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Our reference: jh/EIP

Date: 31 January 2020

AGENDA

TO: THE MEMBERS OF THE ETHCS AND INTEGRITY PANEL

CUMBRIA POLICE & CRIME COMMISSIONER AND CUMBRIA CONSTABULARY ETHICS AND INTEGRITY PANEL

A Meeting of the Ethics and Integrity Panel will take place on **Thursday 6 February 2020** in **Conference Room 2**, Police Headquarters, Carleton Hall, Penrith, at **2.00 pm**. Please note that a buffet lunch will be served for Members of the Ethics and Integrity Panel.

G Shearer
Chief Executive

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

The Panel members will meet at 11.00 am to carry out a mental health detention dip sample, followed by an information session regarding the changes to legislation

PANEL MEMBERSHIP

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

AGENDA

PART 1– ITEMS TO BE CONSIDERED IN THE PRESENCE OF THE PRESS AND PUBLIC

1. APOLOGIES FOR ABSENCE

2. DISCLOSURE OF PERSONAL INTERESTS

Members are invited to disclose any personal/prejudicial interest which they may have in any of the items on the Agenda. If the personal interest is a prejudicial interest, then the individual member should not participate in a discussion of the matter and must withdraw from the meeting room unless a dispensation has previously been obtained.

3. URGENT BUSINESS AND EXCLUSION OF THE PRESS AND PUBLIC

To consider (i) any urgent items of business and (ii) whether the press and public should be excluded from the Meeting during consideration of any Agenda item where there is likely disclosure of information exempt under s.100A(4) and Part I Schedule A of the Local Government Act 1972 and the public interest in not disclosing outweighs any public interest in disclosure.

PART 2– ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PRESS AND PUBLIC

4. NOTES OF THE PREVIOUS MEETING

To confirm the restricted notes of the meeting of the Ethics and Integrity Panel held on 7 November 2019 (copy enclosed).

5. COMMUNICATION CENTRE

To receive an update on the resolution of the issues identified regarding the SAAB SAFE System.

6. SPIT HOODS

To receive an annual report on the Constabulary's usage since being introduced in January 2019 - *To be presented by*

7. THEMATIC SESSION FEEDBACK

To receive verbal feedback on the Mental Health Detentions dip sample

8. INTEGRITY

To receive a report on the work carried out within the Constabulary's Professional Standards Department in relation to Complaints by the Public

9. COMPLAINTS AND MISCONDUCT LEGISLATIVE CHANGES

To receive an update on legislative changes in relation to complaints and misconduct, the new processes to be introduced and training for the panel .

10. DRAFT ANNUAL REPORT

To consider and approve the Panel's Annual Report for 2019 – *To be presented by the OPCC Governance Manager.*

11. ETHICAL WORK

To discuss how the Ethics and Integrity Panel may assist the Constabulary with ethical dilemmas and issues.

Agenda Item No 4

ETHICS AND INTEGRITY PANEL

Notes of a meeting of the Ethics and Integrity Panel held on
Thursday 7 November 2019 in Conference Room 2, Police Headquarters,
Carleton Hall, Penrith, at 2.00 pm

PRESENT

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

Also present:

Deputy Chief Constable Mark Webster
Superintendent Carl Patrick
Superintendent – Lisa Hogan
Detective Chief Inspector – David Stalker
Head of Legal Services – Andrew Dobson
OPCC Chief Executive - Gill Shearer
OPCC Governance Manager - Joanne Head

30. APOLOGIES FOR ABSENCE

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

31. DISCLOSURE OF PERSONAL INTERESTS

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

32. URGENT BUSINESS

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

33. NOTES OF THE PREVIOUS MEETING

The notes of the meeting held on 8 August 2019 and supporting action sheet previously circulated with the agenda were agreed.

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

26. BODYWORN VIDEO REVIEW

Superintendent Patrick provided a presentation on the Constabulary's previous and current usage of Bodyworn Video equipment. Usage of the equipment by officers and staff have improved by 26% since the review partly due to briefings and the ability to analyse performance data on usage. This was against a background of a 5% reduction in the number of incidents. It was noted that single crewed officers attended over half of incidents attended by the Constabulary emphasising the importance of using the Bodyworn video facility. The Panel were keen to learn whether or not similar data was available for Stop and Search and Use of Force and were informed that this was being looked at.

In response to a Panel Member's question, Superintendent Patrick advised that although some officers were still reticent in using Bodyworn video the Constabulary were looking to educate staff in its benefits through regular conversations with their line managers before any substantive measures were taken.

AGREED; that the presentation be noted.

27. SPIT GUARDS

During the morning, the Panel had carried out a dip sample of some of the usage of Spit Guards throughout the year. The Panel recognised the diverse incidents officers were required to attend and were pleased to see the detailed and proportionate use of Spit Guards in the cases they reviewed.

The Panel questioned whether the current process to record Spit Guard usage could be improved to reduce the amount of work involved to collate the reports. A discussion took place on the current Use of Force form and whether or not it met the needs to the Constabulary. They recognised that to date there had been no complaints or adverse outcomes from the use of Spit Guards and this was largely attributed to the Spit Guards only being use on an individual for a short space of time.

AGREED; that, the verbal reports be noted.

(Note: Superintendent Patrick left the meeting at this point.)

28. CIVIL CLAIMS

The Director of Legal Services presented a report outlining active and closed Public Liability Claims, Employer Liability Claims, Employment Tribunal applications or proceedings and Judicial Review proceedings.

The number of Public Liability claims had seen two new claims that had been deemed significant with one older claim being closed within the 6 month reporting period. There were now 8 significant claims being dealt with by the Constabulary.

One claim related to the provision of information through the Subject Access Request (SAR) process. The Panel asked whether there were any issues within the Constabulary for the provision of information and data via SAR or Freedom of Information. DCC Webster advised that there was a current backlog, however the Constabulary were looking to provide some temporary resource to assist with this. They were also proposing to publish more information on their website to try and reduce the number of FOI requests received.

