

**Enquiries to: Mrs J Head  
Telephone: 01768 217734**

**Our reference: jh/EIP**

**Date: 1 February 2018**

## **AGENDA**

**TO: THE MEMBERS OF THE ETHCS AND INTEGRITY PANEL**

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

A Meeting of the Ethics and Integrity Panel will take place on **Thursday 8 February 2018** in the **OPCC Meeting Room**, Police Headquarters, Carleton Hall, Penrith, at **2.00pm**. Please note that a buffet lunch will be served for Members of the Ethics and Integrity Panel.

**V Stafford  
Chief Executive**

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

**The Panel members will meet at 11.00 am to carry out an agreed Thematic Session.**

### **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 9 November 2017 (copy enclosed).

### **5. COMMUNICATION CENTRE**

- (a) To receive a report on the Constabulary's Communications Centre – *To be presented by Deputy Chief Constable Skeer*
- (b) The Panel to raise any overall issues identified during the morning's thematic session and discuss any actions.

### **6. SPECIAL CONSTABULARY RECRUITMENT UPDATE**

To receive a verbal report on the work being carried out by the Constabulary with regard to Special Constables.

### **7. INTEGRITY – ANTI-FRAUD & CORRUPTION**

To receive and note a report by Cumbria Constabulary on work undertaken by the Anti-Fraud and Corruption Unit (copy enclosed) – *To be presented by Deputy Chief Constable Skeer*

**8. INTEGRITY – COMPLAINTS BY THE PUBLIC**

To receive and note a report by Cumbria Constabulary on public complaints (copy enclosed) – *To be presented by Deputy Chief Constable Skeer.*

**9. ANNUAL REPORT**

To receive the draft report and agree upon further contents prior to the report being presented to the Police & Crime Commissioner (copy enclosed) – *To be presented by the Governance Manager.*

## ETHICS AND INTEGRITY PANEL

Notes of a meeting of the Ethics and Integrity Panel held on  
Thursday 9 November 2017 in Conference Room 2, Police Headquarters,  
Carleton Hall, Penrith, at 2.00 pm

### PRESENT

Mr Michael Duff  
Ms Lesley Horton  
Mr Alex Rocke

### Also present:

Deputy Chief Constable Michelle Skeer  
Superintendent Sarah Jackson  
Director of Legal Services Mr Andrew Dobson  
Constabulary HR Manager Ms Kerry Rogerson  
OPCC Chief Executive Vivian Stafford  
OPCC Governance Manager Joanne Head

D/Supt McCaughrean – Merseyside Police

### 1. APOLOGIES FOR ABSENCE

Apologies were received from the Chair of the Panel, Mr Alan Rankin. In Mr Rankin's absence it was agreed that Mrs Lesley Horton would chair the meeting.

The Panel Chair thanked everyone for their attendance at the meeting and welcomed D/Supt McCaughrean who would be observing 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 21 September 2017 had been circulated with the agenda.

**Agreed;** that, the notes of the meeting held on 21 September 2017 be approved.



## 5. CIVIL CLAIMS

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

It was noted that 25 new claims had been processed since the Panel's last received a Civil Claims report in May. There were 7 active claims which were considered significant from the Police and Crime Commissioner's perspective.

The Panel noted the report which had been circulated with the agenda and asked the Director of Legal Services to identify any issues of which the Panel should be made aware. The members were briefed on an issue which was currently being investigated in relation to the Constabulary's communication system and potential hearing loss suffered by officers. Immediate changes to training and the reviewing of equipment had been undertaken upon receipt of the potential claim to identify if any issues were causing harm. This was a national issue as equipment was used within other forces around the country. It would appear that this was the first case to be received nationally.

During their morning session the Panel had dip-sampled public complaint files. In a few files, the complainants were also potentially seeking compensation for damages to front doors following police forcing entry into properties. The Director of Legal Services advised the Panel of the process carried out to deal with any potential claims, stating that claims could be settled by Legal Services, Central Services Department or the Joint Chief Finance Officer, depending on the nature of the claim. A discussion took place on whether information relating to any claim should be included within the complaint file. It was noted that the complaint file was indeed a separate process to that of a compensation claim and it was incumbent upon the individual to pursue such a claim not for the Professional Standards Department to process it for them. They would however always advise a complainant of the process should they wish to progress the matter down this avenue.

The Panel asked whether it was possible for ex-gratia payments to be made to individuals, who had suffered loss (for example, following property damage caused by officers), without recourse to a legal process. Supt Jackson advised that this was an internal process and that she would review it to see if any changes could be made.

Members requested the following to be included in the next Civil Claims report presented to them; figures relating to the number of claims and their costs of two previous years (to allow them to ascertain how the Constabulary were dealing with claims); whether similar claims were being received year after year; and whether overall the amount being paid out for civil claims was going up, going down or staying the same.

**Agreed;**       that,  
                   (i)       the Panel note the report;  
                   (ii)      Supt Jackson review the process in relation to small ex-gratia payments;  
                   and

- (iii) for the May 2018 report comparison figures of the previous 2 years be provided.

(Note: The Director of Legal Services left the meeting at this point).

## 6. MISCONDUCT

The Constabulary HR Officer presented a report which detailed the number of police staff discipline and misconduct cases which had been dealt with during the period 1 May 2017 to 31 October 2017. Over this period twelve members of staff had been subject to disciplinary proceedings which was a reduction of 36% from the previous 6-monthly report.

Five cases resulted in no further action being required, 1 received a written warning and 6 received words of advice in relation to their conduct. There were currently 6 investigations which were ongoing. Any trends were being identified and address within the Constabulary. Each case was looked at individually and assessed as to whether a formal hearing was required to deal with the matter.

The Panel had had the opportunity on Thursday 2 November 2017 to dip sample police staff misconduct files. The purpose of the dip sample session was not to consider the merits of the case but to consider the transparency, fairness and timeliness of the process.

A discussion took place regarding one disciplinary case. The Panel had concerns both over the length of time that the conduct had occurred and the way in which a (civilian) manager had apparently dealt with matters on an "informal" basis. The Panel noted that manager had since left the employ of the Constabulary. The Panel sought assurances that a similar situation could not occur again. The Deputy Chief Constable advised that when the allegations were raised they were dealt with robustly and that a new management structure had been established to prevent similar issues occurring again.

Regarding some of the individual's welfare the Panel were pleased to note that 2 of the individuals had now returned to work and were being provided with full welfare support. It was hoped that a solution would soon be reached to enable another member staff to return to work as well.

**Agreed;** that, the Panel note the report.

(Note: The Constabulary HR Officer left the meeting at this point).

## 7. CITIZENS IN POLICING

Supt Jackson presented a report which outlined the current position in relation to the recruitment of special constables, volunteers and police cadets to the Constabulary. She advised that since the Panel's previous reports there had been several changes including ACC Webster being in overall charge of the programme to drive it forward and the Programme

would be aligned to the People Department. Previously there had been a focus on recruiting special constables to the Constabulary as the only forms of volunteers, but now they were looking at areas of business where people could volunteer but not require warranted powers or undertake the necessary lengthy training programmes. These roles could then allow individuals to provide their knowledge and skills without an onerous time commitment.

It was recognised that the setting up of the Police Cadet Initiative would initially be resource intensive and therefore national funding was being applied for to support the initiative. The national co-ordinator had contacted the Constabulary and was prepared to support the setting up of the programme within Cumbria. The age range for Police Cadets would be between 13 years and 15 years and was part of the citizenship programme for young people. It would not provide an automatic route for them to join a police force, however it would provide them with good skills and an insight into the role which they could use for future careers.

The scheme would build relationships with you people, prevent areas of anti-social behaviour and engaging with young people to see what they need for diversionary activities. It was proposed that the cadets would meet for approximately 2 hours per week and look at a schedule of activities for them to carry out within their communities. An example could be young people working with older members of the community and teaching them about on-line fraud and how to stay safe. Safeguarding arrangements would be in place for this programme.

Supt Jackson confirmed that part of the remit of the Police Cadet initiative was in respect of community policing. She assured the Panel that appropriate safeguards would be put in place to ensure that the interests of the young people involved in the scheme would be protected.

A recruitment programme for special constables would be taking place in 2018. The recruitment process had been revamped with the overall process being shortened and some of the questions being removed. The learning and development plan was also being reviewed to reduce the length of time taken to fully train and equip individuals to undertake the role of special constable.

**Agreed;** that, the Panel note the report.

## **8. INTEGRITY – ANTI-FRAUD & CORRUPTION**

DCC Skeer presented the quarterly report on work undertaken by the Constabulary's Anti-Corruption Unit. She guided members through the report, commenting on each of the cases listed that had been finalised and those still ongoing providing an update on their status.

The Constabulary were arranging a number of training events to raise awareness on ethical behaviours and standards. This would also be included within individuals PDR (Performance Development Review) which were reviewed on a 15-week basis.

A discussion took place regarding a police misconduct investigation which the Panel had reviewed as part of their dip-sample session on 2 November 2017. The Panel noted that the officer (at the heart of the investigation) had previously been given words of advice and

management action for similar matters. They questioned whether the latest disciplinary action against the officer (that also being words of advice) would be sufficient to change that officer's behaviour. The Panel noted that effective people management could prevent low-level performance issues escalating to professional misconduct.

The Deputy Chief Constable assured the Panel that the Superintendent in charge of the area was closely monitoring the individual and any issues would be captured and included within the repeat officer strategy. Supt Jackson advised that she would also be monitoring the individual. Deputy Chief Constable Skeer advised that a new electronic PDR system was being implemented by April 2018 and would enable supervision to capture information and 'intelligence' on individuals to support any necessary action.

**Agreed;** that, the Panel note the report

## **9. INTEGRITY – COMPLAINTS BY THE PUBLIC**

DCC Skeer presented a report which outlined public complaints that the Constabulary had received during the reporting period along with comparison figures for the previous 12 months rolling period.

- IPCC data continues to show that Cumbria complaints per 1000 employees remains lowest in the MSF (most similar forces Lincolnshire 103, Norfolk 75, North Wales 64) and also against MSF/national averages:
  - Q1 Apr 17 to Jun 17, Cumbria: 63, MSF average: 76 National average: 68
- The IPCC data also shows that Cumbria is the 6<sup>th</sup> best in the country for average number of days to locally resolve allegations.
- The current 12 month rolling figures show that cases increased by 20.28% and there has been an increase in allegations by 17.24% in comparison to the last 12 months.
- A breakdown of allegations shows that West and South TPAs have reduced their level of allegations. All other areas show an increase of between 9 (31.03%) and 62 (57.94%).
- The main group showing an increase is Unprofessional conduct by 49 (34.51%).
- Allegations upheld by PSD have reduced by 11 allegations (57.89%) comparing the last period with the current 12 months. The number of Local resolutions has reduced overall by 15 (4.89%)
- The number of Force appeals continue to reduce, IPCC appeals have increased.
- The number of upheld appeals for the IPCC has reduced proportionately compared to the last period (from 31.3% to 20.8% of results), upheld Force Appeals have reduced by 50%.

During their dip sample of public complaint files in the morning the Panel had reviewed several files. In one of the files a police officer had sent an email to a member of the public with a footer that did not appear to be a corporate footer of the Constabulary. They questioned whether the Constabulary had a policy for corporate signatures on emails. Superintendent Jackson advised that guidance had previously been circulated to all officers and staff on what the standard footer for an email should look like. She agreed to ask the Marketing and Comms team to put an article in the 'Need to Know' publication again advising on the correct corporate email signature.

The Panel asked what controls were in place for officers and staff to post on social media such as Facebook and Twitter. Supt Jackson stated that the Marketing and Comms Team had overall control of the Constabulary's Facebook and Twitter accounts, however local policing teams also had Facebook and Twitter accounts to enable them to interact with their communities. The Panel raised concerns over reactive comments made by local policing teams which then became the subject of complaints. The Deputy Chief Constable advised that individual officers or staff would receive advice should they do something wrong and the posts could be removed. However, in relation to the overall number of officers and staff who used them the messages were overall more positive than negative.

During their morning session the Panel had been informed of the new 'There and Then' process which was being piloted within the Professional Standards Department. This involved members of staff contacting complainants at a very early stage, ascertaining what the issues were, whether there were any other issues, explaining the process and where appropriate managing a complainants' expectations. They were then looking to identify whether any issues could be resolved immediately. This aims of this was to achieve some level of "service-recovery" and to restore the complainant's confidence in the Constabulary. The Panel felt that it would benefit the overall complaints process but raised concerns that some valuable data and information may no longer be recorded: It should not be seen as a way to artificially lower the number of recorded complaints. Supt Jackson assured the Panel that all complaints were recorded it was simply a more direct and quicker solution process to enable the individual to receive a satisfactory outcome.

The Panel had been pleased to see that in some of the complaint files body-worn camera evidence had been available for the investigators to view. This has then enabled the complaint to be confirmed or disproved. In all the cases which the Panel had reviewed (where the body-worn camera evidence had been used) the complaint had not been upheld. This has enabled the investigation to be dealt with faster and concluded the matter. The members suggested that an example be placed within the Constabulary's PASS newsletter to identify to officers the benefits of wearing and using body worn cameras.

A discussion took place regarding a particular complaint investigation file that a member of the Panel had reviewed. The file contained two investigation reports of the matter with the original investigation upholding 2 of the 3 allegations. The second investigation report upheld none of the allegations. It appeared that there had been a "re-investigation" (which was how the second report had been characterised) which was outside of the standard procedures. The Panel sought an explanation of why a re-investigation had occurred.

Supt Jackson advised the Panel that, on this occasion, an investigator within the Professional Standards Department had carried out an investigation and produced a draft report. The investigator's supervisor reviewed the draft report and determined that further enquiries should be made into the matter. As such, Supt Jackson's view was that it was not accurate to say that a "re-investigation" had occurred: rather additional enquiries were made following a review of a draft report. As the first (civilian) investigator had moved to a different role, a second investigator (who was a police officer) was appointed to complete the investigation.

The Panel were concerned that there was no documentation of these actions within either the paper file or on the electronic complaints system. Indeed, the individual who had carried out the first investigation had been spoken to during the review. That person was unable to provide a detailed account of why the second/further investigation was carried out. The Panel noted that there should have been clear documentation of what had occurred to ensure that matters had been dealt with openly and fairly.

The Panel also noted that an email had been sent from a senior officer within the local policing team to the individual who had prepared the first version of the investigation report. That email expressed the senior officer's opinion on how the matter should be dealt. The e-mail had also been copied to the individual who subsequently decided that further enquiries should be made after reviewing the first version of the investigation report. The members raised a concern that such an e-mail, coming as it did from a senior officer, could have influenced the people involved in investigating the public complaint. The Panel questioned whether it was appropriate for a senior officer to express those opinions in an e-mail to an individual investigating a public complaint.

The Deputy Chief Constable and Superintendent Jackson stated that the senior officer was supporting the officer subject to the complaint. They further noted that the e-mail ended by stating that there was no intention of influencing the process.

The matter did go to an appeal to the IPCC. The IPCC investigator concurred with the decision not to uphold any aspect of the public complaint. As part of that process, the IPCC were informed that there had been a "draft" investigation report and a final report. The complaint had received an independent review from the IPCC which could support an open and fair process. Should a similar instance occur where an investigation requires further actions to be undertaken, the Panel noted that the reasons and actions should be clearly documented within the complaint file.

**Agreed;** that,

- (i) the Panel note the report;
- (ii) the PASS newsletter to contain an article providing an example of a complaint where body worn camera assisted in the complaint not being upheld;
- (iii) where an investigation requires further actions to be undertaken that the reasons and actions are clearly documented within the complaint file;
- (iv) the Panel to be provided with an update from Superintendent Jackson on the actions from the Panel meeting and their outcome.

## 10. OPCC COMPLAINTS AND QSPI

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



During 2017 the OPCC had received two complaints regarding the Police and Crime Commissioner. Both were being considered by the Police and Crime Panel and the outcomes of which were awaited. There had been four complaints regarding the Chief Constable. Three had been dealt with an 'on the spot' resolution open to the Police and Crime Commissioner and had taken the format of an explanation. The fourth had not been recorded and the individual had subsequently appealed to the IPCC. The outcome of the appeal was awaited. No complaints had been received regarding any member of OPCC staff.

Up to 31 October 2017 the OPCC had received 219 notifications of dissatisfaction from members of the public regarding the policing service they had received. The issues raised were very broad ranging with the top six being:

- Police Response / Service (38)
- 101 (21)
- Anti-Social Behaviour (18)
- Driving Issues/Car Parking (34)
- Fraud (6)

The OPCC through raising the issues with the Chief Constable's staff office facilitated individuals to receive a written response answering their questions or queries. Where appropriate the OPCC can ask that direct contact from the Constabulary be made with the individual enabling the matter to be progressed or resolved quickly.

In response to a member's question the Deputy Chief Constable provided the Panel with an overview of what processes the Constabulary had put in place to deal with 101 calls. This included a consultation with members of the public to ascertain what they thought was a realistic timescale to answer the non-emergency telephone line 101. The public had stated they would be happy to wait 3-5 minutes for the call to be answered rather than the current target of 2-3 minutes. The new target had now been implemented with calls being answered on average within 3 minutes.

Members of the public could also report non-emergency matters using email and details of how to do this were being proactively raised through social media.

**Agreed;** that the report be noted.

## **11. ANNUAL WORK PROGRAMME**

Consideration was given to the proposed work programme for 2018. The Governance Manager advised that there had been provision made for the Panel to consider two thematic areas of business during the year. The August session had provisionally been identified for the Panel to review the body worn camera. This would then allow sufficient time for the Constabulary to roll out and monitor usage within the force, providing quality data back to the Panel.

Areas of business which could be reviewed for the February session were discussed with the Deputy Chief Constable proposing a review of the new Command and Control Process. She would provide further detail on this nearer the time.

The Panel asked that if a new system were being implemented such as the complaints 'There and Then' process, the Panel could be a valuable asset to enable an independent viewpoint to be given as they were ultimately members of the public. Their feedback could then be used to inform the process rather than them commenting on it after it has been implemented.

**AGREED;** that, the  
 (i) report be noted;  
 (ii) Panel consider two thematic areas, these being the Command and Control process and Body Worn Camera.

## 12. 2018 MEETING DATES

A report was presented which detailed proposed meeting dates for the Panel during 2017. The Panel would continue to meet on a quarterly basis, considering the reporting cycle of the Constabulary. Following a proposed amendment to the February meeting date it was agreed that the Panel would meet on:

- ❖ Thursday 8<sup>th</sup> February
- ❖ Thursday 3<sup>rd</sup> May
- ❖ Thursday 9<sup>th</sup> August
- ❖ Thursday 8<sup>th</sup> November

**Meeting ended at 3.50 pm**

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

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





## Constabulary Report to OPCC

### Agenda Item 08

**TITLE OF REPORT:** INTEGRITY – COMPLAINTS BY THE PUBLIC

**DATE OF MEETING:** 8<sup>th</sup> February 2018

**ORIGINATING OFFICER:** Superintendent Jackson – Head of People Department

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

#### Executive Summary:

*No more than 100 words.*

- IPCC data continues to show that Cumbria complaints per 1000 employees remains lowest in the MSF (most similar forces Lincolnshire 222, Norfolk 140, North Wales 124) and also against MSF/national averages:
  - Apr 17 to Sep 17, Cumbria: 122, MSF average: 152 National average: 137
- The IPCC data also shows that Cumbria is the 5<sup>th</sup> best in the country for average number of days to locally resolve allegations.
- The current 12 month rolling figures show that cases increased by 32.86% and there has been an increase in allegations by 21.46% in comparison to the last 12 months.
- A breakdown of allegations shows that no TPAs have reduced their level of allegations in the rolling 12 months.
- The main group showing an increase when comparing the rolling 12 months is Unprofessional Conduct by 91 (21.46%).
- Allegations upheld by PSD have reduced by 9 allegations (90%) comparing the last period with the current 12 months. The number of Local resolutions has increased overall by 164 (141%)
- The number of Force appeals continue to reduce, IPCC appeals have increased, when comparing the last 12 months against the previous.
- The number of upheld appeals for the IPCC has increased by 50% compared to the last 12 month period, upheld Force Appeals have reduced by 25%.

#### Recommendation:

*Set out clearly the recommendation to be approved, using bullet points and ensure references are included to previous decisions on this matter. Any alternative options considered should not be outlined here but in the 'introduction and background' section.*

- To continue to issue PASS Newsletters, Best Practice and Need to Know when trends are identified and publicise expected standards of ethical behaviour, good practice, learning and signpost staff to help/reporting lines via PASS Newsletters, Best Practice and Forcenet.
- To circulate trends regarding types of allegation and outcomes to the TPA's.
- To continue to raise awareness and implement delivery plans linked to the People department, some examples being Code of ethics, Abuse of Authority for Sexual Gain (AASG) and Vetting

**MAIN SECTION**

**1. Introduction and Background**

*Alternative options considered, evaluation, benefits – anything not covered in sections below etc.*

The latest data periods available & reported on in this document are as follows:

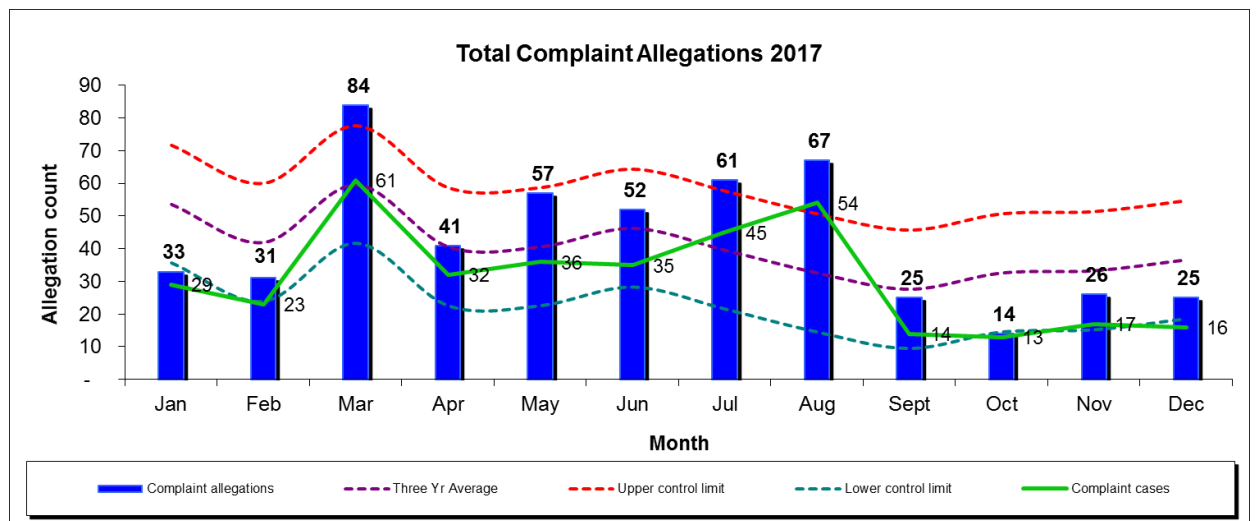
IPCC Q1 & Q2: April – September 2017

Cumbria Q3: October – December 2017

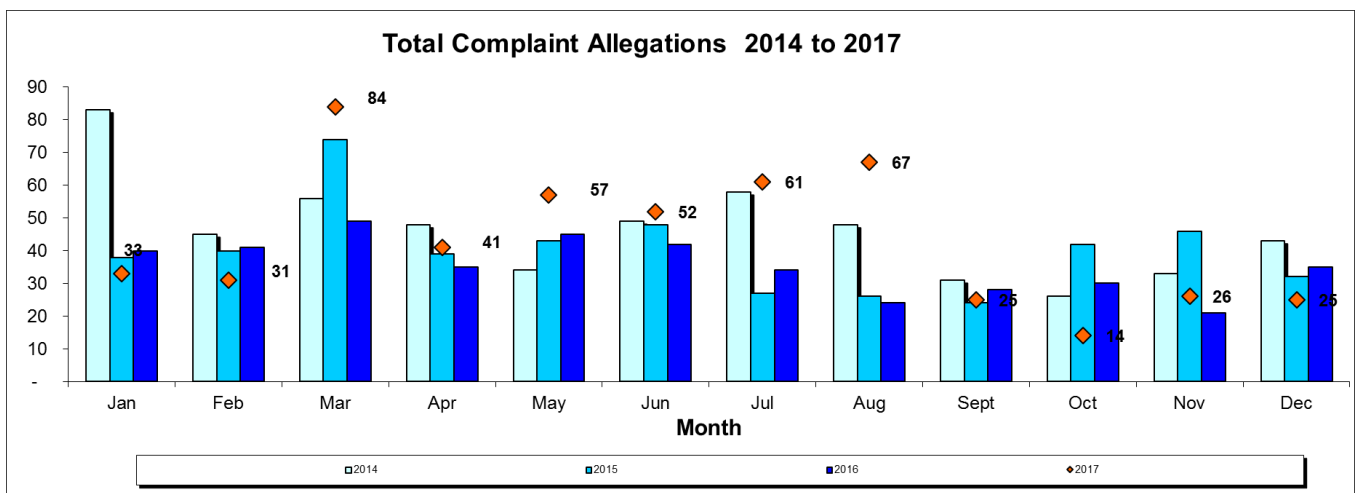
Cumbria 12 month rolling: 1<sup>st</sup> January – 31<sup>st</sup> December 2017

