



Peter McCall



ANNUAL
REPORT
2020

Ethics
&
Integrity
Panel

Forward of the Panel Chair

Welcome to the 2020 Annual Report of the Ethics and Integrity Panel.

This year has been one of unprecedented change and challenge for the Constabulary, and the people of Cumbria that they serve. Through strong individual and team working they have supported communities and each other to face the policing of the pandemic with professionalism and integrity. This is a great credit to not only the Constabulary but to each officer and member of staff.

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.

While 2020 has been an incredibly challenging year, we have maintained our work programme, and have adapted to look at a number of COVID specific issues and activities.

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 Police and Crime Commissioner and the Chief Constable

The Police and Crime Commissioner for Cumbria, Peter McCall said:

Oversight of policing remains an important part of my role and it is essential that ethical standards remain high. 2020 has been an exceptionally hard year for members of the public and for the police officers and staff who provide the policing service within our communities. They have worked in very difficult circumstances to keep everyone safe.

The legitimacy of our police 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 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, particularly this year when they have been faced with often difficult and challenging circumstances.

My role is to serve the communities of Cumbria and be their voice for policing matters. Many individuals contact myself and through the work of the staff within my office we are able to provide them with assistance, guidance or explanations. This year an addition to my role and that of my office is to carry out reviews of public complaint cases which adds an openness and transparency to the process. It is important that myself and my team also work to high ethical standards to ensure that public confidence is maintained.

The independent work of the Ethics and Integrity Panel is extremely important and continues to provide a valuable scrutiny role on the ethical values of both organisations. The broad range of business that they scrutinise continues to be developed to ensure that the Panel remains effective. I am grateful for the commitment of its Chair and members who have worked hard to ensure the work has continued notwithstanding the extraordinary challenges of the COVID-19 situation.

The Chief Constable, Michelle Skeer said:

As a Constabulary we understand that members of the public have an expectation of the level of policing service they should receive. This is even more important during policing in the recent pandemic with the imposition of additional restrictions to save lives. Our principles and standards are underpinned by the Police Code of Ethics. Independent scrutiny, through the panel, provides me with continued reassurance of our transparency and supports our determination in delivering an outstanding policing service to keep the communities of Cumbria safe.

1. Introduction & Background

Since its inception in 2015, the purpose of the Ethics and Integrity Panel continues to be 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 2020.

The Panel meets privately on a quarterly basis to enable open and frank discussions. The 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 and OPCC'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 once again continued to develop during 2020 to reflect the changing dynamics of policing in Cumbria and the challenges it faces. Once again, a number of thematic sessions were held during the year to look at specific issues or areas of business. This enabled the Police and Crime Commissioner and the Chief Constable to be provided with independent reassurance.

Even though the COVID-19 pandemic drastically affected how everyone worked, the Panel held virtual meetings to continue with their oversight and some of their dip sampling processes.

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:

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

2. Public Complaints, Quality of Service and Reviews

Public Complaints

Schedule 14 of the Police Reform and Social Responsibility Act 2011 provides Police and Crime Commissioners with a role to play in overseeing police complaints, including the ability to direct a chief officer of police to comply with obligations. The Police and Crime Commissioner for Cumbria utilises the Ethics and Integrity Panel to fulfil this function on his behalf, thereby gaining assurance from their independence.

Due to COVID-19 restrictions the Panel were unable to carry out their 6 monthly dip sample process in May 2020. This was to ensure the safety and wellbeing of both staff and Panel members. Therefore, an annual dip sample session was held at the end of October when the Panel members were able to physically carry out file reviews.

Over the reporting period, the Panel reviewed 30 complaint files. They carried out the dip samples directly via the Centurion system within the Professional Standards Department, enabling members to view all information, actions and outcomes on the live system. Speaking directly with case workers regarding any issues or concerns.

Following the session any recommendations or comments were collated within an action sheet to ensure that they are completed and where appropriate implemented in a timely manner. Some of these include:

- Following the implementation of the new regulations, complainants are contacted at a much earlier stage, with many being dealt with immediately. This provided a much better service to members of the public; and enabled complaint handlers to manage a complainant's expectations at the beginning of the process. With complaints being resolved at the earliest opportunity this now affords staff the ability to concentrate on the more complex complaints and their investigation.
- The use by officers of their Body Worn Video equipment remained an issue. A number of complaints could have easily been dealt with had they switched it on. Following the Panel's identification of the continuing issue a force wide notification was issued to all officers and staff.
- The standard of the Constabulary's public complaint files had once again been maintained throughout the year.