The Panel discussed a number of ongoing cases, at what stage they were currently at and whether the estimated potential costs had remained the same. Some of the claims related to issues encountered on a national basis and therefore Legal Services were liaising with other forces.

Agreed; that the report be noted.

(Note: Andrew Dobson left the meeting at this point.)

29. GRIEVANCES

During the reporting period of 1 April to 30 September 2019, there were a total of 11 grievance claims made, with 3 affiliated to one individual and another 6 to 3 individuals. The cases were at a number of different stages.

The Panel discussed in more depth details of the cases being raised to enable them to understand the nature of the issues raised through the Grievance procedure.

Agreed; that the report be noted.

30. INTEGRITY

DCI Stalker presented a report providing a quarterly update on public complaints, officer and staff misconduct and work carried out by the Anti-Corruption Unit. It was noted that the Constabulary recorded 9,000 incidents per month of which 0.79% resulted in a complaints being received. Unprofessional conduct constituted 50% of these with 53% of those relating to victims and witnesses not being kept updated.

Superintendent Hogan advised that more 'service recovery' work was being carried out by Sergeants and Inspectors within local areas rather than within the Professional Standards Department (PSD). This enabled matters to be dealt with quickly and gave supervisors an insight into issues relating to their officers and staff. The use of Bodyworn video was reducing the time taken to deal with some complaints, which was pleasing to see. Although the facility was not being utilised by all officers which was frustrating as had it been used many more complaints could be dealt with at their initial stage.

A discussion took place on the work of the Anti-Corruption Unit and misconduct cases that were both current and finalised. During the morning, the Panel had carried out a dip sample of finalised police officer and police staff misconduct cases. In relation to one case the Panel asked what training was provided to tutor constables and Superintendent Hogan advised that the officer would undertake a 3 day training programme.

One Panel member had reviewed two cases, one relating to a police officer the other to a member of staff for what appeared to be very similar offences of disclosure. There appeared to be a disparity between how they were dealt with as the police staff had been fully investigated for one incident whereas the police officer who was reviewed for a number of disclosure matters was not. Ultimately, both cases resulted in NFA but the Panel member questioned why there had not been a thorough investigation into the police officer. DCC Webster advised that intelligence information which had not been available for the Panel member to see had provided the rationale for the Constabulary's actions and talked them through this. As PSD were now part of the People Department the investigation of incidents concerning police officers and police staff were dealt with in the same department that should result in no difference in the ethical or moral stance taken. The Panel felt that the disparity should be reviewed to ensure that any underlying issues in relation to the police officer had not gone unchecked.

AGREED; that, the report be noted.

31. THEMATIC SESSIONS UPDATE

(a) Communications Centre

The Panel had carried out a dip sample of pre-recorded 999 calls, live calls and the 101 email system. They felt that calls had in the main been handled very well, with call handlers being professional and empathetic to the different types of callers. Any required police response to the 999 calls had been very quick with call handlers staying on the line with the caller until police officers arrived.

The Constabulary had introduced a new system within the Comms Centre on 17 June 2019. Some initial issues with the new system had been experienced by the call handlers; such as booking officers on and off duty, directing calls to individual officer's voicemails and some calls being dropped during the call. Changes to the system had meant that officers and staff had to adapt to the different ways of logging and dealing with calls that had caused some initial problems.

Work was being carried out to rectify the identified issues with the provider and the Constabulary's IT department. It had been recognised that some onsite testing by the provider was required and this would take place w/c 18 November 2019. In addition an independent IT consultant would be commissioned to assist the Constabulary in identifying and scoping viable solutions.

The Panel were concerned that Comms Centre officers and staff were not all fully aware of the current situation, what issues were being prioritised and potentially what the systems full

capabilities were. They recognised that it may have the same functionality but needed to be carried out in a different way. DCC Webster assured the Panel that regular updates were provided to all officers and staff within the Comms Centre with the latest one going out that morning. It was agreed that an update on the resolution of issues with the SAAB SAFE system would be provided to the Panel at their February meeting.

AGREED; that,
 (i) the verbal report be noted; and
 (ii) An update on the resolution of issues with the SAAB SAFE system be provided to the Panel.

(b) Use of Force Board

A Panel member had attended 2 Use of Force Board meetings, and although they could provide feedback and comment on issues, the Panel felt that it was not providing the scrutiny element that the Constabulary was looking for.

A discussion was held on how the Constabulary could obtain the scrutiny they required and what role the Panel could play in this. It was agreed that DCC Webster would identify how this could be achieved and report back to the Panel.

AGREED; that, DCC Webster identify how the Constabulary could provide data for wider scrutiny.

32. OPCC COMPLAINTS AND QSPI

The Governance Manager presented two reports, the first outlined complaints dealt with by the OPCC and the other regarding areas of dissatisfaction which members of the public had contacted the Commissioner about.

During the first nine months of 2019, the OPCC had received no complaints regarding the Police and Crime Commissioner and three complaints in relation to the Chief Constable. There were currently no outstanding complaints about the Chief Constable, Mrs Michelle Skeer. No complaints had been received regarding any member of OPCC staff.

In 2018 the OPCC had received a total of 350 notifications of dissatisfaction from members of the public regarding policing matters. Up to 30 September 2019 the OPCC had received 355, equating to a 44% increase.

The issues raised in 2019 were very broad ranging with the top six being:

- Police Resources/Police Service (185)
- Council Tax (50)
- Car Parking / Driving Issues (49)
- 101 (15)
- Appleby Horse Fair (13)

➤ Anti-Social Behaviour (12)

Issues relating to the police service being received by members of the public were wide ranging with the most common being that they were not kept updated in relation to an incident or ongoing matters. Issues reported regarding 101 had been following the new system being introduced and predominantly related to call waiting times and calls being lost.

Local Focus Hubs within each of the three policing areas provided a multi-agency approach to many issues experienced within communities, allowing a wider scope of solutions to be implemented. Once initially resolved continued oversight ensured that problems did not arise again.

Agreed; that, the reports be noted.

