

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

Date: 23 April 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 **Friday 1 May 2020 at 10.00 am**. Due to Government Guidelines in response to COVID-19 the meeting is being held via telephone conference facility.

Details of how to access the meeting will be emailed to participants separately.

**Note:** The Panel will have a pre-meeting telephone conference from 09:15 am until 09:45 am

**G Shearer**  
**Chief Executive**

#### **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 6 February 2020 (copy enclosed).
- 5. COMMUNICATION CENTRE UPDATE**  
To receive a verbal update on the progress of the system and a copy of the strategy if available - *C/Inspector G Wardle*
- 6. CIVIL CLAIMS**  
To receive and note a report by Cumbria Constabulary on Civil Claims - *To be presented by Mr A Dobson, Director of Legal Services.*
- 7. STAFF GRIEVANCES**  
To receive and note a report by Cumbria Constabulary on police staff misconduct - *To be presented by Deputy Chief Constable Webster.*

**ETHICS AND INTEGRITY PANEL**

Notes of a meeting of the Ethics and Integrity Panel held on  
Thursday 6 February 2020 in Conference Room 2, Police Headquarters,  
Carleton Hall, Penrith, at 2.00 pm

**8. INTEGRITY**

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

- (a) Complaints by the Public; and
- (b) Anti-Fraud & Corruption (including officer and staff misconduct)

**9. OPCC COMPLAINTS AND QSPI**

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

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

**10. OFFICER RECRUITMENT**

To receive an update on the current status regarding police officer and special constable recruitment.

**11. UPDATED CASE SAMPLE PROTOCOL**

To receive a draft updated case sample protocol - *OPCC Chief Executive*.

**12. COVID-19 REGULATIONS**

To discuss how the Panel could provide oversight of how officers are exercising their powers in relation to COVID-19 – *Deputy Chief Constable Webster/OPCC Chief Executive*

**PRESENT**

Mr Michael Duff  
Mrs Lesley Horton  
Mr Alex Rocke

**Also present:**

Deputy Chief Constable Mark Webster  
Detective Chief Inspector – David Stalker  
Chief Inspector – Gaynor Wardle  
OPCC Deputy Chief Executive - Gill Shearer  
OPCC Governance Manager - Joanne Head

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Alan Rankin. In his absence it was agreed that Mrs Lesley Horton would chair the meeting.

**2. DISCLOSURE OF PERSONAL INTERESTS**

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

**3. URGENT BUSINESS**

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

**4. NOTES OF THE PREVIOUS MEETING**

The notes of the meeting held on 7 November 2019 previously circulated with the agenda were agreed.

With regard to the Panel's attendance at the Constabulary's Use of Force Board a discussion was held on how this provided useful oversight for the force. DCC Webster advised that he had spoken with Chief Superintendent O'Connor who chaired the Constabulary's Use of Force Board as to how best utilise the Ethics and Integrity Panel. Analytical data was now being produced which was used for discussion at the board meetings. This could be provided to the Ethics Panel prior to the meeting, whereby they could consider if they should carry out a thematic inspection, attend the meeting or not.

- Agreed;** that, the
- (i) notes from the previous meeting be agreed; and
  - (ii) Ethics and Integrity Panel be provided with the analytical data prepared for the Use of Force Board and provide feedback, attending meetings where appropriate.

## 5. COMMUNICATION CENTRE

Following the Panel's previous visit to the Communications Centre they had raised some concerns regarding the installation and usage of the SAAB Safe system. Chief Inspector Wardle attended the meeting to provide the Panel with a verbal update on the Constabulary's move from the previous STORM system to SAAB Safe as the Constabulary's Command and Control system. Learning from the Panel's comments the Constabulary had worked with staff to build confidence in the system and its benefits to the overall business. A focus group had been set up, allowing staff users to have their input into identifying the issues. In conjunction with this the IT Department had worked to resolve some of the stability issues which were now coming into fruition. An independent review had been carried out resulting in a number of changes being implemented both by SAAB and the IT Department meaning that the system was now more settled.

It was recognised that many of the calls received via 101 were not reporting incidents or issues but for other areas of the business. Many of the 101 calls could not be dealt with in 3-4 minutes due to the nature of the call, but it was recognised that how calls were handled overall could be better; using alternative means could complement the process, such as the use of web-based reporting, signposting to other agencies where appropriate and giving alternative support and guidance. By doing this, people would not have to wait, they would be directed to the department or organisation they need and ultimately receive a better service.

A member asked how the Constabulary were tracking the success criteria of the new system. Chief Inspector Wardle advised that this was being overseen by herself and the project team which was then fed into a larger oversight board. As the whole process wraps around the policing service, education of the public would be a key factor and would also require the project plan to have numerous work streams which needed to be managed. The project team were linking in with the Business Improvement Department to achieve more streamlined internal demand and processes.

Gill Shearer advised that the increase in Council Tax the previous year had allowed more money to be placed within the cyber environment and asked what difference this was making. Chief Inspector Wardle confirmed that the money had been used for digital media investigators, there had been an expansion to the CCTV system across the county and an improvement in ANPR capability. The new SAAB system was also providing staff with more tools to achieve their roles. Performance data captured at the end of February would be presented to the programme oversight board, enabling short, medium and long term objectives to be scrutinised against the overall strategy.

It was agreed that a verbal update on the progress of the system and a copy of the strategy would be presented to the Panel at their next meeting May.

- AGREED;** that, a verbal update on the progress of the system and a copy of the strategy would be presented to the Panel at their next meeting May.

## 6. SPIT GUARDS

In January 2019 the Constabulary took the decision to train officers to use Spit Guards when dealing with detainees who were spitting at them. A report on the training and usage throughout the year was presented to the Panel. During refresher training 765 front line officers had been trained to use spit guards. A further 99 officers were trained during their initial training course giving a total of 864 officers. It was recognised that no all officers within the force performed front line duties and therefore would not require the training.

There had been 36 instances where spit guards had been used by officers, with average usage being 2-3 times per month. The Panel were provided with a breakdown of the instances where the individual had been either young or vulnerable to ensure that usage had been appropriate. August and September had seen an increase in usage to 6 and 5 incidents pro rata and again the panel were provided with details of these. No issues or trends were identified and the Panel recognised the diverse range of incidents that officers were required to attend. There had been no complaints received regarding the usage of spit guards.

A member asked that should a spit guard need to be removed were officers aware of what to do. DCI Stalker advised that as part of the training all officers were given aftercare techniques, taught to continually risk assess the detainee and monitor any changing health conditions. Officers would continue to be trained either as part of their initial training courses or through compulsory refresher training.

- AGREED;** that, the report be noted.

## 7. THEMATIC SESSION – MENTAL HEALTH DETENTION

During the morning the Panel had carried out a dip sample of custody records relating to detainees held in custody with mental health issues. In particular these related to detention under Section 136 of the Mental Health Act. The Panel reviewed two cases and reported on their observations from the session.

They felt that the detention of the individuals had been justified in both cases. Service provision by health trusts had often hindered the quick release of detainees resulting in custody staff having to deal with individuals for long periods of time whilst appropriate mental health care was found.

Mental health care provision within Cumbria had been split between two mental health trusts. In the north and west of the county this was being provided by Northumbria Mental Health Trust; whilst in the south of the county this was being provided by Lancashire which also

included the Morecambe Bay Trust. The changes meant that there were now 'hub beds' which could be accessed across the three counties. Work was being carried out across partner agencies to increase staff training to deal with mental health patients and to have fit for purpose vehicles to be able to transport them to the mental health facilities.

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

## 8. 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. The Panel Chair had previously agreed that due to the analyst leaving the department, and a replacement yet to commence, that the report would not contain the analytical content of previous reports. DCI Stalker advised that new analyst had been appointed and would soon commence in post.

It was noted there had been a slight increase in the overall number of allegations received with unprofessional conduct making up 46%. The main issues related to individuals being updated on crimes by officers. With changes in the way the Communications Centre was set up, updates could in the future be provided by Comms staff. This would then enable speedy updates to callers, providing a better service and reduce the number of complaints.

During the morning the Panel had received a presentation on the changes to the complaints and misconduct regulations which came into force on 1 February 2020. The new regulations would see an emphasis on service recovery; a more customer focused approach; shifting the emphasis away from individuals towards the organisation as a whole; with greater emphasis on learning and reflection by officers and staff. This would be achieved by the introduction of measures for officers such as Reflective Practice Review Process (RPRP) and Practice Requires Improvement (PRI). Supervisors would be actively encouraged to deal with low level performance and conduct through a more supportive programme which would focus on officer/staff improvement rather than sanctions.