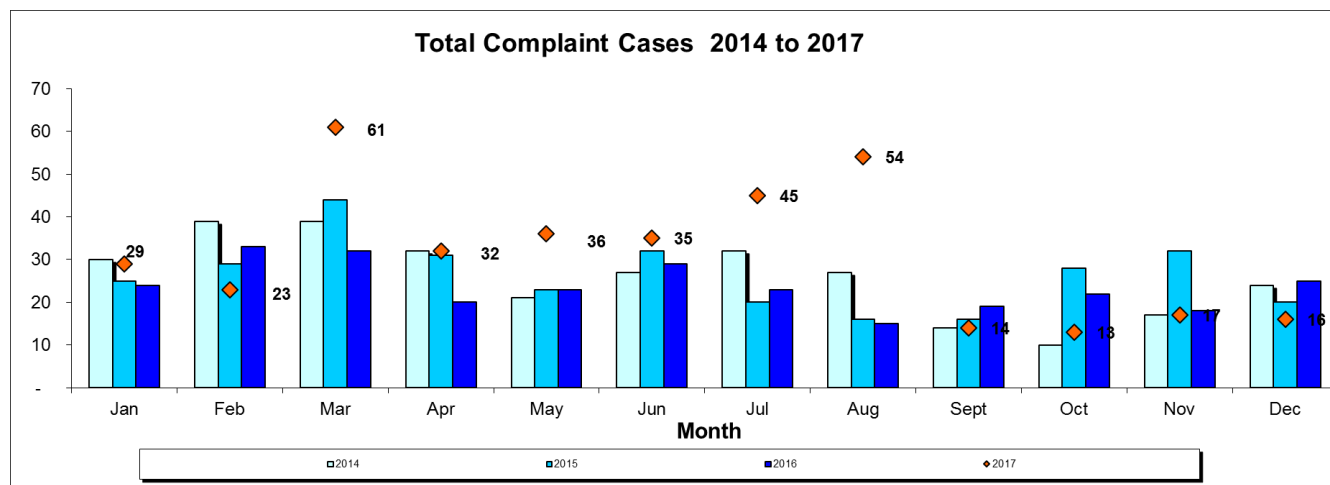
**1.1 Complaint Allegations**

The below chart shows levels of complaint cases and allegations in the last 12 months from January to December 2017: -



The chart shows fluctuating levels of complaint allegations and cases. Over the 12 month period the total allegations are 515 and cases are 376. Since September, Cumbria has been below its 3 year average for both complaints and allegations.





The increase in cases and allegations in the period May to August is due to feedback from a HMI inspection, which led to the Force considering and recording more Local Resolutions (LR) where appropriate. Allegations & Cases have reduced to the lower limit. This is due to the fact that the Force now deals with service recovery via There & Then reports. The increase in There & Then reports can be seen in item 1.4.

The table below shows the total number of cases and allegations including direction and control for 12 months to the end of December 2016 and 2017. The figures show that the numbers of allegations and cases over the current 12 month period have increased compared to the last 12 months.

	12 Month Rolling to Dec 2016	12 Month Rolling to Dec 2017	Percentage Change
Cases	283	376	32.86%
Allegations	424	515	21.46%

\*Including Direction and Control cases/allegations.

## Allegations broken down into TPA/Area.

The table below shows the numbers of allegations and cases broken down into areas:-

Area	Allegations			Cases		
	12 Month Rolling to Dec 2016	12 Month Rolling to Dec 2017	Change	12 Month Rolling to Dec 2016	12 Month Rolling to Dec 2017	Change
North	110	152	42	80	118	38
South	110	126	16	76	87	11
West	122	128	6	69	89	20
UOS	29	33	4	23	27	4
HQ/Other	53	76	23	35	55	20
<b>Total</b>	<b>424</b>	<b>515</b>	<b>91</b>	<b>283</b>	<b>376</b>	<b>93</b>

\*Including Direction and Control cases/allegations.

Complaint cases have increased when comparing the current 12 month period with the previous 12 months with a significant increase in North TPA, West TPA and HQ/Other in the period.

The table shows an increase in allegations with the largest increase in North TPA followed by HQ/Other in this period.

## 1.2 Area Allegation group breakdown (Glossary of allegation types at end of document)

The table below shows the allegations broken down into area and group:-

12 Month Period	Group	North	South	West	UOS	HQ	Grand Total
12 Month Rolling to Dec 2016	Breaches of PACE K,L,M,N,P,R	8	13	16	1	2	40
	D&C	15	9	8	10	16	58
	Discrimination F	4		3			7
	Incivility U	16	10	13	9	8	56
	Malpractice G,H,J	5	6	6		3	20
	Oppressive Behaviour A,B,C,D,E,Y	24	35	34	4	3	100
	Other W	2	2	4	1	3	12
	Unprofessional Conduct S,T,V,Q,X	36	35	38	4	18	131
<b>12 Month Rolling to Dec 2016 Total</b>		<b>110</b>	<b>110</b>	<b>122</b>	<b>29</b>	<b>53</b>	<b>424</b>
12 Month Rolling to Dec 2017	Breaches of PACE K,L,M,N,P,R	12	14	14		3	43
	D&C	23	14	19	6	31	93
	Discrimination F	1	2	1		1	5
	Incivility U	24	18	18	10	10	80
	Malpractice G,H,J	10	3	5	1	5	24
	Oppressive Behaviour A,B,C,D,E,Y	18	23	19	4	5	69
	Other W	2	4	1	1	2	10
	Unprofessional Conduct S,T,V,Q,X	62	48	51	11	19	191
<b>12 Month Rolling to Dec 2017 Total</b>		<b>152</b>	<b>126</b>	<b>128</b>	<b>33</b>	<b>76</b>	<b>515</b>

\*Including Direction and Control case/allegations.

The four main groups reported on are Unprofessional Conduct, Oppressive Behaviour, Direction & Control and Incivility.

The largest reduction (-31%) has been seen in each area of Oppressive Behaviour when comparing the 12 month period ending December 2016 to the following 12 month period

- West TPA – reduced by 15
- South TPA – reduced by 12
- North TPA - reduced by 6

West TPA showed the greatest reduction, reduced by 15 to 18, of which Other Assault reduced by 8 and Unlawful/Unnecessary Arrest or Detention reduced by 6. All TPA's have reduced in this area.

The decrease in Oppressive Behaviour may be captured in the increase in Incivility due to the similarity in definition and application of judgement of the Complaints & Misconduct manager.

Incivility has a significant increase in the 12 month period, up by 24 (42.9%)

- North TPA – an increase of 8
- South TPA – an increase of 8
- West TPA – an increase of 5

The largest increase was in North TPA increased by 9 on the previous period to 26, however Incivility has increased in all areas.

Changes in shift pattern came in to effect in September 2017 which has resulted in a change of deployment. There is now a reduced number of NPT officers with less local associations.

Direction & Control saw the largest percentage increase (60%) in the current 12 month period when compared to the previous 12 months. Direction and Control complaints are from members of the public complaining about how the Constabulary is run rather than actions of individuals.

- HQ – an increase of 15
- West TPA – an increase of 14
- North TPA – an increase of 8
- South TPA – an increase of 5

Direction & Control refers to organisational decisions as opposed to a complaint against an individual. Complaints in this group present the opportunity to review and develop Force policies and procedures for complaints to be addressed as a performance issue. This is preferable when possible, presenting an opportunity for learning & development.

Organisational Decisions increased by 46 (328.57%) and Operational policing policies increased from 0 to 12. There have been no trends identified in relation to the increase or the decrease. All areas have shown a increase apart from UOS which has shown a decrease of 4.

Allegation Result Description	12 Month Rolling to Dec 2016	12 Month Rolling to Dec 2017	Change
General policing standards	8	3	-5
Operational management decisions	36	18	-18
Operational policing policies		12	12
Organisational decisions	14	60	46
<b>Grand Total</b>	<b>58</b>	<b>93</b>	<b>35</b>

Issues raised in the last quarter include complaints about method decisions for specific cases, custody, property and timeliness.

Unprofessional Conduct has increased in the current 12 month period (45.80%), with an increase seen in every TPA

- North TPA – an increase of 26
- South TPA – an increase of 13
- West TPA – an increase of 13

Within this group, Other Neglect or Failure in duty increased by 34 (40.9%) and Lack of Fairness Impartiality by 17 (77.2%).

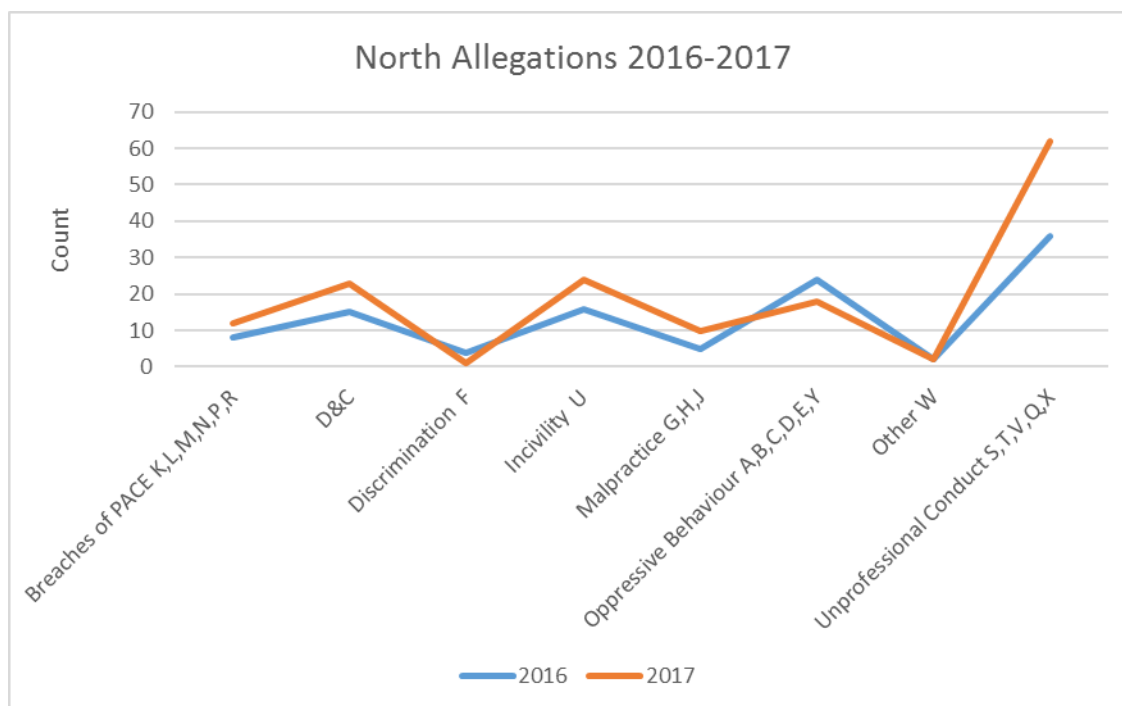
North TPA showed the highest increase of 26, 15 of which were Other Neglect or Failure in duty.

No TPA's show a reduction in this group.

There have been no trends identified in relation to the increases as these are consistent with previous quarterly reports. The majority of counter allegation reports against officers are recorded in this group.

The majority of Failure in Duty complaints are regarding victims not being updated. This may be due to the public's unrealistic expectations of service, as society continues to progress towards expecting instant responses.

This information will be disseminated to the relevant Commanders via Area reports.



The graph above shows the significant increase in Unprofessional Conduct in North, for both the current 12 month period and the last.

Of the 62 Unprofessional Conduct complaint allegations for North in 2017, 18 of these were in relation to the complainant being unhappy with the service they received from the Police due to their expectations. 10 were in relation to lack of communication from the Police regarding a crime they had reported.

There was 1 Sexual Assault in the 12 month period. The allegation being an adult male stated that following his arrest he was strip searched and he alleged that there was a sexual motive behind the strip search. CCTV footage showed no evidence to support this allegation. The result of the complaint is Not Upheld by PSD and the investigation resulted that there was no case to answer in respect of misconduct. There was 1 sexual assault allegation in the previous period.

In the current 12 month period the following PASS Newsletters and Best Practice guidance have been issued in respect of identified issues: -

LESSON LEARNED CATEGORY	DISSEMINATION By / To	BRIEF DESCRIPTION
<b>October 2017</b>		
Custody Forum	Custody Forum	"Timely contact of legal support by custody staff for detained persons and process considered for documenting telephone enquiries about DPs on custody records
Organisational	Personal Safety Trainers	A report to police safety trainers: - For Trainers to reiterate correct positioning in respect of searching techniques during training of officers to raise awareness and minimise potential of similar incident - For Trainers to reiterate good practice of re-clothing of detained persons during training of cell insertion/removal of clothing

Organisational	Need to Know ForceNet	Officers to ensure that searches of persons and vehicles are carried out using correct police powers and a record made detailing such actions to accord with legislative requirements.
custody	Custody Forum	Re correct procedure to follow in relation to Conditional Caution
Custody	Custody Forum	It was advised that guidance has been issued which states that every effort should always be made to re-cloth an individual following a strip search. If the individual is extremely violent, clothing should be left (assuming it is safe to do so) and a note added to the custody log to indicate why the individual was not re-clothed. Inspector Barr took an action to re-circulate the Use of Force Guidance which covers this area. It was also noted that the monitoring of Strip Searches takes place through the monthly custody audits which take place in each area. A meeting is to be held with reps from PSD, Custody and the PTIs to cover this off within the training given to all officers.
Organisational	CMSU Intranet site	Issue concerning an altercation in which both parties declared that they were injured. Only one report of assault and the counter allegation was not recorded. Advice circulated on the necessity to record or negate counter allegations
<b>November 2017</b>		
Learning point	ForceNet	All staff to be reminded that it is good practice to agree with victims the specific timescales for updates and these to be fully documented on Vicman. Thereafter entries on Vicman to clearly indicate the detail of the update together with the means i.e. telephone/letter/personal contact to evidence the actions undertaken.
Other	Complaints Manager to Local Inspector	Autism training film circulated to local Inspector to be shared with his staff for learning as to how to deal with members of the public who may/are suffering from mental health issues.
Custody	Custody Inspector	On commencing his/her duty, the Custody Sergeant should personally visit each prisoner to check on their welfare and physical condition and document the same (stated in the Safer Detention and Handling of Persons in Police Custody Guidance). This is to ensure an ongoing dynamic risk assessment is accurate and reflects the welfare of the detainee.
Individual	Senior Officer delivered to officer	Deployment of bodycam on regular foot patrol to negate complaint allegations
<b>December 2017</b>		
Organisational	PSD DI to CJU & FIB	The following to be reviewed:- 1. Suitability of fleet for transport of detainees over long distances.



		<p>2. Review of Memorandum of Understanding for dealing with persons arrested by CNC officers and their subsequent transport to custody facilities</p> <p>3. Location of TACT units</p>
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### 1.3 Repeat Officer Strategy

PSD are currently working more closely with area supervisors to provide an auditable trail of individual performance management where an officer hits the repeat officer threshold.

Officers who are subject of a public complaint will automatically trigger if they are subject of 3 complaint cases in a 12 month period. They will be allocated to the relevant investigating officer to ensure that trends and areas of concern in respect of performance are identified at the earliest opportunity. HR are consulted to incorporate any relevant information within the investigators review. The Complaints and Misconduct Manager & Anti-Corruption Unit also assess the officers person record and contribute any relevant information.

Details of the complaint and officer are then raised for discussion at the Professional Standards Tactical & Co-ordination Group. If further action is required, then a dissemination is forwarded to the officers line manager to facilitate a professional review. This approach has been tested in a small number of cases and early signs are this early intervention approach will seek to maintain standards as well as address (or identifying) any officer wellbeing issues.

A blank and completed (anonymised) Repeat Officer form are attached at the end of this document for reference and feedback from the panel.

There were 14 officers who met the repeat officer strategy in the current quarter 3, 1 of these officers had more than one entry under the strategy in the same period, which is an increase of 1 on the previous period.

The the rolling 12 months, there were 46 officers who met the repeat officer strategy, 6 of these officers had one or more entry under the strategy in the 12 month period. This is a decrease of 1 on the previous 12 month period.

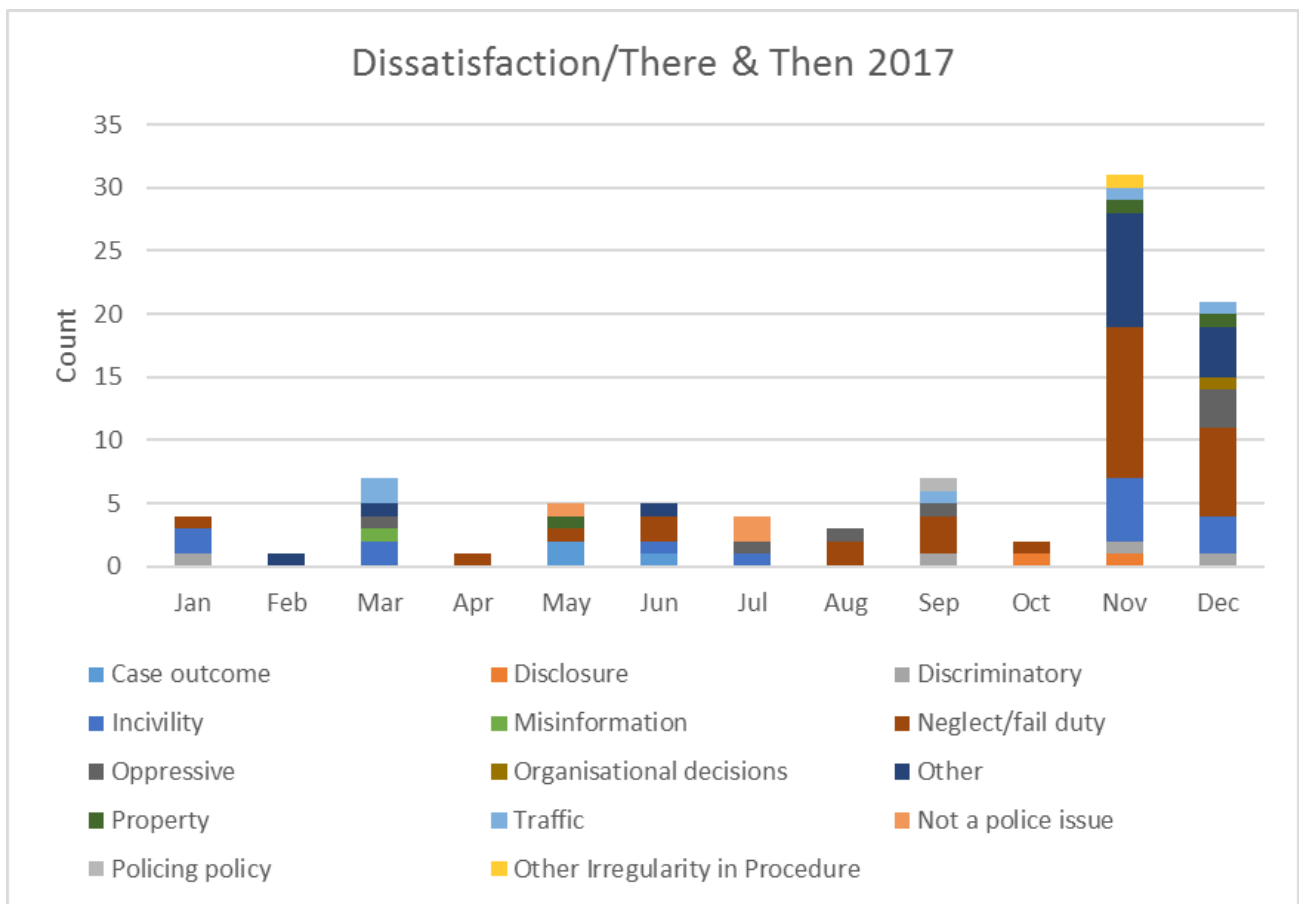
The Complaints Manager is liaising with the TPA Commanders highlighting opportunities for learning, development, force training and bodycam use. Also how officers that receive more complaints due to being easily identifiable, via ethnicity or accent, can be supported.

Nine of the identified officers are in West TPA, 2 in UOS, 2 in North & 1 in South TPA.

### 1.4 There & Then

Up until November 2017, complaints were dealt with as dissatisfaction reports. From November onwards, these are now recorded as There and Then reports. There and Then reports capture complaints that can be resolved at the time of raising ie. service recovery.

Once a complaint is received, it is assessed by the Duty Complaints Investigator. If the complaint can be dealt with and finalised ‘there and then’ through the investigator acting as a facilitator, the complaint is recorded as a There & Then and a miscellaneous incident (MI) number is created. There and Then are dealt with by a trained and experienced PSD Investigator. Thus these matters are dealt with more consistently, trends identified and the TPA are dealing with less matters.



There were 90 dissatisfaction reports recorded in the current 12 months which is an increase of 41 when compared to the previous 12 month period. This is due to the transition from Dissatisfaction Reports to There & Then Reports. The main categories reported on in the lower level dissatisfaction reports over the 12 month are regarding similar issues to those reported on in the complaint cases, these being neglect/fail duty and incivility which combined form 45% of dissatisfaction reports in the period.

### 1.5 Diversity

There have been 5 allegations of discriminatory behaviour by the police recorded during the current 12 month period which is a reduction of 2 compared to the previous 12 months.

Allegations for Q3 October – December 2017:

October 2017 - Complainant on behalf of their child, believes their investigation has been treated differently because of their child's mental health issues. Local Resolution by TPA.

### 1.6 Performance

Allegations finalised in the period regardless of when the allegations were recorded.