28. COMPLAINTS AND MISCONDUCT REGULATION CHANGES

The Governance Manager advised the Panel that with the General Election due to take place on 12 December 2019 it was uncertain whether or not legislation would be laid in time for it to come into effect from 1 February 2020. Work was still progressing in preparation of the changes with training being provided by the College of Policing, Home Office and the Independent Office for Police Conduct (IOPC).

Work was continuing by the OPCC to scope how this work would be carried out going forward and a number of options were being considered. In 2020, the OPCC would be reporting to the Panel on reviews (appeals) rather than the Constabulary, identifying any trends or issues. When carrying out their dip sample of public complaints the Panel would include the review element carried out within the OPCC.

AGREED; that the report and verbal updates be received.

29. 2020 ANNUAL WORK PROGRAMME & MEETING DATES

In addition to the cyclical work of the Ethics Panel a discussion was held on what areas of business the Panel could look at as part of the Thematic review work. Areas such as the Constabulary's use of PND and ANPR were considered as the Independent Commissioner's Office (ICO) were interested in how police used these types of tools. It was also recognised that when introduced the Practice Requires Improvement process for police offices may have some initial teething problems.

Agreed; that, the proposed areas be included within the Panel's 2020 work programme

Meeting ended at 4.30 pm

Signed: _____
Panel Chair

Date: _____

Ethics and Integrity Panel



Title: Spit Guard Annual Report

Date: 4 February 2020

Agenda Item No: 06

Originating Officer: Inspector D Barr

CC:

Executive Summary:

In January 2019 Cumbria Constabulary took the decision to implement the use of Spit Guards by officers. There was to be a 12 month roll-out training programme to enable officers to use Spit Guards as they attended Personal Safety Training courses. Training would also be included as part of new officer induction training. This report provides a report on the training and usage of Spit Guards within 2019.

Recommendation:

That, the Ethics and Integrity Panel note the report.

1. Officer Training

- 1.1 Officers may only use Spit Guards once they have been fully trained. During the course of 2019, 765 officers attended refresher training which included the usage of Spit Guards. A further 99 officers were trained during their initial training course, giving a total of 864 officers being trained how to use and apply Spit Guards within the Constabulary.
- 1.2 No complaints have been made regarding the application or use of Spit Guards within 2019. This can largely be attributed to the Spit Guards only being used on an individual for a short period of time.

2. Use of Spit Guards During 2019

- 2.1 The mesh fabric hoods prevent a person from spitting or biting officers. Being loose-fitting they do not restrict breathing or impact the wearer's visibility. Saliva and blood in saliva can host a variety of diseases, bacteria and viruses and by using the Spit Guards they keep officers safe. Spit Guards are single use, following which they are disposed of.
- 2.2 Between 3 January and 31 December 2019 there have been 36 incidents where Spit Guards have been used by officers. The gender breakdown of the detainees being 29 males and 7

females; with their ethnicity being identified as 35 White British/Irish and 1 Asian. Detailed below is a breakdown of monthly usage:

Month	Usage
January	2
February	3
March	2
April	2
May	2
June	3
July	3
August	6
September	5
October	3
November	3
December	2

As can be seen the monthly usage is small with the exception of August and September. A detailed analysis of these two months was carried out but no underlying issues or trends were identified.

- 2.3 In November 2019 the Ethics and Integrity Panel carried out a dip sample of some of the usage of Spit Guards throughout the year. The Panel recognised the diverse incidents officers were required to attend and were pleased to see the detailed and proportionate use of Spit Guards in the cases they reviewed.
- 2.4 Appended to this report is a breakdown of some of the incidents where Spit Guards have been used during the year.

3. Future Training

- 3.1 Refresher training which officers attend will include the usage of Spit Guards and any officers who have not been previously trained receive the training at this stage. All newly recruited officers and Special Constables will receive training as part of their Initial Officer Safety training.
- 3.2 The current colour of Spit Guards is flesh. However after extensive testing the suppliers are proposing to change the colour to black as this would provide improved vision for the wearer. Once current stocks are depleted the Constabulary will move to the black option.

4. Supplementary information

Appendix 1

Public Complaints



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

Conduct



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

ACU Intel



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



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

- **Conduct**
 - Priority issues, Discovery/emerging issues and Learning and Development 11
 - Public Complaints and Conduct – 4P Plan 12



- **ACU Intel**
 - Purpose and Background 13
 - Priority Issues 14

- **Appendices**
 - Organisational Learning 15



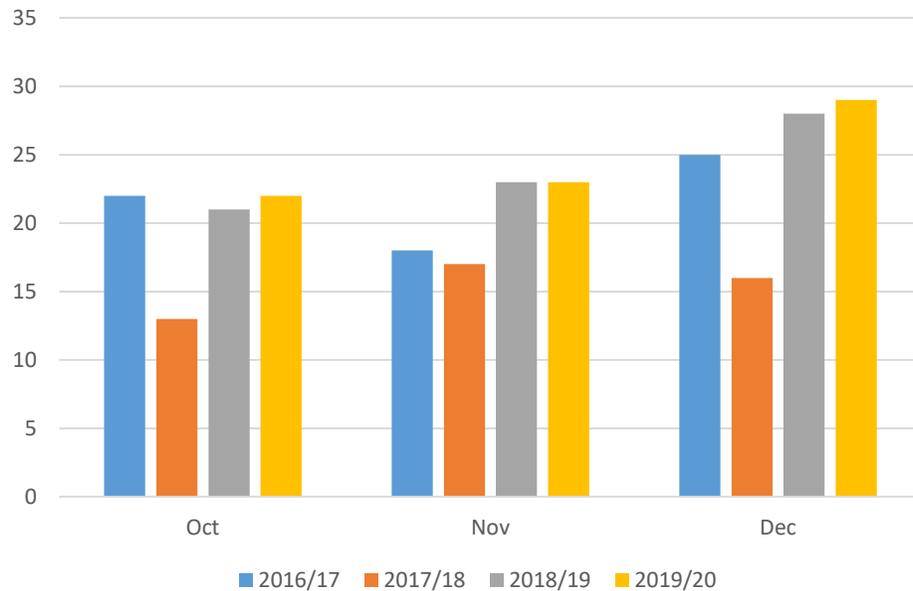
- Complaints from members of the public with regard the actions and conduct of police officers and staff are currently recorded centrally through the Professional Standards Department.
- The range of the data for this quarterly report is from 30th September 2019 to 31st Dec 2020
- Data extracted utilises information from Cumbria Constabulary ICT systems which includes Centurion, the PSD case management system.
- In reviewing information, in addition to Constabulary systems, regard is given to partner agencies including The Independent Office of Police Conduct (IOPC).
- Public complaints relate to an expression of dissatisfaction in relation to Cumbria Police Officers and staff. Each complaint may consist of one or more specific allegations. Complaint allegations are broken down into a number of categories to assist with recording and analysis. Subject to the nature of the complaint, it is either allocated to a supervisor to manage locally (local resolution or local proportionate investigation) or alternatively the matter is investigated by the Professional Standards Department.
- The IOPC uses this data to understand how forces handle public complaints and to assess trends.