The re-introduction of a Duty Officer within PSD would be responsible for the primary contact with all complainants with an emphasis on service recovery. It was hoped that this would deal with some 70% of complaints, allowing investigating officers to carry out full investigations in a timely manner.

It was agreed that the Panel would dip sample some cases where RPRP and PRI had been identified as part of their normal dip sample process.

DCI Stalker guided the Panel through the work carried out by the Anti-Corruption Unit including misconduct cases which were both live and finalised.

**AGREED;** that, the  
(i) report be noted;  
(ii) Panel dip sample cases where RPRP and PRI have been identified as part of their dip sample process.

## 9. COMPLAINTS AND MISCONDUCT LEGISLATIVE CHANGES

As previously stated the Panel had received a presentation during the morning on the changes to the complaints and misconduct regulations and what this would mean in practice for the Constabulary's Professional Standards Department.

The Panel were due to carry out dip sampling of complaint and misconduct files prior to their May meeting. It was recognised that there would be a mixture of old and new complaint cases and PSD staff would be able to assist the Panel. The current dip sample protocol would be updated to reflect the changes

**AGREED;** that the update be noted.

## 10. DRAFT ANNUAL REPORT

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

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

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

**Agreed;** that, the draft report be approved.

## 11. ETHICAL WORK

Her Majesty's Inspector of Constabulary and Fire & Rescue Services (HMICFRS) were encouraging forces to have an effective process for the workforce to refer and discuss ethical concerns. A discussion took place and it was agreed that DCC Webster and the OPCC Deputy Chief Executive would meet to scope how this could be implemented within the Constabulary, potentially using the existing Ethics Panel.

**AGREED;** that, the OPCC Chief Executive and DCC Webster meet to scope how ethical issues could be discussed within the Constabulary.

**Meeting ended at 3.30 pm**

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

# Ethics and Integrity Panel



Peter McCall

## Title: Grievances Report

**Date:** 28 April 2020

**Agenda Item No:** 07

**Originating Officer:** Kerry Rogerson, HR Manager

**CC:**

### Executive Summary:

The report provides a position overview in respect of ongoing, finalised and newly submitted grievances for the period 1 October 2019 until 31 March 2020.

### Recommendation:

That the Ethics and Integrity Panel note the report.

### 1. Introduction & Background

- 1.1 The attached Grievance Statistics Report shows the number of grievances lodged during the period 1 October 2019 up until 31 March 2020, together with a summary of ongoing and finalised cases within the reference period.
- 1.2 Included in the report is an overview of the characteristics of those lodging grievances. The report identifies the gender and race of those submitting grievances as well as an overview as to the nature of the grievance. In addition statistics relating to whether the aggrieved is a police officer or member of staff and whether the grievance relates to alleged discrimination have been included.
- 1.3 Summary position is as follows:
  - 7 grievances were ongoing at the start of the reference period with 3 outstanding at the end.
  - There was one new grievance lodged in this reporting period.
  - Three of these grievances have been categorised as withdrawn by the Constabulary due to lack of response from the aggrieved individual.
  - A number of issues raised relate to dissatisfaction regarding perceived less favourable treatment. This can be directly from line management or as a result of the application of a policy or procedure.
  - Grievances dealt with during this period are generally split equally between male and female and are all from a white, British ethnicity.

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

This is a longstanding case which reasonable and numerous options for resolution have been offered. The individual is currently absent from work with the case currently being managed in accordance with the medical advice received from the Force Medical Adviser.

- 1.4 Following the introduction of the Constabulary Mediation service two cases have been managed through this route – whilst one was unsuccessful with the remaining ongoing neither have resulted in the submission of a formal grievance.
- 1.5 One grievance previously recorded as unresolved at stage 3 which related to alleged disability discrimination was considered at Employment Tribunal in January 2020. The result being that all claims were dismissed.
- 1.6 The period comparison data shows that over the last 2 reference periods no grievances have been formally resolved. It should however be noted that a number have been referred for consideration under the correct alternative procedure and 3 have been withdrawn due to lack of engagement by the individual.

No resultant action is required at present however the resolution rate will be monitored over the coming reference periods to identify whether any additional guidance / support is required for the stage managers.

### 2. Issues for Consideration

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

### 3. Implications

(List and include views of all those consulted, whether they agree or disagree and why)

- 3.1 Financial - see Risk and Equality Implications
- 3.2 Legal - see Risk and Equality Implications
- 3.3 Risk
  - 3.3.1 With any complaint which is potentially linked to the employment relationship there is the risk of employment tribunal or judicial review should the matter not be resolved.
  - 3.3.2 Through working in partnership with Unison and the Federation the aim is to continue to avoid formal proceedings and resolve issues in an informal manner to the satisfaction of all parties.
  - 3.3.3 Specific items impacting on equality are raised through the Diversity and Inclusion Group (DIG) to ascertain if there are any issues that the Constabulary should be dealing with. At this time no issues have been raised.
  - 3.3.4 The People Department will continue to meet with the Federation and Unison when necessary to discuss issues that are emerging and look to informally resolve them prior to a formal grievance being submitted. The Constabulary proactively engages to address concerns.

3.4 HR / Equality

- 3.4.1 The management of grievances transferred to the HR department in May 2018. Now that a significant period has passed the procedure and recorded data is currently being reviewed to identify any efficiencies or improvements.
- 3.4.2 HR and Legal Services will be reviewing the judgement of the Employment Tribunal case to identify any lesson to be learned with a view to appropriate dissemination within the Constabulary.
- 3.4.3 The internal pool of accredited mediators is available for utilisation through the Constabulary Mediation Scheme. The intention is to publicised the Mediation Scheme alongside the revised Grievance procedure.

4. Supplementary information

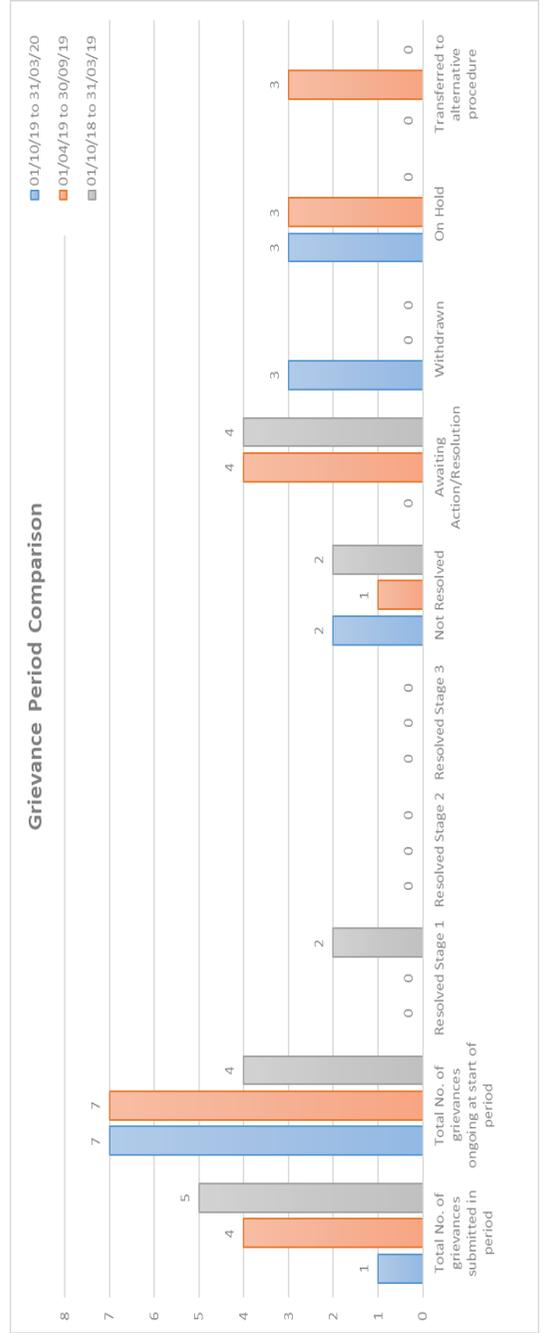
List appended documents such as business case, EIA, PID, Media Strategy (remember all key points of information should be summarised within this document)

- Appendix 1 Grievance Data for the reference period
- Appendix 2 Grievance Comparison Data

Grievances – Overview 1 October 2018 to 31 March 2020 – Appendix 2

Please see below the overview figures for the period 1 October 2018 up to and including 31 March 2020.

	01/10/19 to 31/03/20	01/04/19 to 30/09/19	01/10/18 to 31/03/19
Total No. of grievances submitted in period	1	4	5
Total No. of grievances ongoing at start of period	7	7	4
Resolved Stage 1	-	-	2
Resolved Stage 2	-	-	-
Resolved Stage 3	2	1	2
Not Resolved	-	4	4
Awaiting Action/Resolution	3	-	-
On Hold	3	3	-
Transferred to alternative procedure	-	3	-



## Grievances – Overview 1 October 2019 to 31 March 2020

Please see below the figures for the period 1 October 2019 up to and including 31 March 2020.