Quality of Service

The Office of the Police & Crime Commissioner received 553 letters, emails and telephone calls from members of the public who wish to raise issues or dissatisfaction with the Commissioner. Where the matter related to operational policing the OPCC liaised with the Chief Constable's Staff office to provide information or a solution for the individual. The types of issues raised are:

- The Police Service provided or received
- Transport issues – parking, speeding or anti-social driving
- Miscellaneous – hunting, E-scooters/bikes, and Constabulary policies or procedures
- Crime – cold callers, child welfare, cybercrime, neighbour disputes
- COVID-19 – supportive of police action, reporting residents not following the guidance

The OPCC also received a number of compliments thanking the Commissioner or the Constabulary for the service they provide.

Reviews

The Policing and Crime Act 2017 mandated that Police and Crime Commissioners undertake reviews of public complaints and came into force from 1 February 2020. As part of the Panel's work they also carried out a dip sample of the reviews completed by the OPCC during the first 6 months. They felt that they had been dealt with appropriately and within a timely manner.

At their quarterly meetings the Panel received performance data from the Constabulary on the number of complaints received and how these have been managed, including whether they were within the required timescales.

The Panel also reviewed work undertaken by the Office of the Police & Crime Commissioner in relation to complaints and quality of service. During 2020 there was a sustained increase in the number of people contacting the Commissioner regarding policing issues. The OPCC through raising these issues with the Chief Constable's staff office have facilitated all individuals to receive a written response answering their questions or queries.

3. Police Officer & Police Staff Misconduct

The Panel received information on a quarterly basis relating to **Police Officer Misconduct** from the Constabulary's Anti-Fraud and Corruption Unit. Information relating to **Police Staff Misconduct** was now also provided on a quarterly basis due to the Professional Standards Department now dealing with all types of misconduct. This enables the Panel to monitor performance in relation to these areas of business and consider any patterns or trends across the whole organisation.

As part of their work programme the Panel have reviewed misconduct files prior to their November 2020 meeting. Again, only one session was held due to COVID-19 pandemic restrictions as the safety and wellbeing of staff and Panel members was paramount. During the session the Panel reviewed all completed files, providing views and recommendations for any improvement in the way information was provided, how cases were handled or the public perception of the handling of such cases. They were pleased to note that the quality of the files was being maintained and that actions were being fully recorded within each case.



Some of the cases reviewed related to student or officers young in service. Some of the cases could be attributed to adjusting lifestyle choices after becoming a police officer.

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.

4. Code of Ethics and Code of Conduct

The Panel's role is 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 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. Equally important the OPCC members of staff adhere to a **Staff Code of Conduct** which is based upon the model Code of Conduct for Local Government Employees and incorporates the principles arising from the Nolan Report, providing a framework for all employees in terms of official conduct

During 2020 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 Officer Recruitment

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 have responsibility 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 reviewed cases and felt that some decisions did not align with current policies and procedures. The Constabulary were in the process of reviewing their HR policies and procedures which would address the issues identified by the Panel.

They noted that the new grievance procedure which had been introduced allowed individuals to indicate what they would wish the outcome to be; enabling an understanding of the issues raised at an early stage in the process.

Although the Constabulary's HR Department dealt with all grievances, they would link in with the Anti-Corruption Unit to ensure matters were cross referenced.



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 such information throughout the organisation to avoid future risks and claims.

In November 2020 the Panel raised some concerns regarding property. There were a number of claims relating to lost or damaged property which in their opinion could have been avoided with the use of rigorous processes and procedures. The Constabulary had carried out a review of this area of business and actions would be taken to ensure that the findings were incorporated into any changes made.

With the exception of property, the Panel have not identified any other trends within the claims. On a national and local level, the Constabulary along with many other forces, are still 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.

Officer Recruitment

Throughout the year the Panel monitored the Constabulary's progress on **Officer Recruitment** following the Government's announcement to appoint 20,000 officers across England and Wales. During 2020 Cumbria Constabulary saw an additional 51 officers recruited. This was the first phase of a 3-year programme.

The Constabulary had received a significant number of applications and utilised Positive Action to attract applicants from diverse backgrounds. The Panel monitored how recruitment had been progressed and were keen to ensure that support mechanisms were also in place once all candidates had been appointed to the Constabulary to enable retention and progression.



6. Thematic Inspections

The Panel reviewed six areas of thematic work during 2020.



In February they 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.

Two detentions had been authorised using Sec 136 and both of these were reviewed. The Panel felt that the detention of the individuals had been justified. Service provision by health trusts often hindered the quick release of detainees resulting in custody staff having to deal with individuals for long periods of time.

They recognised 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.

Changes to the provision of mental health services had seen the county split in two. The North of the county receiving provision from the North East and the South receiving provision from Lancashire. This meant that 'hub beds' 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 mental health facilities.