Public Complaints: Complaint Cases and Allegations – Current Quarter



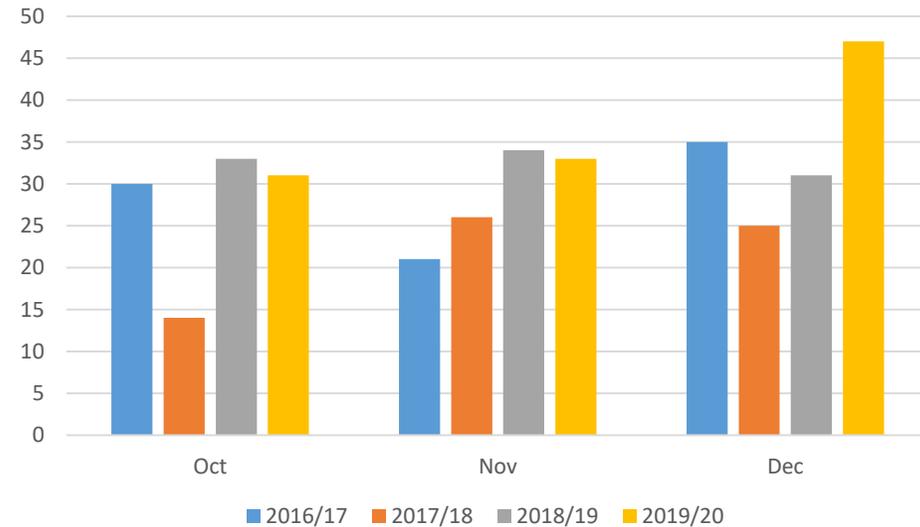
The below graph shows the total complaint cases for the current quarter and same quarter of the previous 3 years.

Complaint cases for Quarter 3 2016/17 - 2019/20



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

Complaint allegations for Quarter 3 2016/17 - 2019/20



Public Complaints: Percentage of Crimes



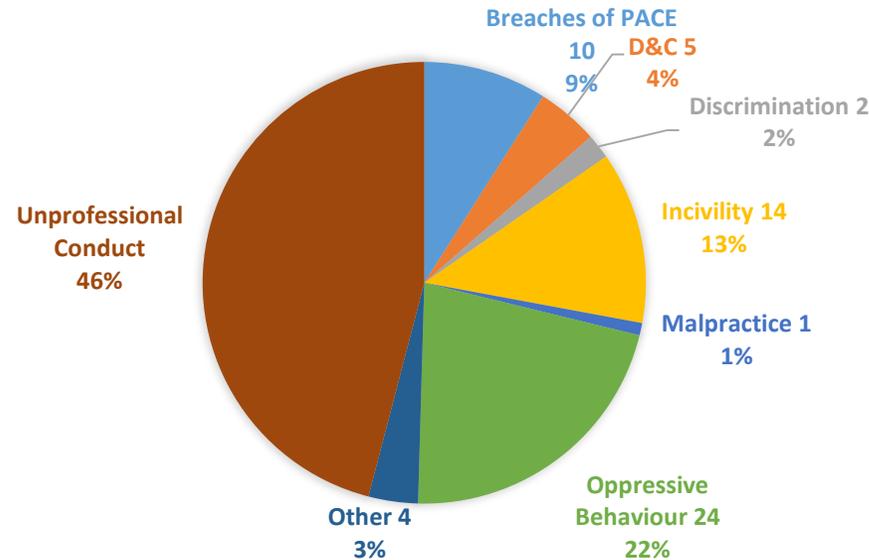
- There were **74** cases recorded in the current quarter and **111** allegations.
- **2882** have been processed via custody.
- 9638 crimes have been recorded in lines with National Crime Recording Standards.
- **23243** incidents have been recorded during the quarter.

2019	Incident logs	Crimes	Total Custody (inc VA)	Voluntary Attendance
October	7958	3338	940	199
November	7465	3219	943	227
December	7820	3081	939	146
Total	23243	9638	2822	572

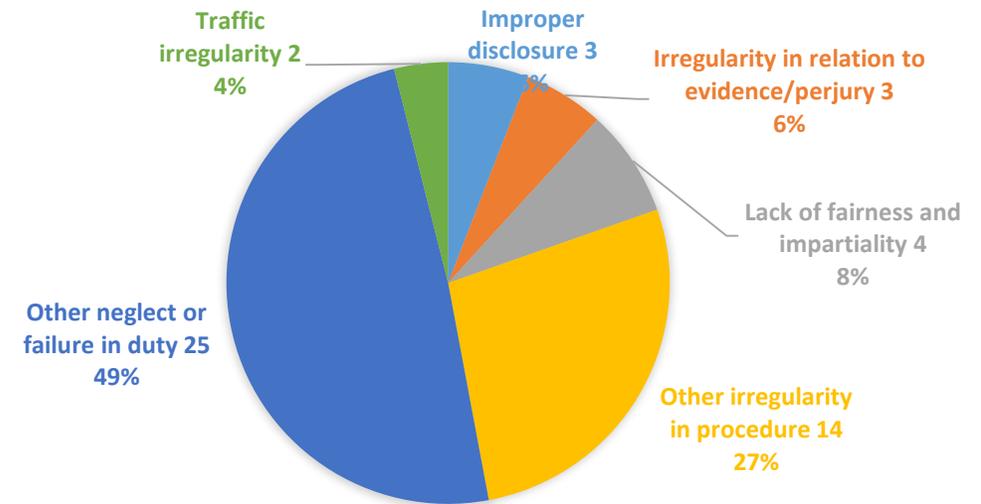
Public Complaints: Complaint Cases and Allegations - Types