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

\* 1 unresolved at Stage 3 / 1 mutually agreed exit from organisation

\*\* closed due to lack of response from individual

### Breakdown by Business Area

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

\* 3 separate grievances from one individual.

\*\* 1 individuals accounting for 2 grievances

Gender and Ethnicity Breakdown	
Male	2
Female	3
White British	5
White Other	-
Police Officers	3
Police Staff	2

## Grievances – Overview 1 October 2019 to 31 March 2020

### Grievance Overview

Ref No.	Date Received	M/F	Ethnicity	Details of Grievance	Progress	Date Completed	Comments / Learning outcomes
G07/17-18/FC	12/01/2018	M	White - British	Complaint against disciplinary investigation and its timeliness undertaken by HR	On hold pending confirmation of how individual wishes to progress - intention to close and recorded as unresolved if response not forthcoming. Closed due to lack of response from complainant	24/10/2019	
G08/17-18/FC	15/01/2018	M	White - British	Complaint against criminal investigation	On hold pending confirmation of how individual wishes to progress - intention to close and recorded as unresolved if response not forthcoming. Closed due to lack of response from complainant	24/10/2019	
G09/17-18/DM	29/02/2018	M	White - British	Historic and ongoing victimisation by senior management within the Constabulary.	Unresolved at Stage 1 - currently under stage 2 consideration. Awaiting independent internal review of conduct issues raised.		
G04/18-19/CT	21/01/2019	F	White - British	Complaint against her alleged less favourable treatment by management	Unresolved at Stage 2 - Discussions ongoing regarding options for resolution - Mutual agreement on exit from Organisation.	27/12/2019	
G05/18-19/FC	01/12/2019	M	White - British	Complaint against criminal investigation	On hold pending confirmation of how individual wishes to progress - intention to close and recorded as not progressed under formal procedure if response not forthcoming. Closed due to lack of response from complainant.	24/10/2019	
G06/18-19/DM	26/03/2019	M	White - British	Issues as outline in G09/17-18/DM plus complaint regarding stage 1 handling of this grievance	Grouped together with original grievance G09/17-18/DM- all matters considered as part of stage 2		
G01/19-20/IB	01/05/2019	F	White - British	Disability discrimination/reasonable adjustment	Request to enter at stage 3 - compromised with stage 2 allowing for appeal to stage 3. Grievance closed- Unresolved at Stage 3	20/01/2020	
G05/10-20/KT	10/11/2019	F	White - British	Complaint regarding disclosure of information	Allocated to Stage 1 Manager - on hold due to ongoing absence of individual		



## 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
- APS/APIER
- Vulnerability (Associations, Business Interests/ Secondary Employment)
- Substance Misuse

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# Public Complaints Purpose and Background



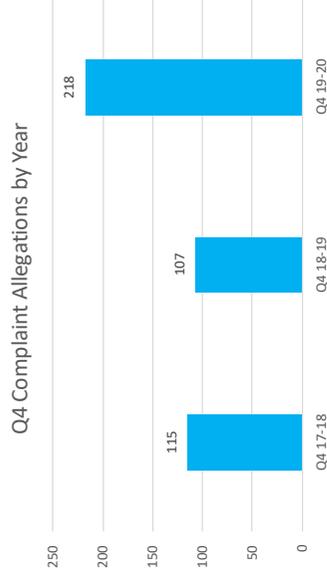
- Complaints from members of the public with regard the actions and conduct of police officers and staff are currently recorded centrally through the Professional Standards Department.
- The range of the data for this quarterly report is from 1<sup>st</sup> January – 31<sup>st</sup> March 2020.
- Data 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 for 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, and the regulations under which it falls, 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.

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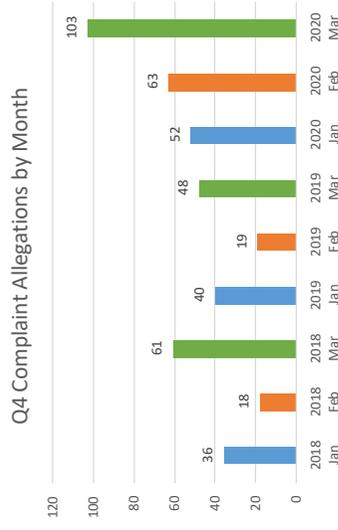
## Public Complaints: Complaint Cases and Allegations – Current Quarter



The below graph shows the total complaint allegations for the current quarter and same quarter of previous 2 years.



The below graph shows the total complaint allegations per month for the current quarter and the same quarter of previous 2 years.



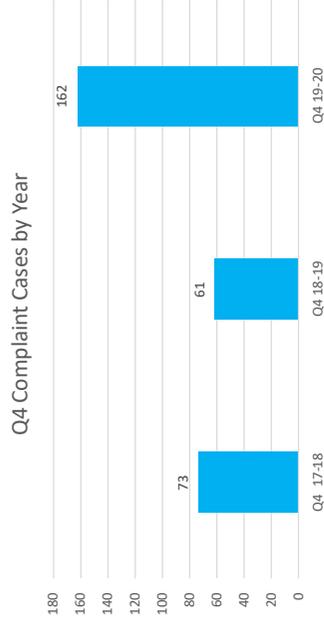
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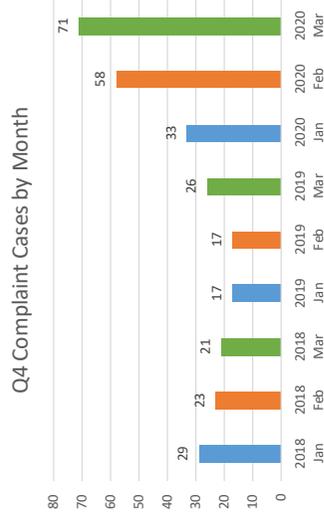
## Public Complaints: Complaint Cases and Allegations – Current Quarter



The below graph shows the total complaint cases for the current quarter and same quarter of previous 2 years.



The below graph shows the total complaint case for the current quarter per month and same quarter of previous 2 years.



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## Public Complaints: Percentage of Crimes



- There were **162** cases recorded in the current quarter and **218** allegations.
- **2652** have been processed via custody, **6.1%** have resulted in complaint cases.
- **9237** crimes have been recorded in line with National Crime Recording Standards, **1.75%** of all crimes have resulted in complaint cases.
- **21363** incidents have been recorded during the quarter, this relates to **7.58 complaint cases per 1000 incidents**.

	Incident logs	Crimes	Custody (ex VA)	Voluntary Attendance (VA)	Total Custody
January	7241	3319	802	196	998
February	7090	3017	696	142	838
March	7032	2901	673	143	816
<b>Total</b>	<b>21363</b>	<b>9237</b>	<b>2171</b>	<b>481</b>	<b>2652</b>

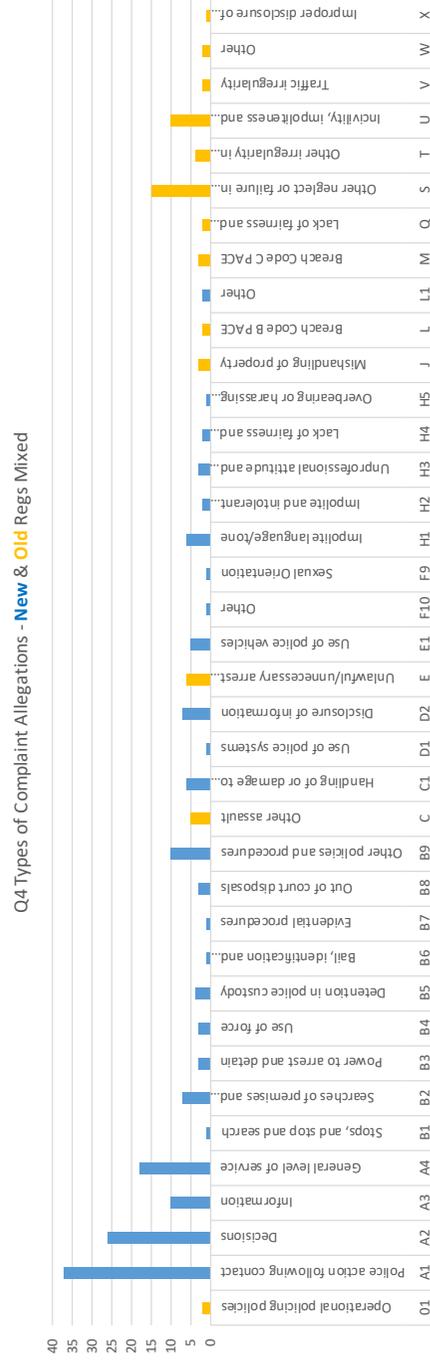
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## Public Complaints: Complaint Cases and Allegations - Types