Allegation Result Description	12 Month Rolling to Dec 2016	12 Month Rolling to Dec 2017	Change
De Recorded	5	13	8
Disapplication - by Force	58	11	-47
Local Resolution - by TPA	116	280	164
Local Resolution - by PSD	66	39	-27
Not Upheld - by TPA	4		-4
Not Upheld - by PSD		4	4
SR Case to answer	173	146	-27
SR No case to answer	11	5	-6
Upheld - by PSD	10	19	9
Withdrawn - by Force	19	14	-5
Withdrawn - by IPCC	3		-3
<b>Grand Total</b>	<b>465</b>	<b>531</b>	<b>66</b>

The IPCC in the most recent report (end of Q2, Apr 2017 to Sep 2017) assess Cumbria's performance for average number of days to finalise Local Resolution and Investigations:

- Average number of days to locally resolve allegations – Cumbria 39, MSF average 73 and National average 70. Cumbria has decreased by 1 day and the MSF by 4 and national figures have increased by 3.
- Average number of days to finalise cases – Cumbria 150, MSF average 160 and National average 166. Cumbria has increased compared to the same period last year which had 148 days.
- Average number of allegations per 1000 employees cases – Cumbria 122, MSF average 152 and National average 137. Same Quarter last year Cumbria was at 93.
- Cumbria has risen from the 6<sup>th</sup> best in Q1 to the 5<sup>th</sup> best in Q2 in the country for the average number of days to locally resolve allegations.

In the current 12 month period, 531 allegations were finalised compared to 465 in the previous period.

The greatest increase (by 164, 141%) was Local Resolutions by TPA. Disapplication by Force has the greatest decrease by 47 (-81%) when comparing the latest 12 month

period to last. Local Resolution by PSD has reduced (by 27 to 39) and SR Case to Answer has reduced (by 27 to 146). Local Resolution has increased from 39% in the last period to 60% in the current period. This is mainly down to the following issues, the average time to deal with a Local Resolution is 39 days as opposed to 150 days in respect of a Local Investigation.

### 1.7 Force and IPCC Appeals

<b>Result</b>	<b>Force Appeals 12 months rolling to Dec 2016</b>	<b>Force Appeals 12 months rolling to Dec 2017</b>	<b>IPCC Appeals 12 months rolling to Dec 2016</b>	<b>IPCC Appeals 12 months rolling to Dec 2017</b>
Upheld/Partially	4	3	6	9
Not Upheld	25	8	15	16
Withdrawn		1		
Not Valid			1	
Live	0	14	2	9
<b>Total</b>	<b>29</b>	<b>26</b>	<b>24</b>	<b>34</b>

The above data highlights that the number of IPCC appeals have increased by 41.7% (7) and the number of force appeals has reduced by 10.4% (-3). The percentage of not upheld Force appeals has reduced in this reporting period by -68% (17) compared to the previous 12 months. IPCC Appeals upheld results have increased from 6 to 9.

## APPENDIX

Group	Allegation Ref	Allegation Title
Breaches of PACE	K	Breach of Code A PACE on stop and search
	L	Breach of Code B PACE on searching of premises and seizure of property
	M	Breach of Code C PACE on detention, treatment and questioning
	N	Breach of Code D PACE on identification procedures
	P	Breach of Code E PACE on tape recording
	R	Multiple or unspecified breaches of PACE which cannot be allocated to a specific code
Direction & Control	01	Operational policing policies
	02	Organisational decisions
	03	General policing standards
	04	Operational management decisions
Discrimination	F	Discriminatory behaviour
Incivility	U	Incivility, impoliteness and intolerance
Malpractice	G	Irregularity in relation to evidence/perjury
	H	Corrupt Practice
	J	Mishandling of Property
Oppressive Behaviour	A	Serious Non-Sexual Assault
	B	Sexual Assault
	C	Other Assault
	D	Oppressive conduct or harassment
	E	Unlawful/unnecessary arrest or detention
	Y	Other Sexual Conduct
Other W	W	Other
Unprofessional Conduct	Q	Lack of fairness and impartiality
	S	Other Neglect or Failure in duty
	T	Other Irregularity in Procedure
	V	Traffic Irregularity
	X	Improper disclosure of information

<b>REPEAT OFFICER STRATEGY</b>		
<b>2. OFFICER DETAILS</b>		
Collar number:	Name:	Area:
<b>3. CASE DETAILS – 3 IN 12 MONTHS</b>		
Case reference and date recorded	Allegation Details	Outcome
<b>4. INVESTIGATOR REVIEW</b>		
HR Update:-		
<b>5. COMPLAINTS AND MISCONDUCT MANAGER REVIEW</b>		
<b>6. ANTI CORRUPTION INTELLIGENCE REVIEW</b>		
<b>7. COMPLAINTS AND MISCONDUCT MANAGER – OUTCOME OF REVIEWS AND ACTIONS TO BE UNDERTAKEN</b>		
What has been identified? (Specific)		
Signature:-		
Date:-		
<b>8. LINE MANAGER DISCUSSION WITH OFFICER</b>		
Supervisor details:-		
Record of discussion		

<b>REPEAT OFFICER STRATEGY</b>	
<b>Actions to address concerns (Measureable and Achievable)</b>	
<b>Why it was identified (Relevant)</b>	
<b>When will it be achieved? (Timed)</b>	
<b>Confirmation that actions have been completed:-</b>	
<b>9. SIGNATURES</b>	
Supervisor:-	Date:
Officer:-	Date:

Example of a completed Repeat Officer Strategy form

Officer		Date of meeting	
Officer A			
<b>What has been identified? (Specific)</b>			
Officer A has received the following complaints since 2005 (as supplied by PSD):			
Sep-17	1	[REDACTED]	West 2005 CO/131/05 Other Assault (LR) 2010 CO/285/10 Neglect Fail (Wdrn) 2011 CO/20/11 Other Assault (LR TPA), CO/62/11 Opp Conduct ( Disp Force), CO/74/11 Traffic irreg (Not Upheld PSD) 2015 CO/239/15 Other Assault (Live) 2016 CO/13/16 Lack Fairness/impartiality x2 (Not Upheld), CO/136/16 Other Assault (Disapp), CO/193/16 Other Assault (Not Upheld PSD), CO/201/16 Breach Code B PACE (LR TPA), Unlawful/Unnec Arrest/Det and Beach Code B PACE and Other Assault (Not Upheld PSD) 2017 CO/17/17 Lack Fairness/impartial (LR TPA), CO/287/17 Incivility (Live)
The most recent complaints are further broken down as follows (as supplied by PSD):			
Case Reference	Allegation Type	Allegation details	Outcome
CO/239/15	Other assault	Mr [REDACTED] states that on 1 October 2015 he was arrested for being found on enclosed premises and burglary and alleges that the officer who arrested him used excessive force by:- Throwing Mr [REDACTED] to the floor, Putting handcuffs on Mr [REDACTED] too tight. Mr [REDACTED] alleges that when he told the officer that the handcuffs were on too tight the officer said "I'll fucking do it again"	Disapplication from the need to investigate by the force following criminal enquiries/proceedings
CO/13/16	2 Allegations of Lack of fairness and impartiality	1. Mr [REDACTED] states that about 10 June 2015 he was investigated for an offence of harassment and alleges that officers involved in this investigation have lacked fairness and impartiality. Mr [REDACTED] wrote the following in his complaint to the Independent Police Complaints Commission (IPCC), dated 7 January 2016:- "False allegations were made against myself by a member of staff from Workington police station, I was visited by police officers who I felt did not treat me with respect, fairness, or integrity, I spoke to Sargent [REDACTED] the next day and was asked by him to give an interview on the matter, when I visited the police station, it came across as I was discriminated against as Sargent [REDACTED] was aware of the person who made the complaint and again I was treated by him with no respect no honesty or integrity, I was treated like a criminal told I had 2 give my DNA, fingerprints, and photograph to save me having to come back again, I was then interviewed an after the interview Sargent [REDACTED] asked if he could see my phone, I was more than happy to help and gave him the phone, when he returned he said it was being kept as evidence, it was kept for over three month with no explanation as every time I tried to find out what was going on I was told there was no one available I was not under arrest or bailed but no explanation was given as to why it was being kept, further to this I was made aware that his partner was friends with the person who made the complaint which	Not Upheld



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Case Reference	Allegation Type	Allegation details	Outcome
CO/136/16	Other assault	Mr [REDACTED] states that on 21 May 2016 he was arrested for being Drunk and Disorderly and whilst in Workington Custody further arrested for Violent Disorder in a Police Station and alleges that officers involved in his arrest and detention used excessive force. Mr [REDACTED] has not stated which officers used excessive force or why he believes the force was excessive, however he states that as a result he is covered in cuts and bruises.	Disapplication from the need to investigate by the force following criminal enquiries/proceedings
CO/193/16	Other assault	Mrs [REDACTED] states that on 31 July 2016 officers attended her home address and alleges that whilst there they used excessive force. Mrs [REDACTED] states that 3 male officers came into her house and threw her to the floor, put her arm behind her back, handcuffed her, put leg restraints on her and called her stupid names	Not Upheld
CO/201/16	Breach Code B PACE	Miss [REDACTED] states the following in her complaint dated 17 August 2016:- I want to record a complaint against officers who carried out a search of my home [REDACTED] at 5 o'clock in the morning the entry was forced through the front door and back gate which was also forced and also the garage door was forced. There was no need for the doors to be forced as they were not locked when officers entered the house they ran up the stairs handcuffed me my daughter and partner and would not let any one of us go to the toilet or accompany them on the search we were kept in the bedroom handcuffed for two hours when I asked to go to the toilet I was told no and would I rather be put in the police van. I believe the officer who applied for the warrant has given false information to gain the warrant and believe he was in charge of the search which resulted in my house been torn apart things been tipped out everywhere stood on and things broken which resulted in my house looking like I had been ransacked I have asked for a detailed copy of the search which I haven't got so I would like one and all the paperwork I'm entitled to about the search not one officer asked for any keys to open the garage door the back gate could of easily of been climbed over they have caused as much damage as they could the house was that bad that there is things that I can't find. Broken glass and plastic chunks of wood out of door frames and snapped door handle a vase of	Local Resolution by TPA
Case Reference	Allegation Type	Allegation details	Outcome
CO/229/16	Unlawful/unnecessary arrest	Mr [REDACTED] states that on 2 October 2016 officers attended his home address, forced entry and arrested him. Mr [REDACTED] believes that the damage caused to his door was excessive. Mr [REDACTED] states that officers "smashed his door	Not Upheld
	Breach Code B PACE	Mr [REDACTED] states that on 2 October 2016 officers attended his home address and arrested him. Mr [REDACTED] believes that the officers had no reason to arrest him	Not Upheld
	Other assault	Mr [REDACTED] states that on 2 October 2016 officers attended his home address and arrested him. Mr [REDACTED] alleges that officers used excessive force by grabbing him around the throat in a choke hold as he was walking down the stairs. Mr [REDACTED] states that he was unable to breath	Not Upheld
CO/17/17	Lack of fairness and Impartiality	Ms [REDACTED] states that she is unhappy with the service she has received from the local police over complaints in relation to a boundary at the rear of her house. Ms [REDACTED] letter, dated 31 December 2016, provides full details of her complaint	LR NPT
CO/287/17	Incivility,impoliteness and intolerance	Mr [REDACTED] states that on 13 August 2017 he was travelling to work along the A-595 between Bransty junction and the pelican garage, Whitehaven, when he was pulled over by an unmarked police vehicle. Mr [REDACTED] further states that the officer who spoke to him then listed a number of allegations to include; driving at excessive speed, dangerous overtaking manoeuvre and litter in that it was alleged that he had thrown a bottle out of the passenger side window. Mr [REDACTED] further states that he disputes the allegations and that the officer kept referring to him as fella which he found disrespectful and unprofessional. Mr [REDACTED] further states that whilst he appreciates the police have got a job to do the police officer made unfounded allegations and was rude to him.	LR NPT - Management Action not misconduct regarding manner in which PS [REDACTED] spoke to comp
CO/123/17	Other neglect or failure in duty	Miss [REDACTED] states that on 26 March 2017 she contacted Cumbria Constabulary to report her ex-partner for breaching a non-molestation order. The attending officer refused to arrest her partner and as a result Miss [REDACTED] feels let down by this decision.	Upheld - Management Action not misconduct - indicated due to lack of actions taken by officers to immediately investigate the allegations and advice provided by supervisor (Sgt [REDACTED])

CO/347/17	Other assault (Case still in appeal period but added as occurred in the current 12 month period)	The complainant Mr [REDACTED] states that on 3 November 2017 he was driving along Wood Street Maryport at which point he saw a friend walking along the street. Mr [REDACTED] states that as he put his window down in order to speak to his friend he was approached by six non - uniformed officers who tried to drag him out of his vehicle. Mr [REDACTED] further states that one of the officers pointed a taser at his face and shouted to him "GET OUT OF THE CAR". Mr [REDACTED] further states that none of the officers identified themselves as police officers.	LR NPT
		Mr [REDACTED] further states that four of the six officers attempted to pull him out of his vehicle even though he was still wearing his seat belt and the engine was still running. Mr [REDACTED] further states that the officers were pulling on his right shoulder which had only recently been operated on.	
		Mr [REDACTED] states that the officers attempted to remove him from his vehicle for approximately 4/5 minutes, even though he told the officers that he would get out of the vehicle himself.	
		Mr [REDACTED] further states that once outside his vehicle he was handcuffed to the front. Mr [REDACTED] considers that the actions of the officers were unreasonable and inappropriate given the circumstances.	

**The number of complaints received by Officer A has increased in the long term and is currently of a level that causes some concern. Why is Officer A receiving so many complaints?**

I have scrutinised the above information and considered it in detail. In doing so I am slightly disadvantaged as the information is limited and I have not had personal involvement in the investigation and resolution of many of the cases.

There has been one complaint in 2015; six complaints in 2016; and three complaints in 2017. These are broadly categorised as follows:

- Excessive Force: 5
- Fairness/Respect/impartiality: 2
- Breach of PACE Code B (Search & Seizure): 1
- Incivility/Politeness/Tolerance: 1
- Neglect/Failure of Duty: 1

Only one complaint has been upheld (CO/123/17). This complaint was investigated by PSD. A potential NCRS failure was identified as part of this complaint and this element was reviewed by myself and confirmed as such. As a result of this NCRS review a crime was established, investigated accordingly, and ultimately filed as no further action. The NCRS failure followed a supervisory decision by Officer A based upon information supplied by two subordinate officers. Officer A rationalised his decision based upon the information provided to him and instructed the officers with a particular course of action. The rationale for the decision generally followed the principles of the NDM and in line with the 'APP 10 Principles of Risk' I consider that Officer A should be supported in the decision he made, whilst accepting that there has also been a failing with the overall outcome.

The remaining complaints have all either resulted in a disapplication, not upheld, or locally resolved. These complaints have been scrutinised in further detail in a lengthy personal discussion between Officer A and myself. I summarise the further detail as follows;

CO/239/15: This relates to a burglary in progress that occurred on Mossbay Road in Workington. Officer A was observing an incident at a premises in a plain vehicle. Whilst doing so a male was observed illegally entering a separate dwelling. Officer A attended and the male was arrested by Officer A on suspicion of assault. A complaint of excessive force was made but upon the suspect pleading guilty at court the complainant no longer followed

up the allegation. Officer A was adamant that he used only reasonable force in the circumstances to single handily detain an offender in the course of a crime in progress (Burglary). Officer A further adds that after pleading guilty at court the offender informed Officer A that the complaint was 'worth a try'.

CO/13/16: This related to a complaint of harassment that was linked to a serving police employee. Officer A sought advice from Inspector B (retired) on an investigative strategy to ensure fairness and to ensure that conflicts of interest were addressed. PSD advice was also sought via Inspector B. Officer A feels he was acting under the direction of a supervisor.

CO/136/16: Based on the information supplied by PSD the officer does not recollect this complaint.

CO/193/16: Based on the information supplied by PSD the officer does not recollect this complaint.

CO/201/16: This complaint related to a drugs warrant to search a well-known OCG address. Officer A has previously been targeted by the OCG from when he lived in the same area. Due to this Officer A purposefully passed supervision of this incident to A/PS C and only attended in order to provide MOE access to the rear gate. Officer A did not have personal interaction with the complainant and purposefully avoided it. Officer A did assist in searching the premises when the occupiers were not present. It was only when officers left the premises and the occupiers allowed greater freedom that Officer A was sighted. The OCG in this case is well known for making allegations against police officers and also for intimidating them and so bodycam was utilised.

CO/229/16: Based on the information supplied by PSD the officer does not recollect this complaint. May involve Nominal A but unsure of this.

CO/17/17: Based on the information supplied by PSD the officer does not recollect this complaint.

CO/287/17: Officer A accepts the local resolution in this case and the management action in relation to the complainant's thoughts on repeatedly being called 'fella'. Officer A was adamant that he had seen events as described and so counter argued accordingly.

CO/347/17: This incident related to a warrant that was being conducted by PSG and drug squad officers. Officer A was attending in the absence of other available officers. Upon attending the scene a suspect was in the process of violently resisting arrest. Officer A supported those other officers in the arrest of the suspect. Taser was initially deployed to an identified threat, then removed as the threat removed and was drawn again upon a further threat being identified. This complaint relates to a number of officer at the scene.

In assessing all of these complaints based upon the available information it is clear that there has indeed been an overall increase of late when compared with previous years. The complaints received are quite diverse in nature but with a weighting towards excessive force being used. However in my opinion, when viewed in detail, they do not highlight an obvious cause. I take comfort in the very fact that a majority have not been upheld.

I have assessed these complaints against Officer A's most recent roles. Officer A has been a sergeant since 2014/2015 and prior to this was an RPU officer.

As an RPU officer Officer A considers that he was less likely to receive complaints due to being predominantly double crewed and due to more limited interaction with the public.

As a sergeant Officer A considers that he is more likely to work alone, make difficult decisions, and will back up the limited number of officer resources at incidents. Further to this Officer A considers that he is a sergeant that will lead and support his officers at incidents as well as at the station. He tries to support them and purposefully makes himself visible to them.

Officer A does not identify any underlying reason why he is receiving the complaints. He has stated that he is able to manage his station based workload effectively so leaving sufficient time to proactively patrol and supervise with his shift.

I have supervised Officer A for over two years now. I have explained to Officer A that I cannot see any obvious underlying trend in the complaints received. That said, as his supervisor I have identified that Officer A has shown some subtle behavioural and supervisory changes over the time that I have supervised him. I am also aware of some welfare issues that Officer A has, and he is being supported in this regard by OHU. Officer A has been receiving this support for a significant period of time now. (Specific details not disclosed due to medical confidentiality issues). The OHU have confirmed that Officer A is fit for full duties (11<sup>th</sup> October 2017).

Officer A has welcomed an open discussion on these matters throughout and has sought my honest opinion on how the complaint issue can be effectively addressed and his complaints reduced. I have informed Officer A of the subtle behaviour changes that I have observed and the impact that these behaviours may have on his interaction with other persons. One of my observations is that Officer A has displayed more 'autocratic' leadership style characteristics of late and that his leadership can be quite absolute and perhaps lack tolerance. This can create low autonomy for his staff and I suspect that this may present itself at incidents when Officer A is supervising. I consider that a more transformative leadership style at incidents may allow his officers more autonomy at an incident with less direct involvement by Officer A. I see no reason why Officer A cannot supervise with a 'less hands on approach'.

Also, I have observed that Officer A has, on occasion, shown signs of pressure (it is acknowledged that the uniform sergeant role is particularly challenging at present with a significant workload expected from the role), and I suspect that these signs are also identified by his officers, and perhaps the public. I have suggested to Officer A that he needs to consider the management of his role responsibilities and workload further to ensure that the likelihood of pressure is reduced. Subconscious pressure could result in a less tolerant and more confrontational manner.

An obvious way for Officer A to reduce his workload is to not attend incidents quite as often as he is, and again supervise the less serious incidents from a distance.

Officer A has accepted my thoughts and has indicated that he appreciates my honest feedback and has stated that he did not self-identify some of the issues that I have raised. Officer A should be commended for positively accepting the honest feedback given.

Officer A feels that active efforts can be made to prevent complaints being made and accepts the need to reduce the number of complaints that he is receiving.

#### **How will it be achieved? (Measurable, Achievable)**

- By self-scrutiny of leadership style, and how differing leadership styles can influence the behaviours of both Officer A as an individual, and his wider team.  
To conduct a '360 peer review' as soon as possible to obtain honest feedback from subordinates, peers, and line managers, on his leadership and behavioural qualities. To act on any negative behaviours highlighted, with assistance from his line manager, and in due course submit a further '360 peer review' to compare and identify score improvements. (I have discussed this with a member of the Training Department and this can be facilitated early in 2018 alongside those sergeants who are undergoing the NPPF process).
- To discuss the concerns, issues and observations contained in this report with Force Psychologist in OHU in order that he can consider the issue in conjunction with the existing support that he is providing to Officer A. (A further appointment has been made).
- With the assistance of Officer A's line management, Inspector D, to actively reduce the need to attend incidents and allow greater autonomy for his officers at incidents.
- To make maximum use of Body-worn video to support Officer A's position should any further complaint be made.

#### **Why was it identified (Relevant)**

##### Responsibility and Accountability

- Police officers must act within the Standards of Professional Behaviour
- To inspire greater public confidence in the police and the police complaints system
- The police are responsible and accountable for their actions and all have a part to play in delivering excellence
- Cumbria Police is committed to continual professional development and we all take responsibility for any learning and development

##### Respect

- We lead by example
- We aim to be good role models
- We respect the views expressed by others

#### **When will it be achieved? (Timed)**

The matters contained in this report have occurred over a significant period of time. This makes short term review difficult. The matters need to be assessed in the medium term. This matter will therefore be subject to continued scrutiny in line with the constabulary 15 Week Performance Review process.

**Review Date:** every 15 week reviews

Updates: 12/12/17 – This matter has been discussed with CI and he is supportive of its content.

# Ethics and Integrity Panel



Peter McCall

## Agenda No 9

### Title: Annual Report

**Date:**

**Agenda Item No: xx**

**Originating Officer: Chair of the Ethics & Integrity Panel**

**CC:**

#### 1. Introduction & Background

- 1.1 The purpose of the Ethics and Integrity Panel is to promote and influence high standards of professional ethics in all aspects of policing and to challenge; encourage and support the Commissioner and the Chief Constable in their work in monitoring and dealing with issues of ethics and integrity in their organizations. The Panel's role is to identify issues and monitor change where required. The Panel 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.
- 1.2 This report provides an overview of the work that the panel has carried out during 2017.
- 1.3 The Panel meets on a quarterly basis in private but its agenda and reports are published on the Commissioner's website following each meeting, with only sensitive or confidential information being excluded. Reports are provided by the Panel to the Commissioner's public meeting to provide information about the Constabulary's performance in areas that relate to ethics and integrity. The purpose of this is to promote public confidence.
- 1.4 An annual work programme is agreed to enable it to fulfil its terms of reference and scrutiny role. The programme fixes the tasks to be undertaken by the Panel at each of its scheduled meetings and has been set to ensure whenever possible that meetings are balanced in terms of the volume of work. The work of the Panel has continued to develop during 2017 and the 2018 work programme revised to reflect such changes. Again there are to be two thematic sessions held during the year. A copy of the Panel's current work programme can be found at [Appendix 1](#).
- 1.5 Membership of the Panel currently stands as:
  - Ms Lesley Horton
  - Mr Alan Rankin
  - Mr Michael Duff
  - Mr Alex Rocke

## 2. Public Complaints and Quality of Service

- 2.1 During 2017 the Panel noted that the standard of the Constabulary's public complaint files had been maintained throughout the year following previous recommendations made by the Panel. The Panel continued to review complaint files on a six monthly basis to ensure that standards were retained.
- 2.2 Over the reporting period the Panel reviewed 33 complaint files. At each dip sample any recommendations or comments are collated within an action sheet, some of which include:
- More extensive use of Body Worn Video by officers would be able to support or negate complaints made by members of the public. The Panel proposed that an example of good practice be circulated within the Constabulary bulletins.
- The action plans are monitored by the Panel at their next dip sample session to ensure that these are completed and where appropriate implemented in a timely manner.
- 2.3 The Panel has also been asked by the Police and Crime Commissioner to look at a number of specific complaint files following communication to him from members of the public. The Panel undertook reviews and concluded that on each occasion the complaint had been dealt with fairly, proportionately and in line with statutory guidance.
- 2.4 At their quarterly meetings the Panel receive performance data from the Constabulary on the number of complaints they have received and how these have been subsequently managed, including whether this was in line with required timescales.
- 2.5 Work undertaken by the Office of the Police & Crime Commissioner in relation to complaints and quality of service was also reviewed by the Panel. Members of the public write to the Commissioner regarding policing matters and issues. The OPCC through raising the issues with the Chief Constable's staff office facilitated individuals to receive a written response answering their questions or queries.

