must be recorded by the Chief

Executive in the gift, gratuity and hospitality register with a record of where the gift is held.

Considerations

The over-riding principle is the presumption that any offer of gifts, gratuities or hospitality are declined; however, the following considerations should assist police officers and staff in determining the boundaries of acceptability of any gift or hospitality over the value of £10. Think **G.I.F.T.**

- **Genuine:** is this offer made for reasons of genuine appreciation for something I have done? Why is the offer being made, what are the circumstances, have I solicited this offer in any way or does the donor feel obliged to make this offer?
- **Independent:** Would the offer, or acceptance, be seen as reasonable in the eyes of the public? Would a reasonable bystander be confident I could remain impartial and independent in all of the circumstances?
- **Free:** Could I always feel free of any obligation to do something in return? How do I feel about the propriety of the offer? What are the donor's expectations of me should I accept?
- **Transparent:** Am I confident that my acceptance of this offer will be subject to scrutiny by COPCC, colleagues, and to the public or was reported publically? What could be the outcome for COPCC if this offer was accepted or declined?

To assist staff and line managers the following guidance will help to achieve a consistent approach in applying the considerations listed above. Examples of gifts which could be accepted are:

- Modest promotional gifts provided to staff at seminars and conferences (pens, diaries, calendars, office requisites, mugs and coasters).
- Small commemorative items from visiting overseas law enforcement or governmental agencies or similar organisations.
- Unsolicited and inexpensive gifts of thanks from members of the public or victims of crime may be offered to individuals in genuine appreciation of outstanding levels of service.

Gifts of a modest nature (below £10) should not be accepted where the volume/frequency of the gift is excessive. In cases of uncertainty the Deputy Monitoring Officer should be asked for advice.

A gratuity may be accepted if it is:

- An offer or discount negotiated through a staff association or trade union.
- Discounts to public service workers including members of the police service, offered on the basis that the organisation has a large customer base and explicit approval has been given.

Donations to the organisation as a whole (e.g. sponsorship of an event or a piece of equipment) are acceptable but must be dealt with in accordance with the Financial Regulations. The Chief Executive must determine whether the donation will be accepted.

As a general rule, all gifts and gratuities should be graciously declined. Gifts delivered should be returned to the sender with an appropriately worded letter, and your line manager must be informed.

Gifts can include loans, legacies, favours such as trading discounts and free or discounted admission to sporting or other events. In the event of a legacy from clients or others who have benefited from the services of the COPCC, the Chief Executive must be informed immediately. Where refusal of a gift might cause actual offence, steps are likely to be taken to transfer the value of the gift to a charity as a gift from the COPCC.

If there is any doubt, the items should be refused, and the principles outlined here apply equally if gifts are offered to your immediate family but might be perceived as being an inducement, given your relationship with the donor.

COPCC staff should record offers of gifts and gratuities (accepted or declined) on the Gifts, Gratuities and Hospitality Declaration form available in the OPCC/Governance/Gifts and Hospitalities folder. Staff should also record on supplier contact forms any contact, other than unsolicited mail, irrespective of whether a gift, gratuity or hospitality has been offered. Forms will be monitored by the Chief Executive. Audits of this register will be carried out on a quarterly basis by the Deputy Monitoring Officer. Any issues or trends identified from the review will be reported to the Chief Executive.

ANTI-FRAUD AND CORRUPTION PROCEDURE

Reward Points

The Commissioner and COPCC staff should not accept, retain or utilise any reward points accrued through business purposes for private or personal gain, e.g. points accrued at a petrol station, air

miles. Gratuities which amount to individual gain from a points scheme when purchasing services, items or fuel are not acceptable.

ANTI-FRAUD AND CORRUPTION PROCEDURE

Review of the Arrangements and Risk

The Chief Executive will maintain appropriate procedures and documentation to assure the awareness of all OPCC staff as to these arrangements.

These arrangements will be included in the list of Risk Items from which the recurring review programmes of Internal Audit are selected.

Fraud risk will be considered as part of the COPCC's wider strategic and operational risk management. Any identified risks will be classified to the possible type of offence; assessed for each area and process of business and the potential members of staff this could affect.



Cumbria Office of the Police & Crime Commissioner OPCC Staff Register of Interests

Cumbria Office of the Police and Crime Commissioner (COPCC) has adopted an Anti-Fraud and Corruption Policy and Code of Conduct consistent with the highest levels of conduct from its employees.

In accordance with this policy (which includes the avoidance of suspicion of fraudulent or corrupt behaviour), you are asked to indicate or disclose any interest which may give rise to any suspicion of favouritism or other breach of the seven principles of public life (Nolan Committee) of this policy.

PERSONAL / POST DETAILS

Name

Job / Title

Grade / Rank

FINANCIAL INTERESTS

It is important that employees are seen not to have a financial interest in any aspect of procurement carried out by the Organisation.

Do you have secondary employment or trade on a self-employed basis or as a partner in a firm? If so indicate your role and the employer's / firm's address and nature of business.

Tick the appropriate response.

	No I do not.
--	---------------------

	Yes I do.
	Details:

--	--

Do you hold any paid or unpaid directorships? If so indicate the companies or charity concerned and the nature of their business.

Tick the appropriate response.

	No I do not.
--	---------------------

	Yes I do.
	Details:

Are you a member of an unlimited company or a company limited by guarantee (which may include a charity that has been set up in accordance with *company rules*)? If so, name the company and the nature of its business.

Tick the appropriate response.

	No I do not.
--	---------------------

	Yes I do.
	Details:

Do you through shareholding or your nominees hold a significant financial interest in a company? 'Significant' means a shareholding in excess of 10% of the nominal issued share capital of the company – normal shareholding in companies quoted on the Stock Exchange are therefore most unlikely to fall under this heading.

Tick the appropriate response.

	No I do not.
--	---------------------

	Yes I do.
	Details:

To your knowledge do your – spouse / partner have an interest declarable under the above?
If so give details of the individual, their relationship to you and the nature of the interest.

Tick the appropriate response.

	No I do not.
--	---------------------

	Yes I do.
	Details:

OTHER INTERESTS

It is important that staff in influential positions should not be perceived as being open to 'influence' in the provision of the COPCC service.

Indicate below your membership of any societies / associations / clubs, which in your opinion give rise to unwarranted suspicions of partiality in the discharge of the duties of your post.

Tick the appropriate response.

	I do not belong to a society / association /club that could give rise to suspicions about my partiality in the discharge of my post.
--	---

	Yes, I do belong to the following society(s) / association(s) / club(s) that could give rise to unwarranted suspicion about my partiality in the discharge of my post.
	Details:

Indicate below if you are a member of a Local Authority or statutory undertaking (including ministerial appointee to any statutory body or undertaking) which is constituted to discharge or assist in discharging a statutory function (e.g. member of a statutory working group [i.e. Food & Drink Advisory Panel], lay-minister etc.).

Tick the appropriate response.

	I am not a member of a Local Authority or statutory undertaking constituted to discharge or assist in the discharging a statutory function.
--	--

	Yes, I am a member of a Local Authority or statutory undertaking constituted to discharge or assist in the discharging a statutory function.
	Details:

Indicate below any relationships you have with current or potential suppliers to the OPCC, which in your opinion may give rise to unwarranted suspicions of partiality in the discharge of the duties of your post.

	I do not have any relationships with current or potential suppliers to the OPCC
--	--

	Yes, I have a relationship with current or potential suppliers to the OPCC
	Details:

Declaration:

I confirm that I have disclosed all of my financial and non-financial interests and those of my immediate family to the best of my knowledge and belief. I understand that it is my responsibility to disclose to the Monitoring Officer any additional interests as they arise.

Signed: **Date:**

Once you have completed and signed the form, your line manager is required to countersign the form.

Line Manager: **Date:**

The forms will be forwarded to the Chief Executive (Monitoring Officer) when complete for retention.

RELATED PARTY TRANSACTIONS PROCESS

Cumbria Office of the Police & Crime Commissioner (COPCC) must prepare its annual accounts in accordance with the applicable reporting standard (IAS24: Related Party Transactions) and the requirements set out in the Chartered Institute of Public Finance and Accountancy Code of Practice.

Staff within the COPCC above a certain pay scale are requested to complete a 'Declaration of Related Party Transactions' Form for each financial year they are employed by either organisation.

Information regarding Related Party Transactions is retained within the OPCC IT System. A process has been developed to deal with Related Party Transactions as follows –

- Within the relevant year there is a procedures log to complete when actions have been carried out.
- Create covering letter which the Joint Chief Finance Officer (JCFO) will approve.
- Send covering letter and form to be completed to Printing to print. (The form must be printed on a different coloured paper from the previous year – eg 2011 forms were pink)
- Update the list of who is to receive the letter with whether they have left or been appointed during the financial period.
- The recipient will receive a copy of the letter, form to complete and a stamped addressed envelope.
- They are given approximately 1 month to complete the form and return it to the COPCC.
- If the form is not received within the time given then contact the individual and also sent out a chase up letter. This will include a follow-up letter, the original letter and a blank form to complete.

- Upon receipt of completed forms, check to see if there are any 'positive' returns. These are then given to the CFO and Monitoring Officer to look at.

- The OPCC will undertake to review the constabulary's completed forms as part of its oversight and scrutiny role on an annual basis.

- All returned forms are kept in alphabetical order with any 'positive' returns placed in a separate section at the top of the pile.
- A copy of the completed procedures log is printed off and attached to the top of the pile.
- The forms will be viewed by the Auditors on an annual basis.



CUMBRIA OFFICE OF THE POLICE AND CRIME COMMISSIONER

Declaration of Related Party Transactions 200+ / ++

Name:

In answering each question please state the dates, amounts and any other relevant details.

Have you or any partnerships, companies, trusts or any other entities in which you have a controlling interest undertaken any transactions with Cumbria Office of the Police and Crime Commissioner during the 200+ / 200+ financial year, which should be disclosed under the criteria specified in the covering letter?

Have any of your close family, members of your household or any partnerships, companies, trusts or any other entities in which they have a controlling interest undertaken transactions with Cumbria Office of the Police and Crime Commissioner in the 200+ / 200+ financial year, which should be disclosed under the criteria specified in the covering letter?

Are you involved with any interest groups which have undertaken transactions with Cumbria Office of the Police and Crime Commissioner in the 200+ / ++ financial year, which should be disclosed under the criteria specified in the covering letter?

Have you or any partnerships, companies, trusts or any other entities in which you have a controlling interest undertaken any transactions with Cumbria Constabulary during the 200+ / 200+ financial year, which should be disclosed under the criteria specified in the covering letter?

Have you received any services free of charge to which a charge is normally levied?

Any other relevant information should be disclosed in the space below.

Signed:-

Date:-

Please return the signed form to the Monitoring Officer by 4 April 20++.
Please note that nil returns should still be submitted.



CUMBRIA OFFICE OF THE POLICE AND CRIME COMMISSIONER

Peter McCall

CODES OF CONDUCT UNDERTAKING

I,having become a Member of the COPCC and Constabulary Joint Audit and Standards Committee, declare that I will duly and faithfully fulfil the requirements of this role according to the best of my judgement and ability and within codes adopted by the COPCC / Constabulary:

I undertake to observe and comply with the model Code of Conduct (1) expected from Members, as adopted by the COPCC / Constabulary; of which I am supplied with a copy.

I confirm receipt of a form (2) for notification by a member of their financial and other interests under which I will complete and return to the Monitoring Officer for entry in the COPCC's Register. I undertake to update the Monitoring Officer on any changes to those notifiable interests.

I further undertake to observe and stand by the Anti-Discrimination Code of Conduct (3) adopted by the COPCC for its members and staff, of which I am also supplied with a copy.

I finally undertake to observe and stand by the Member-Officer Protocol (4) adopted by the COPCC / Constabulary, of which I am additionally supplied with a copy.

Signed Date

This undertaking was made and signed before me

Signed Date

Proper Officer



Peter McCall

CUMBRIA OFFICE OF THE POLICE AND CRIME COMMISSIONER

CODES OF CONDUCT UNDERTAKING

I,as a Member of staff of Cumbria Office of the Police and Crime Commissioner, declare that I will duly and faithfully fulfil the requirements of this role according to the best of my judgement and ability and within codes adopted by the COPCC.

I undertake to observe and comply with the model Code of Conduct (1) expected from members of staff, as adopted by the COPCC; of which I am supplied with a copy.

I confirm receipt of a form for notification by a member of staff of their financial and other interests under which I will complete and return to the Monitoring Officer for entry in the COPCC's Register. I undertake to update the Monitoring Officer on any changes to those notifiable interests.

I further undertake to observe and stand by the Anti-Discrimination Code of Conduct adopted by the COPCC for its members and staff, of which I am also supplied with a copy.

I finally undertake to observe and stand by the Commissioner-Officer Protocol adopted by the COPCC, of which I am additionally supplied with a copy.

Signed Date

This undertaking was made and signed before me

Signed Date

Monitoring Officer

Cumbria Office of the Police and Crime Commissioner

Register of Gifts, Hospitality and Gratuities – Police & Crime Commissioner / OPCC Staff

Date of Offer	Date of Event	Offered To	Company / organization and description of Offer and Reason	Estimated /Actual Value £	Action Taken Accepted Refused Returned	Reasons for Accepting / Declining

Reviewed by OPCC Chief Executive on - (DATE)
 Updates to this document will be provided following the end of the calendar month.

Cumbria Office of the Police and Crime Commissioner

Register of Supplier Contacts – Police & Crime Commissioner / OPCC Staff

Date of Contact	Name of Officer who had Contact	Name of Supplier/ Contractor	Nature / Description of contact	Officer to be involved in Procurement process: Yes / No

Reviewed by OPCC Chief Executive on - (DATE)
Updates to this document will be provided following the end of the calendar month.



Independent Custody Visiting Scheme

MEMORANDUM OF UNDERSTANDING

The purpose of this agreement is to highlight some of the main commitments that Cumbria Office of the Police and Crime Commissioner (OPCC) requires from each Independent Custody Visitors (ICV's).

1. ROLE AND RESPONSIBILITIES

The purpose of your role is to observe and report upon the conditions under which persons are detained at Police Stations. Your concern is for the welfare of the person in custody and the operations in practice of the statutory and other rules governing their welfare including a consideration of their welfare in regard to equality.

2. PROBATIONARY PERIOD

You will be required to serve a probationary period of 6 months, starting from the date of commencement of voluntary service. The purpose of the probationary period is to give you an opportunity to establish your own suitability for the role. The appointment is subject to the satisfactory

3. APPOINTMENT

Your appointment is initially for a period of three years. After three years and six months you will be able to be considered for re-appointment for a further three years. This is subject to the approval of the Scheme Administrator in consultation with the Chair of the panel to which you are appointed. No visitor may serve more than three terms of appointment (ie a maximum of 9 years).

4. IDENTITY CARDS

Your Custody Visitor identity card will be valid for the period that you are appointed as a Custody Visitor. The identity card authorises you to visit police stations within your Panel area and should only be used for the purpose of making visits. If it is used for any other purpose, it will be withdrawn and your appointment as a Custody Visitor may be terminated. Identity cards must be returned on termination of appointment as a Custody Visitor.

4. EXPECTED ROTA AVAILABILITY & VISITS

You are expected to make a minimum of six visits per year; if there are exceptional circumstances, which prevent you from fulfilling this requirement, you should ensure that the Scheme Administrator is aware of these. If you have not made a visit within a four month period, the Chair of your Panel will advise the Scheme Administrator who will write to you to ascertain the reason and seek an explanation. Should an unsatisfactory explanation be provided the Scheme Administrator may remove you from the scheme.

We recognise that this role is given on a voluntary basis, however it is hoped that you will make every effort to fulfil the commitments you have agreed to undertake. Inability to sustain regular and reliable attendance may be grounds for termination of your appointment, as this may have an impact on the scheme as a whole.

5. UNDERTAKING VISITING

You are required to make visits in pairs at all times and you can only make a visit when accompanied by another Custody Visitor. There are no exceptions to this requirement, and custody staff are aware that they should not allow anyone who is unaccompanied to make a visit. Failure to adhere to this may result in you being removed from the Scheme.