The below chart shows the complaint allegations recorded by type for the quarter. The chart shows both old (2012) and new (2020) regulation complaint types. New regulations consist of 46 types of allegations making up 11 allegation groups, whereas, old regulations consist of 29 types of allegation making up 7 allegation groups. [Appendix 1](#)



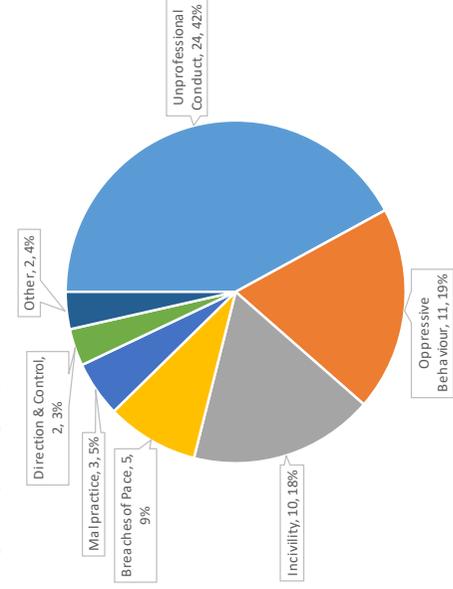
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## Public Complaints: Complaint Cases and Allegations - Types

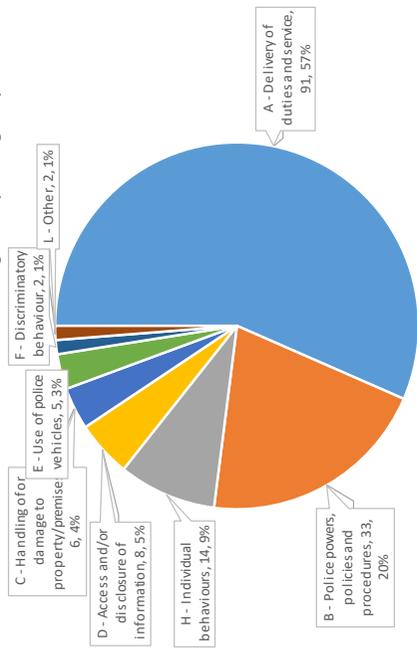


The below chart shows complaint allegations split into the 2012 regs complaint groups for Q4.



42% complaint allegations fall under **Unprofessional Conduct** group. Most common allegation type in this group is *Other neglect or failure in duty* 63%.

The below chart shows complaint allegations split into the 2020 regs complaint groups for Q4.



57% complaint allegations fall under **A - Delivery of duties & service** group. Most common allegation type in this group is *A1 Police action following contact* 41% followed by *A2 Decisions* 29%.

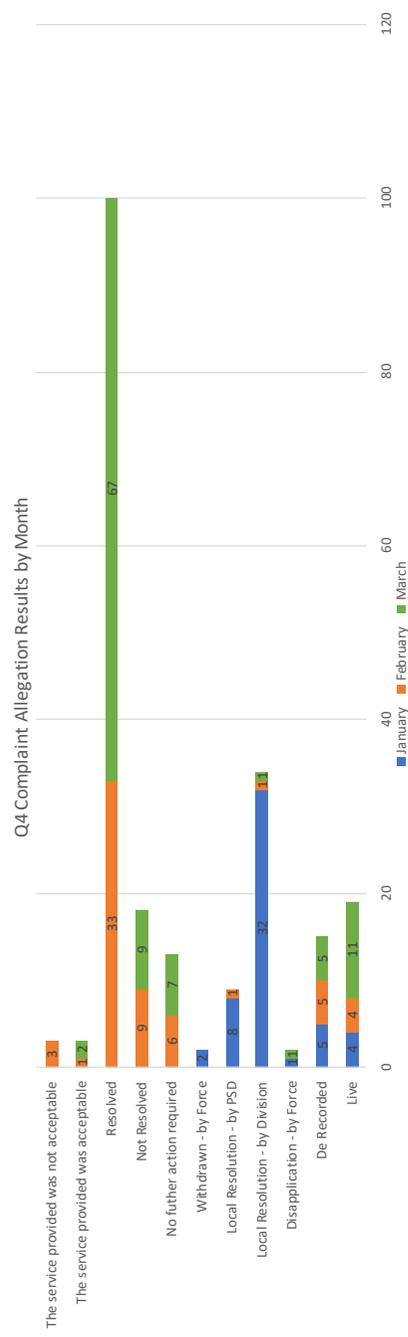
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## Public Complaints: Complaint Cases and Allegations - Results



The below chart shows the complaint allegation results per month for this quarter, live cases also included for information. This shows the old and new regulation allegation results and how they are shifting month by month. As shown the large majority of allegations under the new regulations are being Resolved.



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## Complaints :



### Priority Issues

- Complaint allegations and cases have seen an uplift towards the end of the quarter, although, this was anticipated due to the recording practices under the new regulations.
- The percentage of complaint figures show an increase, however, this is due in part to the new regulations increasing the number of allegations recorded combined with the decrease of logs/crimes/custody attendance due to the global situation. Figures are expected to level out in coming months.
- The most common type of complaint allegations overall under 2012 regulations relate to **Other neglect or failure in duty** (Unprofessional Conduct) and under 2020 regulations **Police action following contact and Decisions** (A -Delivery of duties & service). Therefore complaints regarding duties (neglect/failure/delivery) remain the highest under both sets of regulations.
- North remains the area with the highest number of complaint allegations (71) with South (52) and West (51) much lower and on a par with one another. Most common types of complaints per area are **Incivility, impoliteness and intolerance** (N&S) and **Other neglect or failure on duty** (W) under 2012 regulations and under the 2020 regulations the most common complaint for all areas is **Police action following contact**. [Appendix 2-4](#).
- Complaints under the 2020 regulations are on the whole dealt with via Service Recovery. The large majority of complaints being **Resolved** (85%) and remaining being dealt with There and Then or R&P (15%).
- Lessons Learned (20) - Organisational (9) and Individual (14) – shows a range of allegation types/groups although **Incivility, impoliteness and intolerance** (Incivility) and **Other irregularity in procedure** (Unprofessional Conduct) are most common. [Appendix 9](#)
- Currently there are 3 Force appeals and 1 appeal made to the IOPC.



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## Complaints :



### Discovery/Emerging Issues

- SLT's are being consulted on how best to circulate learning in relation to Public Complaints as the majority are now dealt with by staff within Professional Standards meaning that Area may no longer be aware of possible trends with their staff.
- Complaints relating to Covid-19 are being tagged on the systems. In the Q4 period 9 were tagged as Covid-19 related.

### Learning and Development

- The new Police Complaints and Conduct Regulations came in on 01/02/20. The new processes are being embedded and reviewed on a monthly basis with learning disseminated across the Constabulary.
- Training for Staff Investigators to PIP level 1 is continuing, with one Investigator progressing her portfolio and another due to attend the relevant courses.



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Performance for the reporting period of 01/04/2019 to 31/12/19 (Q1-Q3)

	Cumbria	Most Similar Force(s) MSF	National
% Complaints recorded within 10 days	90%	90%	89%
Average number of days taken to complete complaint case	56 Best performing force	100	104

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## Ethics and Integrity Panel



### Title: OPCC Complaints

**Date:** 22 April 2020  
**Agenda Item No:** 9a  
**Originating Officer:** Joanne Head  
**CC:**

#### Executive Summary:

In accordance with the Police Reform and Social Responsibility Act 2011 the Police and Crime Commissioner has a responsibility in relation to conduct and complaints. The introduction of the Policing and Crime Act 2017 and subsequent complaint and misconduct regulations now mandates Commissioners to deal with public complaint appeals now known as reviews.

The Commissioner is the appropriate authority for complaints and conduct matters relating to the Chief Constable only. The Chief Constable is the appropriate authority for any complaints regarding police officers (below the rank of Chief Constable) or police staff conduct whilst carrying out their work/duties under the Direction and Control of the Chief Constable.

#### Recommendation:

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

#### 1. Introduction & Background

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

- 1.3 Regular contact between OPCC staff and the Constabulary staff officers takes place to ensure that the matters are progressed in a timely manner and that an author is updated of progress or the final result as soon as possible.