## 3. Police Officer and Police Staff Misconduct

- 3.1 As part of their work programme the Panel have reviewed police officer and police staff misconduct files prior to both their May and November 2017 meetings. The Panel have noted a continued improvement in the way the files have been dealt with and the information recorded therein.
- 3.2 During their sessions the Panel reviewed all files, providing views and recommendations for any improvement in the way information was provided or public perception of the handling of such cases. They were pleased to note that the quality of the files had improved and that following their comments a template had been created to assist managers in recording their findings and detailing what actions have taken place or training to be completed.
- 3.3 The Panel receive on a quarterly basis information relating to police officer misconduct from the Constabulary's Anti-Fraud and Corruption Unit and information relating to police staff misconduct on a six monthly basis. This enables the Panel to monitor performance in relation to these areas of business and consider any patterns or trends.



- 3.4 Having reviewed such 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

- 4.1 As part of the Panel's role it seeks to ensure that both the Constabulary and the Police and Crime Commissioner have embedded within their organisations the **Code of Ethics** and **Code of Conduct** respectively.
- 4.2 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. When carrying out reviews of performance, the Panel were provided with evidence of the methods used by the Constabulary to promote the Codes of Ethics since its inception. These included new training sessions which all officers and staff were required to undertake, information on noticeboards, newsletters and Chief Officer road shows.
- 4.3 Similarly the Commissioner upon taking office in May 2016 swore an oath to act with integrity and signed a Code of Conduct. A Code of Ethics developed by the Association of Police and Crime Commissioners (APCC) has also been adopted by the Commissioner. 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. The Panel did not identify any complaints received from either members of staff or the Commissioner during 2017.
- 4.4 The Panel have been provided with assurance whilst carrying out their role that both organisations take the ethos of the Code of Ethics and Code of Conduct extremely seriously and this has been evident in the reviews and dip samples they have undertaken in other areas of business.

#### 5. Grievances and Civil Claims

- 5.1 On a six monthly basis the Panel have reviewed **Grievances** being processed by the Constabulary during agreed reporting periods. Although the numbers were very low, the Panel gained assurance that the Constabulary were proactively encouraging officers and staff to raise such matters. It was noted that many issues were raised and dealt with on an informal basis which those concerned felt was more beneficial.
- 5.2 The Panel were advised that the staff union, Unison, were pleased that issues were resolved at an early stage and saw this as a positive step by the Constabulary. Although this may be good for the individuals involved the Panel felt that it did not allow the matters to be recorded and enable the organisation to learn for the future or make appropriate changes.
- 5.3 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 learnt from particular cases disseminating information throughout the organisation to avoid future risks and claims.

- 5.4 To date the Panel have not identified any issues or concerns in either area of business. On a national and local level the Constabulary, along with other forces, are in the process of dealing with employment tribunals in relation to police pensions. Currently there were 114 claims with more being added following the Constabulary implementation the national pension regulations. The claims were being co-ordinated nationally by Hertfordshire Constabulary.

## 6. Thematic Inspections

- 6.1 The Panel have reviewed two areas of thematic work during 2017. The first being **Special Constabulary Recruitment** during a session in February 2017. The Panel discussed the recruitment, training and onward retention of volunteers within the Special Constabulary; including the types of volunteers that the Constabulary wished to recruit and the reasons behind individuals wishing to join.
- 6.2 Due to the various roles that the Constabulary would like them to perform it was proposed that the Constabulary consider how they carried out their recruitment and whether it should be at times tailored to enable them to recruit volunteers with specialist or community skills. They also considered that if the Constabulary would like to have volunteers with specialist skills to assist particular departments then was it necessary for them to be enrolled within the Special Constabulary or could they be enrolled as a police volunteer. From this work the Constabulary subsequently looked at the broader scope of citizens in policing.
- 6.3 The Panel were keen to ensure that systems would be in place for ongoing support to volunteers once they were recruited; what supervision they would have, ongoing training and monitoring of their wellbeing needs. Further updates and discussions were provided to the Panel at their May meeting.
- 6.4 Prior to their May meeting the Panel undertook a dip sample of **Stop and Search** forms to ensure that the completion of the forms had been maintained. Of the 42 forms reviewed on 3 were felt to be non-compliant and 7 which required some improvement. The Panel had noted significant improvements in the completion of the forms; and although the overall number of searches was reducing the percentage of positive outcomes was increasing. Members suggested that with an increase in the wearing of Body Worn Video by officers, would either support or negate any subsequent complaints following the stop and search process.
- 6.5 At their September thematic session the Panel undertook a review of **Body Worn Video (BWV)**. This had successfully be introduced for front-line officers in 2010, with 238 devices being purchased of which approximately 160 were operationally deployed.
- 6.6 The Panel sought assurance that images were being captured and stored in line with Data Protection Regulations. Statutory guidance was in place which mandated when recording was permitted and the Panel noted that Cumbria had mandated recording at incidents of Domestic Violence.
- 6.7 Members had sought clarification as to why continuous recording was not permitted and noted that there had to be a rationale for recording people proportionately, taking images indirectly of

individuals not involved in the incident, and retention of the footage for a period of time also had to be taken into account. Standard Operating Procedures (SOP's) for Body Worn Video have not really changed since BWV was first introduced. A piece of work is going to be undertaken to update the SOP's, and it was agreed that the Ethics & Integrity Panel would be included in the consultation process.

- 6.8 Ethical considerations were discussed such as the impact on police and public relations; the impact on prosecutions/court hearings; impact on victims and the storage and deletion of recordings. The Panel were keen to be assured about the downloading, storage and disposal of the images recorded. Work was being carried out by the Constabulary to improve both of these facilities from current arrangements with a project team looking at a cloud based system to manage all of the requirements and be auditable. A digital evidence repository would need to be able to handle Constabulary footage as well as evidence that members of the public may also send in and may include drone footage, dash-cam footage, I-phone footage etc. Footage would be checked for potential viruses, and would also be able to share with other agencies (e.g. CPS).
- 6.9 At their thematic session in August 2018 the Panel would be revisiting this area of business to review its progress.

## **7. Conclusion**

- 7.1 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.
- 7.2 Recommendations and guidance have been welcomed not only by the Constabulary but the OPCC resulting in a number of 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.

## **8. Recommendations**

The Commissioner is asked to:

- (i) receive and note the report on the work undertaken by the Ethics and Integrity Panel during the past year; and
- (ii) note the positive changes to processes and practices as a direct result of work and recommendations made by the Panel.

Enquiries to: Mrs J Head  
Telephone: 01768 217734

Our reference: jh/EIP

Date: 1 November 2017

## **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 **Wednesday 16 May 2018** **OPCC Meeting Room**, Police Headquarters, Carleton Hall, Penrith, at **2.00pm**. Please note that a buffet lunch will be served for Members of the Ethics and Integrity Panel.

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

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

**Please note that there will be a dip sample session of Public Complaint Files on Thursday 26 April 2018.**

**Dip sampling of Misconduct Files will take place on the morning of Wednesday 16 May 2018 .**

### **PANEL MEMBERSHIP**

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

# **AGENDA**

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

### **1. APOLOGIES FOR ABSENCE**

### **2. DISCLOSURE OF PERSONAL INTERESTS**

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

### **3. URGENT BUSINESS AND EXCLUSION OF THE PRESS AND PUBLIC**

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

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

### **4. NOTES OF THE PREVIOUS MEETING**

To confirm the restricted notes of the meeting of the Ethics and Integrity Panel held on 8 February 2018 (copy enclosed).

### **5. CIVIL CLAIMS**

- (a) To receive and note a report by Cumbria Constabulary on Civil Claims (copy enclosed) - *To be presented by Mr A Dobson, Director of Legal Services.*
- (b) To receive a report on the process review in relation to small ex-gratia payments; and comparison figures of the previous 2 years.

### **6. GRIEVANCES**

To receive a report on Grievances against the Constabulary with particular note of any cases of bullying - *To be presented by Deputy Chief Constable Webster.*

**7. MISCONDUCT**

- (a) To receive and note a report by Cumbria Constabulary on police staff misconduct (copy enclosed) - *To be presented by Deputy Chief Constable Webster.*
- (b) To raise any overall issues identified during the dip sample session and discuss progress of allocated actions.

**8. INTEGRITY – ANTI-FRAUD & CORRUPTION**

To receive and note a report by Cumbria Constabulary on work undertaken by the Anti-Fraud and Corruption Unit (copy enclosed) – *To be presented by Deputy Chief Constable Webster*

**9. INTEGRITY – COMPLAINTS BY THE PUBLIC**

- (a) To receive and note a report by Cumbria Constabulary on public complaints (copy enclosed) – *To be presented by Deputy Chief Constable Webster.*
- (b) The Panel to be updated on the findings of the PSD complaints investigator review on the accessibility of the complaints system – *To be presented by Superintendent Jackson.*

**10. OPCC COMPLAINTS AND QSPI**

To receive and note a report by the Office of the Police and Crime Commissioner regarding complaints and quality of service issues received (copy enclosed) – *To be presented by the OPCC Chief Executive .*

## **ETHICS AND INTEGRITY PANEL**

Notes of a meeting of the Ethics and Integrity Panel held on  
Thursday 8 February 2018 in OPCC Meeting Room, Police Headquarters,  
Carleton Hall, Penrith, at 2.00 pm

### **PRESENT**

Mr Alan Rankin  
Mr Michael Duff  
Mr Alex Roche

### **Also present:**

Deputy Chief Constable Michelle Skeer  
Assistant Chief Constable Mark Webster  
Superintendent Sarah Jackson  
OPCC Chief Executive Vivian Stafford  
OPCC Governance Manager Joanne Head  
Paula Coulter, OPCC  
Rebecca Shultz, Cumbria Constabulary

### **1. APOLOGIES FOR ABSENCE**

Apologies were received from Mrs Lesley Horton.

The Panel Chair thanked everyone for their attendance at the meeting and welcomed ACC Webster, Paula Coulter and Rebecca Shultz to 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 9 November 2017 had been circulated with the agenda.

With regard to minute 9; the Panel wanted to change some of the wording on page 6 to more accurately reflect their views. It was agreed that this would be done outside the meeting.

## 5. COMMUNICATION CENTRE

During the morning the Panel had visited the Constabulary's Communications Centre to ascertain how the Professional Discretionary Framework had been implemented and was being utilised by officers and staff. The members spent over an hour listening in to telephone calls received and how they were handled. There had been a mixture of the types of calls received but it was noted that there was a recurring theme of mental health issues and vulnerability. Officers were very good at handling them, polite and firm with the non-999 calls, identifying any vulnerability for future records.

DCC Skeer advised that 17% of the calls received related to crimes, with the rest being mostly public safety issues. It has been a step-change for the Constabulary to put officers into the Comms Centre, however early identification of vulnerability had been commented upon by HMIC. The officers provided instant problem solving for the caller with 30% less deployment for front line officers; leaving them free to deal with more complex jobs.

The Panel had taken the opportunity to dip sample cases dealt with under the discretionary framework to ensure that the framework had been applied correctly. They identified that in one instance the framework had not been used, when it could have been applied. This had been in relation to a theft from a shop in a very rural location. The benefit to the community of having an officer go and speak with the owner far outweighed that of using the framework. Generally they found that the recording of the use of the framework was detailed, appropriate, at the right level and volume.

Some of the matters they had reviewed related to safeguarding of vulnerable people. Utilising safeguarding resources now within the Comms Centre, enabled matters to be dealt with quickly, taking pressure off the hubs and assisting officers at ground level. DCC Skeer advised that the Constabulary had received £3m transformation funding to enable inter-agency working. This had proved very successful in providing officers with support and advice to deal with matters. A large amount of training had been provided to officers and staff on the different elements of the mental health spectrum, which was proving to be a great help when dealing with individuals. It was noted that during the previous year demand relating to mental health matters had increased by 177%. It was important multi-agency solutions were sought. Hubs across the county have partners co-located together, which look at how issues can be problem solved.

The Constabulary had focused on their Command and Control system following issues with 101 calls being answered. An extensive improvement plan had been developed and implemented which had shown impressive results. With increased demand on both 101 and 999 services it was important that the Constabulary maintained service levels in the coming summer months. The Chief Officer Group and the Police and Crime Commissioner received regular reports on performance with the Commissioner actively holding the Chief Constable to account at performance meetings. DCC Skeer spoke about a new communication system, which they were hoping to install within the next 18 months. This would provide greater flexibility and



enable messages to be uploaded during major incidents to keep members of the public updated.

During their morning session and with the aid of the performance report, the Panel reiterated their assurance that the professional discretion framework was working well within the Comms Centre and was being appropriately applied.

**AGREED,** that the reports and comments be noted.

## **6. CITIZENS IN POLICING**

Supt Jackson provided a verbal update in relation to the recruitment of Special Constables, volunteers and police cadets to the Constabulary. The previous week she had met with members of the Special Constabulary to discuss issues to improve recruitment and retention. Tailored recruitment campaigns would be carried out as it was recognised that volunteers within the Constabulary had many different skills and the organisation was starting to include a number of different options and roles to be different and innovative. Special Constables were now being asked to sign up to a Code of Conduct similar to that of regular officers and staff.

Consideration was being given as to whether or not all Special Constables would have to carry out the full training package to carry out more specified roles. This would complement the work of the cadets and mini-cadets. Five cadet groups were commencing and it was hoped that in time these would become Special Constables in the future. Some of the current Specials were going to help run the cadet schemes.

The end of March would see the launch of the mini-police with 26 schools across the county participating. This was a school-based programme for 9 to 11 year olds. They would be provided with a uniform and carry out community-based work. They would receive training such as water safety training which they could then pass on to other pupils within the school or their friends.

ACC Webster advised that the Constabulary needed to recognise that if they stepped outside the standard package of volunteering in policing this would be picked up by HMIC. However, it was important to recognise the differing skills of individuals and utilise them in the most appropriate way. DCC Skeer complimented Supt Jackson for all her hard work in driving this project forward.

**Agreed;** that, the Panel note the update.

## **7. INTEGRITY – ANTI-FRAUD & CORRUPTION**

DCC Skeer presented the quarterly report on work undertaken by the Constabulary's Anti-Corruption Unit. She guided members through the report, commenting on each of the cases listed that had been finalised and those still ongoing providing an update on their status.

There had been an increase in the number of cases relating to discreditable conduct. The force were carrying out a lot of educational work with officers and staff in relation to disclosure of information; with reminders that access to information needed to have a policing, not personal, purpose. Joint work with the Federation and Unison was attempting to raise awareness. The use of the PASS newsletter was an essential tool to try and prevent other officers or staff making similar mistakes.

In relation to two finalised misconduct cases the Panel questioned the outcome of these being different to one another when the alleged offenses would initially seem the same. DCC Skeer provided an explanation on how the two cases differed and why there was a different outcome. Independent advice had been sought on the matter to ensure they were dealt with appropriately. Following the explanation, the Panel felt assured that the two cases were indeed different and therefore different outcomes would be suitable.

The Panel went on to discuss two more cases highlighted within the report, during which DCC Skeer provided assurance on how the matters were being dealt with.

**Agreed;** that, the Panel note the report

## 8. INTEGRITY – COMPLAINTS BY THE PUBLIC

DCC Skeer presented a report, which outlined public complaints that the Constabulary had received during the reporting period along with comparison figures for the previous 12 months rolling period.

- IPCC data continues to show that Cumbria complaints per 1000 employees remains lowest in the MSF (most similar forces Lincolnshire 222, Norfolk 140, North Wales 124) and also against MSF/national averages:
  - Apr 17 to Sep 17, Cumbria: 122, MSF average: 152 National average: 137
- The IPCC data also shows that Cumbria is the 5<sup>th</sup> best in the country for average number of days to locally resolve allegations.
- The current 12 month rolling figures show that cases increased by 32.86% and there has been an increase in allegations by 21.46% in comparison to the last 12 months.
- A breakdown of allegations shows that no TPAs have reduced their level of allegations in the rolling 12 months.
- The main group showing an increase when comparing the rolling 12 months is Unprofessional Conduct by 91 (21.46%).
- Allegations upheld by PSD have reduced by 9 allegations (90%) comparing the last period with the current 12 months. The number of Local resolutions has increased overall by 164 (141%)
- The number of Force appeals continue to reduce, IPCC appeals have increased, when comparing the last 12 months against the previous.
- The number of upheld appeals for the IPCC has increased by 50% compared to the last 12 month period, upheld Force Appeals have reduced by 25%.

DCC Skeer guided the Panel through the new 'There and Then' procedure which had been introduced into the Professional Standards Department in November 2017. Complaint calls

were taken by trained investigators, and if there are no criminal allegations being made, and there was something that could be resolved quickly this would be done over the phone. This enabled issues to be dealt with quickly, individuals received a better service and the investigation caseload was reducing. Feedback from the new system had been positive with areas dealing with fewer matters. All complaints were still recorded and this enabled trends and issues to be identified, such as repeat officer cases. It was proposed that a thematic session could be carried out on the There and Then procedure.

The Panel had been provided with an example of how the Repeat Officer Strategy had been utilised. The members felt that this provided a good audit trail of what the organisation had done to identify issues and where appropriate support the officer.

**Agreed;** that, the Panel note the report.

## 9. 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.

Work undertaken during the morning by the Panel would be included within the report and 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 and Standards Committee to supplement their oversight work.

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

The Panel Chair wished to take the opportunity to wish the current Chief Constable, Mr Jerry Graham, every happiness in his forthcoming retirement.

**Meeting ended at 3.15 pm**

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

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



## Constabulary Report to OPCC

Agenda Item No 06

**TITLE OF REPORT:** Constabulary Grievances

**DATE OF MEETING:** 25<sup>th</sup> April 2018

**ORIGINATING OFFICER:** Sarah Dimmock Diversity Manager

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

### Executive Summary:

*No more than 100 words.*

- The Constabulary have a Grievance Policy and Procedure which affords the opportunity to resolve grievances quickly and effectively at the lowest possible management level, without the need to apportion blame or to provide punishment.

### Recommendation:

- That the Ethics and Integrity Panel note the report.

## MAIN SECTION

### 1. Introduction and Background

- 1.1 The attached Grievance Statistics Report shows the number of grievances lodged up to 31<sup>st</sup> March 2018, together with a summary of the last 3 financial years. So far, to date, there have been no grievances lodged in this financial year, 2018/2019
- 1.2 Included in the report is a breakdown 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 unlawful discrimination have been included.
- 1.3 The report provides data from the last 3 years to enable comparisons to be made.

## **2. Issues for Consideration**

### **2.1 Drivers for Change**

- There are no emerging trends or patterns at the time of submitting this report.
- There is a standing agenda item at the Valuing Individuals Group (VIG) to ascertain if there are any issues that the Constabulary should be dealing with. At this time no issues are being raised. All staff support groups, including the Federation, Unison, Occupational Health and the Chaplaincy are members of the group, which is chaired by the Chief Constable.
- The Constabulary's Diversity Manager will meet with the Federation and Unison when necessary to discuss issues that are emerging and look to informally resolve them prior to a grievance being submitted. The Constabulary proactively engages to address concerns.

## **3. Financial Implications and Comments**

### **3.1 Please see Equality Implications**

## **4. Legal Implications and Comments**

### **4.1 Please see Equality Implication**

## **5. Risk Implications**

.Please see Equality Implications

## **6. HR / Equality Implications and Comments**

- 6.1 If any of the convention rights are breached and unlawful discrimination is proven then there would be implications for the Constabulary which could incur status and financial loss.
- 6.2 If race, equality or diversity issues are identified that would lead to unlawful discrimination being proven then there would be implications for the Constabulary which again could lead to financial and reputational loss.

## **7. Supplementary Information**

### **7.1 List any relevant documents and attach to report**

- Grievance Data from 2015 to 2018
- Grievance Data for the period 2018/2019

**RESTRICTED**  
**Grievances**

Please see below the figures for the financial year 20017/2018 up to and including 31/03/18.

	No. 2017/18
Total No. of grievances submitted to date	8
Resolved Stage 1	2
Resolved Stage 2	0
Resolved Stage 3	0
Not Resolved	1
Awaiting Action/Resolution	3
Withdrawn	1
On Hold (completed but not signed off/other issues)	1

Gender and Ethnicity Breakdown

	No. 2017/18
Male	4
Female	4
Black Minority Ethnic	0
Officers/Staff with Disabilities	0
Police Officers	5
Police Staff	3

BCU Areas

	Resolved	Further Action	Withdrawn	On Hold	Not Resolved
West	1	1	1	0	0
North	1	0	0	0	1
South	0	0	0	0	0
HQ	0	2	0	1	0
CID	0	0	0	0	0
UOS	0	0	0	0	0

Types of Grievance

Policy/ Selection Process	Treatment By Colleague(s)	Care/ confidentiality	Bullying/ Discrimination	Disability	Race/Culture
7	1	0	0	0	0



# Office of the Police & Crime Commissioner Report

## Title: Police Staff Discipline and Misconduct

**Date: 16 May 2018**

**Agenda Item No: 07**

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

**CC:**

### **Executive Summary:**

The Constabulary has a Disciplinary Policy and Procedure, which affords the opportunity to resolve cases quickly and effectively at the lowest possible management level. This report provides a summary and analysis of the cases, which have been dealt with in the six months preceding this year's meeting of the Panel

### **Recommendation:**

That, the Ethics and Integrity Panel note the Report.

## **1. Introduction & Background**

1.1 This report details the number of police staff discipline and misconduct cases dealt with during the period 1 November 2017 and 30 April 2018.

## **2. Issues for Consideration**

2.1 Five members of Police Staff were the subject of disciplinary proceedings in accordance with the Constabulary Policy on Police Staff Discipline. All were female, and none were of a minority ethnic origin.

2.2 Of the five cases;

- One originated from a public complaint (later withdrawn), which was initially investigated by PSD then further investigated by HR. This case was subject to potential misconduct and Disciplinary Hearing resulting in a Written Warning.
- One case was subject to misconduct and a Hearing resulted in Dismissal with notice when considering a current live final written warning.
- Three cases were subject to a criminal investigation. Two cases were NFA in this respect but were subject to an initial misconduct investigation by HR. The remaining case resulted in a

Community Resolution / Restorative. All three cases required no further formal action with management words of advice provided in relation to conduct.

2.3 There are currently seven further cases which are ongoing and not subject to review by the panel at this time. Of these seven cases five relate to potential matters of gross misconduct with three staff members currently suspended from duty and a further two placed on management restricted duties.

2.4 One appeal was heard during this time period, the outcome being that the appeal was not upheld.

### **3. Implications**

#### 3.1 Financial

Please see Equality Implications

#### 3.2 Legal

In accordance with the introduction of the Advisory and Disbarred lists cases which result in dismissal for misconduct are referred for inclusion on this list – this applies to police staff and officers and as a result the one dismissal in this reporting period was reported as such.

#### 3.3 Risk

Please see Equality Implications

#### 3.4 HR

##### 3.4.1 Joint approach

From April 2018 the HR and PSD departments are operating a more integrated approach to police staff misconduct. Whilst HR will retain ownership investigations will be supported by the PSD Department with consolidation of guidance and template documentation.