7. DOCUMENTATION

You are required to complete reports for every custody visit made (even when there were no detainees in custody) and submit them promptly to the Office of the Police and Crime Commissioner.

8. DISCLOSURE OF CRIMINAL CONVICTIONS OR CHANGE IN CIRCUMSTANCES DURING YOUR ROLE AS A VOLUNTEER WITH CUMBRIA OPCC

As a volunteer for Cumbria OPCC it is important that you maintain high standards and that the OPCC should be made aware of any matter which could affect its relationship with you. Accordingly you are required to inform the Scheme Manager in writing, within 7 days of any involvement in ongoing civil or criminal court proceedings, any criminal convictions or cautions received or any ongoing criminal investigations in which you are involved. Similarly you should also notify the Scheme Manager if you become a Magistrate, Special Constable, Police Officer or undertake any other work which may present you with a conflict of interest.

9. ATTENDANCE AT TRAINING SEMINARS

You will be expected to attend the training events and conferences arranged by the Office of the Police and Crime Commissioner for Cumbria. You are also encouraged to attend regional or national conferences where appropriate. Induction training will cover the following areas Equality and Human Rights training.

10. ATTENDANCE AT PANEL MEETINGS

You will be expected to attend each of the 4 monthly Panel meetings. If you have not attended any Panel meetings within a twelve month period, the Chair of your Panel will advise the Scheme Administrator who will write to you to ascertain the reason and seek an explanation. Dependent upon the outcome the Scheme Administrator may remove you from the scheme. Continued non-attendance at Panel meetings will be reviewed by the Scheme Administrator and you may be removed from the scheme.

11. IMPARTIALITY AND CONFIDENTIALITY

During the course of your duties, you may acquire considerable personal information about persons connected with police enquiries, the majority of whom will not at that time have appeared in Court. Some will never appear in Court. That information must be protected against improper or unnecessary disclosure. You should be aware that improper disclosure of information acquired during the course of a visit may attract civil or criminal proceedings. Additionally, unauthorised disclosure of facts concerning police operations or the security of police stations may constitute an offence under the Official Secrets Act 1911 and 1989 and the Data Protection Act

1998 or any amending legislation including the General Data Protection Regulation EU2016/67 and the Computer Misuse Act 1990.

You must undertake not to disclose any information related to persons connected with police enquiries or police operations that you may acquire as part of your duties as a Custody Visitor.

12. DATA PROTECTION

Cumbria OPCC will only ask for information that it really needs and that it will keep the information securely, limit access to it and will not pass any details on without consent unless legally obliged to do so.

13. DRESS CODE

All Independent Custody Visitors are required to be smart in appearance whilst undertaking their volunteering duties in order to create a professional image.

14. EXPENSES

It is essential that you are not out-of-pocket because of your voluntary work and all reasonable expenses will be paid. Any ICV using their own motor vehicle to and from a designated police station are advised to inform their insurers about their duties. The OPCC requires all ICV's to complete a Vehicle Indemnity Insurance form.

15. TIME AWAY FROM THE SCHEME

We recognise that there may be times when you need to take a longer period of time off from your role as an ICV, which could be due to personal or work circumstances. Please contact the Scheme Administrator as soon as possible to discuss the issues and assess the request for time away from the scheme. The Scheme Administrator has the ability to authorize an absence of up to a maximum of 12 months from the scheme.

16. PERIOD OF NOTICE

Wherever possible we would ask that you provide the OPCC with at least one month's notice of your intention to resign your appointment. This should be given to the Scheme Administrator. All ID badges and any other information or equipment must be returned on your last day of service.

17. HEALTH AND WELLBEING

In accordance with the Health and Safety at Work Act 1974, as a volunteer you are responsible for ensuring your own safety and must not do anything which may cause injury or risks to other persons; whether they are Cumbria Constabulary employees, volunteers or members of the public.

18. NO SMOKING POLICY

The OPCC and Cumbria Constabulary operate a No Smoking Policy.

19. PERSONAL DATA

As a volunteer you give Cumbria OPCC permission to collect, retain and process information about you in relation to your ICV role. This information will only be used so that we can monitor our compliance with the law and for payment purposes. Should your personal circumstances change, you should notify the Scheme Administrator immediately.

20. QUERIES

Queries on any aspect of the scheme should be addressed to the Scheme Administrator, who can be contacted on 01768 217734 or via e-mail custodyvisitors@cumbria-pcc.gov.uk

Please read, sign the declaration below and return to the ICV Scheme Administrator

ICV Memorandum of Understanding Signed Statement:

- I have read and understood this Memorandum of Understanding and agree to abide by it.
- I confirm my receipt, understanding of and agreement to the provisions of the Official Secrets Act 1911 and 1989, Data Protection Act 1998 or any amending legislation including the General Data Protection Regulations EU2016/67 and Computer Misuse Act 1990 both during the course of my voluntary service and following its termination.

Name:

Signed:

.....

(BLOCK CAPITALS)

Date:

Appointed to : BARROW* / KENDAL* / NORTH* / WEST* Panel

(* Please delete as not appropriate)



COMMISSIONER AND OFFICER
PROTOCOL - DECLARATION

I agree to conduct myself in accordance with and abide by the Police & Crime Commissioner and Officer Protocol whilst conducting duties of the Office of the Police and Crime Commissioner for Cumbria.

Signed: **Date:**

Police & Crime Commissioner/ Deputy Police & Crime Commissioner/Appointed Person/Member of staff of the Office of the Police & Crime Commissioner for Cumbria
(Delete as not applicable)



Policy and supporting procedures

Policy:	Anti-Fraud and Corruption, Business Interests and Additional Occupations, Association and Substance Misuse Policy and supporting procedures	
Approved by which board (or Chief Officer) and date:	Workforce Board November 5th 2019	
Owner	Superintendent Head of People Department	
For release under Freedom of Information?		Yes
Supporting procedures	Included in appendix	
Contact for advice	Professional Standards Department	
Review date	November 2022	

If changes have been made to an existing policy, you must complete the boxes below

Amendments made	An amalgamation of a number of policies into one which also incorporate procedures as appendix.
Date and Version Number	November 2019 – Version 1.0

1. Equality Analysis

What is the potential impact in relation to the General Duty of this proposal on each of the protected groups below?

Protected characteristics	Positive Impact				Negative Impact (provide details and mitigating actions taken or proposed)	No Impact (v)
	Does the proposal:					
	eliminate unlawful discrimination (provide details)	advance equality of opportunity (provide details)	Foster good relations (provide details)	Other positive impact (provide details)		
Age	The policy will make sure that anybody of any age will be dealt with in the same way therefore eliminating discrimination	As all people that commit fraud/corruption will receive the same investigation, equality of opportunity would be afforded to all	A positive message is given to all staff/volunteers/contractors that all personnel no matter what position they hold within the force would be treated in the same way			
Disability	The policy will make sure that anybody with any disability will be dealt with in the same way therefore eliminating discrimination. Reasonable adjustments in accordance with the Equality Act 2010 will be implemented when required.	As all people that commit fraud/corruption will receive the same investigation, equality of opportunity would be afforded to all	A positive message is given to all staff/volunteers/contractors that all personnel no matter what position they hold within the force would be treated in the same way			
Sex	The policy will make sure that anybody of any gender will be	As all people that commit fraud/corruption will	A positive message is given to all staff/volunteers/contractors			

	dealt with in the same way therefore eliminating discrimination	receive the same investigation, equality of opportunity would be afforded to all	that all personnel no matter what position they hold within the force would be treated in the same way			
Sexual orientation	The policy will make sure that anybody of any sexual orientation will be dealt with in the same way therefore eliminating discrimination	As all people that commit fraud/corruption will receive the same investigation, equality of opportunity would be afforded to all	As all people that commit fraud/corruption will receive the same investigation, equality of opportunity would be afforded to all			
Gender reassignment	The policy will make sure that anybody from the trans community will be dealt with in the same way therefore eliminating discrimination	As all people that commit fraud/corruption will receive the same investigation, equality of opportunity would be afforded to all	As all people that commit fraud/-corruption will receive the same investigation, equality of opportunity would be afforded to all			
Marriage and civil partnership	No impact					v
Pregnancy and maternity	The policy will make sure that anybody that is pregnant will be dealt with in the same way therefore eliminating discrimination	As all people that commit fraud/corruption will receive the same investigation, equality of opportunity would be afforded to all	A positive message is given to all staff/volunteers/contractors that all personnel no matter what position they hold within the force would be treated in the same way			
Race	The policy will make sure that anybody of any race will be dealt	As all people that commit fraud/corruption will	A positive message is given to all staff/volunteers/contractors			

	with in the same way therefore eliminating discrimination. Reasonable adjustments in accordance with the Equality Act 2010 will be implemented when required.	receive the same investigation, equality of opportunity would be afforded to all	that all personnel no matter what position they hold within the force would be treated in the same way			
Religion and belief including non-belief	The policy will make sure that anybody of any religious belief will be dealt with in the same way therefore eliminating discrimination. We will where appropriate respect different cultural customs and religious practises	As all people that commit fraud/corruption will receive the same investigation, equality of opportunity would be afforded to all	A positive message is given to all staff/volunteers/contractors that all personnel no matter what position they hold within the force would be treated in the same way			

If there is no potential impact (positive or negative) please provide a brief explanation why this is the case, e.g. The data utilised in arriving at the decision, summary of responses to consultation etc.

Brief explanation of the 'no impact' decisions above

2. Aim

Seek to maintain the highest standards of professional behaviour expected of all Police Officers and Police Staff in order to achieve the highest levels of confidence in Cumbria Constabulary with reference to the College of Policing Code of Ethics (2014).

Where these standards have not been met then this policy and supporting procedures address the action to be taken.

Ensure that Cumbria Constabulary provide an ethical service that is open and transparent, engendering trust and confidence both internally, amongst those within the organisation and, members of the public.

Ensure parity in decision making process across the whole of the policing family.

To ensure that welfare needs, safeguarding and risk assessments of individuals subject to any area within this policy are properly accounted for, this may extend to the needs of their families.

Assurance that the individuals and organisations (e.g. suppliers, contractors, service providers) with whom the Constabulary come into contact can themselves be relied on to act with integrity and without motivations or actions involving fraud and corruption. All personnel are responsible for the prevention of fraud and corruption.

Give members of the Constabulary and members of their families, where applicable, the opportunity to pursue a legitimate business interest. The business interest must be compatible with the duties of police officers and police staff and also the function of the Constabulary.

Protect the integrity of all Cumbria Constabulary employees from associations with an individual or group/s that may introduce an element of vulnerability and create the potential for compromise resulting from inappropriate associations, or to undermine public confidence and trust. Provide an effective method by which individuals can report concerns about association.

The policy is mandatory and applies to all police officers, special constables, police staff, volunteers and agency staff under the direction and control of the Chief Constable and assisting the Constabulary in pursuing its aims, and those third parties with whom the Constabulary have dealings.

This policy has been written to bring together a number of policies and supporting procedures under one document to enable a simpler and more effective way in which every member of the police family can access, read and use.

3. Terms and Definitions

Definitions

Association – is described as one or any combination of the following:

- Meeting or uniting for a common purpose;
- Keeping company or being familiar;
- Being an ally, confederate, partner or colleague;
- Having friendship, intimacy or connection;
- Being a member of a group, organisation or society which is formed for the promotion of a common object or objects.

The term 'association' is not intended to include a person whom a staff member knows casually or with whom the staff member may be on 'nodding' terms. It is not a chance meeting with a passing acquaintance which may be repeated from time to time and it does not necessarily include merely being members of the same club or association.

Inappropriate Association - Any association will be deemed inappropriate if the personal relationship or involvement with an individual, group or organisation has the potential or is likely to:

- Compromise the individual employee/third party member, or
- Compromise the operation of Cumbria Constabulary, or
- Compromise the reputation of Cumbria Constabulary, or
- Undermine public confidence in Cumbria Constabulary.

There is no definitive list of associations which will be deemed inappropriate. This is a matter for the individuals following the procedure to determine.

In general, it should be presumed that any association with persons with criminal convictions which are not spent, and/or in respect of whom intelligence exists relating to current or recent criminal activities, will be considered as inappropriate.

Group or Organisation - There is no definitive list of groups or organisations deemed inappropriate. This is a matter for those following the procedure to determine but will include Membership of the British National Party, Combat 18 and the National Front as prohibited by force policy.

In addition, this could include:

- Membership by a police officer of any political party where membership involves the officer playing an active part in politics in contravention of Police Regulations;
- Association with groups or organisations involved in law breaking or criminal activity such as certain animal rights groups, football hooligans, etc.;
- Association with groups or organisations which would bring the force into disrepute. This could include, but is not limited to, racist groups or activist groups with aims

which contravene the statement of common purpose and values of the Police Service or the intent or effect of any relevant legislation or policies governing Cumbria Constabulary;

- Association with groups or organisations which advocate either active or passive non-compliance with the law.

Compromise – is to place in a position of difficulty or danger, to expose to risk of failure, frustration or disgrace or to cast doubt on one's integrity. In the context of this procedure compromise includes the likelihood or potential of either actual or perceived risk to the individual staff member, operations or reputation of the force.

Fraud

“An intentional false representation, including failure to declare information or abuse of position that is carried out to make gain, cause loss or expose another to risk or loss”. (Audit Commission, Protecting the Public 2012).

Corruption

“A Law Enforcement Official commits an unlawful act or deliberately fails to fulfil a role arising out of an abuse of their position, for personal or perceived advantage having the potential to affect a member of the public”. (IPCC/ACCAG definition).

Theft

“The dishonest appropriation of property belonging to another with the intention of permanently depriving the other of it” (Theft Act, 1968).

4. The Policy

Anti-Fraud and Corruption

The Constabulary will not tolerate fraud or corruption in the administration of their responsibilities. It expects senior managers to take positive action whenever fraudulent or corrupt activity is suspected. The Constabulary will invoke misconduct procedures as per The Police (Conduct) regulations 2012 and current Home Office Guidance or the equivalent legislation in terms of staff wherever improper behaviour is indicated, and that if there is evidence of criminal behaviour, appropriate action will be taken.

The nature of the Constabulary is such that the prevention and detection of fraud in society at large is part of the core business conducted by the Constabulary. Consistent with this, and intrinsic to the nature of the Constabulary, substantial additional measures over and above those normally associated with an ordinary government department are taken to ensure the regularity and integrity of actions taken by police officers and police staff. These flow not only from the general body of criminal law, but also the collection of regulation and practice which constitutes the standards and misconduct regime for the Police Service itself. The Constabulary will therefore discharge its duties and maintain a Professional Standards function to oversee its own officers and staff and to represent the Constabulary's oversight interests in these priorities.

This policy outlines the principles which will be pursued in respect of police officers, special constables, police staff, volunteers assisting the Constabulary in its aims, and those third parties with whom the Constabulary have dealings.

This attitude towards fraud and corruption is summarised below:

- 1) Cumbria Constabulary is determined that the fundamental culture and philosophy of their organisations is one of scrupulous honesty and principled opposition to fraud and corruption. It will not tolerate fraud and corruption in the administration of their responsibilities, whether from inside the organisation or externally.
- 2) The Constabulary's minimum expectations regarding propriety and accountability are that members and staff at all levels will themselves set the standard and lead by example in ensuring proper adherence to legal requirements, rules, procedures and practices.
- 3) Senior managers are expected to deal swiftly and firmly with those who defraud the Constabulary who are corrupt. Because of those higher standards of integrity which the public rightly expects of police which the organisation need to assure in order to fulfil their pre-eminent role in maintenance of the rule of law and prevention of crime, the Constabulary reserve the right to treat prima facie evidence of such behaviour as immediately constituting gross misconduct.
- 4) The Constabulary also expect that those external individuals and organisations (e.g. suppliers, contractors, service providers) that it comes into contact with on a business basis, will conduct their dealings with the Constabulary with integrity and without motivation or actions involving fraud and corruption.
- 5) Allegations or concerns that fall within the scope of other policies (e.g. child protection or discrimination issues) will normally be referred for consideration under those policies.