## 2. Issues for Consideration

### Complaints received by the OPCC

- 2.1 Detailed below is a table illustrating the number of complaints which have been received by the OPCC up to 31 March 2020. In brackets are the number of those complaints which were passed to Cumbria Constabulary to deal with, these were all regarding police officers below the rank of Chief Constable, the Police and Crime Commissioner has no statutory responsibility to deal with such matters. As can be seen from the figures detailed below a large proportion of the complaints received by the OPCC, the Commissioner is unable to deal with.

2014	2015	2016	2017	2018	2019	2020
13 (8)	2 (2)	22 (22)	5 (5)	16 (15)	21(20)	11 (11)

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

### Commissioner Complaints

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

- 2.7 Detailed below is the number of complaints regarding the Commissioner, Mr Peter McCall, whereby the OPCC has been requested to provide information to the Police and Crime Panel. The table illustrates by what method they were dealt with.

YEAR	N° of Complaints Received	Complaint not about the PCC	Dealt with by informal resolution	Police & Crime Panel investigation
2017	2	0	2	0
2018	5	0	5	0
2019	0			
2020	0			

- 2.8 The majority of the complaints received relate to individuals who are dissatisfied with the way in which the Commissioner has carried out his duties or work he has undertaken in their opinion, rather than his personal conduct.

### 2.9 Chief Constable Complaints

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

- 2.10 The table below illustrates the number of complaints received from 1 January 2017 to 30 March 2020. There are no complaints outstanding. The changes in regulations now mean that where it is apparent that the complaint is not in relation to the conduct of the Chief Constable and may in fact relate to that of officers below this rank, they are then automatically sent to the Constabulary's Professional Standards Department to deal with the issues raised. This would mean that the complaint is not in fact logged with the OPCC.

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

YEAR	N° of Complaints Received	Not Logged	Logged	Dealt with by NFA	Investigation	IOPC Appeal
2020	2	1	1	1		

### 2.11 OPCC Staff Complaints

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

## 2.12 Complaint Reviews

From 1 February 2020, the Local Policing Body became the appropriate authority to deal with complaint reviews relating to cases dealt with as Recorded – No Investigation.

- 2.13 The Constabulary have reported upon appeals dealt with at a local level, for the period January to March 2020 which included cases under the old and new legislation. Within the reported figures, the OPCC has received three requests for reviews to be carried out.
- 2.14 In future the OPCC will report further upon the number of reviews it has received and their outcomes. Identifying if any recommendations have been made to the Constabulary and any identified best practice.
- 2.15 Following the Government lockdown announced on 23 March 2020, which enforced people to stay at home, staff within the Office of the Police and Crime Commissioner and any subsequent contractors such as the independent reviewer, were no longer working from the OPCC offices. This resulted in a delay in being able to deal with requests for reviews. With a further extension the OPCC has taken steps to find a workable solution to enable reviews to be carried out. The three reviews which have been received are now being progressed and the outcome will be communicated to the complainants when finalised.

## 3. Implications

- 3.1 Financial - there are no additional financial costs associated with dealing with these complaints, quality of service issues.
- 3.2 Legal – none identified.
- 3.3 Risk - None identified, beyond that to the OPCC's reputation if it does not deal with the issues raised appropriately and proportionately according to the merits of the individual case.
- 3.4 HR / Equality - none specifically identified.

# Ethics and Integrity Panel



Peter McCall

## Title: OPCC Quality of Service & Policing Issues

**Date:** 22 April 2020

**Agenda Item No:** 09b

**Originating Officer:** Lisa Hodgson, Governance Officer

### 1. Introduction & Background

1.1 The Office of the Police & Crime Commissioner (OPCC) receives a number of telephone calls and emails from members of the public who wish to raise issues or dissatisfaction about some element of the policing service they have experienced. These are regarded as quality of service and policing issues (QSPI). This report focuses on QSPI's received between 01/10/2019 & 31/03/2020, in this period a total of 180 QSPI's were received.

1.2 Our service standard is that:

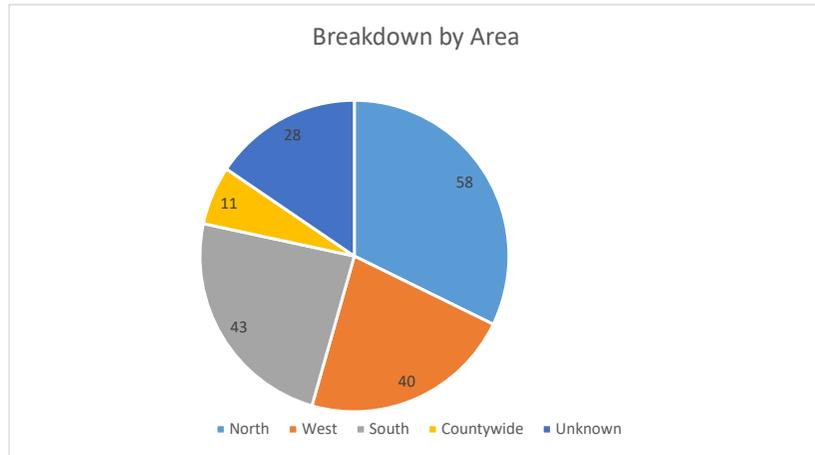
- An acknowledgement is sent out on the day of receipt of the correspondence advising them that they will receive a full response from the OPCC within 28 days. Should the matter take longer to conclude updates are provided on a 28 days basis until the matter is finalised.
- Where possible a response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

1.3 A system has been developed within the OPCC to acknowledge, log and monitor the resolution of the issues raised. Once a QSPI is logged within the OPCC it is then allocated appropriately. Predominantly the majority of issues are passed through to the Chief Constable's Office who then allocate it to the appropriate Neighbourhood Policing Team (NPT) or department to deal with. Regular contact between OPCC staff and the Chief Constable's Office takes place to ensure that matters are progressed in a timely manner.

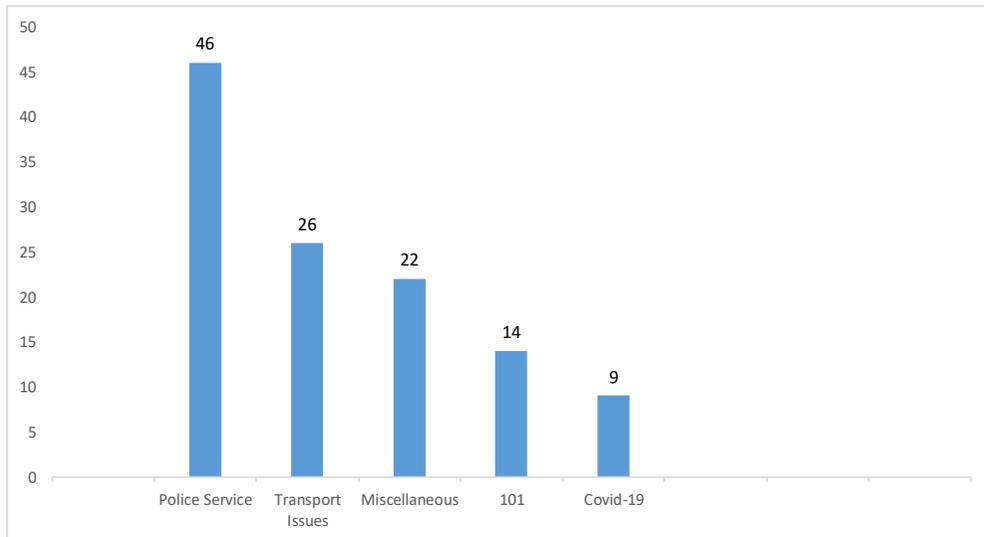
1.4 Where an urgent matter is received, the OPCC will contact the Chief Constable's office to ensure that the matter is progressed immediately. Since its inception the number of QSPIs received and dealt with by the OPCC has increased year on year as can be seen from the figures below:

2013	2014	2015	2016	2017	2018	2019	2020 (up to 31/03/2020)
98	198	167	235	270	350	435	101

1.6 Below is an area breakdown of where the complainant is based in Cumbria. When contacting the OPCC an individual may not always provide their location which is recorded as 'unknown'.



1.7 Members of the public will contact the OPCC regarding a broad range of issues. The Commissioner will write to every individual using information provided by the Constabulary, the OPCC or other partner organisations. Below is a breakdown of the top issues raised from 1 October 2019 – 31<sup>st</sup> March 2020.



Further details of each identified category are provided below.