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



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



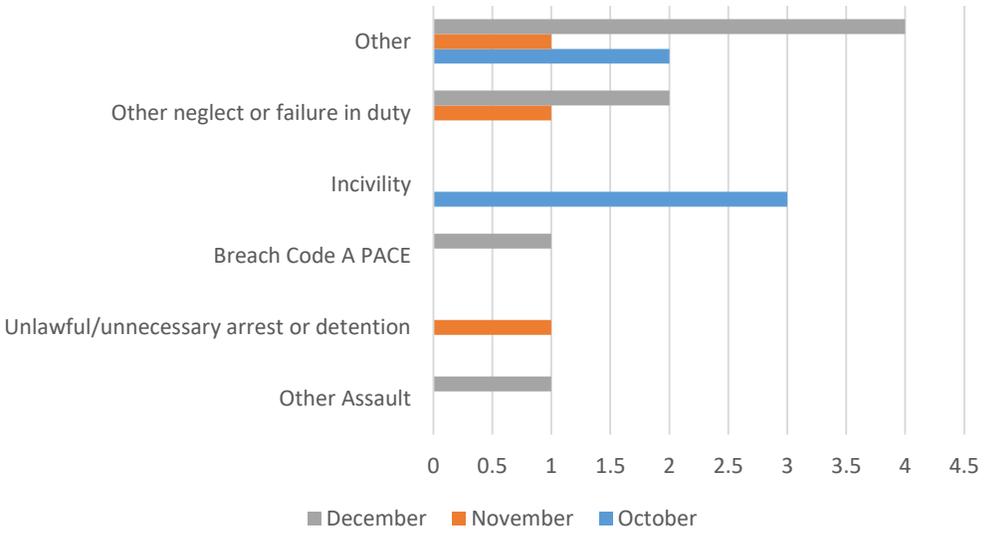
Public Complaints: There & Then



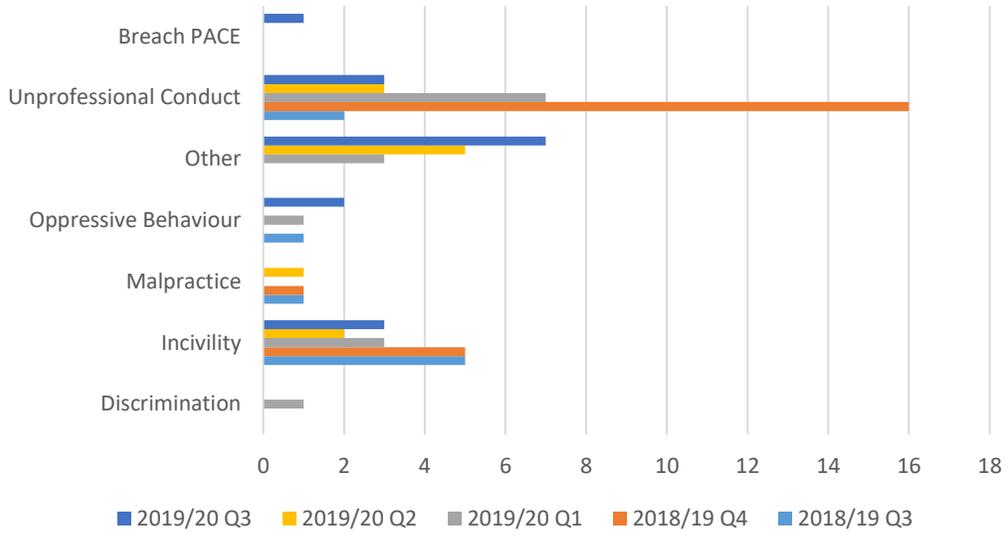
The below graph shows There and Then by type for the quarter. The highest month was September when there were 3 recorded for Other.

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

There and Then



There and Then - Comparison





Priority Issues



- From the data gathered it is apparent that complaints in relation to Unprofessional Conduct are higher than other categories. However this is very low in comparison to the total number of crimes and custody records for the quarter.
- 1 case were upheld by PSD.
- There have been no appeals to the IOPC in this quarter.
- Use of Force complaints have continued to show a reduction over the reporting period.
- There and Then remain similar as in previous quarters.
- RPRP (Reflective Practice Review Process) will become an emerging feature as supervisors are now actively encouraged to deal with low level performance and conduct through a more supportive programme which seeks to focus the officer/staff member to improve rather than seek to sanction.

Discovery/Emerging Issues



- Police (Complaints and Misconduct) Regulations 2019 came into effect on 1 February 2020. This is likely to see a significant increase in public complaints being recorded as there is no longer an option to not record a complaint.
- Effectively the new regulations see the removal of Miscellaneous cases as all cases have to be recorded as a public complaint.
- PSD have re-introduced the Duty Officer which will see PSD taking primacy for contacting all complainants with an emphasis on service recovery which is expected to deal with some 70% of all public complaints.

Learning and Development



- PSD have been delivering training to Inspectors and Sergeants as well as attending Area Management Team Meetings
- PSD have utilised streams to update all staff of the changes to Complaints and Misconduct Regulations
- PSD will seek to develop a wider and more accessible Intranet Page which will provide a platform for all staff to understand and digest the changes in the new Complaints and Misconduct Regulations and how it will affect them.