To support this policy it is confirmed that sufficient internal resources will be allocated towards the detection and prevention of fraud and corruption. Interrelated procedures designed to frustrate, detect and identify any attempted fraudulent or corrupt act will be put in place and a formal investigation of any instances or suspected instances of fraud and corruption which may arise will always be undertaken. Details of the strategy supporting this policy and further guidance about what to do if you suspect fraud and corruption acts are taking place are outlined in the Anti-Fraud and Corruption Procedures

**See supporting procedures document – APPENDIX A
Business Interests and Additional Occupations**

This Policy sets out the framework to be used by Cumbria Constabulary when managing

the application, approval or refusal, appeals and review of business interests.

The Constabulary is committed to maintaining a professional image and protecting the health, safety and wellbeing of its staff. It is obligated to maintain, and is entitled, to expect high standards of business conduct amongst its employees in order to ensure that public confidence is maintained.

For all police officers and staff who wish to undertake a business interest, Cumbria Constabulary will adopt the principles contained in the ACPO Guidance on the Management of Business Interests and Additional Occupations for Police Officers and Police Staff.

Special Constables are dealt with separately in terms of their employment outside the Service. This is detailed in NPIA Circular 01/2011. The considerations in this circular are broadly similar to those contained within the ACPO Guidance and must be decided on a case by case basis.

The Constabulary will act fairly and proportionately when considering all business interests or additional occupation applications. If an individual wishes to appeal against any decisions made by the Constabulary they must follow the appeals process contained within the attached procedure.

As the individual you need to consider:-

- 1 - Could the voluntary role or interest impact on your ability to perform your role in the Police. (e.g. mountain rescue or other role that might require some form of call out process)
- 2- Involve receipt of expenses, personal issue equipment or formal training qualifications paid for by the organisation.
- 3- Involves regular commitment of work or attendance that may contravene the European working time directive (working more than a 48hr week on average in any rolling 17 week period)
- 4- Conflict with role as a police officer or member of police staff (i.e. is the role or organisation one suitable or appropriate for a member of the constabulary to be part of)

If the voluntary work would fall under one of these areas than you should submit an application

[See supporting procedures document – APPENDIX B](#)

Association

Unauthorised disclosure of information and criminal association was identified as the greatest corruption threat to the Police Service in England and Wales in the SOCA Assessment of Police Corruption published in June 2010. The introduction of this policy will act as a deterrent to most employees and other relevant personnel but it is recognised that

those who are corrupt are unlikely to report such associations voluntarily. For this there are well established counter corruption enforcement and investigative frameworks in place.

Cumbria Constabulary relies on the honesty and integrity of its staff and those third parties who work with them. As public servants, its staff are expected to observe the highest standards of conduct, in both their private lives and their employment. The community must have confidence in the Constabulary to conduct its duties and execute its powers fairly and impartially without the pressures of external influence or bias.

In practice, the vast majority of staff behave with complete integrity; however, Cumbria Constabulary recognises there is a risk of some officers, staff members or third parties associating with inappropriate persons, groups or organisations.

It is important that everyone understands the rules to be observed to ensure that no doubt is cast on the integrity of the organisation or individuals.

This document sets out the policy on vulnerable associations and the associated guidance notes linked to it.

In recent years the National Threat Assessment has identified inappropriate associations as being one of the major threats facing the Police Service. These procedures are intended to address this threat by protecting individual members of staff and Cumbria Constabulary. Owing to the organisation not being aware at an early stage, measures to support individuals were not possible resulting in an escalation of severity to a point where misconduct proceedings were necessary.

Police personnel come from all backgrounds and aspects of life. They represent a cross section of the community and this in itself is likely to cause potential conflicts and issues. Nationally it is accepted that police personnel can come under pressure from friendships that existed prior to and during their employment and/or family members who become involved in breaches of the law. In such circumstances there is a risk of divided loyalties and the possibility of demands for assistance at some stage.

The private life of police personnel can impact on their professional duties. Officers are reminded of the restriction on the private life of members of police forces set out in Regulation 6 and Schedule 1 of the Police Regulations 2003. This states that a member of a police force shall at all times abstain from any activity which is likely to interfere with the impartial discharge of his duties or which is likely to give rise to the impression against members of the public that it may so interfere. Likewise, the National Standards of Professional Behaviour sets out that the conduct and associations of Police Staff, at or outside of work, should not give cause for potential discredit to the Force or threaten its reputation. Public confidence in the police depends on police staff demonstrating the highest level of personal professional standards of behaviour.

An association will be deemed vulnerable if a relationship or involvement exists with any person who is known or believed to be within the following categories:

- o Persons with unspent criminal convictions;

- o Persons charged with a criminal offence where matters remain unresolved;
- o Persons known to be under investigation for, but not yet charged with, a criminal offence;
- o Persons subject of criminal intelligence or the subject of an interest marker;
- o Persons dismissed or required to resign from a police service or other law enforcement role for reasons of gross misconduct, e.g. honesty and integrity, which may have a bearing on the reputation of Cumbria Constabulary;
- o Former police officers, law enforcement officers or staff now working in a related field defined as any investigative role with a potential conflict with Cumbria Constabulary operations (e.g. private investigators and legal firms).

It is recognised that staff may not know with certainty whether a person they have a relationship or involvement with falls within the above categories; but if they have any suspicion or doubt that they might, they should discuss this with a supervisor but in no circumstances make their own enquiries by accessing or interrogating force information or intelligence systems.

This is not an exhaustive list and any association falling outside these categories but still meeting the criteria for an inappropriate or vulnerable association should be declared. A vulnerable association is not by default inappropriate but all inappropriate associations are reportable.

[See supporting procedures document – APPENDIX C](#)

Substance Misuse

Cumbria Constabulary is committed to the provision of a safe, healthy and productive working environment, and does not in any way condone the misuse of controlled drugs, whether illegal or prescribed, alcohol and other substances (solvents and gases).

Any instance of substance or alcohol misuse has the potential to impair judgement, which in turn has the potential to impact upon service delivery, public safety and the reputation of Cumbria Constabulary. The purpose of this policy is to deter substance misuse by all who are working for or on behalf of Cumbria Constabulary, in addition to minimise the chances of misusers entering the workplace as well as deterring all from misuse. To encourage those with issues to identify themselves and provide support to those who acknowledge their dependence and who are prepared to undertake a treatment regime. Screen those in safety critical posts and protect those vulnerable to malicious allegations.

The Health and Safety at Work Act 1974 clearly states that it is the responsibility not only of an ‘employer’ but also the ‘employee’ to protect themselves and others who may be affected by their actions. It is a criminal offence to put others at risk by negligent acts or omissions and this includes substance misuse.

Any individual involved in the misuse of drugs exposes themselves to vulnerability in terms of corruption, blackmail and integrity and potentially faces disciplinary and criminal

consequences. The supply or use of any illegal drugs by any member of the policing family working in a vulnerable or safety/security critical role may upon investigation be classified as a criminal offence and may fall into misconduct.

The following controlled drugs are currently laid down in statute as being substances to be tested for under this policy:-

- Amphetamine (including ecstasy)
- Cannabis
- Cocaine
- Opiates
- Benzodiazepines.

Cumbria Constabulary reserves the right to alter this list in the event that further substances are identified as illegal by introduction of new statute.

Any drug testing laboratory used by Cumbria Constabulary must be specifically accredited for drug-testing work through appropriate national standards (UKAS and BSI).

See supporting procedures document – APPENDIX D

5. Supporting Information

This policy and supporting procedures have been written giving due regard to legislation that regulates the behaviours and standards of officers staff and those performing roles on behalf of the constabulary and has considered the risk of unfair and/or disproportionate impacts on individuals or groups (actual or perceived) and has done so via an equality impact assessment (EIA). This policy takes into account the most recent legislation at the time of writing unless there are any fundamental legal requirements that must be referenced which is included within.

6. Monitoring and Reviewing

The Policy will be reviewed every 3 years unless there is an earlier change in legislation /regulations which requires policy review after being agreed at the relevant board.

The Head of People will be responsible for reviewing the policy.

The reviewer will

- Check relevant statistics, comments as necessary and where available, in order to identify any trends, issues or concerns
- Check that the Policy has been put into practice
- Check that the policy is being effective
- Verify that all of the elements are operating properly

- Verify that published procedures are being applied and complied with
- Ensure that the aims of the policy are achieved
- Monitor that the Policy does not discriminate against those with protected characteristics

In the event that an individual feels disadvantaged by the requirements of a Policy or Procedure or where they perceive there to be an impact which is intentionally or unintentionally unfair the matter should be highlighted with the policy owner, however if it is with the application of the policy then they may consider this to be addressed through the grievance procedure.

7. Comments and Contact

All comments on how this policy can be improved are welcomed and should be forwarded to the Policy Owner at the correspondence address below:

Head of People
Corporate Support
Cumbria Constabulary Police Headquarters
Carleton Hall
Penrith
Cumbria
CA10 2AU

E-mail: PSDadmin@cumbria.police.co.uk

Telephone: 01768 21 7133

APPENDIX A – Anti Fraud and Corruption procedure



Anti-Fraud
Corruption Procedure

APPENDIX B – Business Interest and Additional Occupation procedure.



Business Interest and
Additional Occupator

APPENDIX C – Association Procedure -



Association
Procedures Novembre

APPENDIX D – Substance Misuse Procedure -



Substance misuse
procedure November



[Cumbria Constabulary Anti-Fraud and Corruption Procedure](#)

This procedure which applies to all within the police family has been written to support the Cumbria Constabulary Anti Fraud and Corruption Policy, which is available for further clarification and guidance in the Constabulary's Policy Library on the intranet.

Note: Cumbria Office of the Police and Crime Commissioner (COPCC) have a separate Anti Fraud and Corruption Procedure which applies to all COPCC staff.

Contents

1. **THE CHIEF CONSTABLE** - summary of approach towards fraud and corruption.
2. **WHAT IS MEANT BY FRAUD AND CORRUPTION?** – definition and examples of fraud and corrupt acts.
3. **POLICING CODE OF ETHICS (INCLUDING NOLAN PRINCIPLES of PUBLIC LIFE)**
4. **YOUR DUTY**- role and responsibilities for individuals.
5. **WHAT TO DO IF YOU SUSPECT FRAUD OR CORRUPTION** – practical guidance when a member of staff suspects fraud or corruption.
6. **WHAT TO DO IF A MEMBER OF STAFF RAISES CONCERNS WITH YOU**- practical guidance for managers when a member of staff reports a concern regarding fraud and corruption.
7. **ADVICE TO MEMBERS OF THE PUBLIC** – how to report concerns regarding fraud and corruption.
8. **KEEPING OF RECORDS** – responsibilities of Commanders and Directors to maintain registers of interests declared by their staff.
9. **SPECIAL INTERESTS** – Sec 117 of the Local Government Act 1972 responsibilities of individuals (in relation to contracts).

10. **LOCAL GOVERNMENT AND HOUSING ACT 1989 - POLITICALLY RESTRICTED POSTS (PORP)** – Sec 2 of the Local Government and Housing Act 1989 identifies posts where the post holder is subject to certain political restrictions.
11. **OFFERS and ACCEPTANCE OF GIFTS, GRATUITIES & HOSPITALITY** – guidance for members of staff.
12. **REVIEW OF THE ARRANGEMENTS** – Internal Audit review programme arrangements.

1. THE CHIEF CONSTABLE

The Chief Constable has agreed a policy against Fraud and Corruption. In summary, the Chief Constable will not tolerate fraud or corruption in the administration of their responsibilities, and expect staff to take positive action wherever fraudulent or corrupt activity is suspected.

The Chief Constable is clear that Misconduct Procedures will be invoked where improper behaviour is indicated, if there is evidence of criminal behaviour this is prima facie gross misconduct requiring immediate action to be taken where suspension or summary dismissal are likely. A criminal investigation will always be pursued where evidence of criminal behaviour is evident.

The Anti Fraud and Corruption Procedure provide's guidance to all officers and staff to ensure adherence to the policy.

2. WHAT IS MEANT BY FRAUD AND CORRUPTION?

Fraud

"An intentional false representation, including to failure declare information or abuse of position that is carried out to make gain, cause loss or expose another to risk or loss". (Audit Commission Protecting the Public 2012)

Corruption

"A Law Enforcement official commits an unlawful act or deliberately fails to fulfil a role arising out of an abuse of their position, for personal or perceived advantage having the potential to affect a member of the public". (IPCC/ACCAG definition)

3. YOUR DUTY

- To raise any suspicion of improper activity which indicates fraudulent or corrupt behaviour on the part of a colleague or an external third party to the Anti-Corruption unit via one of the mediums detailed below in section 5 .

- The Public Interest Disclosure Act 1998 provides legal protection for employees who raise genuine concerns in relation to suspected fraud and corruption issues
- Not to discuss suspicions of improper practice other than with the Anti-Corruption Unit..
- Ensure any payments due to an employee are authorised by an independent member of staff
- Maintain controls that ensure functions involving the custody of resources are administered by two members of staff (for example the order and certification of receipts of goods; or the receipt and banking of cash).
- As a public servant, to assess the needs of the public, partners and our suppliers impartially, professionally and without personal prejudice and to determine the outcome of competitive situations with these same qualities.
- When private or personal interests arise in any matter which presents when at work, not to let those interests influence actions on behalf of Cumbria Constabulary. (The test is – “can I justify my actions if they become public?” If in doubt, consult your manager/supervisor).
- To adhere to the guidelines regarding ‘Special Interests’ and offers or acceptance of hospitality and gifts.

5. WHAT TO DO IF YOU SUSPECT FRAUD OR CORRUPTION

If you have reason to suspect fraud or corrupt activity on the part of a colleague, you should raise the matter as soon as possible with the Anti-Corruption Unit. This can be done by any of the following mediums:-

- Direct contact with a member of ACU staff, in person, by phone or via the PSD-ACUIntel mailbox
- Confidential reporting via the Confidential reporting mailbox, which is anonymous, accessible via Forcenet homepage or the confidential reporting line 03301240788

In ordinary circumstances, the above details are the normal points of contact for these issues in the Constabulary, however if an individual feels that concerns cannot be raised this way, then the following external organisations offer alternative confidential ‘helpline’ service and support. When contacting external organisations individuals must take care to ensure that *confidential information* is not disclosed.

- Public Concern at Work - a registered charity to assist, support and counsel individuals with concerns about colleagues 0207 404 6609

- Crimestoppers 0800555111

6. WHAT TO DO IF A MEMBER OF STAFF RAISES CONCERNS WITH YOU

If an allegation of fraud or corruption is made to you as a line manager or senior manager the following personnel must be consulted with a view to determining the appropriate investigative response and whether the Internal Auditor should become involved or a criminal investigation undertaken.

Police officers and police staff must contact the Anti-Corruption Unit

Arrangements will then be made to:

- Deal promptly with the matter.
- Record all evidence and intelligence received.
- Ensure the evidence is sound and adequately supported.
- Ensure the security of all evidence collected.

7. ADVICE TO MEMBERS OF THE PUBLIC

In the event of a member of the public becoming suspicious of fraudulent or corrupt within the Constabulary, the matter should be reported to the Anti-Corruption Unit in the first instance. Any information will be treated in confidence and can, if you wish, be provided anonymously.

8. KEEPING OF RECORDS

The Professional Standards Department maintain a central electronic register of offers of hospitality and gifts (see section 11 below) and details of whether they are offered and declined. This is accessed through the Constabulary's Forcenet – PSD home page. All recorded offers of hospitality and gifts are monitored by supervisors as part of the electronic workflow.

For a number of Constabulary posts, the police officer or member of police staff will be required to complete a Register of Interests Form (*A copy of the form is located in the Constabulary's Form Library which can be found on the homepage of the intranet*). This will apply to senior posts - all police officers attaining the rank of Chief Inspector and above, police staff of grade SO 1 and above and police staff with procurement responsibilities. The forms will be completed by the individuals to be submitted to the ACU via their line manager. It is important that the responses on completion of the form is done honestly and that it is updated if changes to an individuals circumstances occur.