**2. Identified Issues**

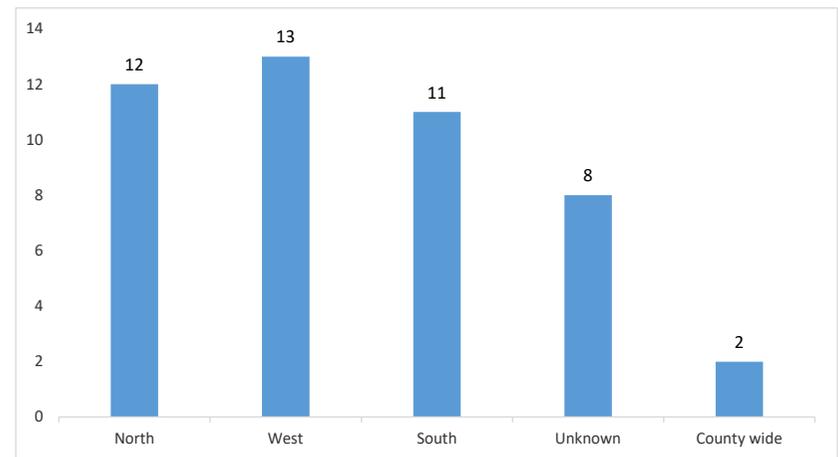
2.1 In each instance, the OPCC helps to facilitate the individual to be provided with a tailored response or explanation to the issues that they have raised. On many occasions the matter is dealt with at a local level, with police officers and staff making contact or visiting the individual. This then enables the Constabulary to find out more about the issue and look to implement a suitable solution or resolution for not only them but on occasions the wider community.

2.2 Where matters are passed to the Constabulary the OPCC is advised of progress and of either a final solution, which has been agreed with the individual, or information/advice relating to their issues.

2.3 Members of the public also contact the OPCC for advice and clarification on a variety of topics and issues. There are five categories that are the most common areas of complaint and further details on these are provided below:

**2.4 Police Service**

During this reporting period, 46 concerns were raised in relation to the level or standard of policing service they received. A breakdown by area is included below:

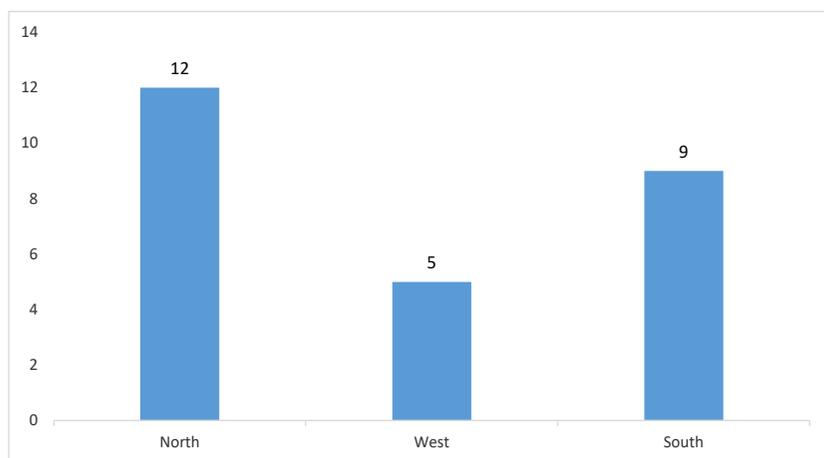


The concerns logged within this category indicate that the individual is unhappy with the level of policing service they have received and/or the outcome of the investigation. The OPCC has identified that a large number of these concerns are triggered by the lack of communication or updates received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

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

## 2.5 Transport Issues

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



## 2.6 Miscellaneous

The OPCC has received 22 QSPI's recorded as 'Miscellaneous'. Alone, these would not be statistically significant, however these do need to be captured in some way. Some categories for these QSPI's include: the use of cannabis; police policies and CCTV applications. These QSPI's are dealt with in exactly the same way and each will be provided with a detailed response to the query/concern raised.

## 2.7 101

During the reporting period the OPCC has received contact from 14 members of the public who were dissatisfied with the Constabulary's 101 telephone service. Predominantly this related to the amount of time it took for members of the public to be connected to an operator within the Comms Centre.

Each individual case is looked into with assistance from the Chief Constable's office to determine what the average wait time was for that day and if there were any operational challenges which may have contributed to the delay the caller received. An explanation is then provided to the complainant. All complainants are advised of other available ways to report non-emergency crimes or matters to Cumbria Constabulary, these being:

Email: [101emails@cumbria.police.uk](mailto:101emails@cumbria.police.uk)

Online Reporting: <https://www.cumbria.police.uk/Report-It/Report-a-Crime/Non-Emergency-Crime-Online.aspx>

## 2.8 Covid-19

The OPCC received 9 complaints in relation to the current Coronavirus (Covid-19) pandemic up until 31/03/2020. Many of these people are supportive of the police approach but are concerned that residents near them are not following the instructions and are putting them at risk. The Commissioner has been fully supportive of all advice and messages given from Cumbria Constabulary, all in line with the government instruction which is changing frequently. All complainants have been encouraged to continue reporting anyone not following the instructions as soon as possible or at the time it is happening to enable the police to take action where appropriate and necessary.

A small number of complainants have been unhappy that the police have stopped and questioned them in relation to traveling for exercise. The Commissioner has been fully supportive of the force and reiterated that the government instruction regarding staying at home and the parameters to travel for exercise.

Up until 22<sup>nd</sup> April 2020, the OPCC has received 37 QSPI's in relation to Coronavirus, and correspondence currently appears to be received daily in relation to this. All police forces are being asked to ENGAGE with communities, EXPLAIN the restrictions and ENCOURAGE people to comply and as a last resort this could be ENFORCED with a summons. Anyone being stopped by the police would be asked the reason for their travel and any advice or decision would be made at that time at the discretion of the officer.

Correspondence has been received from members of the public who are traveling to a close family member's funeral or collecting a close family member from an airport. These people have been concerned that they would be stopped by the Police and not allowed to continue their journey. The OPCC have been clear in that they cannot advise for each individual case, nor can the Constabulary, however from the circumstances explained suggested that the journey would appear to be necessary in line with the government instruction. In all correspondence, the OPCC has reiterated that the guidance published by the government should be adhered to and people should be keeping up to date with such announcements.

## 2.9 Compliments

The OPCC has received 7 forms of correspondence thanking the Commissioner and/or the Police for the service provided. It is important to recognise the compliments received and these are always shared where possible with the individual officers, and the Chief Constable.

This number does not include those that have contacted the OPCC in relation to Coronavirus and been supportive of the policing of the guidance.

## 3. Local Focus Hubs

Within each of the three policing areas work continues in Local Focus Hubs. These Hubs are located: Allerdale & Copeland; one in Carlisle City Centre and two in the south of the county in Barrow and Kendal.

The hubs, due to their multi-agency approach enables them to respond to a wide variety of issues in an efficient manner. The hubs bring together organisations such as the police, local councils, housing associations, drug and alcohol support services, Environmental Health, licensing, enforcement, planning, Trading Standards, Fire & Rescue and locally represented charities; they also have the ability to link in with Highways and CRASH.

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

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

## 4. Making a Difference

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

This type of work is replicated throughout many of the QSPI's received and actioned by the OPCC. Meaning that the Commissioner is ensuring that the issues raised by communities within Cumbria are responded to and in the majority of cases resolved. As with all QSPI's the information provided by individuals is used not only to resolve their issues but to allow the Constabulary to look at the wider community and scope whether similar issues are being experienced by others. Quality assurance work is carried out to monitor issues longer term and this information can then be used to inform local policing teams and the work that they carry out. The information collated by the OPCC from QSPI's is subsequently used by the Commissioner to inform his Police and Crime Plan and any subsequent reviews thereof. The Constabulary also uses this information to assist in their implementation of the Police and Crime Plan and local policing plans.

During the current COVID-19 lockdown the Commissioner has ensured that any enquiries or concerns received by members of the public are dealt with as soon as possible. This enables the correct information to be provided and any concerns or issues raised are dealt with quickly by the Constabulary. He continues to have his weekly meetings with the Chief Constable which now include the county's MP's where issues or concerns raised can be discussed along with policing matter.

The OPCC and the Commissioner during the lockdown continues to provide messages to the public through a variety of media platforms. These are to enforce the Government guidelines and current policing practices.

## 5. Implications

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



## Agenda Item No 11

# Cumbria Office of the Police and Crime Commissioner

## Complaints, Misconduct and Grievances Case Sampling Protocol

### Document control

This policy applies to all employees of the Office of the Police and Crime Commissioner for Cumbria.