Cumbria

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

Most Similar Force (MSF) and National

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



Priority Issues

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



Discovery/Emerging Issues

- The main focus will be embedding the new Regulations



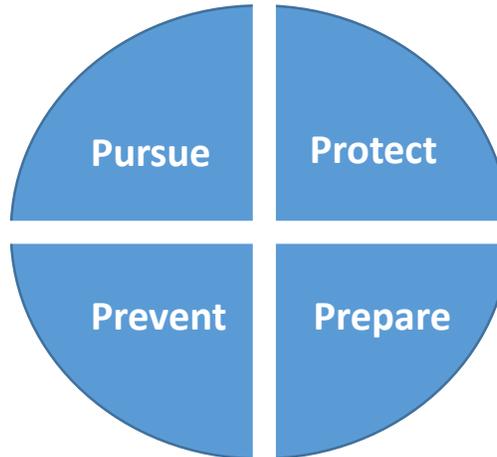
Learning and Development

- PASS Newsletters provide organisational learning following the outcome of misconduct investigations/proceedings.
- Timetabled presence of Professional Standards representatives in territorial policing areas (1st 2nd and 3rd Monday of each month).
- Inputs have been provided to Area in relation to the new regulations
- A Practice Requires Improvement (PRI) form has been developed and is available for use once the new regulations commence



Completed Actions, Recommendations & Bids

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



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

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

- PIP Level 1 courses have now been booked for 2 Staff Investigators. This will ensure all of the PSD Investigators are accredited
- The New regs, which commence 01/02/20, have required extensive work, such as; upgrading of Centurion, new process maps, inputs to Area. This will be the main focus of PSD over the coming months to ensure the processes are embedded and all are working towards the ethos of “Listen-Say Sorry-Fix It”



- The Anti-Corruption Intelligence Unit is responsible for the sterile management of intelligence that includes the anonymous confidential reporting facility.
- The Unit has a dedicated analyst that provides support to the Anti Corruption Unit and Public Complaints Team.
- The **PASS** initiative is utilised for prevention and education regarding misconduct comprising people, areas, systems and standards.
- The report will consider activity relating to key themes, these themes reflecting regional and national priorities
- The date range for the data is 1st October – 31st December 2019

Priority Issues



- An increase is observed from Q2 to Q3 in respect of Data Disclosure and Systems Misuse which can be linked to an ongoing investigation. Although the Constabulary and ACU-Intel have invested time and education in this area, it remains a recurring theme.
- Reporting around discreditable conduct is similar to Q2 and can be attributed to training across this area.
- It is recognised that a threat still exists in the form of social media use and this is reflected through the confidential mailbox to identify officers and staff who have posted inappropriately. Outcomes relating to this can include intervention through education or enforcement where the misconduct threshold is met.
- Whilst figures are relatively low in terms of APSP, reporting is still observed linked to this thematic area. Again appropriate action is taken where standards of professional behaviour are breached.



Discovery/Emerging Issues

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



Learning and Development

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

Appendix: 8

Organisational & Individual Learning

- In this period there were a total of 20 lessons which were circulated, either organisationally or individually. In summary, these related to:-
 - Breach of PACE
 - Use of force
 - Incivility
 - Lack of fairness and impartiality
 - Irregularity in procedure
 - Improper disclosure of information
 - Handling of property
 - Neglect of duty

Ethics and Integrity Panel



Title: Ethics and Integrity Panel Annual Report

Date: 3 February 2020

Agenda Item No: 10

Originating Officer: Joanne Head

CC:

Executive Summary:

The purpose of the Ethics and Integrity Panel is to promote and influence high standards of professional ethics, to challenge; encourage and support the Commissioner and the Chief Constable in their work by monitoring and dealing with issues of ethics and integrity in their organisations.

Recommendation:

That the Panel;

1. Consider the draft 2019 Annual Report; and
2. Provide feedback to inform the final version to be presented to the Police and Crime Commissioner as his Public Accountability Conference.

1. Introduction & Background

- 1.1 The Panel's role is to identify issues and monitor change where required. It has no decision-making powers, although it is able to make recommendations to the Commissioner and the Chief Constable. It considers questions of ethics and integrity within both organisations and provides strategic advice, challenge and support in relation to such issues.

2. Issues for Consideration

- 2.1 A draft Annual Report has been prepared highlighting the work of the Ethics and Integrity Panel during 2019. The report illustrates the areas of business reviewed by the Panel; their findings and where the Panel have made proposals or suggestions to improve business practices and procedures.

3. Supplementary information

Appendix 1 – 2019 Ethics and Integrity Panel Annual Report



Peter McCall



**ANNUAL
REPORT
2019**

**Ethics
&
Integrity
Panel**

Forward of the Panel Chair

Welcome to the 2019 Annual Report of the Ethics and Integrity Panel.

The Panel is an independent body, and its purpose is to promote and influence high standards of ethical performance in all aspects of policing in Cumbria and the work carried out by the Police and Crime Commissioner's office (OPCC). It seeks to achieve this by holding the mirror up to the Constabulary and the OPCC, by investigating, dip sampling, constructively challenging and reviewing a broad range of aspects of policy, process and performance, through the lens of ethics and integrity.

We have an annual work programme that includes both routine and thematic activities through which we seek to always promote the improvement and value adding aspects of ethical responsibility. We will challenge issues and actions where we believe there could have been an improvement, recognising and highlighting areas of good practice.

The work of the Panel is published on the Commissioner's website and whilst the Panel membership is drawn from a diverse range of backgrounds and experience, we have two things in common. We and our families all live in the county and are committed to seeing the area thrive. We all share a strong desire to help ensure that Cumbria Constabulary continues to deliver high quality services to the public, maintaining our county as the safe and secure place to live that it currently is.

The Chief Constable, the Commissioner and their teams, fully support us in our work and are always open to challenge, feedback and suggestions for improvement. This, in itself, is an indicator of a strong, open, transparent and ethical culture.

We hope that you find the report useful and informative. The information in this, and our other quarterly reports, helps to promote a wider understanding and awareness of the Constabulary's performance and ethical approach.