On an annual basis as part of the completion of the statutory statement of accounts, the Constabulary is required to ensure that senior officers and police staff disclose transactions “between individuals or organisations who have the ability to influence or control the PCC or Constabulary (known as related parties) to declare the nature of such transactions”. The financial services team will circulate a form to those officers and staff required to complete this annual disclosure around the financial year end (31 March), this form must be completed and returned as specified in the covering letter. This annual disclosure is in addition to any other disclosures required as part of this anti-fraud and corruption procedure and gifts/hospitality (section 11).

9. SPECIAL INTERESTS

The law (Section 117 of the Local Government Act 1972) specifically requires officers, employees and members to disclose in writing any financial interest (direct or indirect) which they may have in any contract the Chief Constable or COPCC has entered into, or may enter into, and prevents the acceptance of any fees or rewards whatsoever other than proper remuneration from their employer. The standards expected from staff are set out in the Joint Procurement Regulations.

Interests other than financial can be equally as important – and include for example, kinship, friendship, membership of a society or association, or trusteeship and so on. Again, the individual must judge whether the interest is sufficiently close as to give rise to suspicion, or create a perception that a transaction can give rise to suspicion, but it is always better to err on the side of caution than to deal with a challenge after the event. If a matter which involves such intangible interests arises at a meeting of the Chief Constable or COPCC in which you are a participant, you must orally disclose that interest and ensure that it is minuted in the record of the meeting.

10. LOCAL GOVERNMENT AND HOUSING ACT 1989 - POLITICALLY RESTRICTED POSTS (PORP)

Designated politically restricted posts within Cumbria Constabulary are as detailed below:

- a) All Police Officer posts
- b) Special Constables
- c) Personal Assistants to Chief Officers
- d) Police Staff Posts at Scale PO13 or above.
- e) Police Staff Posts that provide advice or guidance to the Office of the PCC on a regular basis.
- f) Police Staff Posts where the post holder is required on a regular basis and as part of their duties to speak with members of the press.

Police Officers, Special Constables and Police Staff members in designated politically restricted posts will be advised of the regulations placed on them within their letter of appointment and /or contract of employment.

All Police Officers, Special Constables, Senior Police Staff posts (Scale PO13 or above) and any Police Staff post which provides regular advice and guidance to the Office of the Police & Crime Commissioner or who regularly comes into contact with or speaks to the press are classed as being in "Politically Restricted Posts". As such they may not become involved or take part in any of the following:

- a) Stand as a candidate for election to public office in;
The House of Commons
The European Parliament
A Local Authority or
A Parish Council
- b) Holding office in a political party
- c) Become an agent or sub agent for any candidate standing for election
- d) Any committee or subcommittee of a political party
- e) Canvassing during an election period
- f) Speaking or writing publicly on matters of political controversy.

Breaches of this may result in disciplinary action, which may lead to dismissal.

Under section 2 of the Local Government and Housing Act 1989, a post will be designated as a PORP if it is either:

- A specified post;
- A post whose remuneration is or exceeds a specific level i.e. the equivalent of SCP44;
- A sensitive post.

Posts that have been designated as PORPs will include reference to this fact in the job description and post holders will be informed of the restrictions which apply.

The political restrictions:

- 1) Designation as a PORP means that the post holder is disqualified from election to a Local Authority or National and European Parliaments. (This does not include Parish or Community Councils).
- 2) Designation as a PORP also restricts PORPs from:
 - Candidature for public elected office (other than to a Parish or Community Council);
 - Holding office in a political group;

- Canvassing at elections;
- Speaking or writing publicly (other than in an official capacity) on matters of party political controversy.

Police Officers are subject to the restrictions placed on their private lives in accordance with Police Regulations 2003, Regulation 6 - Schedule 1

11. OFFERS AND ACCEPTANCE OF GIFTS, GRATUITIES & HOSPITALITY

Considerations

The over-riding principle is the presumption that any offer of gifts, gratuities or hospitality are declined; however, the following considerations should assist police officers and staff in determining the boundaries of acceptability of any gift or hospitality . Think **G.I.F.T.**

Genuine: is this offer made for reasons of genuine appreciation for something I have done. Why is the offer being made, what are the circumstances, have I solicited this offer in any way or does the donor feel obliged to make this offer?

Independent: Would the offer or acceptance be seen as reasonable in the eyes of the public? Would a reasonable bystander be confident I could remain impartial and independent in all of the circumstances?

Free: Could I always feel free of any obligation to do something in return? How do I feel about the propriety of the offer? What are the donor's expectations of me should I accept?

Transparent: Am I confident that my acceptance of this offer will be subject to scrutiny by my force, colleagues, and to the public or was reported publically? What could be the outcome for the force if this offer was accepted or declined?

Applying consideration

To assist police officers and staff, line managers, the following guidance will assist in achieving a consistent approach in applying the considerations listed above, the following cases provide additional guidance.

A gift may be accepted if it is:

- of a trivial or inexpensive nature (for example, diaries, calendars, stationary or other small items offered during a courtesy visit or conference)
- a small commemorative items from visiting overseas law enforcement or governmental agencies or similar organisations

- a bona fide, unsolicited and inexpensive gifts of thanks from members of the public or victims of crime, which has been be offered to individual officers or teams in genuine appreciation of outstanding levels of service.

All such gifts should nonetheless be subject of a declaration in the force register.

A gift should not be accepted if it is

- from external contractors or companies tendering for work with the force or wider service cash payments (other than donations to specific police charities or police supported charities)
- a financial reward resulting from the publication of articles relating to the intended recipient's role or duties as a member of a police force
- a cash payment (other than donations to specific Police charities or Police supported charities).
- any alcoholic beverage

If there is any doubt, the items should be refused, and the principles outlined here apply equally if gifts are offered to your immediate family but might be perceived as being an inducement, given your relationship with the donor.

All such gifts should nonetheless be subject of a declaration in the force register.

Examples of gifts include (but are not limited to):

- Ceremonial gifts (for example, plaques, shields or glass or crystal ware)
- Confectionary
- Gift vouchers
- Stationery (for example, diaries, calendars, calculators, pens, etc)

Gratuities

A gratuity may be accepted if it is:

- an offer or discounts negotiated through the Police Federation, The Superintendents' Association, or other staff association or trade union
- discounts to public service workers including members of the police service offered on the basis that the organisation in question has a large customer base of a trivial or inexpensive nature (and the force has given explicit approval for such an offer)
- free travel arrangements for officers and staff if approved and formally negotiated through the Travel Concession Policy
- There should be no requirement to declare any such gratuity in the force register.

Gratuities which amount to individual gain from a points scheme when purchasing items or fuel are not acceptable (such as using a store loyalty card when purchasing goods on behalf of the force).

Accepting Hospitality

Hospitality may be accepted if it:

- extends to the impromptu provision of light refreshments during the course of policing duties
- is a conventional meal provided during the course of a working day by another police force or partner agency in either law enforcement or community safety. There should be no requirement to declare any such gratuity in the force register.
- is a conventional meal and is in accordance with the recipient's duties, for example attendees at meeting, seminar or conference organised by an external body; the annual dinner of a representative association or local authority which are limited to isolated or infrequent occasions and can be demonstrable in the interests of the force to attend. Such offers of hospitality should be declared in the force register.

Hospitality will not be acceptable if it:

- amounts to regular free or discounted food or refreshments whether on or off duty.
- Includes a degree of lavishness which is outside of the industry norm or is beyond any sense of common courtesy or reasonableness.
- includes any alcoholic beverage.

Such offers of hospitality should be declared in the force register.

Hospitality that could be considered excessive or might give the perception of influence should be avoided. Any hospitality received should not be greater than that which the organisation would reciprocate and which would be acceptable to the public as a use of public funds.

12. REVIEW OF THE ARRANGEMENTS

These arrangements will be included in the list of Risk Items from which the recurring review programmes of Internal Audit are selected.

This page has intentionally been left blank



BUSINESS INTEREST AND ADDITIONAL OCCUPATIONS PROCEDURES

Application Process

The application process for police officers and police staff is outlined below.

Applications should be made by way of the Application Form attached to this procedure.

Applications will be submitted via the individual's Line Manager for endorsement by the Territorial Policing Area (TPA)/Department.

The Head of Professional Standards Department has delegated authority from the Chief Constable to make the final decision to approve or refuse applications.

In determining whether or not a prospective business interest or additional occupation is compatible with the member concerned remaining a member of the police force, and to identify and assess any risk to force or service reputation, the Head of Professional Standards Department may take into account the perspective of Human Resources and the applicant's Departmental Head who may be best placed to identify and assess risk surrounding compatibility with the individual's role, duties and responsibilities.

In determining whether to approve an application for a business interest or additional occupation, the Head of Professional Standards will consider each case on its own merit taking into account the six impact factors found at Annex A.

The written application declaring business interest and additional occupation should include:

(1) The type of business/interest, the address of the premises involved and the details of any financial interest.

(2) Sufficient detail of the interest to enable a decision to be made regarding approval or not (general comments such as 'Property rental' will not be sufficient). This should include names of individuals who are renting the property in relation to the application.

Commented [RK1]: Jumps straight into the application process – no introduction

Document formatting inconsistent e.g para spacing / indents.

No role for HR documented as per current and revised electronic process

Does this need updated in light of the new electronic process?

Reference to sections not relevant as no numbering

(3) TPA / Department's observations on whether the interests would be compatible with the role or general position of office of constable or staff member and whether they are satisfied that the business interests will not interfere or affect their availability for duty or impose undue strain upon the member of staff.

Receipt of Notice

The Head of Professional Standards Department in consultation with others (as at para 5.5) shall determine whether or not the business interest in question is compatible with the individual's continued service in Cumbria Constabulary and will aim to notify the applicant in writing of this decision within 28 days of receipt of a fully completed application (which contains sufficient detail to enable a decision to be made).

The 28 day period will also include any decision made by the Head of Professional Standards Department to clarify anything contained in the application.

This period may be extended taking into account any consultation or clarification required to consider the application.

Should this date be extended the applicant will be informed of this along with an expected timescale for that decision.

Line Managers Responsibilities

Applications will be submitted via the line manager who will make reference to the applicant's current performance, sickness, attendance and any other health and safety considerations in their recommendations. Any "live" misconduct investigations should also be recorded at this stage.

Line managers should also take into consideration the individual's current role and their working hours (including any regular overtime) in deciding whether their business interest concern is likely to interfere with the individual's ability to perform that role.

Consideration should also be given to potential for concern in relation to any of the six NPCC defined areas for consideration (See Annex A of this document) and recorded on the application for the information of the TPA / Department.

The Role of the TPA / Department head

All applications will be submitted by the line manager to the TPA/ Department head, who will indicate their support or refusal of the application. Where the department concerned is split into different specialist units it may be appropriate for the application

Official

to be routed via the individual's Head of unit for the endorsement. However final endorsement will still be required from the TPA/ Department.

The TPA/ Department, in giving their support, may recommend that approval is given subject to the imposition of appropriate conditions as per paragraph 10.0.

Any imposition of conditions should be seen as necessary to reduce any risk or concern that would have had the potential to result in a refusal of the application.

A meeting with the individual concerned may assist in resolving any areas of concern.

All applications whether supported or not will be sent to Human Resources and then forwarded to Central Services. The application will then be sent to the Head of Professional Standards Department.

The Role of the Head of Professional Standards Department

The Chief Constable has delegated authority for determining business interest and additional occupations applications to the Head of Professional Standards Department.

The decision to approve or refuse an application should be made within 28 days of receipt of a fully completed application by the Head of Professional Standards Department in consultation with those as at para 5.5.

The dates for this decision may be altered as per paragraphs 6.3 and 6.4.

All supported applications will be considered for final approval or refusal by the Head of Professional Standards Department.

Any applications not supported at TPA or Departmental level will be reviewed by the Head of Professional Standards Department to ensure consistency / corpocracy across the organisation.

Any decision made by the Head of Professional Standards Department should be in line with the NPCC guidance principles and Joint Circular 54/11 relating to Standards of Professional Behaviour.

If the application is not being supported at TPA or Departmental level then the Head of Professional Standards Department will consult with the TPA/ Department prior to making the final decision to approve or refuse the application.

In exceptional circumstances, if a decision cannot be agreed, then the application may be remitted for determination by the Chief Officer team.

Official

The Head of Professional Standards Department may feel it necessary to clarify issues with the applicant or Line Manager prior to the approval or refusal of any application.

Any approved application may be subject to conditions.

Where the Head of Professional Standards Department decides to refuse an application then this may be the subject of an appeal by the individual concerned as outlined in Section 5 of the Business Interest and Additional Occupations Policy (How to Appeal).

Conditions

Cumbria Constabulary may wish to apply conditions even if it has consented to an individual having business interests or additional occupation. The specific conditions, necessary to ensure that Cumbria Constabulary's position is protected, will depend on the particular circumstances of each case and the individual.

However, the following general conditions will apply to all cases as a minimum:-

- i. Individuals should under no circumstances undertaken private work (whether paid or unpaid) for submission to or related to the Police and Crime Commissioner unless specifically requested to do so by the Chief Constable.
- ii. Individuals must not carry out any work related to a business interest or additional occupation (including accepting or making telephone calls) during normal working hours.
- iii. Individuals must not in the course of pursuing business interests or additional occupation use the Force's facilities or equipment or confidential information obtained from the Force or the Police and Crime Commissioner.
- iv. All approvals will be subject to a review (and possibly withdrawal of the interest) in the light of information received.
- v. Notwithstanding (iv) the Business Interest will be subject to an annual review.
- vi. If the Business Interest materially changes prior to the annual review it is the responsibility of the member of staff to submit a new Application Form outlining those changes and requesting continuance of the approval.

Recording & Monitoring Process

Central Services will be responsible for recording all applications whether approved or refused.

The hard copy application will be retained within the Central Services Department with a copy attached to the individual's personal file. The application together with any documentation subsequently generated in connection with an approved interest e.g. review papers or changes in interest notifications will be retained for seven years from the date the individual concerned leaves the Force.

Official

This is deemed necessary should the need arise to respond to any complaint or civil claim related to the individual and their business interest.

Once a decision has been made by the Head of Professional Standards Department a certificate of approval/refusal will be sent to the applicant.

The certificate of approval will indicate any conditions that have been placed on the interest being approved that require compliance by the individual and/or their TPA or Department. The certificate of refusal will include the reasons that decision has been made.

The individual shall retain a copy of the approval certificate and the original should be signed by both them and their Line Manager and returned to the Central Services Department. The certificate of refusal will contain the individual's right of appeal which should be made by way of submission on the Appeal Against the Decision to Refuse Business Interest and Additional Occupation.

Where an application has been approved the applicants Line Manager should take necessary steps to ensure that the member of staff is complying with the guidance contained within the Working Time Regulations 1998. This may involve discussions during SBC and / or Management meetings.

Where there is concern regarding the number of hours worked by the member of staff in relation to their role with Cumbria Constabulary **and** their Business Interest this may trigger a review of the Business Interest.

Cumbria Constabulary will publish anonymous information on their website regarding types of business interests held by officers / members of staff together with the numbers of interests held by each rank / scale.

Reviews & Notification of Changes to Interest

It is the individual's responsibility to annually submit the Amendment / Annual review of the Business Interest and Additional Occupation Form to gain continued approval of a Business Interest. This should be done at annual SBC or SBC review dates.

This should also be submitted if the Business Interest changes in anyway prior to the annual review. This will include notification that the Business Interest is no longer necessary / valid and also notification that the applicant's role has changed since the original application / approval.

A notification will also be forwarded to the individual, and their Head of the TPA/ Head of Department, to remind them of the need to submit an annual application.

Official

The notification will be generated by the Central Services Department.

The review will be progressed in the same manner as an original application i.e. via Line Manager and the TPA / Head of Department.

Should there be no material change in the circumstances of the Business Interest then approval will be given by the Head of Professional Standards Department without any consultation required as at para 5.5.