<b>Date of last review</b>	Reviewed March 2018, updating amendments made.
<b>Date of next review</b>	March 2020
<b>Owner</b>	Head of Communications and Business Services
<b>Equality Impact Assessment</b>	25/2/2015

### Distribution and Consultation Record

<b>Date</b>	July 2019
<b>Version</b>	V2
<b>Authors</b>	Joanne Head, Governance Manager

### Version Control

Plan Approval	
<b>Approved By</b>	OPCC Executive Team
<b>Signature</b>	Gill Shearer at OPCC Executive Team
<b>Date</b>	xxxxx
<b>Equality Impact Assessment completed</b>	Date

<b>Version .01</b>	Created March 2015
<b>Department</b>	Office of the Police and Crime Commissioner
<b>Contact</b>	

<b>Version.02</b>	Created April 2018
<b>Department</b>	Office of the Police and Crime Commissioner
<b>Contact</b>	Joanne Head, Governance Manager

<b>Version.03</b>	Created April 2020
<b>Department</b>	Office of the Police and Crime Commissioner
<b>Contact</b>	Joanne Head, Governance Manager

<b>Version.04</b>	Created
<b>Department</b>	
<b>Contact</b>	

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7.	Case Sample Outcomes
8.	Identified Issues or Concerns
9.	Appendices

## Introduction

Each police and crime commissioner for a police area has a number of statutory responsibilities, which are principally laid out in the Police Act 1996 (as amended by the Police Reform and Social Responsibility Act 2011).

The Police & Crime Commissioner (Commissioner) will hold the Chief Constable to account for the service that the public should expect from the Commissioner and the Constabulary. Part of that service will be the dealing of complaints. Indirectly, part of that service will be dealing with Police Staff Disciplinary cases. This will be an independent process of scrutiny carried out by an Ethics and Integrity Panel with representatives drawn from outside of the Constabulary and the OPCC.

Amendments to the police complaints system by the Police Reform and Social Responsibility Act were designed to streamline and remove unnecessary bureaucracy from the system ensuring that complaints are handled at the lowest appropriate level.

Schedule 14, Section 7 of the Police Reform and Social Responsibility Act gives power to the 'local policing body' to direct the chief officer of police to comply with obligations in regard to complaints and therefore the monitoring of complaints would be seen by a Commissioner as an important part of their role. The local policing body may direct the Chief Officer to take such steps as the local policing body thinks appropriate and the Chief Officer must comply with any direction given.

The Policing and Crime Act 2017 has mandated that all Police & Crime Commissioners are to carry out reviews of 'Recorded - No Investigation' complaints, where the complainant is unhappy with the outcome. Commissioners may if they wish have involvement within other areas of the complaint process following consultation with the Chief Constable and appropriate staffing arrangements made.

Five elements, which the Police & Crime Commissioner should have in place to maintain effectively an ongoing scrutiny and oversight of complaints against the Constabulary would be:

1. Process and procedural audits as compared with Home Office Guidance on complaint handling;
2. Dip-sampling of completed complaints files and disciplinary files;
3. Analysis of statistics and trends;
4. Strategic analysis;
5. Discussion with stakeholders and partners.

This protocol is to specify procedures adopted by agreement between the Commissioner and Cumbria Constabulary, particularly towards elements numbered 1 and 2 above.

These procedures are intended to assure public trust and confidence by embedding transparent and structured processes for the Commissioner to discharge that individual element more effectively, as part of their overall function.

This approach will also enhance the Commissioner's ability to fulfil the other elements, as well as the enhanced expectations of the Independent Office of Police Conduct (IOPC) introduced under the Police Reform Act 2002. The IOPCC has produced Statutory Guidance that outlines the responsibilities of Police & Crime Commissioners.

The purpose of this structured approach is to ensure that complaints in Cumbria are being dealt with rigorously and fairly, in line with IOPC Statutory Guidance and Constabulary policies and procedures, under processes understood by the Commissioner. This approach also ensures that disciplinary cases in Cumbria are being dealt with rigorously and fairly, in line with Statutory Guidance and Constabulary policies and procedures, under processes understood by the Ethics and Integrity Panel.

If a series of cases (on their facts and outcomes) together indicated a consistent area for concern, then the Commissioner may review them in conjunction with the Constabulary and other stakeholders to see whether wider lessons emerge.

## Case Sample Procedure

The Ethics and Integrity Panel (Panel), accompanied by a member of staff from the Office of the Police & Crime Commissioner (OPCC), will attend by arrangement the offices of the Constabulary's Professional Standards Department no more than once every quarter and no less than once on a six monthly basis.

The Office of the Police & Crime Commissioner and Professional Standards Department Admin Managers are responsible for making these arrangements, in line with the Panel's annual work programme.

The Panel will audit process and procedures using agreed checklists as attached (Appendices 1 to 4c). Files will be selected from a list of finalised complaints, provided by the Professional Standards Department to the member of staff at the time of attendance. With regards to finalised Review cases, the OPCC will provide the Panel with a list of finalised cases from which they will select ones to inspect.

### Number or proportion of completed complaint files to be inspected

It is not practical to inspect all files completed during the six months preceding the case sampling session. Instead, an agreed number of completed files from the preceding six months will be inspected.

The number identified for inspection has been agreed as representing both an appropriate proportion from the total number of files completed in an average year and also a realistic quantity for the members of the Panel to give appropriate attention to.

The Commissioner reserves the right to increase or decrease that specified number if necessary, in consultation with the Constabulary. The frequency of attendances to the PSD Offices will also influence the number of files that are dip-sampled. However, the Constabulary is committed to assisting this process in enhancing trust and confidence in the police complaints system and restrictions on access to files should not be a barrier.

1. The number of dip sampled files chosen from those concluded outside of Schedule 3 (Service Recovery) within area **8 (eight)**
2. The number of dip sampled files chosen from those concluded outside of Schedule 3 (Service Recovery) within PSD **8 (eight)**
3. The number of dip sampled files chosen from those concluded by way of Recorded – No Investigation **8 (eight)**
4. The number of dip sampled files chosen from those concluded by way of Recorded – Investigation **8 (eight)**

[NB: In conducting dip-sampling under this protocol it is important to note it is not a review of the appropriateness or otherwise of the conclusion reached in any individual case. There should not be undue weight on the factual issues arising in a case.]

### Completed Complaint Review files to be inspected

The IOPC deal with any appeals against complaints which have been Recorded and Investigated, ie more serious allegations, along with specific appeals in respect of managed or supervised investigations. As they have had involvement in the complaint they will be the appropriate body to deal with the appeal.

The OPCC will deal with reviews resulting from Recorded – No Investigation complaints, dealt with by the Constabulary.

5. The number of review files chosen from those concluded by the OPCC to be inspected at the dip sample session is: **4 (four)**

### Identified Best Practice to be inspected

When carrying out reviews of complaints, the Panel should note any areas of best practice that are identified during the handling of the complaint. Particular note should be made of how and to whom this best practice has been disseminated to.

### Disciplinary files to be inspected

Complaint and disciplinary files are dealt with by investigators within the Constabulary's Professional Standards Department. The Panel will sample police officer and police staff disciplinary files on a six-monthly basis and no more than once a quarter.

At the case sample session, all closed cases finalised following the previous reporting period will be presented. Given that the number of cases is expected to be small, the Panel are likely to be able to select and inspect all finalised files. The frequency of the case sample sessions may influence the number of files that are sampled during the session.

Closed case files to be examined will include those with outcomes as follows:

- Action short of dismissal
- Dismissal
- Appeal

The Panel will audit process and procedures using pro forma checklists as presented at Appendix 6. The checklists highlight the various stages in the disciplinary process that may give rise to issues of integrity, efficiency and effectiveness or proportionality. This should allow easy identification of areas of concern.

The Constabulary is committed to assisting this process in enhancing trust and confidence in the disciplinary process and there will be no restrictions on access to closed files.

*[NB: In conducting a full examination or dip-sampling under this protocol it is important to note it is not a review of the appropriateness or otherwise of the conclusion reached in any individual case. There should be no assessment of the factual issues arising in any case and the Panel will not seek to consider the merits of the case]*

### Grievance files to be inspected

There are a relatively small number of grievance files finalised at any one time during a year.

At the case sample session, all closed cases finalised following the previous reporting period will be presented. Given that the number of cases is expected to be small, there should be no requirement to specify any limitations on the number of cases that are scrutinised. However should this number increase in the future the Office of the Police and Crime Commissioner reserves the right to increase or decrease the number of files inspected by agreement with the Constabulary. The frequency of the case sample sessions may influence the number of files that are sampled during the session.

Due to the confidential process undertaken by the Grievance procedure names contained within the grievance files may be redacted prior to being provided to the Panel to sample.

Closed case files to be examined will include those with outcomes as follows:

- Resolved to satisfaction
- Unresolved
- No Further Action
- Withdrawn

The Panel will audit process and procedures using the pro forma checklist as presented at Appendix 7.