This builds on the joint working already in place regarding investigations and the joint development and delivery of the Code of Ethics training across the Constabulary.

##### 3.4.2 Equality

If the provisions of the Employment Rights Act 1996 are breached in terms of unfair dismissal then there would be implications for the Constabulary which may lead to financial and status loss.

If any equality or diversity issues are identified that would lead to unlawful discrimination being proven then there would be implications for the Constabulary which may lead to financial and status loss.

Concern has been raised regarding the cross over between the Constabulary attendance support procedures and the disciplinary procedure in respect of dismissal due to an unsatisfactory attendance record, in particular where the individual has a disability and the subsequent associated to the Advisory / Disbarred Lists. This matter is being addressed through a review of the associated Police Staff policies.





## Constabulary Report to OPCC

### Agenda Item No 9

**TITLE OF REPORT:** INTEGRITY – COMPLAINTS BY THE PUBLIC

**DATE OF MEETING:** 4<sup>th</sup> May 2018

**ORIGINATING OFFICER:** Superintendent Jackson – Head of People Department

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

#### Executive Summary:

*No more than 100 words.*

- IOPC data continues to show that Cumbria complaints per 1000 employees remains lowest in the MSF, at 152 (most similar forces Lincolnshire 317, Norfolk 213, North Wales 241) and also against MSF/national averages:
  - Oct 17 to Dec 17, Cumbria: 152, MSF average: 231 National average: 206
- The current 12 month rolling figures show that cases increased by 6.12% and there has been an increase in allegations by 9.05% in comparison to the last 12 months.
- A breakdown of allegations shows that only UOS has reduced their level of allegations in the rolling 12 months.
- The main group showing an increase when comparing the rolling 12 months is Direction & Control by 58 (113.73%).
- Allegations by Local Resolution TPA has increased by 153 allegations (137.84%) comparing the last period with the current 12 months. The number of allegations Not Upheld by PSD has reduced by 7.
- The number of Force appeals has increased from 22 to 30 (36.36%) , IOPC appeals have also increased by 14 (58.33%), when comparing the last 12 months against the previous.
- The number of Upheld appeals for the IOPC has increased by 116.67% compared to the last 12 month period, upheld Force Appeals have increased by 20%.

#### Recommendation:

*Set out clearly the recommendation to be approved, using bullet points and ensure references are included to previous decisions on this matter. Any alternative options considered should not be outlined here but in the 'introduction and background' section.*

- To continue to issue PASS Newsletters, Best Practice and Need to Know when trends are identified and publicise expected standards of ethical behaviour, good practice, learning and signpost staff to help/reporting lines via PASS Newsletters, Best Practice and Forcenet.
- To circulate quarterly reports regarding types of allegation and repeat officer data to the TPA's.
- To continue to raise awareness and implement delivery plans linked to the People department, some examples being inputs on Code of ethics, Abuse of Authority for Sexual Gain (AASG) and continued Vetting compliance.

**MAIN SECTION**

**1. Introduction and Background**

*Alternative options considered, evaluation, benefits – anything not covered in sections below etc.*

The latest data periods available & reported on in this document are as follows:

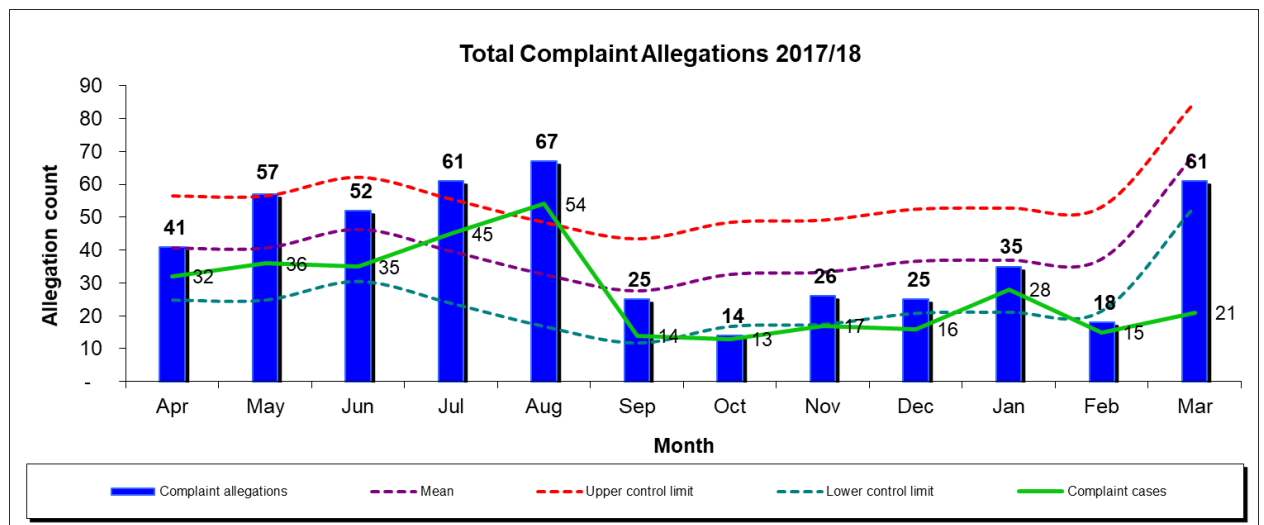
IPCC Q1, Q2 & Q3: April – December 2017

Cumbria Q4: January – March 2018

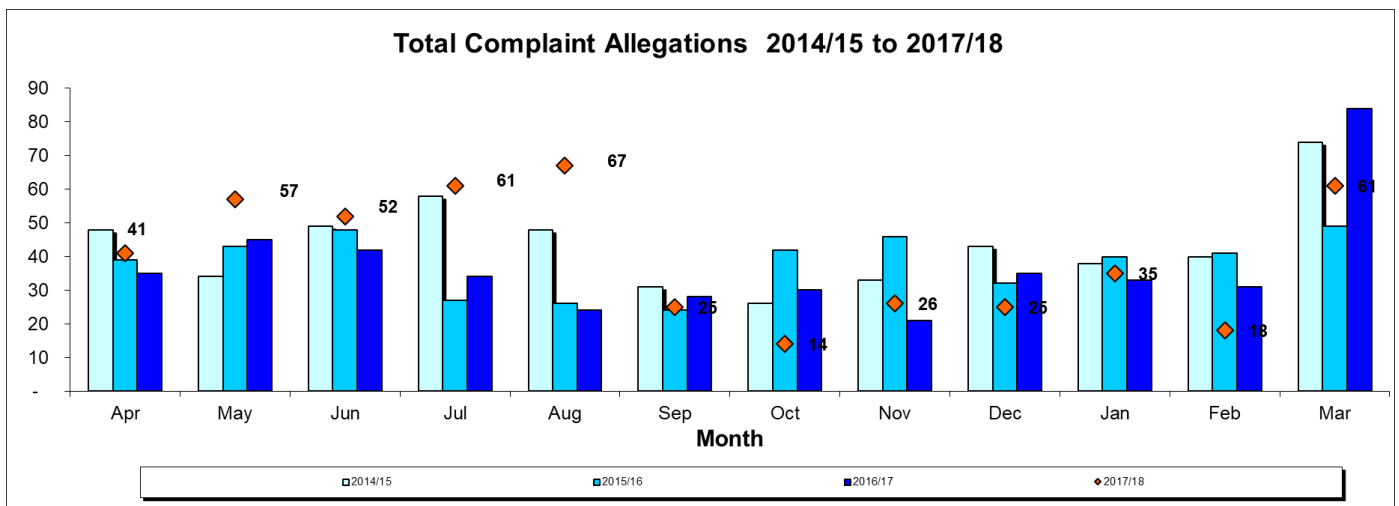
Cumbria 12 month rolling: 1<sup>st</sup> April 2017 – 31<sup>st</sup> March 2018

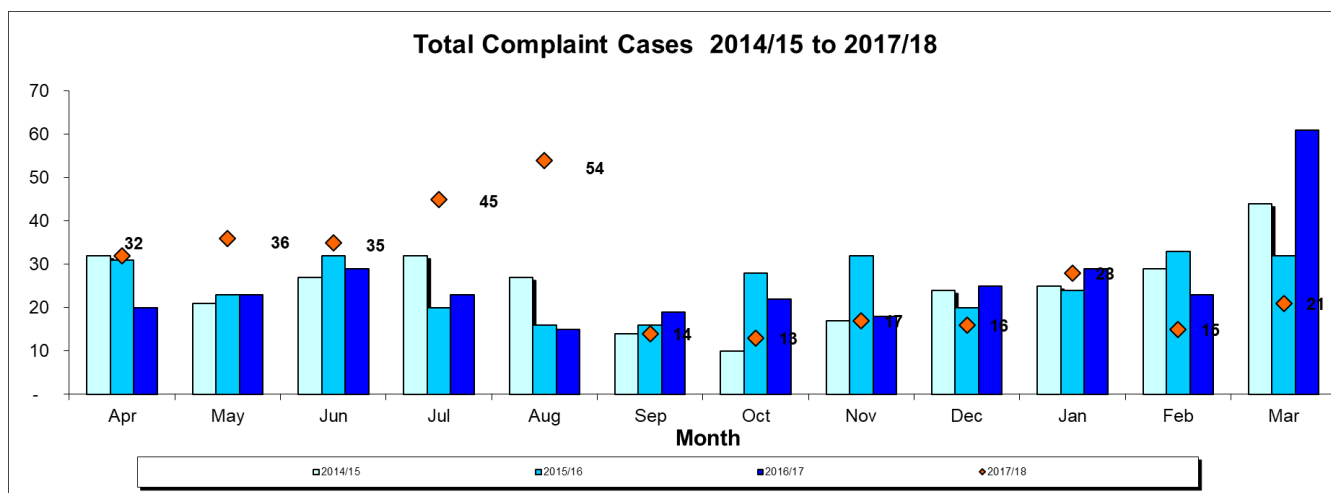
**1.1 Complaint Allegations**

The below chart shows levels of complaint cases and allegations in the last 12 months from April 2017 to March 2018:



The chart shows fluctuating levels of complaint allegations and cases. Over the 12 month period the total allegations are 482 and cases are 326. Since September, Cumbria has been below its 3 year average for both complaints and allegations.





Allegations & Cases have reduced to the lower limit. This is due to the fact that the Force now deals with service recovery via There & Then reports. The increase in There & Then reports can be seen in item 1.4.

The Complaint Assessor is committed to creating a culture that enables organisations to learn from their errors rather than stigmatise any mistakes, hence a reasoned rationale to reassure the public by finding a resolution as fast as possible. Individuals must not be intimidated about admitting to errors or mistakes or so fearful of blame that they keep information to themselves.

The table below shows the total number of cases and allegations including direction and control for 12 months to the end of March 2017 and 2018. The figures show that the numbers of allegations and cases over the current 12 month period have increased compared to the last 12 months.

	12 Month Rolling to Mar 2017	12 Month Rolling to Mar 2018	Percentage Change
Cases	307	326	6.12%
Allegations	442	482	9.05%

\*Including Direction and Control cases/allegations.

## Allegations broken down into TPA/Area.

The table below shows the numbers of allegations and cases broken down into areas:-

Area	Allegations			Cases		
	12 Month Rolling to March 2017	12 Month Rolling to March 2018	Change	12 Month Rolling to March 2017	12 Month Rolling to March 2018	Change
North	125	148	+23	94	109	+15
South	114	126	+12	77	78	+1
West	124	125	+1	75	74	-1
UOS	34	29	-5	26	22	-4
HQ/Other	45	54	+9	35	43	+8
<b>Total</b>	<b>442</b>	<b>482</b>	<b>+40</b>	<b>307</b>	<b>326</b>	<b>+19</b>

\*Including Direction and Control cases/allegations.

The table shows an increase in allegations with the largest increase in North TPA followed by South TPA in this period.

Complaint cases have increased when comparing the current 12 month period with the previous 12 months with a significant increase in North TPA and HQ/Other in the period.

## 1.2 Area Allegation group breakdown (Glossary of allegation types at end of document)

The table below shows the allegations broken down into area and group:

12 Month Period	Group	North	South	West	UOS	HQ	Grand Total
12 Month Rolling to March 2017	Breaches of PACE K,L,M,N,P,R	11	16	20	1	0	48
	D&C	13	5	7	11	15	51
	Discrimination F	3	0	3	0	0	6
	Incivility U	22	11	16	9	6	64
	Malpractice G,H,J	2	6	6	1	4	19
	Oppressive Behaviour A,B,C,D,E,Y	23	42	32	5	2	104
	Other W	4	5	4	1	3	17
	Unprofessional Conduct S,T,V,Q,X	47	29	36	6	15	133
<b>12 Month Rolling to Mar 2017 Total</b>		<b>125</b>	<b>114</b>	<b>124</b>	<b>34</b>	<b>45</b>	<b>442</b>
12 Month Rolling to Mar 2018	Breaches of PACE K,L,M,N,P,R	10	10	15	2	1	38
	D&C	33	23	25	5	23	109
	Discrimination F	1	2	0	0	3	6
	Incivility U	23	17	14	9	7	70
	Malpractice G,H,J	15	2	4	0	4	25
	Oppressive Behaviour A,B,C,D,E,Y	16	18	20	2	3	59
	Other W	1	1	1	1	0	4
	Unprofessional Conduct S,T,V,Q,X	49	53	46	10	13	171
<b>12 Month Rolling to Mar 2018 Total</b>		<b>148</b>	<b>126</b>	<b>125</b>	<b>29</b>	<b>54</b>	<b>482</b>

\*Including Direction and Control case/allegations.

Increase in Direction and Control

This category captures public complaints regarding matters of strategy, policy, structure, organisation and central force command concerning general policing. Direction and Control complaints are from members of the public complaining about how the Constabulary is run rather than actions of individuals.

Direction and Control complaints do not cover complaints about the conduct of individual members of the Police service, those will still be recorded in accordance with the provisions of the Police Reform Act 2002.

The single biggest area captured in Direction and Control covers the decision of the police/cps to take No further action in respect of a criminal allegation.

Other areas of complaint captured under Direction and Control are policy decisions around the retention of firearms from persons arrested/investigated for notifiable offences

In addition complaints that make reference to the shortcomings of the Police 101 systems – these were all captured under Direction and Control.

#### Increase in Malpractice

This area covers the mishandling of property.

A significant numbers of complaints relate to complaints about police officers seizing and retaining property for long periods of time. Property of this nature tends to be Communication devices. Devices seized for examination are triaged in order to be examined. Sometimes the whole process can be lengthy and the Constabulary recognises that the seizure of the device can impact on an individual.

#### Increase in Unprofessional Conduct

This includes the area of Other neglect or failure in duty.

One of the biggest areas of complaint is a failure by officers to update victims and those subject of investigation about an ongoing case. Officers are aware of the victim charter, this is captured within the caseman of every crime they investigate. Reminders have been circulated requesting Officers adhere to the charter.

#### Summary

The Complaints & Misconduct manager categorises all complaints. The new postholder has held their position for a year thus it is important not to lose sight that the categorisation of complaints is subjective and the allegation categories are very similar examples being: Failure to return property could easily be classed as either mishandling of property or neglect of duty.

In summary there were 442 recorded complaints in 2017 and 482 recorded complaints in 2018 which shows an across the range increase of 40 complaints in a 12 month period – just over 3 per month.

Change between 12 Month Rolling March 2017 & March 2018						
Group	North	South	West	UOS	HQ	Grand Total
Breaches of PACE K,L,M,N,P,R	-1	-6	-5	1	1	-10
D&C	20	18	18	-6	8	58
Discrimination F	-2	2	-3	0	3	0
Incivility U	1	6	-2	0	1	6
Malpractice G,H,J	13	-4	-2	-1	0	6
Oppressive Behaviour A,B,C,D,E,Y	-7	-24	-12	-3	1	-45
Other W	-3	-4	-3	0	-3	-13
Unprofessional Conduct S,T,V,Q,X	2	24	10	4	-2	38
<b>TOTAL</b>	<b>23</b>	<b>12</b>	<b>1</b>	<b>-5</b>	<b>9</b>	<b>40</b>

The four main groups reported on are Unprofessional Conduct, Oppressive Behaviour, Direction & Control and Incivility.

#### Oppressive Behaviour

The largest reduction (-45%) has been in Oppressive Behaviour when comparing the 12 month period ending March 2017 to the following 12 month period

- South TPA – reduced by 24
- West TPA – reduced by 12
- North TPA - reduced by 7

The decrease in Oppressive Behaviour may be captured in the increase of both Incivility and Unprofessional conduct, as there are similarities in some of the definitions.

The decrease may also be due to changes and/or improvements in training and a greater awareness of staff particularly around the use of force. The Constabulary has a use of force panel that convenes once a month, an area the panel looks at is organisational opportunities to learn.

#### Direction & Control

Direction & Control saw the largest percentage increase 58 (113.7%) in the current 12 month period when compared to the previous 12 months. Direction and Control complaints are from members of the public complaining about how the Constabulary is run rather than actions of individuals.

- North TPA – an increase of 20
- South TPA – an increase of 18
- West TPA – an increase of 18

Direction & Control refers to organisational decisions as opposed to a complaint against an individual. Complaints/failings are viewed as rich learning opportunities as it offers vital clues about organisational need to update policies and procedures where appropriate.

Organisational Decisions increased by 55 (289.47%). There have been no trends identified in relation to the increase or the decrease.

<b>Allegation Result Description</b>	<b>12 Month Rolling to Mar 2017</b>	<b>12 Month Rolling to Mar 2018</b>	<b>Change</b>
General policing standards	7	2	-5
Operational management decisions	33	11	-22
Operational policing policies	8	21	+13
Organisational decisions	19	74	+55
<b>Grand Total</b>	<b>67</b>	<b>108</b>	<b>+41</b>

### Unprofessional Conduct

Unprofessional Conduct has increased in the current 12 month period by 38 (28.57%), with an increase seen in every TPA with the exception of HQ.

- South TPA – an increase of 24
- West TPA – an increase of 10
- North TPA – an increase of 2

Within this group, the only Allegation type which has decreased in the previous 12 months is Other Neglect or Failure in Duty, by 3 (3.13%). Lack of Fairness and Impartiality has demonstrated the largest increase, by 18 (94.74%).

South TPA showed the highest increase of 17 to 51, 28 of which were Other Neglect or Failure in duty. The majority of counter allegation reports against officers are recorded in this group.

Unprofessional conduct is far reaching in that it covers Lack of fairness and impartiality, Neglect of duty and improper disclosure of information. The People department have proactively engaged in a forcewide campaign to refresh and remind all of their employees about the Code of Ethics.

There was 1 Sexual Assault in the 12 month period, previously reported on in the Q3 report. The allegation being an adult male stated that following his arrest, he was strip-searched and he alleged that there was a sexual motive behind the strip search. CCTV footage showed no evidence to support this allegation. This complaint was Not Upheld and the investigation resulted that there was no case to answer in respect of misconduct.

In the quarter 4, the following PASS Newsletters and Best Practice guidance have been issued in respect of identified issues: -

LESSON LEARNED CATEGORY	DISSEMINATION By / To	BRIEF DESCRIPTION
<b>January 2018</b>		
Individual	PSD to Custody Insp	PC's, PCSO's & Health Care Nurse thanked for their professionalism ensuring immediate medical care to a patient.
Organisational	Need to Know ForceNet	Constabulary Driving School circulated a reminder to all staff of the definition of a "pursuit" and to provide guidance as they feel appropriate.
Custody	Need to Know ForceNet	Guidance on how entering a cell where the opposite sex is being strip-searched could be perceived.
Custody	Need to Know ForceNet	Advice circulated on the correct procedure when searching detainees including strip searches relating to juveniles.
Organisational	CI to local Police Safety Trainers	Local problem solving team to have a plan available to deal with any future similarly reported instances of youth disorder an area of Barrow-in-Furness
<b>February 2018</b>		
Organisational	Need to Know ForceNet	Data Protection Media Campaign & Need to Know circulation. Awareness around only accessing data for a policing purpose.
Communications Centre	CI Comms	Raising awareness of the way members of public interpret comments made during telephone contact i.e. may be perceived as inappropriate
Organisational	North Insp	Information added to Sleuth for information of officers who may deal with complainant in the future.
<b>March 2018</b>		
Organisational	Need to Know ForceNet	Data Protection Media Campaign & Need to Know circulation. Awareness around only accessing data for a policing purpose.



### 1.3 Repeat Officer Strategy

PSD are currently working more closely with area supervisors to provide an auditable trail of individual performance management where an officer hits the repeat officer threshold.

Officers who are subject of a public complaint will automatically trigger if they are subject of 3 complaint cases in a 12 month period. They will be allocated to the relevant investigating officer to ensure that trends and areas of concern in respect of performance are identified at the earliest opportunity. HR are consulted to incorporate any relevant information within the investigators review. The Complaints and Misconduct Manager & Anti-Corruption Unit also assess the officers person record and contribute any relevant information.

Details of the complaint and officer are then raised for discussion at the Professional Standards Tactical & Co-ordination Group. If further action is required, then a dissemination is forwarded to the officers line manager to facilitate a professional review. This early intervention approach will seek to maintain professional standards as well as address (or identify) any officer wellbeing issues, enhance performance, identify training needs and learning.

There were 6 entries under the Repeat Officer Strategy in the current Quarter 4. A decrease of 9 from the previous period, quarter 3. 1 officer has 2 entries as a repeat officer in the Quarter.

In the rolling 12 months, there were 43 Repeat Officer Strategy entries, 5 of these officers had one or more entry under the strategy in the 12 month period. This is stable, also at 5, on the previous 12 month period.

Seventeen (39.53%) of the identified officers are in South TPA, 15 (34.88%) in West, 7 (16.28%) in North & 4 (9.31%) in UOS.

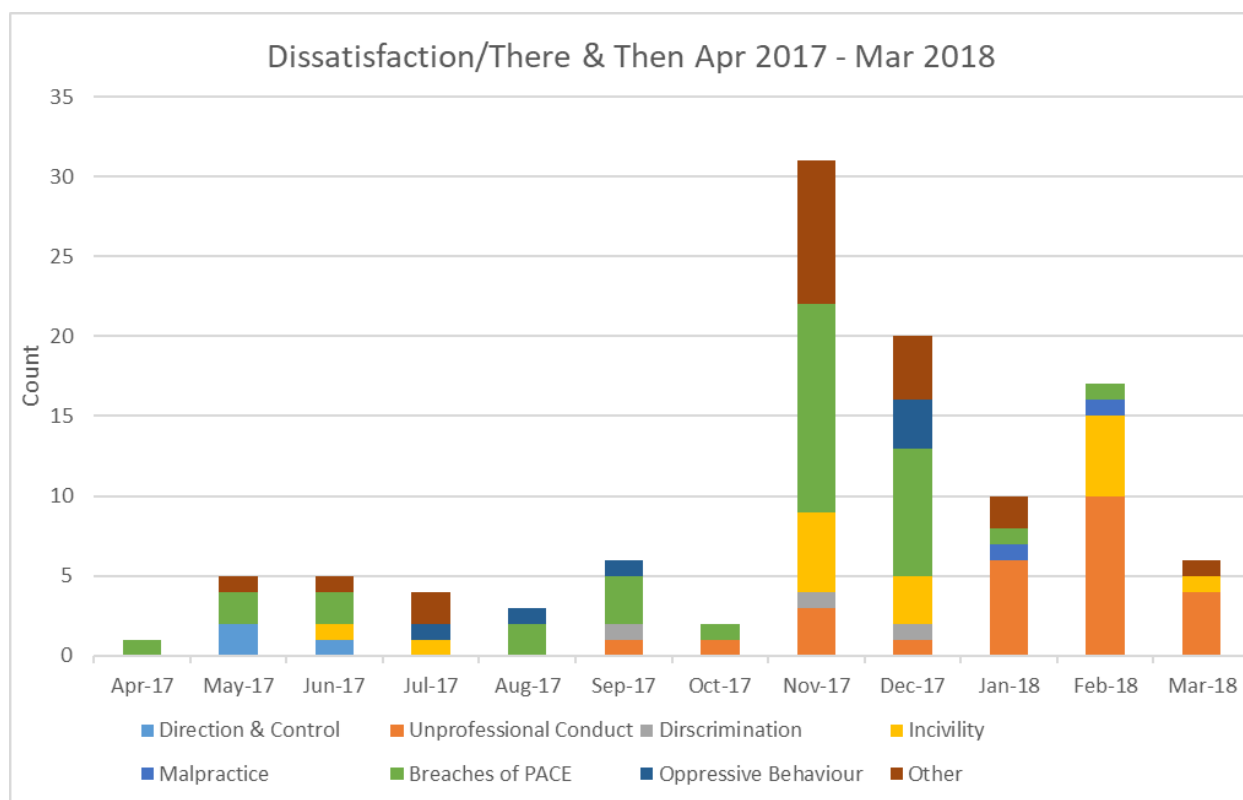
The Complaints and Misconduct Manager continues to liaise with the TPA Commanders highlighting opportunities for individual and force learning, development and bodycam use.