However, if there is a change in the circumstances of the Business Interest and / or the role of the applicant since the original application and approval then the review will be considered by the Head of Professional Standards in consultation as at para 5.5.

Where the annual review raises concerns that the individual has failed to comply with this policy and procedure or that the interests may be interfering with the discharge of their duties then this should be brought to the attention of the TPA / Head of Department.

Failure to submit the annual application may lead to the Business Interest and Additional Occupation approval being withdrawn by Cumbria Constabulary.

A review of a Business Interest and Additional Occupation can also be triggered at any time in the following circumstances –

There is concern that the business interest may be interfering with, or affecting -

1. The individual's performance whilst at work or health,
2. The health and safety of any person whilst the individual is at work,
3. The individual's ability to meet the Standards of Professional Behaviour

A review of a Business Interest and Additional Occupation may also be triggered if the Business Interest changes in any way.

Where there is concern in relation to the continuation of a Business Interest at TPA or Departmental level the Head of Professional Standards Department must be informed to enable the issue to be raised.

Business Interests and Additional Occupation prior to appointment to Cumbria Constabulary

A person appointed to Cumbria Constabulary must make application to continue a Business Interest and Additional Occupation held prior to their appointment and must inform the Force if a relative, included in their family, has a business interest.

Official

Guidance on Incompatible Business Interests and Additional Occupations.

Applications for the granting of a business interest or additional occupation are decided on a case by case basis involving careful consideration of a number of factors including the nature of the business interest or additional occupation and the current role and responsibilities of the applicant. Appropriate Officers (those with delegated powers from the chief officers as decision makers, usually the Head of Professional Standards) should start from the premise that only those business interest or additional occupations that are compatible with the ethos and values of the police service will be permitted and will give careful consideration to the potential for adverse reputational damage to the service arising from any perception of any shortfall in the integrity of a member of a police force being associated with the prospective interest or additional occupational.

Once satisfied there are no adverse reputational matters or conflicts of compatibility with the values and ethos of the police service, Appropriate Officers should start from the presumption that an application for a business interest or additional occupation will be granted unless there is sufficient justification for it to be rejected and will determine whether conditional approval may be warranted. The reasoning behind any imposition of conditions or any outright rejection must be fully recorded.

It is not possible to provide a definitive list of specific occupations, interests or activities that are likely to lead to an application being rejected because of the need to consider each case on its merits and to assess the risks involved. The following framework is intended to provide service-wide consistency of approach to the type of activities which are likely to lead to the rejection of an application. The list of activities and examples of specific jobs provided is not exhaustive. Equally it should not be assumed that an activity (other than the first) will automatically be rejected because it appears in the list below.

- Holding a licence or permit granted in pursuance of the law relating to liquor licensing, refreshment houses or betting and gaming or regulating places of entertainment within the force area (all of which are specifically covered by Regulation 7 of Police Regulations 2003);
- working in licensed premises where they would a conflict of interest with policing duties or with the specific work carried out by a police staff employee;
- an activity that would present a conflict of interest in the administration of justice (e.g magistrate, practising solicitor, barrister, fine enforcement officer);
- an activity that involves investigation for other than policing purposes (e.g loss assessor, private detective);
- an activity that mirrors police responsibilities or is an extension of police functions (e.g close protection, private security or surveillance, crime prevention or personal safety);
- an activity that is connected with the lending of money or recovery of debts for others or an activity that involved “hard selling” to colleagues or members of the

public by placing undue pressure upon them to buy or rent, including recruiting others to sell on his or her behalf;

- an activity using specialist skills or knowledge obtained through the police service;
- renting accommodation from or letting accommodation to a member of staff who is in the same line management structure (excluding short-term arrangements, such as holiday lets);
- appearing in any commercial filming production in which they portray either a police officer, police community support officer or other uniformed role, whether on or off duty, or undertake any role where it could be construed that they are representing the police service;
- the writing and publication of books, articles or other material for gain by serving members of the police service about their policing or work experiences.

Additional Information in line with HMICFRS Integrity Review

Routine checks will be carried out by PSD if an application has been refused to ensure that any such refusal is being adhered to by the police officer or police staff member.

Checks will also be carried out by PSD with Procurement, Estates and FIB to confirm the suitability for such Business Interest and Additional Occupation applications.

Applications by a Chief Officer

The same process applies to Chief Officers.

- The Assistant Chief Constable and the Deputy Chief Constable will submit their own personal applications to the Chief Constable for consideration.
- The Chief Constable will submit any personal application to the office of the Police and Crime Commissioner for consideration.

How to Appeal

If an individual wishes to appeal against any decision made by Cumbria Constabulary in connection with the policy they should write to the Deputy Chief Constable within 10 days of receiving the decision.

Appeal against Decision to Refuse Business Interest is available on the Force intranet for this purpose.

Commented [RK2]: as a force are we adopting the new regulations relating to approval being sought within 12 months of retirement of chief officer?

Commented [RK3]: Is there a form or process to follow?

The Deputy Chief Constable will consider the appeal and consult with the appropriate Head of the TPA and Head of Professional Standards Department to establish all facts before making their decision. He/she will then respond to the individual within 28 days of receipt of the appeal. Should this period not be achievable the Deputy Chief Constable will notify the individual in writing and advise them when the decision will be communicated. It is good practice to provide written reasons for the decision within 7 days of the meeting.

There is no further right of appeal against the decision of the Deputy Chief Constable.

Complaints of alleged unlawful discrimination may be registered with an employment tribunal within 3 months less one day of the alleged act of discrimination **subject to the appeal procedure being exhausted.**

Commented [RK4]: It doesn't have to be.

In addition, Cumbria Constabulary operates the "Fairness at Work Policy".

The main purpose of this policy is to ensure that individual members of staff who feel aggrieved about the way they have been treated either by management or by their colleagues are given every opportunity to have their grievances resolved in a fair and just manner. It is a flexible means of resolving problems at work and intended to resolve issues as quickly as possible.

Complaints about the overall policies and procedures of the Force as well as a number of other issues relating to quality of service or operational decisions should be made to the Chief Constable of Cumbria Constabulary at the following address:-

Commented [RK5]: Is this the correct avenue?

The Chief Constable,
Police Headquarters,
Carleton Hall,
Penrith, Cumbria.
CA10 2AU.

Application and appeal forms



Business interest
app.docx



Business interest
property rental.docx



Business interest
appeal.docx

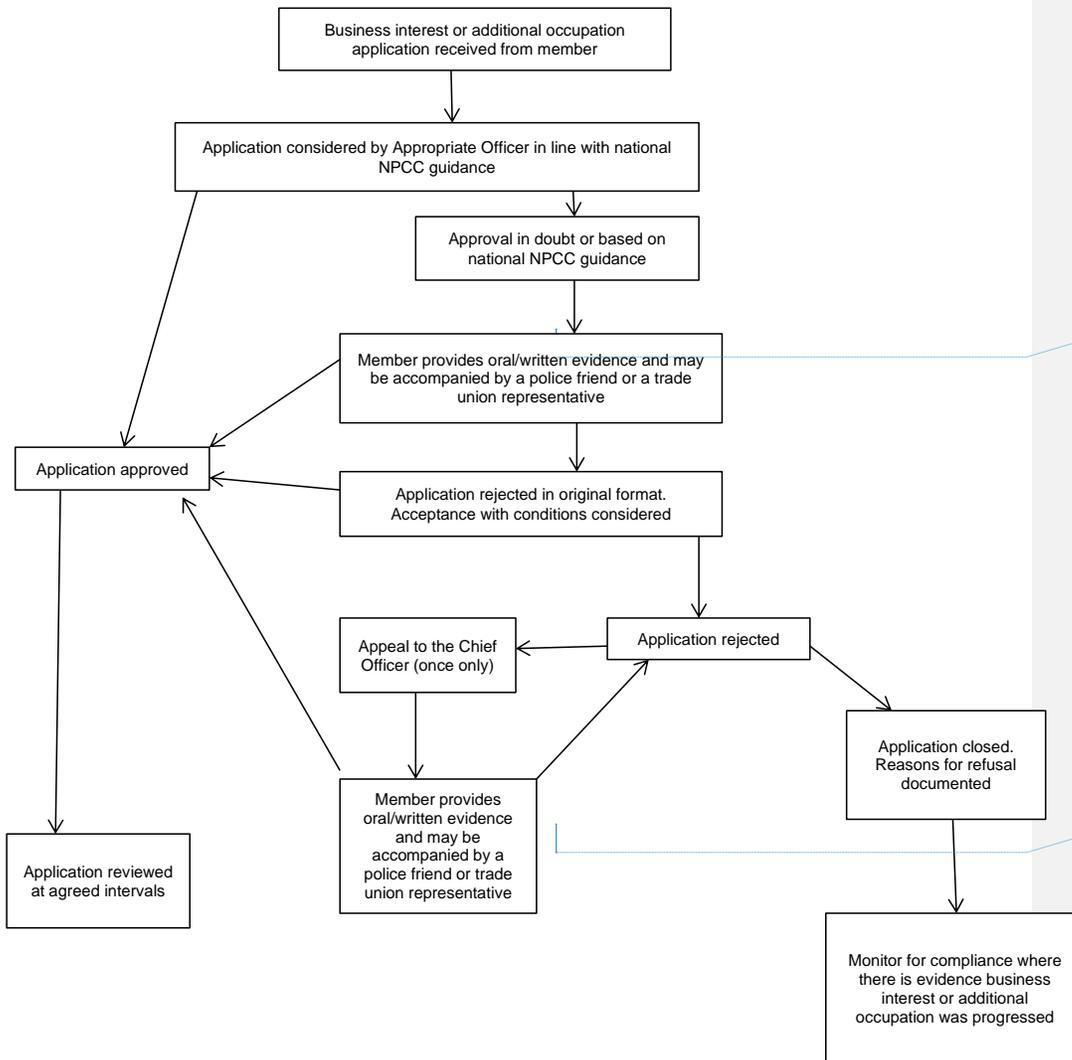


Business interest
renewal.docx



Business interest
certificate.docx

APPLICATION AND APPROVAL FLOWCHART



Commented [RK6]: Not included within the procedure

Commented [RK7]: Do you go back into the process here

Official



Vulnerable Association Procedure

It is the responsibility of each Officer/employee/third party member to declare vulnerable associations directly to the Professional Standards Department at the earliest opportunity. Where an individual has concerns that such an association may be inappropriate in that it carries the risks, as documented in the policy or is unsure of the antecedents of an individual, group, or organisation, they have a duty to bring it to the attention of PSD- Anti Corruption Unit. The individual should cease any unforced contact until they receive the outcome of the determination. This applies irrespective of whether these associations have been declared as part of any security clearance or vetting procedures.

Under no circumstances should an individual interrogate Force intelligence and information systems in order to substantiate or rebut their own concerns or suspicions about a potential association. They will report the matter to the ACU in accordance with policy/procedural guidance.

Enquiries will be made by the ACU and a record will be kept of all enquiries and checks made, the reasons for them and the results. The enquiries may also involve interviews with relevant individuals. This is to verify the association and identify any risks and/ or safeguards for the individual.

All Vulnerable Association Reports recorded in ACU will be referred to the Vulnerable Association Panel for consideration and a determination, including any

restrictions/limitations deemed proportionate and necessary. The panel will comprise representation from the D.C.C, Area representative, Head of Professional Standards, Legal Services and Human Resources.

The ACU will inform the TPA Commander/ Head of Department of the outcome, together with any restrictions/limitations and the appeal arrangements.

The outcome will be recorded in the ACU and a notification sent to the HR Department.

Third Party Declarations

Where an officer, member of staff or third party becomes aware of, or suspects another officer, staff member or third party has an association with an individual, group or organisation, which may be inappropriate, they should report this.

Mechanisms to report:-

- Direct to Line Management
- Report to Unison or Federation or internal support organisation
- Direct to the Anti-Corruption Unit or E Mail PSD-ACU Intel
- Confidentially -Direct Reporting Line Ext. 03301240788 Confidential Reporting/ Advice mailboxes

Determination

A declaration of a vulnerable association will not necessarily prohibit the association but will require a determination as to the threat and suitability of such an association.

The responsibility for making the determination of an identified or declared association lies with the Vulnerable Association Panel. The panel will consider further consultation with TPA Commanders or Head of Department and in the case of Departmental Heads or Superintendents having associations, the ACC.

The determination will be made based on the results of all enquiries made by the ACU and may include recommendations with regard to any limitations or restrictions.

The determination must be proportionate to the nature and circumstances of the association and may require some additional audit work to be undertaken over a specified time period. All additional work undertaken must be documented and accountable.

Notification of Determination

The notification of any determination should be given in person by the TPA Commander/ Head of Department.

A record that the individual has been informed should be made using the Vulnerable Association Determination Report including the time and date.

The determination is to be signed by all persons present including the member of staff subject of the determination. A copy of the completed notification report is to be forwarded to Head of Professional Standards which will be held in the ACU.

The individual is to be provided with a signed copy of the determination document and will set out the restrictions or limitations, if any, imposed on the relevant association.

Where a determination is made on an identified or declared association and is judged to be inappropriate because it carries an unacceptable risk, the individual together with their management will agree steps to be taken for the association to cease or be subject to appropriate and proportionate limitations.

Appeals against Determination

An individual member of staff subject of a determination will have the right to appeal that determination. Appeals against determinations should be submitted in writing within 14 days of notification to the Head of PSD.

They will then be referred to the ACC (or to the DCC when the ACC has been involved in the earlier decision-making); who will consider the appeal and make their determination based on the appeal report and the findings of any additional enquiries conducted. The notification of the appeal decision will be made within 14 days and conducted as per the determination notification.

Non-Compliance

All non-compliance matters should be referred to the Head of Professional Standards.

Where advice has been given that such an association must cease yet it persists or the limitations are not observed, then the conduct will be considered under the Police (Conduct) Regulations 2012 or as a disciplinary matter in respect of police staff in accordance with the Cumbria Constabulary Staff Discipline policy Procedures. The Head of Professional Standards will consider the matter and decide on the most appropriate course of action. In the assessment of such breaches aggravating factors and mitigation will be considered and addressed on a case by case basis.

Data and Information Management

All reported associations and the related determination documentation should be forwarded to the ACU for collation.

The data obtained will be held centrally in a secure database controlled and managed by ACU staff. The database will be subject to a robust security and data handling regime.

In order to provide the assurance to the organisation and its employees that sensitive data is managed appropriately and in accordance with legislative requirements, the system will be fully auditable and subject to independent oversight.

This page has been intentionally left blank



Substance Misuse Procedure

1. Introduction

Collection and screening of samples will be undertaken by suitably qualified and experienced staff using appropriate techniques to ensure the chain of custody is carefully controlled (set out in point 5 below). All samples will be collected, tested and analysed in line with the current European Workplace Drug Society guidelines. These personnel may be either direct employees of Cumbria Constabulary or contracted to an External Service Provider (ESP) who undertakes this function for Cumbria Constabulary.

Any drug testing laboratory used by Cumbria Constabulary must be specifically accredited for drug-testing work through appropriate national standards (UKAS and BSI).

2. Aims

Any instance of substance or alcohol misuse has the potential to impair judgement, which in turn has the potential to impact upon service delivery, public safety and the reputation of Cumbria Constabulary. The aim is to have support to those who self declare that they have an issue and have a procedure in place to deal with others.

3. Guidance

This procedure will primarily be used by the People Department

Cumbria Constabulary seeks to maintain the highest Professional Standards. Consequently, in line with the Code of Ethics, all employees are actively encouraged to report any concerns they have about their colleagues.

Given the high risk activities undertaken by employees of Cumbria Constabulary and the statutory requirement to provide safe systems of working, it is recognised that the misuse of legal substances such as prescribed medication has the potential to impact upon the delivery of a professional policing service. The persistent and prolonged misuse may be viewed as a serious disciplinary offence.