Alan Rankin
Ethics and Integrity Panel Chair

The Chief Constable, Michelle Skeer said:

The Police Code of Ethics underpins the principles and standards expected of us all within Cumbria Constabulary. It is important that our adherence to the code is independently monitored. I welcome the scrutiny of the panel which provides me with reassurance that as an organisation we are transparent and the panel support our desire to uphold the highest standards in delivering an outstanding

The PCC for Cumbria, Peter McCall said:

Policing and the oversight of it remains a busy environment and it is essential that ethical standards do not slip. The legitimacy of our force is critically dependent on the confidence of the public that they can trust the police to 'do the right thing on their behalf.' Whilst I am convinced that we are blessed with highly professional, dedicated and committed officers, we must always be ready to examine our performance to ensure that every member of the organisation maintains the highest possible standards, often in difficult and challenging circumstances. The Ethics and Integrity Panel continue to provide a valuable scrutiny role on ethical values of both the organisations. The broad range of business that they scrutinise continues to be developed to ensure the Panel is effectively and I look forward to working with them in the forthcoming year.

1. Introduction & Background

The purpose of the Ethics and Integrity Panel is to promote and influence high standards of professional ethics, to challenge; encourage and support the Commissioner and the Chief Constable in their work by monitoring and dealing with issues of ethics and integrity in their organisations. The Panel's role is to identify issues and monitor change where required. It has no decision-making powers, although it is able to make recommendations to the Commissioner and the Chief Constable. It considers questions of ethics and integrity within both organisations and provides strategic advice, challenge and support in relation to such issues.

This report provides an overview of the work that the panel has carried out during 2019.

The Panel meets on a quarterly basis in private but its agenda and reports are published on the Commissioner's website following each meeting, with only sensitive or confidential information being excluded. Reports are provided by the Panel to the Commissioner's public meeting to provide information about the Constabulary's performance in areas that relate to ethics and integrity. The purpose of this is to promote openness, transparency and public confidence.

An annual work programme is agreed to enable it to fulfil its terms of reference and scrutiny role. The programme fixes the tasks to be undertaken by the Panel at each of its scheduled meetings and has been set to ensure whenever possible that meetings are balanced in terms of the volume of work.

The work of the Panel has continued to develop during 2019 and the 2020 work programme continues to reflect its changing role. Again there will be thematic sessions held during the year which will look at specific issues or areas of business.

Further information regarding the Panel, its membership and the work it carries out can be found on the Commissioner's website:

<https://cumbria-pcc.gov.uk/what-we-do/ethics-integrity-panel/>

Membership of the Panel currently stands as:

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

3. Police Officer and Police Staff Misconduct

As part of their work programme the Panel have reviewed police officer and police staff misconduct files prior to both their May and November 2018 meetings. During these sessions the Panel review all completed files, providing views and recommendations for any improvement in the way information was provided or public perception of the handling of such cases. They were pleased to note that the quality of the files had improved and that following their comments a template had been created to assist managers in recording their findings and detailing what actions have taken place or training to be completed.



The Panel receive information on a quarterly basis relating to police officer misconduct from the Constabulary's Anti-Fraud and Corruption Unit and information relating to police staff misconduct on a six monthly basis. This enables the Panel to monitor performance in relation to these areas of business and consider any patterns or trends.

Having reviewed all completed files, the Panel have gained assurance that the Constabulary are dealing with misconduct and complaints in a professional manner. At no time did the Panel disagree with the outcome of any of the files. Where they provided advice or recommendations, this was to improve the service provided or the process being undertaken.

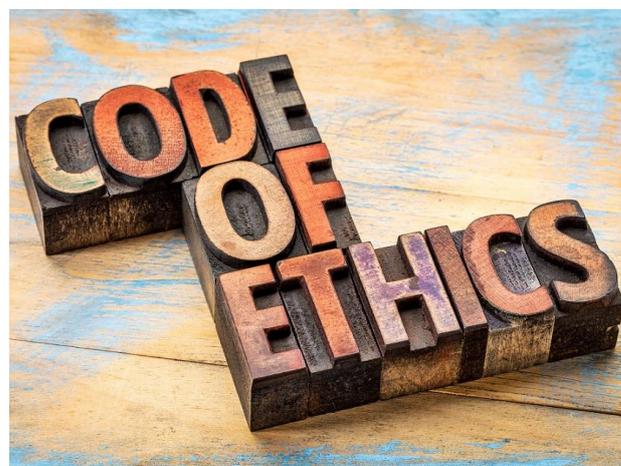
As with complaints legislative changes will see changes to conduct regulations and how issues are dealt with. The Panel is to receive briefings on the changes and what these will mean for both officers and staff.

4. Code of Ethics and Code of Conduct

As part of the Panel's role it seeks to ensure that both the Constabulary and the Police and Crime Commissioner have embedded within their organisations the **Code of Ethics** and **Code of Conduct** respectively.

The Panel have been provided with assurance whilst carrying out their role that both organisations take the ethos of the Code of Ethics and Code of Conduct extremely seriously and this has been evident in the reviews and dip samples they have undertaken in other areas of business. During their various dip sample sessions the Panel saw first-hand that policies and procedures within the Constabulary had the ethos of the Code of Ethics embedded within them.

Similarly, the Commissioner upon taking office in May 2016 swore an oath to act with integrity and signed a Code of Conduct and Ethics. It sets out how the Commissioner has agreed to abide by the seven standards of conduct recognised as the Nolan Principles. This Ethical Framework allows transparency in all areas of work of the Police and Crime Commissioner. These principles encompass the Commissioner's work locally and whilst representing Cumbria in national forums. During 2019 the Panel did not identify any complaints received from either members of staff or the Commissioner regarding conduct or integrity.



5. Grievances, Civil Claims and Information Management

Grievances

On a six monthly basis the Panel have reviewed **Grievances** being processed by the Constabulary during agreed reporting periods.

Since May 2018 the HR Department are now responsible for dealing with grievances providing a broader overview of staffing issues. Generally, the grievances were regarding policies and procedures or action taken against an individual.