Also, in February 2020 the Panel were provided with a breakdown of usage and the training being provided to officers in relation to **Spit Guards**. During 2019 765 officers had received training with a further 99 officers being trained as part of their initial training courses. This gave a total of 864 officers trained in how to use and apply Spit Guards. No complaints had been made or received regarding the application or use of Spit Guards during 2019. This could largely be attributed to Spit Guards only being used on an individual for a short period of time. Officers were also trained in aftercare techniques, continually carrying out risk assessments and monitoring any changing health conditions.



During 2020 the Panel continued to monitor development and change within the **Communications Centre**. The introduction of a new Command and Control system had initially encountered some problems, but these were worked through during the first six months of the year. As well as a system which provided the required service it was important to realise value for money and relinquish some of the 'switchboard' functions which were unnecessary for the Communication Centre to carry out. Development of an announcement message to direct people appropriately had been introduced with a view to directing callers to the most appropriate service.

As the COVID-19 pandemic evolved at the beginning of 2020 the Communications Centre was split into 3 teams to enable social distancing, ensuring staff wellbeing and minimising the transmitting of the disease.



To provide assurance to the Constabulary and transparency for the communities of Cumbria the Panel carried out two dip samples of **COVID-19 Fixed Penalty Notices** which were issued during the first pandemic lockdown to individuals who did not comply with the guidance. The sessions were carried out in May and July to assess whether Fixed Penalty Notices were being issued appropriately. If members of the public were committing crimes or offences, these were dealt with by other means as they would normally.

At the conclusion of the May dip sample the Panel found that the Fixed Penalty Notices had been issued appropriately where necessary. Recognising that the Constabulary were Engaging, Encouraging, Explaining and only where necessary Enforcing the legislation and guidance.

Following issues being highlighted nationally, the Panel in July specifically carried out a comparison of tickets issued to Black and Minority Ethnic (BAME) individuals compared to those identified as non- BAME. It was noted that nearly 40% of the tickets issued were to individuals who did not reside within Cumbria and therefore the demographic compared to that of the

county could potentially show disproportionality against BAME communities.

Having completed the dip samples the Panel were able to provide assurance that the issuing of Fixed Penalty Notices were in the main proportionate. The Panel raised some questions on the comparison data provided and were advised that an explanation was to be provided to them. Unfortunately, this was not provided at their November meeting and it was hoped that it would be provided in January 2021. They sought reassurance that there was no bias in the issuing of the notices and that officers and staff had received appropriate unconscious bias training.

As the pandemic continued in the autumn of November 2020 with a further lockdown and Tier restrictions it was agreed that the Panel would carry out a further dip sample in January 2021.



In August 2020 the Panel carried out a dip sample of forms regarding the use of **TASER**. They reviewed 20 forms where the TASER had been fired and 20 where it had been used but not actually discharged.

They identified that the use of force form had not been specifically designed to record TASER usage, rather it was added to an existing form. This resulted in officers not being able to fully notate what tactics had been used up to the point of the TASER being discharged; nor did it allow full oversight by supervision. Following the Panel's findings and recommendations, the Constabulary's use of force form was amended to enable officers to fully record the use of TASER and actions leading up to it.



In August the Panel carried out their annual review of **Stop and Search** forms to ensure that their completion had been maintained. Of the 40 forms reviewed 17 were identified as requiring improvement and a number of forms indicated that Body Worn Video had not been activated during the stop and search. Had the recording of the incidents on the forms been of a better quality it would have provided a better picture of the circumstances of the

stop and would stand up to scrutiny should there be a challenge. None of the forms indicated that the stop and search was not legally carried out.



Since their initial thematic session regarding **Body Worn Video**, the Panel continued to monitor its usage within the Constabulary.

As has been identified earlier in this report, there remains a number of areas of Constabulary business where Body Worn Video is not used to its full potential. These include Stop and Search, responding to incidents following which a complaint is made. The use of Body Worn Video provides an independent viewpoint of a matter or incident. When it is not used where it should have been leaves the officer and Constabulary open to complaint, criticism and potentially civil litigation.

As identified earlier, following the Panel's complaint case dip sample, the Constabulary took on board the findings and issued further guidance and instruction to all officers and staff about the compulsory need to use Body Worn Video.



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.

2020 has presented many challenges for Cumbria Constabulary in dealing with the COVID-19 pandemic across the communities it serves. The dedication of officers and staff to maintain a 'business as usual' approach to the many facets of both the Constabulary and the staff within the Office of the Police and Crime Commissioner (OPCC) is to be applauded. This has been very apparent within the work the Panel has overseen and carried out during the year.

The Panel have shown their ability to respond to emerging and changing situations; adapt to understand the issues; work with the Constabulary and OPCC to carry out work in addition to that scheduled within their work programme; and provide reassurance to both organisations and the public.

Recommendations and guidance given by the Panel continues to be 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.