Voluntary Referrals

Individuals who voluntarily self-declare a dependency to either legal or illegal substances will receive support from Cumbria Constabulary to assist in rehabilitation. A self-declaration will not usually result in disciplinary action provided there is no evidence of serious criminal activity. Self-declarations made following notification to undergo pre-employment, pre-appointment, random or with cause testing, will not be regarded as a voluntary self-declaration and in these instances staff that test positive for illegal substances or misuse of legal substances will be subject to disciplinary action. Disciplinary / misconduct will only apply to those in the organisation not during pre-employment processes.

Following a Voluntary referral, The Force Medical Advisor will consider whether, on the basis of organisational need, the Head of Department / Chief Superintendent needs to be informed, particularly where a risk assessment is required to consider whether duties need to be modified on the basis of risk.

Confidentiality

Cumbria Constabulary will have due regard to protect privacy during the testing procedures and ensure testing is conducted in a sensitive manner. The force will also ensure that test results are handled in a secure and confidential manner. Records of test results will be retained in accordance with Data Protection legislation and principles.

However, there are some circumstances in which the interests of the proper administration of justice, may over-ride an absolute confidentiality. In particular, the Joint Operating Instructions (JOPI) agreed between Association of Chief Police Officers (NPCC) and the Crown Prosecution Service (CPS) place on the individual officer a personal responsibility to declare any matter that may affect their credibility as a witness in a court case. In some circumstances, substance misuse on the part of an officer acting as a witness may have to be disclosed to the CPS, as the damage to the credibility of the officer as a witness may be a factor to be considered in a decision whether to proceed with a prosecution.

The personal responsibility under JOPI will be drawn to the attention of an officer, by the Chief Superintendent, at the time at which any self-declaration of a substance misuse problem is made. The need to make a declaration to CPS will not arise in every case; each should be considered on its own facts and merits. The Constabulary Policy – **The Revelation of Criminal, Misconduct and Discipline Findings to the Crown Prosecution Service** refers.

4. Application

Candidates subject to testing will be asked to disclose details of any medication being taken, which may need to be taken into account when considering the results of the test. This

information will be seen only by staff from the OHU, the ESP, the testing laboratory and the Medical Review Officer (MRO) when conducting a medical review. It is important that information about medications taken prior to the test is recorded at the time of the specimen collection, and not at any later stage.

Substance Misuse testing methods are detailed below:-

Random Testing

Random testing will be undertaken by collection of both a **urine and a breath** sample. Those required to undergo random testing will be required to provide a sample of urine to an approved external contractor using appropriate sample collection kits and will cover the following substances:

- Amphetamines (including Ecstasy)
- Cannabis
- Cocaine
- Opiates (eg Morphine/Heroin)
- Benzodiazepines

The breath sample will be taken using breath testing equipment capable of taking a measurement at the 13 microgrammes level, or blood equivalent. Anyone who provides a breath sample which is over 29mg% in blood / 13mg% in breath (Home Office Limit) but below 80mg% in blood, 35mg% in breath (Drink Drive Limit) will be removed from safety critical duties, a risk assessment will be conducted and s/he will be found alternative work for duration of shift.

The poor performance in failing this test will be managed by Senior Management Team. This will be subject to review. Officers and Staff who are tested and provide a sample of 80mg% in blood, 35mg% in breath or above, will be referred to Professional Standards for consideration of potential criminal matters. Nothing in this policy will prevent any action being taken under the Road Traffic Act and this should be considered in these circumstances.

With Cause Testing

There will be occasions where a Manager has reasonable grounds to suspect that a Police Officer or member of staff is involved in illegal drug misuse, alcohol misuse, or intelligence or information may be received about such activities. For 'cause' to be established the test of 'reasonable suspicion must be satisfied'

Such cases will be discussed with the Head of Professional Standards, who will consider what action if any needs to be taken, which may include a 'With Cause' test. Each case will be considered on individual merits.

Tests will be undertaken without prior notice and may be undertaken by either trained police staff or an approved, qualified, external provider using breath testing/urine and/or hair sampling methodologies. The decision to use these samples will be at the discretion of

the Head of Professional Standards Department. In all cases, samples will be collected using appropriate sample collection kits.

The urine sample will cover the same substances as Random Testing, plus one other specified controlled substance based on intelligence leading to reasonable cause to suspect the officer/staff member has used the substance in question. The candidate to be tested will be notified which substances are to be tested for.

The Hair Sample test will be undertaken by the collection of 2 samples of hair 3cm in length and containing at least 50 – 100 strands of hair per sample. This will primarily be taken from the head, however, on occasion armpit or chest hair may be used.

The only exception to this will be where prior information has been provided as to why the candidate cannot provide a sufficient hair sample. In these instances the test will revert to a urine sample being required. Candidates who provide a urine sample in these circumstances will be required to provide a further three random samples over a 6 month period.

All hair samples will be split into 2 by the collection agent in the presence of the individual being tested. All hair samples will be forwarded to the approved laboratory. One sample will be used for testing purposes and the other retained by the laboratory to facilitate independent testing following dispute or appeal of laboratory findings.

Refusal by the candidate to undergo a 'With Cause' test or failure to provide a suitable sample will be treated as a positive result and may lead to disciplinary proceedings that may result in dismissal.

Where a candidate is required to undergo a 'With Cause' test, they may request that they are accompanied by a work colleague, the unavailability of a work colleague will not prevent the 'With Cause' test from proceeding.

Police Officers may be recalled to duty whilst on annual leave, sick leave, suspension or career break for the purpose of conducting a 'With Cause' test.

Failure to attend when ordered to do so will be treated as a failure to provide a suitable sample and will lead to disciplinary proceedings that may result in dismissal.

Post Offer Medical Screening

Post offer medical screening is required for all potential recruits, inc Specials and PCSO's; this will include mandatory drug testing using a urine sample. All offers are conditional to medical clearance – including drugs testing.

Transferees from other forces may be subject to medical and drug testing based on individual assessment.

Refusal to participate in drug testing will mean that the candidate will not be considered for employment by Cumbria Constabulary and will result in a withdrawal of the conditional offer. Occupational Health Staff will be trained in specimen collection. Specimens will be sent to the external testing agency for independent testing. Results will be fed back to Occupational Health for advice on fitness for recruitment. Human Resources will inform individuals of the requirements of testing and the consequences of a positive test, the requirement will be included in all recruitment material / information

Current Police Staff need to be aware that if they test positive when applying to become a Police Officer this may be treated as a disciplinary matter which could have implications on their employment.

Police Officers applying for a transfer from other Forces, who are subject to drug testing need to be aware that any positive result would be fed back to their current Force which would be dealt with in accordance with their current Force's policy on 'Substance Misuse'.

Internal candidates who apply for vulnerable or safety/critical posts (as per Annex A) may be subject to drug testing. Refusal will preclude them from these posts.

Collection Process

The collection process is facilitated by the use of a special Chain of Custody collection kit. The documentation is provided by a multi-part duplicating form. The documentation is completed in the presence of the candidate who will sign to consent and confirm that the specimen is theirs and provide information about any medication taken during the previous three months. The sample will be sealed in the presence of the candidate.

Any information provided about medication taken by the candidate will be confidential to the testing laboratory, MRO and OHU. It will not be disclosed during any subsequent investigation by PSD without the consent of the candidate. Copies of the Chain of Custody form with the confidential medical information section excluded will be provided to PSD as part of an investigation into substance misuse on request to the OHU manager.

The urine testing kit used for Random and With Cause test has two containers and, after collection, the specimen is divided between the two containers and these are both labelled and sealed with tamper evident security seals in preparation for dispatch to the laboratory for analysis. Both specimen containers remain together for dispatch to the laboratory for analysis. One container, the 'A' sample, is used at the laboratory for drug analysis whilst the second, the 'B' sample, is stored at the laboratory under secure conditions, on behalf of the candidate, as a back up in case he/she wishes to challenge a positive laboratory result.

5. Secure Chain of Custody Collection

The general principles of Chain of Custody collection can be summarised as follows:-

- To ensure the the candidate understands the procedure

- To document medications taken by the candidate
- To maintain evidential integrity – the ‘Chain of Custody’
- To avoid cheating by the candidate (specimen dilution, adulteration, substitution etc)
- To allow the candidate to provide a specimen in appropriate circumstances (e.g privacy for urine collection)
- To adopt procedures that allow the candidate to have access to the specimen for independent analysis (e.g splitting the specimen)
- To allow the candidate to observe the whole procedure by which the specimen is packaged ready for transport to the laboratory
- To ensure that the specimen is untouched at any stage, thereby avoiding contamination
- To ensure that the specimen is sent to the laboratory in tamper-evident packaging

6. Medical Review

On arrival at the Laboratory the specimens and their packaging are examined to check that the security seals on the containers are intact, and that there are no other signs of tampering. Further checks establish that the Chain of Custody paperwork has been fully completed.

Once the sample integrity checks have been done, the ‘A’ sample is opened ready for drug analysis and the ‘B’ sample is stored under secure conditions on behalf of the candidate. If the laboratory analysis identifies one or more drugs in the specimen, further investigation is required.

The positive analytical results need to be interpreted in light of any factors that may provide a legitimate explanation for the presence of the drugs (e.g any medications taken by the specimen candidate in the days before the test).

This process is referred to as ‘Medical Review’ and is conducted by a Medical Review Officer (MRO) in case there is a need for a medical discussion with the candidate. The MRO reviews the evidence and arrives at an opinion as to the origins of the drugs identified, if their presence can be explained by the use of prescribed or proprietary medication the Constabulary will be advised of a ‘Negative’ outcome.

Where the result is negative, the candidate will be informed of this without delay by PSD.

If the presence of drugs in a specimen cannot be accounted for in this way, the Constabulary will be advised of a ‘Confirmed Positive’ outcome. The outcome reported will include details of the drug(s) identified.

In cases where there is any doubt, the overriding principle of the MRO is to give the benefit of that doubt to the specimen candidate.

7. Handling “Confirmed Positive” Results

Positive results will be forwarded by the MRO to PSD and reported to the Head of People Department.

- A confirmed positive result as part of the Police Officer recruitment process will be notified to the OHU who will in turn notify the Head of PSD/HR or nominated representative so that the candidate may be withdrawn from the recruitment process.
- A confirmed positive result from a candidate who had self declared a substance misuse problem prior to being tested will be reviewed by OHU to assess whether the result was consistent with rehabilitation treatment being undertaken. If this is the case then no investigation will take place and it will remain a welfare issue. If the result suggested that an agreed programme of rehabilitation was not being followed, the matter will be referred to PSD and an investigation will commence.

It should be borne in mind that a person may self-declare for one substance (e.g. cannabis) but test ‘positive’ for another (e.g. heroin). In such cases where, for example, the heroin has not been declared, PSD should investigate the matter, as this would not be classed as ‘self-declaration’ for the heroin.

- All other confirmed positive results will be referred immediately to PSD for action. PSD will notify both the candidate, their Chief Superintendent / Director of the result, and of any immediate action, including suspension from duty where appropriate in accordance with the Suspension from duty of Police Officers/Special Constables and Police Staff policy.

Any claim by the candidate to the Chief Superintendent/Director that there was a reason (other than a medical reason) for the positive result should be referred to PSD for investigation, disciplinary action may follow. Such claims would include any claim that a positive test was a result of the candidate having consumed unknowingly a ‘spiked’ drink.

8. Challenging a ‘Positive’ test result

The candidate has the right to challenge the results of a drug test using the second part of the split specimen (the ‘B’ sample). In the case of a challenge, the sealed ‘B’ sample will be sent to an independent accredited laboratory of the candidates choice. The candidate is required to meet the cost of the transfer and subsequent analysis, but these costs may be reimbursed in the event that the test on the ‘B’ sample is negative.

Annex A Vulnerable or Safety/Critical Roles

Anyone within the policing family who fall into any of the categories below are deemed to hold vulnerable or safety/critical roles. These roles are all subject to random testing. Any member who tests positive for drug use may be subject to disciplinary and criminal proceeding.

Safety Critical posts: any post in which impairment would pose a greater risk of harm to officers, staff or the public e.g Firearms, Drivers, POLSA

Vulnerable: under cover, close associations with criminals, contact with drugs or drug dealers, posts identified by the Chief Officer within each force as being vulnerable because of a specific responsibility for dealing with drugs.

Application to staff fulfilling same criteria as set out for officers.

Definition of Vulnerable or Safety/Critical Role:

1. Vulnerable Posts:
 - Undercover Officers
 - Drug Squad Officers
 - Test Purchase Officers

2. Safety Critical Posts:
 - Officers/Staff who come into contact with firearms
 - Officers/Staff Drivers (including Driver Training Instructors)
 - POLSA teams
 - Police Divers
 - Staff involved in maintenance activities for buildings, equipment or vehicles
 - Dog Handlers



Joint Audit Committee
20 November 2019
Agenda Item No 12



Annual Governance Statement 2019/20 Development and Improvement Plan Update

Introduction

This report is designed to provide members with an update on the progress made to date in respect of the action plans developed for both the Constabulary and the Office of the Police and Crime Commissioner as part of the production of the Annual Governance Statement (AGS).

The update is being provided to provide members with information regarding progress on the implementation of the AGS action plan for the OPCC and Constabulary.

The following appendices provide details of the actions included in the action plan, the target timescale for completion, current progress against the action and the lead officer responsible for that action.

- Appendix A – Annual Governance Statement Action Plan 2019/20 – Constabulary
- Appendix B – Annual Governance Statement Action Plan 2019/20 – OPCC

CUMBRIA VISION 25



LOCAL POLICING / WORKFORCE / SPECIALIST CAPABILITIES / BUSINESS SUPPORT / DIGITAL POLICING

Report Summary – Constabulary AGS (Detail included at Appendix A)

Summary of Actions	Constabulary	
	No	%
Actions included in the AGS	23	100%
Actions completed since last report	6	26%
Open Actions C/fwd	17	74%
Summary of Total Actions by Status		
Completed	6	26%
Ongoing (within original timescale)	15	66%
Ongoing (original timescale extended)	1	4%
Overdue/ timescale extended	0	0%
Not yet due	1	4%
Total	23	100%

Report Summary – OPCC AGS (Detail included at Appendix B)

Summary of Actions	Constabulary	
	No	%
Actions included in the AGS	12	100%
Actions completed since last report	5	42%
Open Actions C/fwd	7	58%
Summary of Total Actions by Status		
Completed	5	42%
Ongoing (within original timescale)	7	58%
Ongoing (original timescale extended)	0	0%
Overdue/ timescale extended	0	0%
Not yet due	0	0%
Total	12	100%

Constabulary AGS Action Plan 2019/20

Ref	B/fwd from 2018/19 (ref)	Action	Lead Officer	Action Update as at 31 October 2018	Implementation by	Revised Implementation Date	Status
Core Principle A: Focusing on behaving with integrity, demonstrating strong							
CPA/1	N/A	Undertake review of the PSD function.	Head of People	The department was reviewed in 2019 and COG approved the temporary growth of 1 DS & 1 DC in order to facilitate the increase demand from off duty conduct and the transfer of Police staff investigations. This will be removed in 2020.	31st March 2020		Ongoing (within original timescale)
CPA/2	N/A	Undertake a campaign in relation to professional relationships within the workforce aligned to an initiative by the national code of ethics board.	Head of People	Completed, the sexual harassment in the work place campaign which has now been recognised in the regional and national ACAG as best practise.	31st March 2020		Completed
CPA/3	N/A	Undertake a refresher media campaign in relation to the code of ethics.	Head of People	This is a rolling programme with specific inputs on PC/Sgt/Inspector days. There is regular reminders on the intranet and PASS newsletter.	31st March 2020		Completed
Core Principle B: Focusing on ensuring openness and comprehensive stakeholder							
CPB/1	CPB/1	Evaluate the requirements and implement the Single On-Line Home external website in conjunction with the National Police Chiefs Council to improve public contact and access to services.	Director of Corporate Improvement	No further progress on this to date as still waiting for confirmation from national project	TBA		Not Yet Due
CPB/2	CPB/3	Complete the review of policy management arrangements and make recommendations for streamlining the process, the products and their accessibility.	Director of Corporate Improvement	On track. Outline plan developed to achieve by end of financial year	31st March 2020		Ongoing (within original timescale)
CPB/3	N/A	Develop the current internal communications strategy to include internal social media channels, that provide enhanced engagement and involvement in organisational decision making and policy development.	Director of Corporate Improvement	On track. Outline plan developed to achieve by end of financial year	31st March 2020		Ongoing (within original timescale)
CPB/4	N/A	Review the public consultation arrangements to improve the timeliness and relevance of information from the public that can inform Constabulary decision-making and policy development	Director of Corporate Improvement	Completed. New strategy devised and implemented	30th September 2019		Completed
Core Principle C: Focusing on defining outcomes in terms of sustainable economic,							
CPC/1	N/A	Develop a Strategy for the affordable storage of Digital Data	Chief Superintendent Crime Command	Work is underway to develop in conjunction with Durham a digital strategy. This will include consideration of a range of options including both on premise and cloud based storage together with processes to managed and reduce data through housekeeping.	31st March 2020		Ongoing (within original timescale)
CPC/2	N/A	Conduct an options evaluation for future Estates provision in West Cumbria	Head of Estates and Fleet	Meetings are arranged in early January to begin discussions around determining the future operating model for West Cumbria. These will inform the business case for the West Cumbria estate. In addition the Head of Estates and Fleet is reviewing the PFI contract to gain a full understanding of the options that exist around the current building as we move closer to the PFI contract end date.	30th June 2020		Ongoing (within original timescale)