### 1.4 There & Then

Up until November 2017, complaints were dealt with as dissatisfaction reports. From November onwards, these are now recorded as There and Then reports. There and Then reports capture complaints that can be resolved at the time of raising ie. service recovery.

Once a complaint is received, it is assessed by the Duty Complaints Investigator. If the complaint can be dealt with and finalised 'There and Then' through the investigator acting as a facilitator, the complaint is recorded as a There & Then and a miscellaneous incident (MI) number is created. There and Then are dealt with by a trained and experienced Complaints Investigator, thus these matters are dealt with more consistently, trends identified and the TPA are dealing with less matters.

The previous Dissatisfaction cases were categorised using keywords. The There & Then cases are now categorised using 'Types', this is in line with how complaints are recorded. For the purpose of reporting and consistency, the previous Dissatisfaction categories have been converted in to the current There & Then categories, using the Group table (Appendix 1.0).



There were 110 dissatisfaction reports recorded in the current 12 months which is an increase of 51 when compared to the previous 12 month period. This is due to the transition from Dissatisfaction Reports to There & Then Reports. The main categories reported on in the lower level dissatisfaction reports over the 12 month are in Breaches of PACE and Incivility which combined form 54.55% of dissatisfaction reports in the period.

Early indications are that the public like the There and then process, very few matters in this category result in a complaint being recorded. The main areas of satisfaction being both the timeliness of the Police contact and speediness of resolving the matter.

### 1.5 Diversity

There have been 6 allegations of discriminatory behaviour by the police recorded during the current 12 month period which is a reduction of 1 compared to the previous 12 months. There was one mandatory referral to the IOPC, referrals are made when complaints meet the referral criteria i.e a Criminal offence or behaviour

liable to lead to misconduct proceedings and which in either case is aggravated by discriminatory behaviour

Allegations for Q4 January – March 2018:

February 2018 – A complaint was recorded that resulted in the following allegations:

Complaint of officers making the assumption that an incident was directly linked to the complainant’s mental health issues and that officers would not allow him to explain the situation.

Complainant rang 999 to express his suicidal feelings and intentions and was advised by the call handler his call was inappropriate. Officers located the complainant and advised he was wasting police time.

No early learning has been identified and the complaint investigation remains live.

1.6 Performance

Allegations finalised in the period regardless of when the allegations were recorded.

Allegation Result Description	12 Month Rolling to Mar 2017	12 Month Rolling to Mar 2018	Change
De Recorded	10	8	-2
Disapplication - by Force	44	7	-37
Local Resolution - by TPA	111	264	+153
Local Resolution - by PSD	42	22	-20
Not Upheld - by IPCC	0	1	+1
Not Upheld - by PSD	143	136	-7
SR Case to answer	0	0	0
SR No case to answer	2	3	+1
Upheld - by PSD	30	11	-19
Withdrawn - by Force	8	7	-1
Withdrawn - by IPCC	3	0	-3
<b>Grand Total</b>	<b>393</b>	<b>459</b>	<b>66</b>

The above table has highlighted an increase in Local resolution. A local resolution is a a complaint whereby if proven it would not result in criminal or misconduct proceedings. All complaints are assessed by the Complaints and Misconduct manager. No trends have been identified within the increase of Local resolutions other than there has been a change in the postholder.

The IPCC in the most recent report (end of Q3, Oct 2017 to Dec 2017) assess Cumbria’s performance for average number of days to finalise Local Resolution and Investigations:

- Average number of days to locally resolve allegations – Cumbria 43, MSF average 70 and National average 71. Cumbria has increased by 7 days, MSF by 12 and national figures have increased by 6 when comparing the same period the previous year.

- Average number of days to finalise cases – Cumbria 160, MSF average 159 and National average 173. Cumbria has increased compared to the same period last year which had 139 days.
- Average number of allegations per 1000 employees cases – Cumbria 152, MSF average 231 and National average 206. Same Quarter last year Cumbria was at 133.

In the current 12 month period, 331 allegations were finalised compared to 368 in the previous period.

The greatest increase (by 167, 133.6%) was Local Resolutions by Division. Disapplication by Force has the greatest decrease by 40 (-83.33%) when comparing the latest 12 month period to last. Local Resolution by PSD has reduced by 23 to 31 (-42.59%).

### 1.7 Force and IPCC Appeals

Result	Force Appeals 12 months rolling to Mar 2017	Force Appeals 12 months rolling to Mar 2018	IPCC Appeals 12 months rolling to Mar 2017	IPCC Appeals 12 months rolling to Mar 2018
Upheld/Partially	5	6	6	13
Not Upheld	17	15	15	19
Withdrawn	0	1	0	0
Not Valid	0	1	1	3
Live	0	7	0	3
<b>Total</b>	<b>22</b>	<b>30</b>	<b>24</b>	<b>38</b>

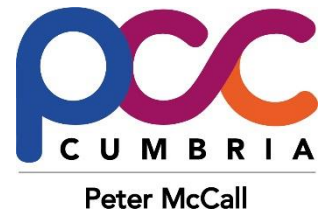
The above data highlights that the number of IPCC appeals have increased by 58.33% (14) and the number of force appeals has increased by 36.36% (8). The percentage of Upheld IPCC appeals has increased in this reporting period by 116.66% (7) compared to the previous 12 months.

## APPENDIX

## 1.0

Group	Allegation Ref	Allegation Title
Breaches of PACE	K	Breach of Code A PACE on stop and search
	L	Breach of Code B PACE on searching of premises and seizure of property
	M	Breach of Code C PACE on detention, treatment and questioning
	N	Breach of Code D PACE on identification procedures
	P	Breach of Code E PACE on tape recording
	R	Multiple or unspecified breaches of PACE which cannot be allocated to a specific code
Direction & Control	01	Operational policing policies
	02	Organisational decisions
	03	General policing standards
	04	Operational management decisions
Discrimination	F	Discriminatory behaviour
Incivility	U	Incivility, impoliteness and intolerance
Malpractice	G	Irregularity in relation to evidence/perjury
	H	Corrupt Practice
	J	Mishandling of Property
Oppressive Behaviour	A	Serious Non-Sexual Assault
	B	Sexual Assault
	C	Other Assault
	D	Oppressive conduct or harassment
	E	Unlawful/unnecessary arrest or detention
	Y	Other Sexual Conduct
Other W	W	Other
Unprofessional Conduct	Q	Lack of fairness and impartiality
	S	Other Neglect or Failure in duty
	T	Other Irregularity in Procedure
	V	Traffic Irregularity
	X	Improper disclosure of information

# Ethics and Integrity Panel



## Title: OPCC Complaints

**Date:** April 2018

**Agenda Item No:** 10a

**Originating Officer:** Joanne Head

**CC:**

### Executive Summary:

In accordance with the Police Reform and Social Responsibility Act 2011 the Police and Crime Commissioner has a responsibility in relation to conduct and complaints. The Commissioner is the appropriate authority for complaints and conduct matters relating to the Chief Constable only. The Chief Constable is the appropriate authority for any complaints regarding police officers (below the rank of Chief Constable) or police staff conduct whilst carrying out their work/duties under the Direction and Control of the Chief Constable.

### Recommendation:

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

#### 1. Introduction & Background

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

## 2. Issues for Consideration

### Complaints received by the OPCC

- 2.1 Detailed below is a table which illustrates the number of complaints which have been received by the OPCC up to 30 April 2018. 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
13 (8)	2 (2)	22 (22)	5 (5)	5 (5)

- 2.2 The reduction in the number of complaints received by the OPCC indicates that 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 The Panel will be aware that Police and Crime Commissioner elections were held on 5 May 2016. Following the election the Commissioner, Mr Peter McCall, was elected. Detailed in the table below is the number of complaints received regarding the previous Commissioner, Mr Richard Rhodes, (RR) and the current Commissioner, Mr Peter McCall (PM). 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
2016 RR	2	0	2	0
PM	0	0	0	0
2017	2	0	2	0
2018	2	0		

- 2.8 The majority of the complaints received relate to the way in which the Commissioner has carried out his duties or work he has undertaken rather than his personal conduct. The two complaints against the current Commissioner were only received in early April 2018 and therefore remain outstanding. These are currently being considered by the Police and Crime Panel.

#### 2.9 Chief Constable Complaints

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

- 2.10 The table below illustrates the number of complaints which were received from 1 January 2016 to 30 April 2018. There are two complaints outstanding.

YEAR	N° of Complaints Received	Recorded	Not Recorded	Dealt with by informal / local resolution	Investigation	IPCC Appeal
2016	4	4	0	1	1	3
2017	4	2	2	2	0	1
2018	3	3	0	2	0	2

- 2.11 A complainant has the right of appeal to the IPCC if they feel that a complaint should be recorded or is unhappy with the outcome of the resolution process or investigation.

#### 2.12 OPCC Staff Complaints

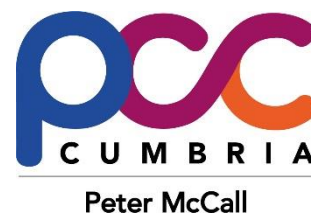
No complaints have been received regarding any member of OPCC staff during the reporting period.



### **3. Implications**

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

# Ethics and Integrity Panel



## Title: OPCC Quality of Service & Policing Issues

**Date:** April 2018

**Agenda Item No:** 10b

**Originating Officer:** Joanne Head

### 1. Introduction & Background

1.1 The Office of the Police & Crime Commissioner (OPCC) receives a number of telephone calls and emails from members of the public who wish to raise issues or dissatisfaction about some element of the policing service they have experienced. These are regarded as quality of service and policing issues.

1.2 Our service standard is that:

- An acknowledgement will be 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 will be 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 well before 28 days.

1.3 A system has been developed within the OPCC to acknowledge, log and monitor the resolution of the issues raised. Once a QSPI is logged within the OPCC it is then allocated appropriately. Predominantly the majority of issues are passed through to the Chief Constable's Office who then allocate it to the appropriate Territorial Policing Area (TPA) or department to deal with. Regular contact between OPCC staff and the Chief Constable's Office takes place to ensure that matters are progressed in a timely manner. The staff officers have access to the same information and QSPI spreadsheet as the OPCC and will update it accordingly.

1.4 Where an urgent matter is received then the OPCC will directly contact the Chief Constable's office to ensure that the matter is progressed immediately.

1.5 Since its inception the number of QSPI's received and dealt with by the OPCC has increased as can be seen from the figures below:

- 2013 - 98
- 2014 - 198
- 2015 - 167
- 2016 - 235

- 2017 - 270
- 2018 - 77 (up to 30 April 2018)

- 1.6 On occasions the OPCC receives correspondence from groups or organisations who raise an issue regarding a particular matter. In 2018 we received 5 letters all relating to Wildlife Crime and the recording of it by police forces within England and Wales. Although this matter is classed as one matter within the appendices every email and letter received an individual response.
- 1.7 As can be seen from the appendices the issues raised by members of the public are very broad ranging but it is primarily the Constabulary who provide the response either at a personal level or provide the information to the OPCC to write to the individual. Of the 147 QSPI's processed from 1 November 2017 to 1 April 2018 the OPCC itself provided the response to 40 (27%) with the Constabulary either via direct contact or providing information for the OPCC to respond with provided information for 107 (73%).

## **2. Making A Difference**

- 2.1 In each instance the OPCC helps to facilitate the individual to be provided with a 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 Every QSPI will receive a tailored response from the OPCC in answer to the issues that they have raised.
- 2.4 Members of the public also contact the OPCC for advice and clarification on a variety of topics and issues. Again these will all receive a response either providing the information sought or signposting the individual to the correct organisation who can assist them.
- 2.5 The OPCC has received a number of letters of thanks for the help and support they have provided. On some occasions the author has acknowledged that they did not get the final outcome they had hoped for but thanked the OPCC for the work they have carried out to assist them in being provided with the correct information.

## **3. Organisational Learning**

- 3.1 On a six monthly basis the OPCC will analyse the information it has received via the QSPI process. This enables us to look at any trends or patterns regarding issues which are concerning the public, see how the OPCC has facilitated an outcome or service recovery for the Constabulary and whether there is any organisational learning.

- 3.2 Detailed below illustrates the amount of shared learning between the OPCC, the Constabulary and the Professional Standards Department relating to the total number of QSPI's dealt with from 1 November 2017 up to 30 April 2018:

90% shared learning with TPA's  
 8% shared learning with PSD  
 2% shared learning with HR

In 100% of the QSPI's received the OPCC provided advice or information; or was the conduit through which the Constabulary contacted and resolved the issue with the individual.

- 3.3 As can be seen from Appendix 1 the nature of the top five issues raised within 2017 and 2018 are:

Issues Raised	2017	2018
Police Resources / Police Service	38 + 50	52
101	21 + 3	4
Anti-Social Behaviour	18 + 2	5
Car Parking / Driving Issues	34 + 11	9
Fraud	6	

- 3.4 Where an issue is repeatedly being reported or raised by members of the public the commissioner will be advised and he may seek to look into the cause of these issues himself.

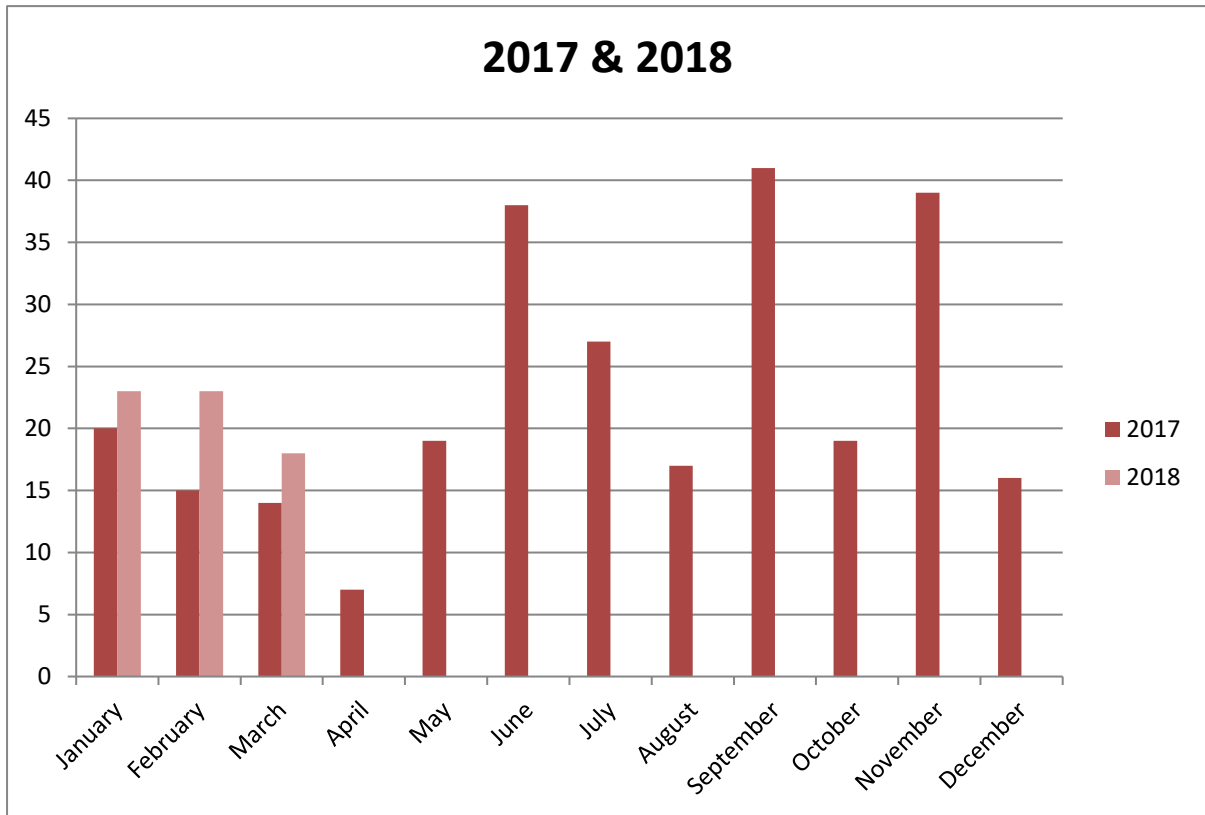
#### 4. Implications

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

#### 5. Supplementary information

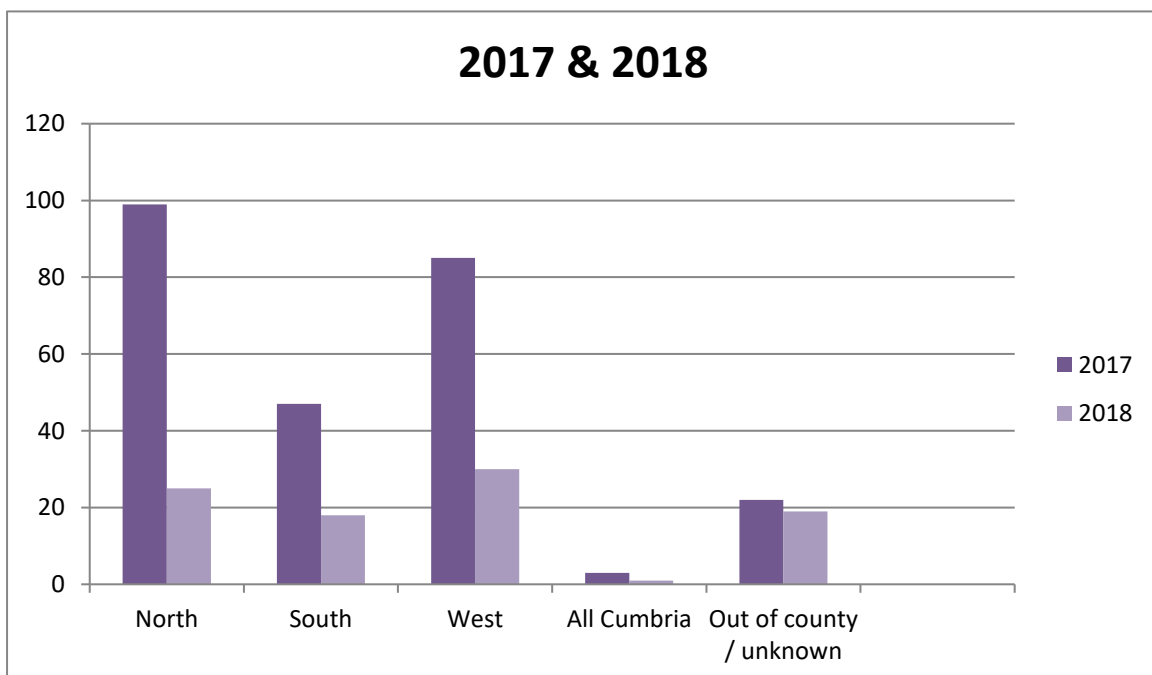
Appendix 1 – Quality of Service issues received by the OPCC

**QSPI'S PER MONTH**



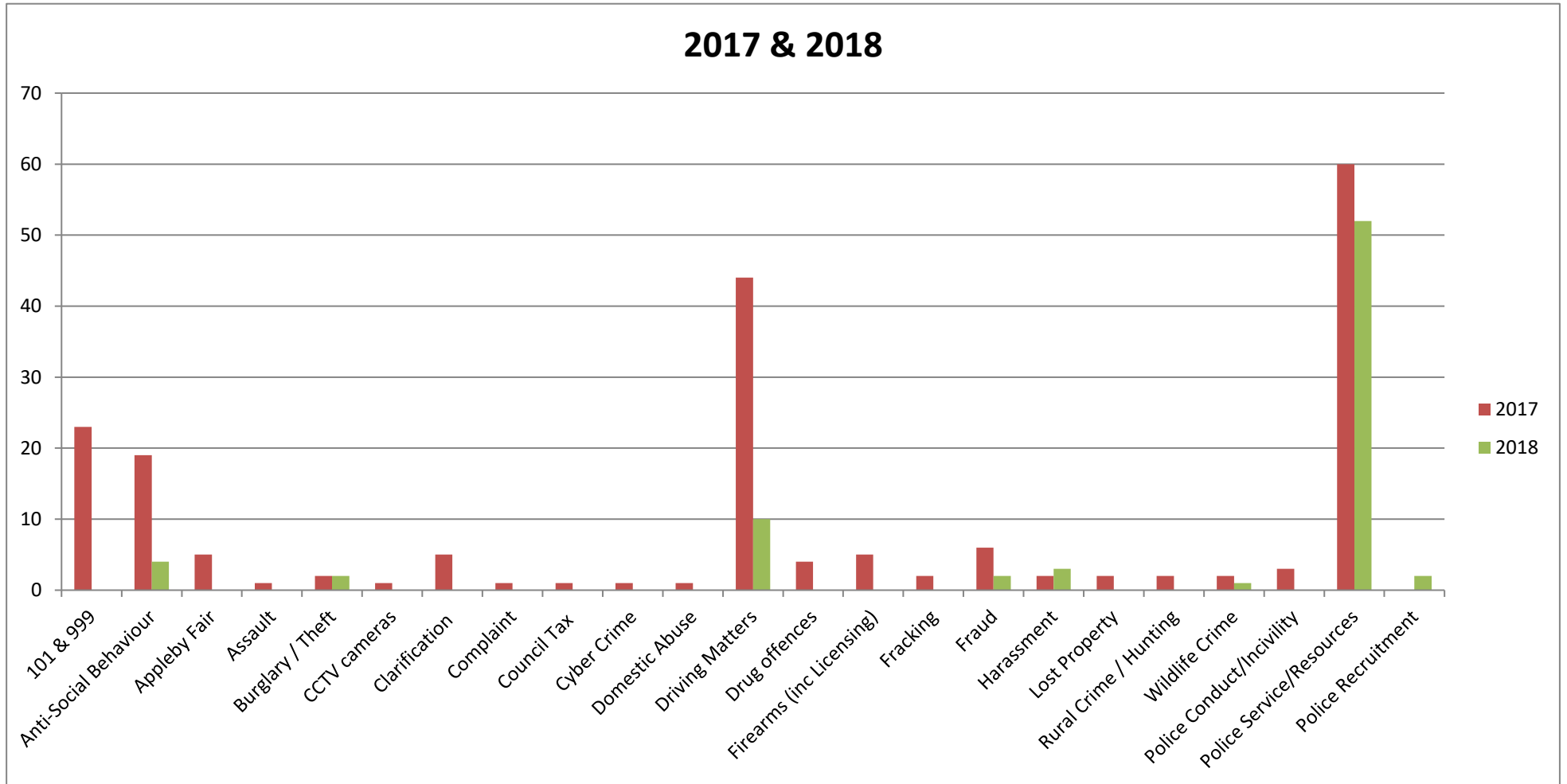
It can be seen from the above chart that in June, July and September 2017 there was an increase in the number of QSPI's received. This can be attributed to the Commissioner holding surgeries throughout the county and members of the public attending to raise issues and concerns.