In November 2019 the Panel noted an increase in the number of claims made. However many of these could be attributed to one individual. They continued to raise the issue of low numbers generally and the dangers of informal resolution as any organisational learning would not necessarily be captured or progressed. The new Grievance Procedure included a form which asked what the individual would wish the outcome to be to gain an understanding of the issues that they raised at an early stage in the process.



Grievances!

Civil Claims

On behalf of the Police and Crime Commissioner the Panel also monitor **Civil Claims** being processed by the Constabulary's Legal Department. They received information about the types of claims being made, the stage the proceedings had reached and about the claims that had been resolved. As part of this oversight the Panel seek assurance that any trends are being identified and how the organisation has learnt from particular cases disseminating information throughout the organisation to avoid future risks and claims.

To date the Panel have not identified any issues or concerns in either area of business. On a national and local level the Constabulary, along with other forces, are in the process of dealing with employment tribunals in relation to police pensions. Currently there were over 146 claims following the Constabulary

implementation of the national pension regulations being co-ordinated nationally by Hertfordshire Constabulary. This matter is yet to be concluded.

The Panel raised concerns as to whether the claims were causing any internal issues or anxiety due the length of time taken for the matter to be concluded. Assurance was provided that the Legal Department and the Police Federation were working closely with the affected officers to try and resolve the claims.

In 2019 all civil claims were dealt with by the Legal Department thus allowing any issues, trends or organisational learning to be identified more easily. The Panel undertook to monitor these improvements on a six monthly basis.



Information Management

During 2019 there had been a backlog within the Constabulary in dealing with Freedom of Information and Subject Access Requests within the requisite timescales.

The Constabulary were looking to place additional resources within the department to assist in achieving its responsibility. Work is being carried out to review information published on its website to negate the need for individuals to place a request, rather the information could be found by other means.

In 2020 the Panel will monitor the Constabulary's improvements within this area of business.



6. Thematic Inspections



The Panel have reviewed six areas of thematic work during May and November 2019. In May the Panel reviewed **Mental Health Detention** in custody suits throughout Cumbria. In particular, those relating to detention under Section 136 of the Mental Health Act and those detained under Common Law.

They reviewed 12 Sec 136 custody records and 4 Common Law records. Recognising the incredible workload which was placed upon Custody Sergeants in dealing with detainees who had mental health issues, the amount and level of data inputting they carried out and its frequency they felt should be applauded especially within busy custody suits. Unlawful detention could bring civil action from detainees or indeed criminal actions against Custody Sergeants.

Custody staff would often have to deal with detainees for long periods whilst waiting for health partners to be able to accept the detainee. Changes to the provision of mental health services would see the county split in two. The North of the county receiving provision from the North East and the South receiving provision from Lancashire. As part of the Panel's 2020 work programme they will again review Mental Health Detention.



During 2019 a Panel member attended two Constabulary Board meetings in relation to **Use of Force**. This enabled the Panel to review how the force manage reviews of use of force, what organisational learning is disseminated and resulting changes to policy.

Of the use of force incidents recorded it was found that over 30% were in fact resolved using communication skills to achieve control of a situation rather than actual force. On average 34% of incidents of use of force were against subjects who were deemed to have mental health impairment.

When considering the 2020 work programme the Panel felt that attending the meetings did not provide the scrutiny element that the Constabulary were requiring. This would be reviewed and identify how this could be achieved.

The use of **Spit Guards** was introduced at the beginning of 2019. In February 2019 the Panel were provided with a breakdown of initial usage and the training being provided to officers. It was agreed that a review of the usage would be carried out.

In August they reviewed the use of Spit Guards. Having been used 23 times between January and August, they were pleased to see the detailed and proportionate use of Spit Guards, recognising the diverse incidents officers were required to attend. There had been no complaints or adverse outcomes from the use of Spit Guards which was largely attributed to them being used on an individual for a short space of time. The Panel will review this again in 2020 to obtain a full 12 month picture.



Also in August the Panel undertook a dip sample of **Stop and Search** forms to ensure that their completion had been maintained. Of the 50 forms reviewed some forms were not fully clear on the exact reason for the stop/search, however they were not fundamentally wrong and feedback was provided. Body worn video had been used in only 46% of the forms reviewed which was concerning as some of these were at violent incidents. The Panel recommended that the electronic form be updated to include a question on whether or not body worn video was used at the time of the stop/search.



In November 2019 the Panel carried out a dip sample within the Constabulary's **Communications Centre**, dip sampling pre-recorded 999 calls, live calls and the 101 emails system. They felt that calls had been handled very well with call handlers being professional and empathetic to the different types of callers. Any required police response to the 999 calls had been very quick with call handlers remaining on the line with the caller until officers arrived.

A new system had been installed within the Communications Centre in June 2019. Some initial issues had been experienced by call handlers. These included booking officers on and off duty directing calls to individual officers' voicemails and some calls being dropped from the system during the call. Work is being carried out to rectify the identified issues between the provider and the Constabulary's IT department.

The Panel are to be provided with an update on progress during their February meeting in 2020.



Following on from a **Body Worn Video** demonstration in 2018 the Panel were mindful of the proposed usage and how this was reflected within the dip sample and thematic sessions they had during the year. Acknowledging that single crewed officers attended over half of these incidents, throughout the year the Panel have campaigned for further usage.

The Constabulary carried out a review of usage which was previously only 40% in May 2019. This had subsequently improved to 83% against a backdrop of a 5% decrease in attended incidents.

Evidence of how it could quickly complaints had been resolved when body worn video evidence was available had been recognised during the Panel's dip sampling of public complaints. In addition to ensuring officer safety and that of the public.

The Panel will continue to monitor the usage of body worn video during their dip sample and thematic sessions in 2020.

7. Conclusion

The Panel continues to develop their role, expanding into other areas of business to assist not only the Constabulary but enable the Police and Crime Commissioner to have further and more detailed oversight of the work of the Constabulary.

Recommendations and guidance given by the Panel have been welcomed by both the Constabulary and OPCC; resulting in a number of positive changes and developments to processes and procedures. The future work of the Panel will continue to be reviewed and developed to ensure that the Panel remain an independent body in their oversight of the Constabulary and OPCC.