Constabulary AGS Action Plan 2019/20

Ref	B/fwd from 2018/19 (ref)	Action	Lead Officer	Action Update as at 31 October 2018	Implementation by	Revised Implementation Date	Status
Core Principle D: Focusing on determining the interventions necessary to optimise							
CPD/1	CPD/5	Re-design business processes in relation to the Control Room as part of the implementation of the SAFE system to deliver business benefits.	Superintendent - Organisational Business Delivery	Core system went live in June 2019 with limited additional functionality. Current priority is ensuring system stability and fixing any issues with detailed roadmap of additional functionality being developed with supplier. Additional Inspector post within the CCR provided by the project to look at re-design of processes as increased functionality of the system comes on-line.	31st March 2020		Ongoing (within original timescale)
CPD/2	N/A	Undertake further analysis of current and future demand to inform strategic business planning, the Force Management Statement and the resource allocation process for 2020/21.	Director of Corporate Improvement	On track. Outline plan developed to achieve by end of financial year	31st March 2020		Ongoing (within original timescale)
CPD/3	N/A	Evaluate the Local Focus Hubs and their effectiveness in reducing demand and dealing with vulnerability issues in the local area	Director of Corporate Improvement	In the Corporate Improvement Plan for later in this financial year	31st March 2020		Ongoing (within original timescale)
CPD/4	CPD/4	Plan and implement actions to demonstrate increased visibility to communities.	Deputy Chief Constable / Director of Corporate Improvement	An outline visibility strategy has been developed. Further work is now required due to Operation Uplift	30th September 2020		Ongoing (within original timescale)
Core Principle E: Focusing on developing the entity's capacity, including the capability of its leadership and individuals within it.							
CPE/1	N/A	Develop and deliver the strategy to improve digital capability in the organisation and, deliver improvements to productivity	Director Corporate Improvement Ch Supt. J Blackwell	Suggest change Lead Officer to Ch. Supt. Jonny Blackwell. A programme of work has started.	31st March 2020		Ongoing (within original timescale)
CPE/2	CPE/4	Develop an action plan arising from the Well-Being survey.	Head of People	The action plan for well-being is held on the OK website, we're held to account nationally via the well being lead CC Rhodes this includes actions from the well being survey. The DCC is chair of the strategic well being board.	31st July 2019		Completed
CPE/3	CPE/5	Develop a vision for the delivery of Procurement within the Constabulary and OPCC to meet organisational needs.	Director of Corporate Support	Procurement Strategy 2019-2022 approved by COG and PCC early 2019. Phase 1 (mandatory steps) delivered resulting in an improved audit report. Now focusing on Opportunity phase where business partners will specialise in specific areas of Commercial activity. Future updates covered in Annual Commercial Report.	30th September 2019		Completed
CPE/4	N/A	In conjunction with Higher Education partners, implement the new PEQF arrangements for new officer recruits.	Head of Learning & Development	Established governance process and work streams in place. UCLAN teaching staff now recruited and working with Police Trainers to develop detailed course content. Validation event at UCLAN in place for 11th November.	30th September 2020		Ongoing (within original timescale)

Constabulary AGS Action Plan 2019/20

Ref	B/fwd from 2018/19 (ref)	Action	Lead Officer	Action Update as at 31 October 2018	Implementation by	Revised Implementation Date	Status
Core Principle F: Focusing on managing risks and performance through internal control and strong public financial management.							
CPF/1	N/A	Review the current risk management arrangements to ensure relevance and effectiveness	Director Corporate Improvement	Completed	30th September 2019		Completed
CPF/2	CPF/1	Develop the balanced scorecard approach to performance management and embed this within the Vision 2025 governance arrangements.	Director of Corporate Improvement	Scorecards are developed and the visual manifestations of these are part of the Business Intelligence programme of work	31st March 2020		Ongoing (within original timescale)
CPF/3	CPF/2	Further develop the strategic resource management performance framework to drive improvements in our use of resources, and ensure that the benefits of significant investment in change and ICT are delivered.	Director of Corporate Improvement	Ongoing as part of the Business Intelligence programme of work and the benefits realisation plans, currently being reviewed.	31st March 2020		Ongoing (within original timescale)
CPF/4	CPF/4	Implement an action plan to ensure that the OPCC complies with new General Data Protection Regulations	Head of People	There is an action plan which is overseen by CS Blackwell this forms part of the Information governance review. Ongoing piece of work, in addition to this there is a GDPR project.	31st March 2020		Ongoing (within original timescale)
CPF/5	CPF/5	Further develop the Business Intelligence Strategy to inform future ICT developments, improve the information available to managers for effective decision making, to support improvements in services for the public and, develop and improve the dashboards available to officers and staff.	Director of Corporate Improvement / Director of Corporate Support	Ongoing as part of the Business Intelligence programme of work. Further investment in this area has been approved during this financial year (includes additional technical resource and shifting of personnel within the Constabulary to ensure that the project can deliver a suite of products.)	31st March 2020		Ongoing (within original timescale)
CPF/6	N/A	Undertake a review of Data Management arrangements and resourcing covering information security, GDPR and MOPI	Director of Corporate Improvement	Phase 1 of the review has been completed, with initial recommendations approved around leadership of the function. A pilot is being run to determine the effectiveness of this approach, alongside some tactical changes after which time final recommendations will be proposed.	30th September 2019	31st May 2020 (Approved by COG 11/11/19)	Ongoing (original timescale extended)

Office of the Police and Crime Commissioner Action Plan 2019/20

Ref	B/fwd from 2018/19 (ref)	Action	Lead Officer	Implementation by	Action Update 31 October 2019	Revised Implementation Date	Status
Core Principle A: Focusing on behaving with integrity, demonstrating strong commitment to ethical values and							
CPA/1	CPA/1	Implement systems and processes to facilitate the OPCC's new responsibility for administering local appeals	Governance Manager	31st March 2020 (To be confirmed by Home Office)	As there is to be a general election on 12 December the Home Office will be unable to progress legislation through Parliament in early December as previously indicated. The latest date is 10 January 2020 to enable the legislation to come into force by 1/2/2020. The College of Policing/Home Office/IOPC are providing training to all forces and OPCC's in preparation for the changes during September 2019 to January 2020.		Ongoing (within original timescale)
Core Principle B: Focusing on ensuring openness and comprehensive stakeholder engagement.							
CPB/1	CPB/1	Review and evaluate Communications and Engagement arrangements.	Head of Communications and Business Services	31st December 2019	This work is on track to be completed by the deadline.		Ongoing (within original timescale)
CPB/2	CPB/1	Arising from the review of communications and engagement, develop an Engagement Strategy 2020-2024	Head of Communications and Business Services	30th June 2020	This work is on track to be completed by the deadline.		Ongoing (within original timescale)
Core Principle C: Focusing on defining outcomes in terms of sustainable, economic, social and environmental							
CPC/1	CPC/1	Implement and embed an over-arching governance framework for the OPCC.	Head of Communications and Business Services	30th June 2019	The framework has been developed and is implemented within the OPCC.		Completed
CPC/2		Undertake a review of how the OPCC works in Partnership (formal / informal) to allow resources to be used more efficiently and outcomes achieved more effectively.	Head of Partnerships and Commissioning	31st March 2020	This work is on track to be completed by the deadline.		Ongoing (within original timescale)
Core Principle D: Focusing on determining the interventions necessary to optimise the achievement of intended							
CPD/1		Working with Cumbria County Council, the Constabulary, NHS England, Local District Councils, and other agencies, embed a new integrated Victims Service.	Head of Partnerships and Commissioning	31st March 2020	The new integrated service is in place and robust contract management arrangements are being implemented to ensure the new service is embedded.		Completed
CPD/2	CPD/2	Continue to collaborate with partner bodies to develop a consistent and join-up approach to the delivery of Womens' Centres across the County.	Head of Partnerships and Commissioning	31st March 2020	This work is on track to be completed by the deadline. The WoW Centre is now open in the West of the county.		Ongoing (within original timescale)
CPD/3	CPD/3	Implement a joint Social Value Policy with the Constabulary including a Modern Slavery Statement	Head of Partnerships and Commissioning	30th September 2019	Complete		Completed

Office of the Police and Crime Commissioner Action Plan 2019/20

Ref	B/fwd from 2018/19	Action	Lead Officer	Implementation by	Action Update 31 October 2019	Revised Implementation Date	Status
Core Principle E: Focusing on developing the entity's capacity, including the capability of its leadership and the							
CPE/1		Implement a programme of training and development programme within the OPCC. safety.	Head of Communications and Business Services	30th September 2019	A programme of development and training has been finalised, approved by the OPCC Exec Team and is now being implemented		Completed
CPE/2		Review contract management arrangements and implement recommendations.	Head of Partnerships and Commissioning	31st March 2020	This work is on track to be completed by the deadline.		Ongoing (within original timescale)
CPE/3	CPE/4	Develop a vision for the delivery of Procurement within the Constabulary and OPCC to meet organisational needs.	Director of Corporate Support	30th September 2019	Procurement Strategy 2019-2022 approved by COG and PCC early 2019. Phase 1 (mandatory steps) delivered resulting in an improved audit report. Now focusing on Opportunity phase where business partners will specialise in specific areas of Commercial activity. Future updates covered in Annual Commercial Report.		Completed
Core Principle F: Focusing on managing risks and performance through internal control and strong public financial							
CPF/1		Scope the approach and put in place arrangements to support the development of the Police & Crime Plan 2020/2024.	Head of Partnerships and Commissioning	31st January 2020	This work is on track to be completed by the deadline.		Ongoing (within original timescale)

Annual Commercial Solutions Report and Dashboard

Presentation to JAC

20 November 2019



 101

 www.cumbria.police.uk

  [cumbriapolice](https://www.facebook.com/cumbriapolice)

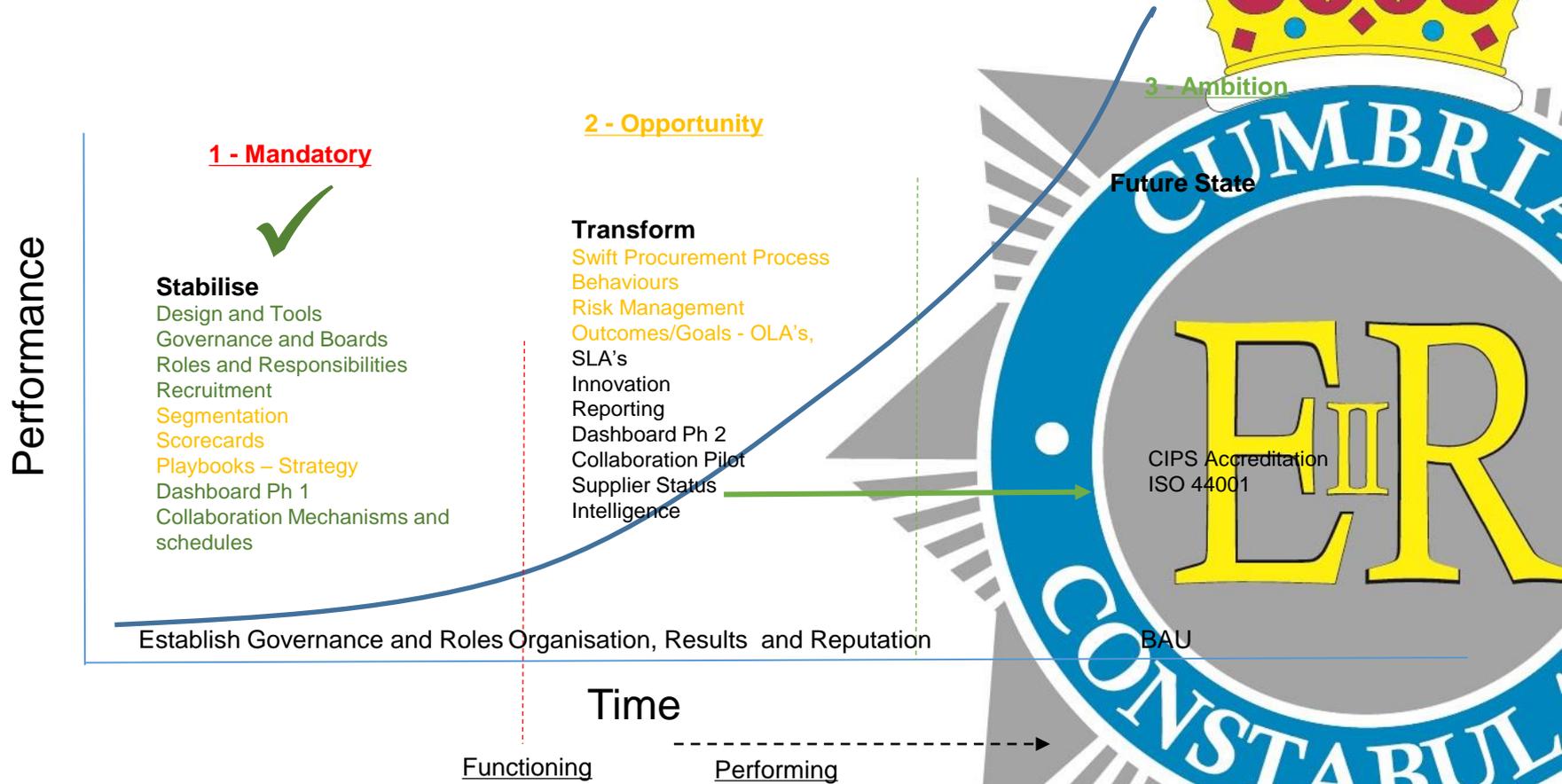


Plan on a Page



Mission	Deliver an Outstanding Procurement Service Enabling Safe Policing					
Values	Integrity	Leaders	Accountable	Open	Honest	Objective
Core Procurement	Innovate	Influence	Deliver	Trust	Consistent	Communicate
	Continuous Improvement			One Team		
Approach	Stepping Up Delivering Strategy	Stepping Up Leadership and Organisation	Stepping up Acting with Professionalism - People	Stepping up Delivering Quality Processes and Systems	Stepping up Managing Performance	
Challenges Transformation Action Plans	Vision Programme Action Plan • Spend Waves • Commissioning • Ops • Digital Policing • ICT • Logistics • Fleet • Estate SME Sustainability Collaboration – YPO, CC, etc	Strategic v Purchasing Maturity Delivery/Sunset Budget • Training • Recruitment • Succession Plans	Professional Standards CPD Targets Communications Leadership Influencing Contract Management	National Guidelines Governance • Contract Register • Data Control • Ethics • Approval GDPR • Implementation, Contract Review, Due Diligence, Mitigation Audit • Scope, Maturity/RAG, Spec, Tender, Open Book Calendar/Pipeline	Segmentation • Loss of Supplier, Critical, opportunity, Single Source MIS – Dashboard • Reports, Awards, Tender status, Spend, No of Suppliers, Supplier Status, Top 10 by spend, category etc, Payment Days D&B Targets T&C's Home Office Savings	
Outputs	Vision and Direction Procurement Strategy Digital Strategy Standards RESULTS	Supplier and Team Charter Eg 7 principles of Public Life Ethics Cumbria 25	Training Plan Excellence	Policies and Procedures Forward Plans Successful Audits Accreditation	Dashboard T&C's SRM Programme RESULTS	

Three Phases



Progress to Date

Audit report – Improvement **from** Partial Assurance (since 2016) **to** Reasonable Assurance.