**QSPI's per Area**



## QSPI Categories

### 2017 & 2018



The above figures are for the period 1 January to 31 December 2017 AND 1 January to 30 April 2018

**Enquiries to: Mrs J Head  
Telephone: 01768 217734**

**Our reference: jh/EIP**

**Date: 1 August 2018**

## **AGENDA**

**TO: THE MEMBERS OF THE ETHCS AND INTEGRITY PANEL**

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

A Meeting of the Ethics and Integrity Panel will take place on **Thursday 9 August 2018** in **Conference Room 3**, Police Headquarters, Carleton Hall, Penrith, at **2.00pm**. Please note that a buffet lunch will be served for Members of the Ethics and Integrity Panel.

**G Shearer  
Chief Executive**

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

**The Panel members will meet at 9.30 am to carry out dip sampling and an agreed Thematic Session.**

### **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 16 May 2018 (copy enclosed).

### **5. INTEGRITY – ANTI-FRAUD & CORRUPTION**

To receive and note a report by Cumbria Constabulary on work undertaken by the Anti-Fraud and Corruption Unit (copy enclosed) – *To be presented by Deputy Chief Constable Webster*

### **6. INTEGRITY – COMPLAINTS BY THE PUBLIC**

To receive and note a report by Cumbria Constabulary on public complaints (copy enclosed) – *To be presented by Deputy Chief Constable Webster.*

### **7. IMPROVING THE POLICE COMPLAINTS PROCESS**

To receive a report on work carried out by Cumbria Constabulary to improve the accessibility of the complaints process (copy enclosed) – *To be presented by Deputy Chief Constable Webster*



- 8. SPECIAL CONSTABULARY RECRUITMENT UPDATE**  
To receive a verbal report on the work being carried out by the Constabulary with regard to Special Constables - *To be presented by Superintendent Jackson.*
- 9. REVIEW OF SMALL EX-GRATIA PAYMENTS**  
To receive a verbal update on ex-gratia payments – *To be presented by Superintendent Jackson.*
- 10. STOP & SEARCH**  
To verbally report upon the outcome of the morning dip sample session.
- 11. BODY WORN VIDEO**  
To verbally report upon the outcome of the morning demonstration.
- 12. PANEL TENURE**  
To receive a verbal report on the proposal to extend the current tenure of the membership of the panel. – *To be presented by the OPCC Chief Executive.*

## **ETHICS AND INTEGRITY PANEL**

Notes of a meeting of the Ethics and Integrity Panel held on  
Wednesday 16<sup>th</sup> May 2018 in OPCC Meeting Room, Police Headquarters,  
Carleton Hall, Penrith, at 2.00 pm

### **PRESENT**

Mr Alan Rankin  
Mr Michael Duff  
Mr Alex Rocke  
Mrs Lesley Horton

### **Also present:**

T/Deputy Chief Constable Mark Webster  
Superintendent Sarah Jackson  
Director of Legal Services Andrew Dobson  
OPCC Chief Executive Gill Shearer  
OPCC Governance Manager Joanne Head  
Paula Coulter, OPCC (taking minutes)

### **1. APOLOGIES FOR ABSENCE**

There were no apologies for absence. The Panel Chair thanked everyone for their attendance at 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 8<sup>th</sup> February 2018 had been circulated with the agenda.

With regard to Minute No 5 (4<sup>th</sup> paragraph); a discussion took place around the safeguarding hubs. There will be a total of 6 neighbourhood hubs. While some are still in the build phase, there is lots of good case study evidence and areas of learning will be used to apply a performance framework for the hubs. This is still embryonic and awaiting performance data, although there are lots of aims; aspirations and good practice outcomes.

Action Sheet:

<b>DATE OF MEETING: 21 September 2017</b>					
Body Worn Video	The E&I Panel to be involved in the consultation process the System Operating Procedures and advised of any significant changes to these thereafter	Supt M Kennerley	Ongoing	No engagement with the Ethics Panel members. Mr Webster chased Matt Kennerley during the meeting.	August
Grievances	Future reports to include bullying	Sarah Dimmock	May 2018	Will reflect in future reports	
Public Complaints	Dates of key events (eg Kendal Calling) and whether complaints were received from them to be included in future reports	Supt Jackson	November 2017 onwards	Will reflect in future reports	

Additionally Supt. Jackson advised that:-

- A new PDR annual appraisal system is due to be launched in July. This will now be in the form of a 15 week review and will be based on a more holistic conversation. There will no longer be an annual PDR. Staff know that this is coming in and training is being provided for line managers. It was noted that some people may be reluctant to have personal conversations.
- Vexatious Complaints Policy is in draft format. This is still to be agreed by the Legal dept. and will then be shared with Members of the Ethics & Integrity Panel.
- A new system will come into force later in the year for the complaints handling process. This will be brought to the November meeting.

**Agreed;** that,

- (i) that the minutes and comments be noted; and
- (ii) the Vexatious Complaints Policy will be shared with Members of the Ethics & Integrity Panel; and
- (iii) Supt. Jackson will report back on the new complaints handling process to the November meeting;

## **5. CIVIL CLAIMS**

The Director of Legal Services presented the report to the Panel. It was noted that whilst the report was in the same format as those previously presented to the Panel, the way in which the Legal Services department now reports claims to the insurers has changed. It is the intention of the department to review the new reporting process once it had been embedded for at least 12 months, with a view to adopting the same process for reporting claims to the Ethics and Integrity Panel.

The report sets out the position as at 31 March 2018. There have been 20 new claims and 7 active claims. There has been very little change since the last report, and nothing significant to report.

**AGREED,** that the reports and comments be noted.

## **6 & 7 GRIEVANCES and MISCONDUCT (items taken together)**

Supt Jackson provided a verbal update in relation to grievances and misconduct

The report showed the number of grievances lodged up to 31st March 2018, together with a summary of the last 3 financial years. So far, to date, there had been no grievances lodged in this financial year, 2018/2019. Included in the report was a breakdown of those lodging grievances. The report identified 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 unlawful discrimination have been included. It was noted that there were no emerging trends or patterns at the time of writing the report.

It was acknowledged that the number of grievances were very low (8) and some of those relate to the appeals process rather than grievances.

Lots of work is ongoing around the General Data Protection Regulations (GDPR) and it has been re-enforced that checking systems must be for a policing purpose only, and in some cases can

be a criminal offence resulting in a fine or conviction. HMIC are due to carry out an inspection and Supt. Jackson will report back on this to the November meeting.

**Agreed;** that,  
 (i) the Panel note the update; and  
 (ii) Supt. Jackson will report back following the HMIC inspection to the November meeting;

## 8. INTEGRITY – ANTI-FRAUD & CORRUPTION

Supt. Jackson presented the quarterly report on work undertaken by the Constabulary's Anti-Corruption Unit. She guided members through the report, commenting on each of the cases listed that had been finalised and those still ongoing providing an update on their status.

- The People department is currently delivering Code of ethics and Abuse of Authority for Sexual Gain (AASG) inputs to all of their Police employees.
- Cumbria is the North West regional lead for AASG. The Constabulary is continuing to engage with professional partners and agencies to highlight this type of corruption.
- The People Department own a number of delivery plans and policies that are linked to Ethical behaviour i.e. Code of ethics, Vetting, Abuse of Authority for Sexual Gain (AASG), Management of Police Information (MOPI), Anti-Fraud and Corruption policy.
- The Constabulary continues to make excellent progress with vetting based on current volumes and it is anticipated that there will be full compliance over a shorter time frame – between 15/18 months, instead of the initially anticipated 24months.
- The ACU Intelligence department has developed a capability and capacity plan, this plan and the newly acquired audit tool (Anti-corruption portal) will assist the Constabulary in developing a more proactive approach to identify corruption, AASG and other serious matters.

The Constabulary plans to:

- Continue to publicise expected standards of ethical behaviour, good practice, learning and signpost staff to help/reporting lines via PASS Newsletters, Best Practice and Need to Know.
- Monitor and review the introduction of an integrity health check within the 15 week and annual reviews.
- Continue to give Professional standards inputs to all employees and to develop NCALT packages for continued learning and raise awareness of delivery plans linked to the People department.

It was noted that there had been a spike in reporting following the code of Ethics training, but that was levelling out now. More resources are being put into the corruption team and vetting will be improved.

The recruitment process for Specials was discussed.

**Agreed;** that, the Panel note the report

## 9. INTEGRITY – COMPLAINTS BY THE PUBLIC

Members of the Ethics & Integrity Panel had viewed the files in the dip sampling process on the new paperless system. Although it is still early in the process it was felt that this had worked very well. It was helpful that Members were also able to speak directly to the person involved in dealing with the case at the time, providing a better flow and a quicker process overall.

It was acknowledged that in general the themes, timeliness and quality are all good and that the nature of the wording continues to improve. However, it was felt that in some cases the timeframe for appeals was very lengthy.

Members had also spent some time in the Control Room observing the 101 system. This had been very useful and had given a flavour of the calls coming into the room and why some calls take longer than others to resolve, which can result in longer wait times on the system.

It was acknowledged that Body Worn Video will prove invaluable when it is fully rolled out, as a lot of complaints can be written off at source. Matt Kennerley will arrange a full demonstration of the Body Worn Video for members of the Ethics & Integrity Panel.

Supt. Jackson presented a report, which outlined public complaints that the Constabulary had received during the reporting period along with comparison figures for the previous 12 months rolling period.

- IOPC data continues to show that Cumbria complaints per 1000 employees remains lowest in the MSF, at 152 (most similar forces Lincolnshire 317, Norfolk 213, North Wales 241) and also against MSF/national averages:
- Oct 17 to Dec 17, Cumbria: 152, MSF average: 231 National average: 206
- The current 12 month rolling figures show that cases increased by 6.12% and there has been an increase in allegations by 9.05% in comparison to the last 12 months.
- A breakdown of allegations shows that only UOS has reduced their level of allegations in the rolling 12 months.
- The main group showing an increase when comparing the rolling 12 months is Direction & Control by 58 (113.73%).
- Allegations by Local Resolution TPA has increased by 153 allegations (137.84%) comparing the last period with the current 12 months. The number of allegations Not Upheld by PSD has reduced by 7.

- The number of Force appeals has increased from 22 to 30 (36.36%) , IOPC appeals have also increased by 14 (58.33%), when comparing the last 12 months against the previous.
- The number of Upheld appeals for the IOPC has increased by 116.67% compared to the last 12 month period, upheld Force Appeals have increased by 20%.

The Constabulary plans to:

- Continue to issue PASS Newsletters, Best Practice and Need to Know when trends are identified and publicise expected standards of ethical behaviour, good practice, learning and signpost staff to help/reporting lines via PASS Newsletters, Best Practice and Forcenet.
- Circulate quarterly reports regarding types of allegation and repeat officer data to the TPA's.
- Continue to raise awareness and implement delivery plans linked to the People department, some examples being inputs on Code of ethics, Abuse of Authority for Sexual Gain (AASG) and continued Vetting compliance.

**Agreed;** that,

- (i) the Panel note the update; and
- (ii) Matt Kennerley will arrange a full demonstration of the Body Worn Video for Members of the Ethics & Integrity Panel;

## 10. OPCC COMPLAINTS & QSPI

### Complaints

The Governance Manager presented a report. In accordance with the Police Reform and Social Responsibility Act 2011 the Police and Crime Commissioner has a responsibility in relation to conduct and complaints. The Commissioner is the appropriate authority for complaints and conduct matters relating to the Chief Constable only. The Chief Constable is the appropriate authority for any complaints regarding police officers (below the rank of Chief Constable) or police staff conduct whilst carrying out their work/duties under the Direction and Control of the Chief Constable.

It was acknowledged that less and less complaints are coming through to the OPCC that should have gone to the Constabulary.

Current complaints against the Commissioner were discussed. The Police and Crime Panel are looking at their complaints procedure, working in conjunction with the OPCC. Meetings have taken place with the IOPC to discuss appeals.

It was noted that work is still on going in relation to the appeals process, currently the date is April 2019 but this may change. Further information should be available in the Autumn.

### QSPI's

Every year the number of QSPI's received by the OPCC increases, and the trend looks set to continue this year.

It was agreed that going forward the report will show a breakdown of the QSPI issues for the next meeting.

**Agreed;** that,  
 (i) the Panel note the update; and  
 (ii) the next QSPI report will show a breakdown of QSPI issues;

## 11. AOB

The Chair raised the issue of police procurement following the recent publication of a Home Office report into the cost of policing. There appeared to be a disparity with the spend between Cumbria and other forces for what appeared to be similar items.

T/DCC Webster explained that all police kit was purchased through a national framework and contracts. It was acknowledged that some of the items were not being compared 'like for like'. It was agreed that T/DCC Webster would look at the detail of the report together with the Director of Corporate Support and the Chief Finance Officer and will report back to the Ethics and Integrity Panel.

**Agreed;** that,  
 (i) T/DCC Webster would look at the detail of the police procurement report together with the Director of Corporate Support and the Chief Finance Officer and will report back to the Ethics and Integrity Panel;

**Meeting ended at 4.00 pm**

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

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





## Constabulary Report to OPCC

**TITLE OF REPORT:** INTEGRITY – COMPLAINTS BY THE PUBLIC

**DATE OF MEETING:** 9<sup>th</sup> August 2018

**ORIGINATING OFFICER:** Superintendent Jackson – Head of People Department

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

### Executive Summary:

*No more than 100 words.*

- IOPC data continues to show that Cumbria complaints per 1000 employees remains lowest in the MSF at 200 (most similar forces - Lincolnshire 411, Norfolk 289, North Wales 344) and also against MSF/national averages:
  - Oct 17 to Dec 17, Cumbria: 200, MSF average: 311 National average: 274
- The current 12 month rolling figures show that cases reduced by 2.96% and there has been an increase in allegations by 5.96% in comparison to the last 12 months.
- A breakdown of allegations shows that UOS and South TPA have reduced their level of allegations in the rolling 12 months.
- The main group showing an increase when comparing the rolling 12 months is Direction & Control by 40 (59.0%).
- Allegations finalised as Local Resolution by TPA increased by 128 allegations (80.50%) comparing the last period with the current 12 months. The number of allegations Upheld by PSD has increased by 20 (222.22%).
- The number of Force appeals has increased from 22 to 41 (86.36%), IOPC appeals have also increased by 17 (60.71%), when comparing the last 12 months against the previous.
- The number of Upheld appeals for the IOPC has increased by 77.7% compared to the last 12 month period, upheld Force Appeals have increased by 125%.

### Recommendation:

*Set out clearly the recommendation to be approved, using bullet points and ensure references are included to previous decisions on this matter. Any alternative options considered should not be outlined here but in the 'introduction and background' section.*

- To continue to issue PASS Newsletters, Best Practice and Need to Know when trends are identified and publicise expected standards of ethical behaviour, good practice, learning and signpost staff to help/reporting lines via PASS Newsletters, Best Practice and Forcenet.
- To circulate trends regarding types of allegation and outcomes to the TPA's. Introduction of TPA – Improvement Plan on a quarterly basis
- To continue to raise awareness and implement delivery plans linked to the People department, some examples being Code of ethics, Abuse of Authority for Sexual Gain (APSP/APIER) and Vetting
- The success of Service Recovery teams cannot be under estimated. Many (if not the majority) forces have invested in service recovery teams and as a result some forces

have seen a 28% reduction in complaints and a 41% saving in front line duties (currently Inspectors are responsible for Local Resolution complaints). Service recovery teams have taken on the tasks of contacting all complainants, providing there and then service recovery (where applicable) and all minor complaints leaving specialist investigators to investigate complaints which are subject to special requirements (serious complaints).

This approach has also led to:

- Complainants spoken to within 24 hrs of their complaint
- Proactive response to complainants with a potential resolution of their complaint within 48 hrs
- This approach ensures that this process does not delay complaints that need local investigation
- Reassurance to the complainant that service improvements will take place
- Reallocation of volume of work will result in organisational savings

MAIN SECTION

1. Introduction and Background

Alternative options considered, evaluation, benefits – anything not covered in sections below etc.

The latest data periods available & reported on in this document are as follows:

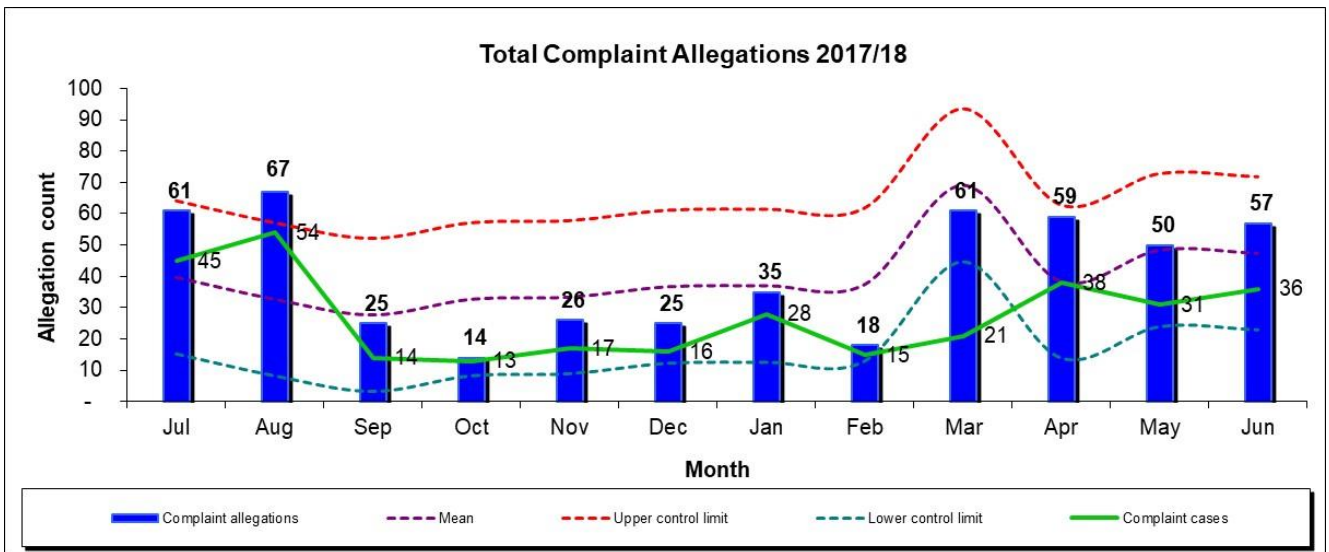
IOPC Q1, Q2, Q3 & Q4: April 2017 to March 2018

Cumbria Q1: April – June 2018

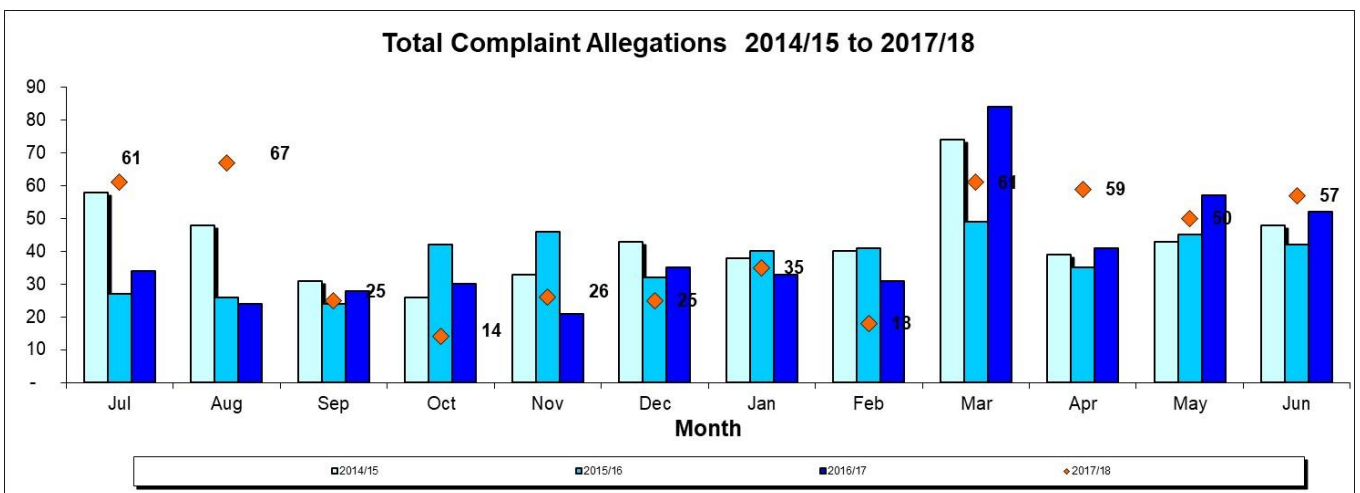
Cumbria 12 month rolling: 1<sup>st</sup> July 2017 – 30<sup>th</sup> June 2018

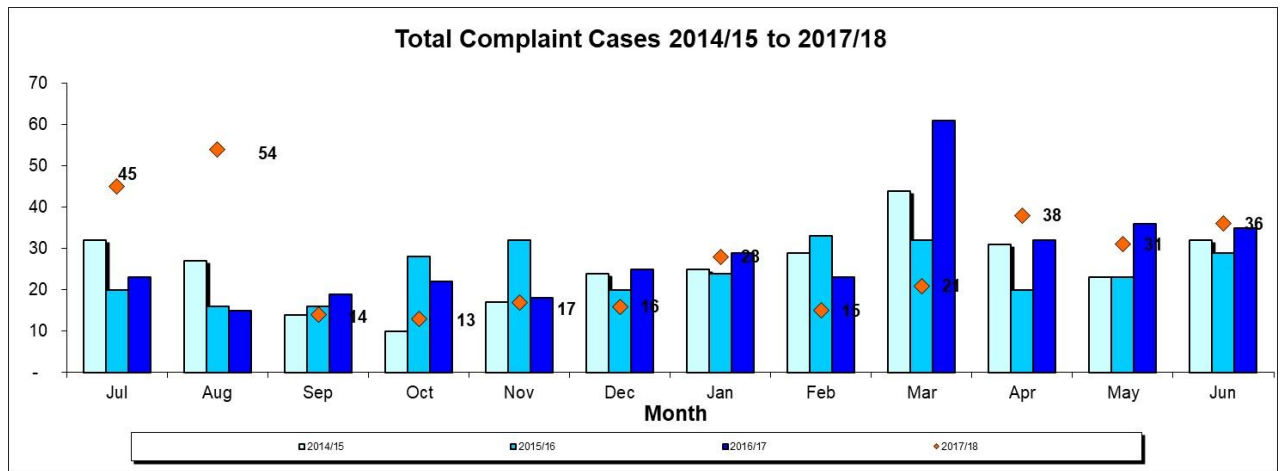
1.1 Complaint Allegations

The below chart shows levels of complaint cases and allegations in the last 12 months from July 2017 to 30<sup>th</sup> June 2018:



The chart shows following the winter reduction figures have increased again for both complaint allegations and cases. Over the 12 month period the total allegations are 498 and cases are 328. Since April, Cumbria has been on or above its 3 year average for both complaints and allegations.





Allegations & Cases have increased after the reduced period from September to February.

The table below shows the total number of cases and allegations including direction and control for 12 months to the end of June 2017 and 2018. The figures show that the numbers of allegations over the current 12 month period have increased compared to the last 12 months and cases reduced in the same period. This shows there are slightly less people wishing to complain although they are complaining about more issues.