## Case Sample Outcomes

This protocol represents an understanding agreed between the Constabulary and the Police & Crime Commissioner in Cumbria. It is intended to constitute an important limb of the overall scrutiny and public accountability that is delivered by a Police & Crime Commissioner in pursuit of statutory duties set out the Police Reform and Social Responsibility Act 2011.

In particular, within its own Single Equality Scheme, the Commissioner has prioritised and assessed their functions for relevance to equality. Complaints against the police is a key area where realised or potential impacts on human rights, race, or other equality issues can be revealed. (“Stop & Search” or “Stop & Account” provides one important example). This is why the vigilance of the Commissioner provides one important part of the framework of remedies and reassurances available to members of the public in this field. Disciplinary cases against police officers and police staff are a key area where realised or potential impacts on human rights, race, or other equality issues can be revealed.

This protocol is intended to help:

- provide public reassurance about the integrity, effectiveness and efficiency of policing in Cumbria;
- assess the risk of policing impacting adversely and disproportionately on human rights; or on minority ethnic groups in Cumbria;
- assess whether such risks can be justified as proportionate, legitimate, legal, and minimised;
- assist decision-making about the policing method or policy involved.

When assessing the potential impact or indicated effect of policing processes, methods, procedures or policy upon equality, consideration will at the same time be given to ethnic or national origin, race, colour, or nationality. (Where an impact is also identified on other minorities, or on issues of religious belief, gender, sexual orientation, disability, age and social background, then this will also be reported on where appropriate).

## Identified Issues or Concerns

When carrying out their inspection of complaint, disciplinary and grievance cases, the Panel members undertake this task on behalf of the Police and Crime Commissioner. They will ask any questions or raise concerns they may have about the processes or procedures to the member of staff allocated to them. These can if necessary be escalated to the Head of the Professional Standards Department to invite further explanations. They will also draw them to the attention of the Deputy Chief Constable at the Panel meeting where complaints and disciplinary matters are discussed.

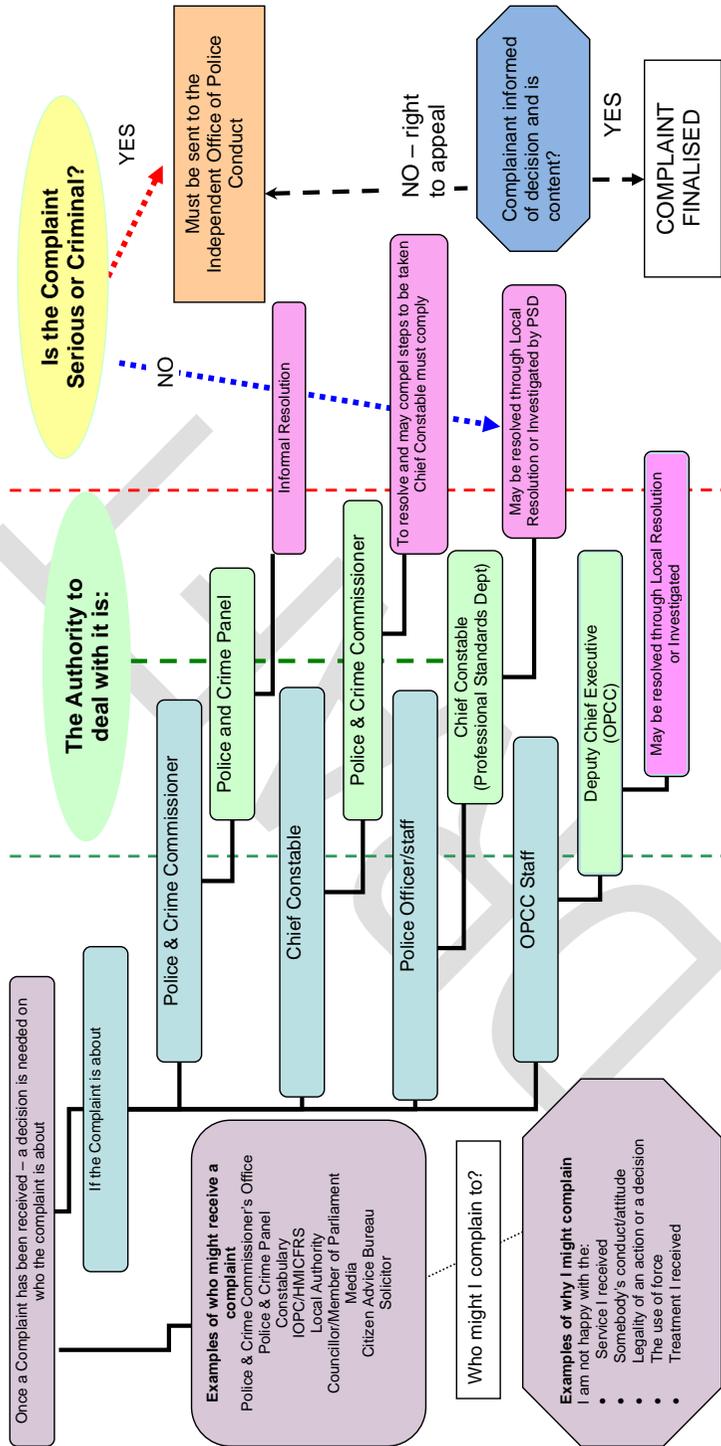
The Commissioner will be notified by way of a written report. Where serious issues are identified the Commissioner may then wish to raise the matter with the Deputy Chief Constable who will respond, as appropriate, with advice and explanations. In addition to the above, the member of OPCC staff’s report will also measure their satisfaction with the sampling visit, the application of the checklists and the outcome of the sampling exercise.

## Appendices

The following supporting documents illustrate in flow chart or checklist form the processes followed for complaints:

1. Complaints process map (flow chart)
2. Checklist for Case Sampling closed Complaint Files
3. Checklist for Case Sampling closed Review Files
4. Checklist for:
  - a. Non-Recorded, Dealt with Outside Schedule 3 – Service Recovery
  - b. Recorded – No Investigation
  - c. Recorded – Investigation
5. Checklist for Complaint Review Files
6. Checklist for Case Sampling closed Police Officer and Police Staff Disciplinary Files
7. Checklist for Case Sampling Grievance Files.

Appendix 1



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Case Sample Protocol (Draft v4 April 2020)

Appendix 2



Checklist for Case Sampling Complaint Files

	Area to Review	Checks to Make	Service Recovery	No Investigation	Investigation
1.	Initial Assessment	Clear initial assessment and documented?			
2.	Acknowledgement of receipt of complaint	Timely contact with the complainant and investigating officer identified.			
3.	Telephone Call Complaint Form / Letter	Was the form completed correctly/does the letter contain sufficient information (recorded matters only)?			
4.	Keeping complainant informed	Was acknowledgement of receipt sent to the complainant and that they were kept informed on an ongoing basis?			
5.	Officer/staff member subject of complaint	Is there evidence to show how the officer was informed of the complaint and kept informed on an ongoing basis?			
7.	Withdrawal	Is this fully documented?			
8.	Time taken to complete	Has a reasonable amount of time been taken to complete the investigation? <u>Complaint Timescales</u> Outside Schedule 3 – <b>between 3 to 28 days</b> Recorded – No Investigation - <b>28 days</b> Recorded – Investigation - <b>120 days</b>			
9.	Justification of the	Has the reasonable and			

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	outcome of the complaint process	proportionate approach been appropriate and conclusion supported by evidence?			
10.	Final response to the complainant and the officer	Was the final response timely, responsive and conclusive?  Did it identify the right of review?			
11.	Officer improvement	Was Reflective Practice Review Process (RPRP) and/or Practice Requires Improvement (PRI) identified and actioned?			



### Checklist for Case Sampling Review Files

	Area to Review	Checks to Make
1.	Initial Assessment of Review	Is it clear that an initial assessment was made of the Review and recorded?
2.	Review letter/form	Was sufficient information provided as to the nature of the review?
3.	Acknowledgement of receipt of Review	Letter to complainant – timely and responsive? Is investigating officer identified to complainant?
4.	Keeping complainant informed	Was acknowledgement of receipt sent to the complainant and that they were kept informed on an ongoing basis (usually every 28 days)?
5.	Officer/staff member subject of complaint	Is there evidence to show how the officer was informed of the complaint and kept informed on an ongoing basis?
6.	Time taken to complete	Has a reasonable amount of time been taken to complete the Review? (There are no Review timescales within the legislation or guidance.)  <u>Review Timescales</u> Review decision xxxxxx Re-Investigations - 120 days
7.	Justification of the outcome of the Review process	Has the approach, review and conclusion been appropriate and supported by evidence?
8.	Final response to the complainant and the officer re the outcome of the Review	Were the final responses timely, responsive and conclusive? Did it identify to the complainant any right of further appeal?