- Recommendations reduced **from** 3 High, 10 Medium, 3 Advisory **to** 3 Medium, 2 Advisory

Collaboration Schedule and Supplier Status pilot.

Membership of Institute for Collaborate Working.

All Business Partners in place.

Mature Contract Award Board

Revised spend limits in place, lessons learned...

Six CIPS Apprentices.

Social Value and Community's Plan

Succession Plan in place.

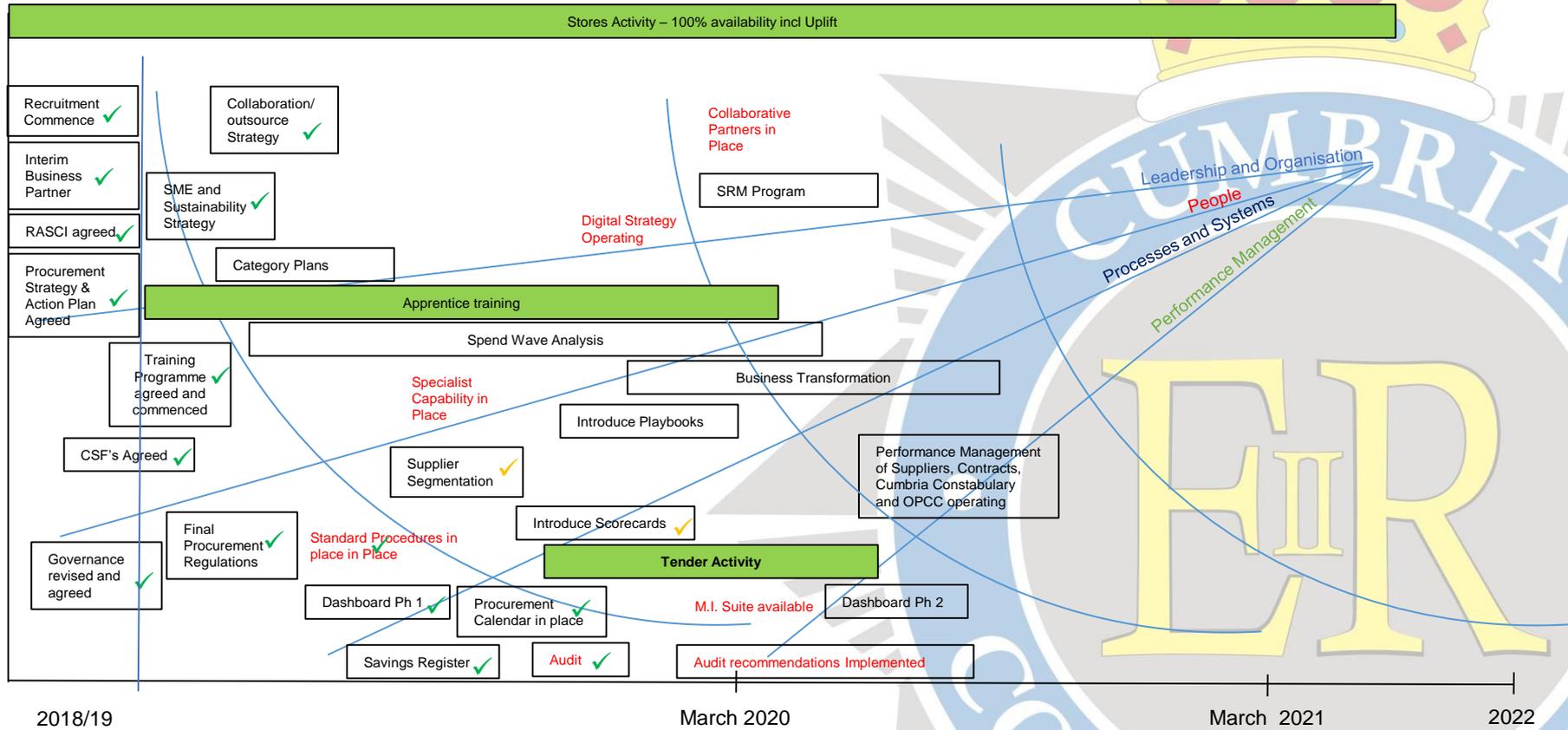
7 Exams passed

99 Contracts signed >£25k (Feb – Oct)

£706,000 Cashable Savings

Delivery Plan

Culture Change and Procurement Activity



2018/19

March 2020

March 2021

2022



Peter McCall

Treasury Management Activities 2019/20

Quarter 1 (July - September 2019)

Public Accountability Conference 07 November 2019

Joint Audit Committee Meeting 20 November 2019

Purpose of the Report

The purpose of this paper is to report on the Treasury Management Activities (TMA), which have taken place during the period July – September 2019, in accordance with the requirements of CIPFA’s Code of Practice on Treasury Management. TMA are undertaken in accordance with the Treasury Management Strategy Statement (TMSS) and Treasury Management Practices (TMPs) approved by the Commissioner in February each year.

Recommendations

The Commissioner is asked to note the contents of this report.

JAC Members are asked to note the contents of this report. The report is provided as part of the arrangements to ensure members are briefed on Treasury Management and maintain an understanding of activity in support of their review of the annual strategy.

Economic Background

During the quarter ended 30 September 2019:

- Boris Johnson replaced Theresa May as Prime Minister,
- GDP fell by 0.2% q/q in Q2, but rose at the start of Q3,
- The fundamentals that determine consumer spending remained healthy,
- Inflation fell below the Bank of England’s 2% target,
- There was a widespread fall in investors’ global interest rate expectations,
- The MPC kept Bank Rate on hold at 0.75%, but struck a more dovish tone.

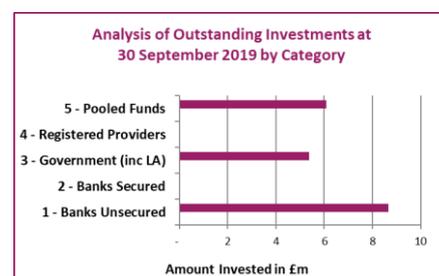
Brexit uncertainty has had a dampening effect on UK GDP growth in 2019, especially around mid-year. If there were to be a no deal Brexit, then it is likely that there would be a cut or cuts in Bank Rate to help support economic growth. The September MPC meeting sounded even more concern about world growth and the effect that

prolonged Brexit uncertainty is likely to have on growth.

TM Operations and Performance Measures

The Commissioners day to day TMA are undertaken in accordance with the TMSS. The TMSS establishes an investment strategy with limits for particular categories of investment and individual counterparty limits within the categories.

Outstanding Investments: As at 30 September 2019 the total value of investments was **£20.151m** and all were within TMSS limits. The chart below shows the outstanding investments at 30 September by category.



A full list of the investments that make up the balance of **£20.151m** is provided at **Appendix A**.

Investment Activity: During quarter 2 a number of investments were made within TM categories 1 and 3 (Banks unsecured and Government) primarily as a result of the Pension grant that is received in advance of spend in July.

Month	Number of Investments	Total Value of Investments £m
July 2019	7	12.99
August 2019	0	0.00
September 2019	1	1.40

In addition to the above there are regular smaller investments made via money market funds (category 5 pooled funds).

Non-specified investments: The TMSS sets a limit for investments with a duration of greater than 365 days at the time the investment is made (known as non-specified investments), this limit is £3m. At 30th September the Commissioner had no investments that met this definition.

Investment Income: The budget for investment interest receivable in 2019/20 is £165k. The current forecast against this target is that the actual interest will be in the region of £130k. The budget included potential interest earned from investment in a property fund. Given the uncertainty around Brexit, particularly a no-deal Brexit and the possibility of a recession putting

pressure on property prices, it has been decided to hold off on this kind of investment until the effects of Brexit are clearer. Factors such as future interest rates available and investment balances will also affect the final sum for investment income received.

The average return on investment at the end of quarter 2 is 0.72%.

As a measure of investment performance, the rate achieved on maturing investments of over 3 months in duration is compared with the average BOE base rate.

The table below illustrates the rate achieved on the four maturing investments of over three months duration in quarter 2 compared with the average base rate for the duration of the investment.

Borrower	Value £m	Period (Months)	Actual Rate (%)	Average Base Rate (%)
Thurrock	£1m	6	0.93%	0.75%
East Dunbartonshire	£2m	6	1.05%	0.75%
Treasury Bills	£1.4m	3	0.69%	0.75%
Treasury Bills	£1.6m	3	0.66%	0.75%

Cash Balances: The aim of the TMSS is to invest surplus funds and minimise the level of un-invested cash balances. The actual un-invested cash balances for the period July to September are summarised in the table below:

	Number of Days	Average Balance £	Largest Balance £
Days In Credit	89	3,700	99,280
Days Overdrawn	3	(4)	(4)

The largest un-invested balance occurred on the 13th August (£99k) whereby a customer paid a large invoice. In line with procedure, any funds banked during the day are subject to checking by the bank and could be removed from our account again while any issues are resolved, which would have resulted in an overdrawn account. It is therefore normal practice that this cash is not invested into the liquidity select account and would have been left in the main fund account.

The largest/only overdrawn balance occurred over the weekend of 6th July (£4k) and was as a result of the two bounced cheques.

Prudential Indicators

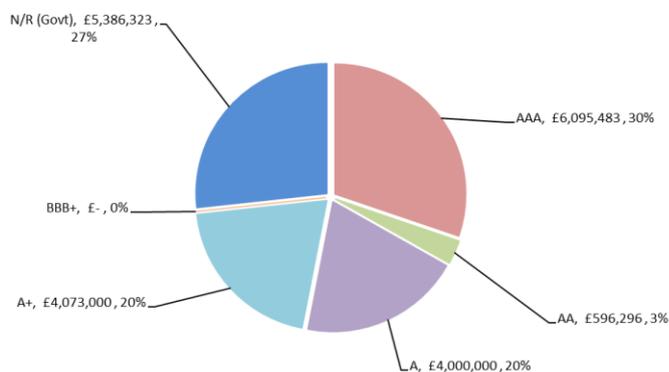
In accordance with the Prudential Code, the TMSS includes a number of measures known as Prudential Indicators, which determine if the TMSS meets the requirements of the Prudential Code in terms of *Affordability, Sustainability and Prudence*.

An analysis of the current position with regard to those prudential indicators for the financial year 2019/20 is provided at **Appendix B**. The analysis confirms that the Prudential Indicators set for 2019/20 are all being complied with.

Appendix A Investment Balance at 30 September 2019

Category/Institution	Credit Rating	Investment Date	Investment Matures	Days to Maturity	Rate (%)	Amount (£)	Counterparty Total (£)
Category 1 - Banks Unsecured (Includes Banks & Building Societies)							
Svenska (Deposit Acc)	AA	Various	On Demand	N/A	0.30%	596,296	596,296
NatWest (Liquidity Select Acc)	A+	30/09/2019	01/10/2019	O/N	0.20%	73,000	73,000
Lloyds	A	05/07/2019	06/01/2020	98	1.00%	2,000,000	2,000,000
Nationwide	A	05/07/2019	06/01/2020	98	0.81%	2,000,000	2,000,000
Heleba	A+	05/07/2019	24/12/2019	85	0.70%	2,000,000	2,000,000
Barclays	A+	05/07/2019	07/10/2019	7	0.60%	2,000,000	2,000,000
						8,669,296	8,669,296
Category 2 - Banks Secured (Includes Banks & Building Societies)							
						0	0
Category 3 - Government (Includes HM Treasury and Other Local Authorities)							
Government T Bills	N/R (Govt)	05/07/2019	23/12/2019	84	0.70%	1,993,463	1,993,463
Government T Bills	N/R (Govt)	30/09/2019	30/03/2020	182	0.70%	1,997,730	1,997,730
Government T Bills	N/R (Govt)	07/10/2019	06/01/2020	98	0.70%	1,395,130	1,395,130
						5,386,323	5,386,323
Category 4 -Registered Providers (Includes Providers of Social Housing)							
None						0	0
						0	0
Category 5 -Pooled Funds (Includes AAA rated Money Market Funds)							
Invesco	AAA	Various	On demand	O/N		0	0
Fidelity	AAA	Various	On demand	O/N		95,483	95,483
BlackRock	AAA	Various	On demand	O/N		0	0
Goldman Sachs	AAA	Various	On demand	O/N		2,300,000	2,300,000
Aberdeen Standard	AAA	Various	On demand	O/N		3,700,000	3,700,000
						6,095,483	6,095,483
Total						20,151,102	20,151,102

Analysis of Outstanding Investments by Credit Rating of Counterparty at 30 September 2019 (Minimum Criteria per TMSS A-)



Note – The credit ratings in the table & chart relate to the standing as at 7th July 2019, these ratings are constantly subject to change.

Appendix B

Prudential Indicators 2019/20

Prudential and Treasury Indicators		Result	RAG
Treasury Management Indicators			
The Authorised Limit			
<i>The authorised limit represents an upper limit of external borrowing that could be afforded in the short term but may not be sustainable. It is the expected maximum borrowing need with some headroom for unexpected movements. This is a statutory limit under section 3(1) of the Local Government Act 2003.</i>	TEST - Is current external borrowing within the approved limit	YES	
The Operational Boundary			
<i>The operational boundary represents an estimate of the most likely but not worst case scenario it is only a guide and may be breached temporarily due to variations in cash flow.</i>	TEST - Is current external borrowing within the approved limit	YES	
Actual External Debt			
<i>It is unlikely that the Commissioner will actually exercise external borrowing until there is a change in the present structure of investment rates compared to the costs of borrowing.</i>	TEST - Is the external debt within the Authorised limit and operational boundary	YES	
Gross and Net Debt			
<i>The purpose of this indicator is to highlight a situation where the Commissioner is planning to borrow in advance of need.</i>	TEST - Is the PCC planning to borrow in advance of need	NO	
Maturity Structure of Borrowing			
<i>The indicator is designed to exercise control over the Commissioner having large concentrations of fixed rate debt needing to be repaid at any one time.</i>	TEST - Does the PCC have large amounts of fixed rate debt requiring repayment at any one time	NO	
Upper Limit for total principal sums invested for over 365 Days			
<i>The purpose of this indicator is to ensure that the Commissioner has protected himself against the risk of loss arising from the need to seek early redemption of principal sums invested.</i>	TEST - Is the value of long term investments within the approved limit	YES	
Purdenial indicators			
Ratio of Financing Costs to Net Revenue Stream			
<i>This is an indicator of affordability and highlights the revenue implications of existing and proposed capital expenditure by identifying the proportion of revenue budget required to meet financing costs</i>	TEST - Is the ratio of capital expenditure funded by revenue within planned limits	YES	
Net Borrowing and the Capital Financing Requirement			
<i>This indicator is to ensure that net borrowing will only be for capital purposes. The Commissioner should ensure that the net external borrowing does not exceed the total CFR requirement from the preceding year plus any additional borrowing for the next 2 years.</i>	TEST - Is net debt less than the capital financing requirement	YES	
Capital Expenditure and Capital financing			
<i>The original and current forecasts of capital expenditure and the amount of capital expenditure to be funded by prudential borrowing for 2019/20</i>	TEST - Is the current capital outturn within planned limits	YES	
Capital Financing Requirement			
<i>The CFR is a measure of the extent to which the Commissioner needs to borrow to support capital expenditure only. It should be noted that at present all borrowing has been met internally.</i>	TEST - Is the capital financing requirement within planned limits	YES	