	12 Month Rolling to June 2017	12 Month Rolling to June 2018	Percentage Change
Cases	338	328	-2.96%
Allegations	470	498	5.96%

\*Including Direction and Control cases/allegations.

Allegations broken down into TPA/Area.

The table below shows the numbers of allegations and cases broken down into areas:-

Area	Allegations			Cases		
	12 Month Rolling to June 2017	12 Month Rolling to June 2018	Change	12 Month Rolling to June 2017	12 Month Rolling to June 2018	Change
North	126	169	+43	99	119	+20
South	125	119	-6	86	71	-15
West	121	148	+27	82	85	+3
UOS	33	26	-7	25	20	-5
HQ/Other	65	36	-29	46	33	-13
<b>Total</b>	<b>470</b>	<b>498</b>	<b>+28</b>	<b>338</b>	<b>328</b>	<b>-10</b>

\*Including Direction and Control cases/allegations.

The table shows an increase in allegations with the largest increase in North TPA followed by West TPA in this period.

Complaint cases have reduced overall when comparing the current 12 month period with the previous 12 months however North TPA shows a significant increase and West TPA a slight rise in the period. There is no clear trends for North TPA however an improvement plan is being used to identify issues that require development.

It is with this in mind that PSD have Introduced the Improvement Plan which for the first time provides Senior Managers and Managers with a quarterly report on Complaints, Misconduct and other matters. This comprehensive report highlights notable conduct and complaint cases; complaint allegation analysis per shift per area over quarterly periods; direction and control complaints and performance. Hopefully this information will assist managers with organisational learning.

1.2 Area Allegation group breakdown (Glossary of allegation types at end of document)

The table below shows the allegations broken down into area and group:

12 Month Period	Group	North	South	West	UOS	HQ	Grand Total
12 Month Rolling to June 2017	Breaches of PACE K,L,M,N,P,R	8	16	16	0	0	40
	D&C	14	7	11	8	28	68
	Discrimination F	4	0	3	0	1	8
	Incivility U	24	18	17	9	8	76
	Malpractice G,H,J	5	6	3	1	5	20
	Oppressive Behaviour A,B,C,D,E,Y	18	30	26	5	3	82
	Other W	4	6	4	2	3	19
	Unprofessional Conduct S,T,V,Q,X	49	42	41	8	17	157
<b>12 Month Rolling to June 2017 Total</b>		<b>126</b>	<b>125</b>	<b>121</b>	<b>33</b>	<b>65</b>	<b>470</b>
12 Month Rolling to June 2018	Breaches of PACE K,L,M,N,P,R	15	9	17	2	1	44
	D&C	39	22	31	3	13	108
	Discrimination F	2	2	1	0	2	7
	Incivility U	22	11	16	7	7	63
	Malpractice G,H,J	12	7	8	0	3	30
	Oppressive Behaviour A,B,C,D,E,Y	21	20	25	3	2	71
	Other W	1	0	1	0	0	2
	Unprofessional Conduct S,T,V,Q,X	57	48	49	11	8	173

<b>12 Month Rolling to June 2018 Total</b>	<b>169</b>	<b>119</b>	<b>148</b>	<b>26</b>	<b>36</b>	<b>498</b>
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\*Including Direction and Control case/allegations.

<b>Change between 12 Month Rolling June 2017 and June 2018</b>						
<b>Group</b>	<b>North</b>	<b>South</b>	<b>West</b>	<b>UOS</b>	<b>HQ</b>	<b>Group Total</b>
Breaches of PACE K,L,M,N,P,R	7	-7	1	2	1	4
D&C	25	15	20	-5	-15	40
Discrimination F	-2	2	-2	0	1	-1
Incivility U	-2	-7	-1	-2	-1	-13
Malpractice G,H,J	7	1	5	-1	-2	10
Oppressive Behaviour A,B,C,D,E,Y	3	-10	-1	-2	-1	-11
Other W	-3	-6	-3	-2	-3	-17
Unprofessional Conduct S,T,V,Q,X	8	6	8	3	-9	16
<b>Area Total</b>	<b>43</b>	<b>-6</b>	<b>27</b>	<b>-7</b>	<b>-29</b>	<b>28</b>

The four main groups reported on are Unprofessional Conduct, Oppressive Behaviour, Direction & Control and Incivility.

#### Incivility

The largest reduction of the four main groups (-17%) has been in Incivility when comparing the 12 month period ending June 2017 to the following 12 month period

- South TPA – reduced by 7
- North TPA - reduced by 2
- West TPA – reduced by 1

Oppressive behaviour also increased (-13%) but these 2 groups are often inverse due to the similarity in definition and application of judgement of the Complaints & Misconduct manager.

#### Direction & Control

Direction & Control saw the largest percentage increase 40 (59%) in the current 12 month period when compared to the previous 12 months. Direction and Control complaints are from members of the public complaining about how the Constabulary is run rather than actions of individuals.

- North TPA – an increase of 25
- West TPA – an increase of 20
- South TPA – an increase of 15

Direction & Control refers to organisational decisions as opposed to a complaint against an individual. Complaints in this group present the opportunity to review and develop Force policies and procedures for complaints to be addressed as a performance issue. This is preferable when possible, presenting an opportunity for learning & development.

Organisational Decisions increased by 55 (211.5%). The totals for HQ and UOS have reduced significantly year on year, North and West both saw significant increases in Organisational decisions, West having some multiple allegations cases but North did not.

The three main themes in D& C are:

1. Decisions regarding custody in relation Code C (detention, treatment and questioning of detained person). Of note instruction has recently been received from IOPC regarding decisions made in Custody; they should be recorded as specific conduct matters, rather than Direction and Control as complainants are complaining about their treatment that they have not received as opposed to specific policies. This may result in a decrease in D&Cs going forwards.

A number of the custody related matters are in relation to appropriate adults for vulnerable persons. It is important to consider what is defined as a vulnerable person as per the college of Policing;

*A person is vulnerable if, as a result of their situation or circumstances, they are unable to take care of or protect themselves or others from harm or exploitation.*

Custody sergeants are still unsure at what point they would trigger Appropriate Adult services, the recent directive is that an Appropriate Adult must be considered from the outset and not just when a detained person is due for interview. Learning is being cascaded to ensure they are supported.

2. Intelligence also seems to indicate that a lot of complaints originate from evidential decisions not to pursue criminal investigations because they do not pass the full code test, even though there is a suspect.
3. Complaints re the seizure of FI's following a criminal offence by the licence holder,

Allegation Result Description	12 Month Rolling to June 2017	12 Month Rolling to June 2018	Change
General policing standards	5	0	-5
Operational management decisions	35	5	-30
Operational policing policies	2	22	+20
Organisational decisions	26	81	+55
<b>Grand Total</b>	<b>68</b>	<b>108</b>	<b>+40</b>

A Direction and Control complaint is one that relates to one of the following:

- Operational policing policies
- Organisational decisions
- General standards in the force
- Operational management decisions

The following are examples of areas relating to direction and control:

- The formulation of guidelines and the making of general decisions on the deployment and posting of officers or groups of officers.
- A policy decision to (or not to) arrest and charge for particular offences.
- The decision on how, generally, to perform certain functions, for example firearms licensing, use of firearms, stop and search, seizing of property for evidential purposes.

Direction is someone making a person do his/her work in a certain way by providing them with instructions, guidance or advice as to how the work must be done. Someone providing direction will often coordinate the how the work is done, as it is being undertaken.

Control is someone dictating what work a person does and how they go about doing that work.



### Unprofessional Conduct

Unprofessional Conduct has increased in the current 12 month period by 16 (10.2%), with an increase seen in every TPA with the exception of HQ

- West TPA – an increase of 8
- North TPA – an increase of 8
- South TPA – an increase of 6

Within this group, the main Allegation type which has increased in the previous 12 months is Lack of fairness and impartiality, by 18 (75%). Traffic Irregularity also increased 6 (50%). South TPA showed the highest increase of Lack of fairness and impartiality 9 to 15.

Lack of fairness complaints have increased in relation to counter allegations; Counter Allegation' refers to a very narrow and rare set of circumstances, a private individual encountering a crime

There are three possible counter allegation scenarios:

- Appropriate force
- Reasonable use of force
- Excessive force

Common law provides that defence of one's self, family or property is a defence to a charge of assault. Allegations may involve a charged assault suspect making a claim that they were assaulted during the course of a fight. This must be subject to normal investigatory practices but, categorically, this is not a counter allegation.

Taffic Irregularity complaints includes allegations where police officers are alleged to be using hand held devices whilst driving. There has been a number of signposting by PSD to advise colleagues in respect of same.

Furthermore there have been a number of public complaints about the manner of driving by officers, responding to emergency calls but not taking the desired care and attention

There were 2 Sexual Assault in the 12 month period. One previously reported on in the Q3 report, the allegation being an adult male complaining a strip search was sexual motivated but this was Not Upheld by PSD. The other was an adult female complainant who claimed on entering custody that a male officer had touched her sexually, this was investigated but proven not to have occurred and was finalised as Not Upheld by PSD and the investigation resulted that there was no case to answer in respect of misconduct.

In the quarter 1, the following PASS Newsletters and Best Practice guidance have been issued in respect of identified issues: -

LESSON LEARNED CATEGORY	DISSEMINATION By / To	BRIEF DESCRIPTION
<b>April 2018</b>		
05/04/2018	Custody	Amended guidance - Cumbria Constabulary Corporate Procedures Guidance - Use of Force in Custody Searching Detainees and Related Matters
12/04/2018	PSD DI to Area DI	Advice re asking staff to contact members of their family detailed on incident logs
20/04/2018	Custody Insp to all North Custody officers and DO's	Reminder of the necessity to document buzzer and intercom checks conducted in a cell along with the necessity to document all offers of food and drink thoroughly
<b>May 2018</b>		
23/05/2018	Area Supt to supervision in South	In relation to DSI's being identified quickly and ensuring that PSD is informed of these
25/05/2018	Intranet	Guidance document titled "Use of Force in Custody, Searching Detainees and Related Matters" has now been added to our library and is available Force wide
21/05/2018	PSD DS to Individual	Lessons Learnt -Management Action to include learning/advice (re officer not investigating or getting involved in cases that relate to friends or family members) .
<b>June 2018</b>		
15/06/2018	UOS Insp to UOS PS	One to one management support to provide reminder of LR process and supervisory responsibility to investigate complaints by engaging with the complainant

### 3.1 Repeat Officer Strategy

PSD are currently working more closely with area supervisors to provide an auditable trail of individual performance management where an officer hits the repeat officer threshold.

Officers who are subject of a public complaint will automatically trigger if they are subject of 3 complaint cases in a 12 month period. They will be allocated to the relevant investigating officer to ensure that trends and areas of concern in respect of performance are identified at the earliest opportunity. HR are consulted to incorporate any relevant information within the investigators review. The Complaints and Misconduct Manager & Anti-Corruption Unit also assess the officers person record and contribute any relevant information.

Details of the complaint and officer are then raised for discussion at the Professional Standards Tactical & Co-ordination Group. If further action is required, then a dissemination is forwarded to the officers line manager to facilitate a professional review. This early intervention approach will seek to maintain standards as well as address (or identify) any officer wellbeing issues.

There were 8 entries under the Repeat Officer Strategy in the current Quarter 1. An increase from 6 in the previous period, Quarter 4. 1 officer has 2 entries as a repeat officer in the Quarter and has already been raised again in the new quarter.

The the rolling 12 months, there were 41 Repeat Officer Strategy entries, 4 of these officers had one or more entry under the strategy in the 12 month period. This is an increase on the previous 12 month period which had 33 entries.

For the 12 month rolling period: 17 (41.67%) of the identified officers are in West TPA, 12 (29.27%) in South, 9 (21.95%) in North & 3 (7.32%) in UOS.

The Complaints Manager is liaising with the TPA Commanders highlighting opportunities for learning, development, force training and bodycam use. Also how officers that receive more complaints due to being easily identifiable, via ethnicity or accent, can be supported.

Over the past twelve months PSD have developed a more intrusive process to the Repeat Officer Strategy, in an attempt to demonstrate a progressive attitude towards individual and organisational failings. Mistakes are learning opportunities; individuals should be encouraged to adopt a reflective practice approach.

The process in short:

Summary of all complaints provided by Complaints and Misconduct Investigator, prior to sharing same with ACU Intel and HR. This provides an holistic overview in respect of the officer. The complaints manager then makes an assessment of the information provided focus on 3 key areas:

*Learning*

*Service Delivery*

*Improve outcomes.*

This information is the discussed at the People Department T &CG meeting and the Head of People makes a determination in respect of additional actions if appropriate. This could be in the form of; strength based coaching for example.

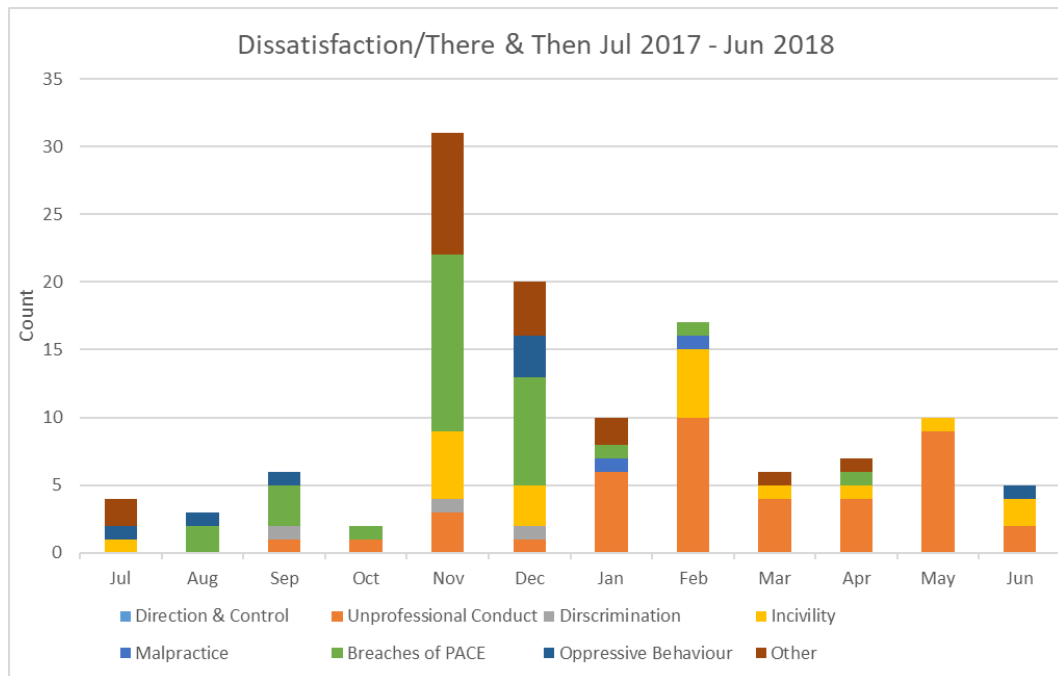
The respective supervisor then would capture same in "Learning to Improve" document which provides greater transparency and improved focus on improving performance. The document once completed is then returned to PSD and retained as part of the officers development

### 3.2 There & Then

Up until November 2017, complaints were dealt with as dissatisfaction reports. From November onwards, these are now recorded as There and Then reports. There and Then reports capture complaints that can be resolved at the time of raising ie. service recovery.

Once a complaint is received, it is assessed by the Duty Complaints Investigator. If the complaint can be dealt with and finalised 'There and Then' through the investigator acting as a facilitator, the complaint is recorded as a There & Then and a miscellaneous incident (MI) number is created. There and Then are dealt with by a trained and experienced PSD Investigator. Thus these matters are dealt with more consistently, trends identified and the TPA are dealing with less matters.

The previous Dissatisfaction cases were categorised using keywords. The There & Then cases are now categorised using 'Types'. For the purpose of reporting and consistency, the previous Dissatisfaction categories have been converted in to the current There & Then categories, using the Group table (Appendix 1.0).



There were 121 dissatisfaction reports recorded in the current 12 months which is an increase of 72 when compared to the previous 12 month period. This is due to the transition from Dissatisfaction Reports to There & Then Reports. The main categories reported on in the lower level dissatisfaction reports over the 12 month are in Unprofessional Conduct Breaches of PACE and Incivility which combined form 58.68% of dissatisfaction reports in the period.

There has been a reduction in incivility complaints because the majority have been captured under the "There and then" mantle.

Once officers' complete their initial training there is no training provided in respect of communication techniques. All PST training concentrates on techniques rather than communication.

Student officers are provided with communication techniques (LEAPS) – but this is never refreshed.

In summary we teach our officers' how to use force proportionately but no scenario based training ever concentrates on communication techniques as a stand-alone. This

is now being raised in Learning and Development to develop enhanced training with the professional challenge.

### 3.3 Diversity

There have been 7 allegations of discriminatory behaviour by the police recorded during the current 12 month period which is a reduction of 1 compared to the previous 12 months.

#### Allegations for Q1 April - June 2018:

June 2018 - Complaint of officers informing the complainant that they had to produce their driving licence on request as the law had changed and there was no option to produce it at a later date. The officer told the complainant they had a provisional licence which they dispute and so impounded the vehicle. (complaint about discrimination withdrawn LR appeal not upheld)

June 2018 - Complainant states that the custody staff discriminated against them by refusing to give them a pen and also states that they were released from custody after 5pm meaning they could not access appropriate services and no consideration was given for their wellbeing in these circumstances. Complainant initially detained under section 136 MHA.

June 2018 - The complainant reports that the investigating officer was discriminatory against them by inferring that the complainant did not know what constituted an assault because they were from a foreign country which the complainant found extremely offensive. This matter was finalised by the Area DI "Regarding the remark the DC made that you allege was 'racist'; I am satisfied that the comments which made reference to your nationality was an attempt by them to explain any misconceptions you may have had regarding UK Law as opposed to any Law or procedure you may have been familiar with from another Country. These comments were not racist or intended to be insulting"

### 3.4 Performance

Allegations finalised in the period regardless of when the allegations were recorded.

Allegation Result Description	12 Month Rolling to June 2017	12 Month Rolling to June 2018	Change
Disapplication - by Force	39	5	-34
Discontinued - by Force	0	1	1
Dispensation - by Force	0	0	0
Local Resolution - by TPA	159	287	128
Local Resolution - by PSD	60	21	-39
Not Upheld - by TPA	4	0	-4
Not Upheld - by IOPC	0	13	13
Not Upheld - by PSD	123	127	4
Special Requirements No Case	3	4	1
Special Requirements Case	6	0	-6
Upheld - by PSD	9	29	20
Withdrawn - by Force	21	11	-10
Withdrawn - by IOPC	0	0	0
<b>Grand Total</b>	<b>420</b>	<b>506</b>	<b>86</b>

The IOPC in the most recent report (end of Q4, Jan 2018 to Mar 2018) assess Cumbria's performance for average number of days to finalise Local Resolution and Investigations:

- Average number of days to locally resolve allegations – Cumbria 43, MSF average 69 and National average 72. Cumbria has maintained its figure, the MSF increased by 12 and national figures have increased by 1 when comparing the same period the previous year.
- Average number of days to finalise cases – Cumbria 87, MSF average 106 and National average 116. Cumbria has increased compared to the same period last year which had 86 days.
- Average number of allegations per 1000 employees cases – Cumbria 200, MSF average 311 and National average 274. Same Quarter last year Cumbria was at 207.

In the current 12 month period, 506 allegations were finalised compared to 420 in the previous period.

The greatest increase (by 128, 80.50%) was Local Resolutions by TPA. Local Resolutions by PSD has the greatest decrease by 39 (-65%) when comparing the latest 12 month period to last. Disapplication - by Force has reduced by 34 (-87.18%).

## 3.5 Force and IOPC Appeals

Result	Force Appeals 12 months rolling to June 2017	Force Appeals 12 months rolling to June 2018	IOPC Appeals 12 months rolling to June 2017	IOPC Appeals 12 months rolling to June 2018
Upheld/Partially	4	9	9	16
Not Upheld	18	21	16	23
Withdrawn	0	1	0	0
Not Valid	0	1	1	4
Live	0	9	2	2
<b>Total</b>	<b>22</b>	<b>41</b>	<b>28</b>	<b>45</b>

The above data highlights that the number of IOPC appeals have increased by 60.7% (17) and the number of force appeals has increased by 86.36% (19). The percentage of Upheld IOPC appeals has increased in this reporting period by 77.7% (7) compared to the previous 12 months.

At the end of all public complaint investigations the Complaints Manager completes an executive summary irrespective of whether the complaint(s) were upheld or not as there are opportunities to learn.

By adopting this approach we potentially gain an improved understanding of what concerns local people. The Complaints Manager focus' on three key areas:

Learning/Service Delivery/Improve outcomes;

- Was it a systemic breakdown?
- An individual's mistake?
- Was there any misconduct?
- Can anything be done to prevent it happening again?

We ensure the same scope is applied in respect of force appeals so that a continuous learning culture is embedded.

For example the IOPC have recently UPHELD an appeal and provided the following conclusion:

*"The investigation report is lacking in critical analysis of the evidence that was gathered and I do not find that the evidence has been looked at objectively".*

In determination of same the Complaints Manager has written to the IOPC to ask the objective question of, if the investigation is lacking in critical analysis what does that mean and can they please provide specific feedback to ensure the same mistake is not repeated.

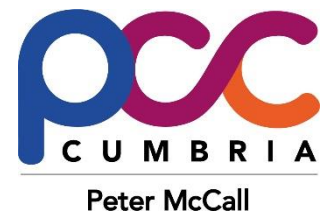
## APPENDIX

## 1.0

Group	Allegation Ref	Allegation Title
Breaches of PACE	K	Breach of Code A PACE on stop and search
	L	Breach of Code B PACE on searching of premises and seizure of property
	M	Breach of Code C PACE on detention, treatment and questioning
	N	Breach of Code D PACE on identification procedures
	P	Breach of Code E PACE on tape recording
	R	Multiple or unspecified breaches of PACE which cannot be allocated to a specific code
Direction & Control	01	Operational policing policies
	02	Organisational decisions
	03	General policing standards
	04	Operational management decisions
Discrimination	F	Discriminatory behaviour
Incivility	U	Incivility, impoliteness and intolerance
Malpractice	G	Irregularity in relation to evidence/perjury
	H	Corrupt Practice
	J	Mishandling of Property
Oppressive Behaviour	A	Serious Non-Sexual Assault
	B	Sexual Assault
	C	Other Assault
	D	Oppressive conduct or harassment
	E	Unlawful/unnecessary arrest or detention
	Y	Other Sexual Conduct
Other W	W	Other
Unprofessional Conduct	Q	Lack of fairness and impartiality
	S	Other Neglect or Failure in duty
	T	Other Irregularity in Procedure
	V	Traffic Irregularity
	X	Improper disclosure of information



# Ethics and Integrity Panel



## Title: Improving the Police Complaints Process

**Date: 1 August 2018**

**Agenda Item No: 07**

**Originating Officer: Superintendent Sarah Jackson**

**CC:**

### **Executive Summary:**

There has been some considerable efforts to improve the accessibility of the complaints process Professional Standards Department (PSD) of the People Department.

### **Recommendation:**

That, the Panel note the report.

## **1. Introduction & Background**

1.1 Police accountability is an important factor in public confidence.

In exercising their legal authority police organisations and individual officers inevitably make some mistakes; sometimes they fail to act as they should, and sometimes they abuse their legal powers.

1.2 The public will tend to define police accountability by the practicable opportunities they have to complain about police behaviour.

1.3 In 2017 we revised our approach and sought to

- Assess complainants understanding of the police complaints system
- Assess complainants level of satisfaction
- Assess police officers' understanding of the police complaints system
- Assess police officers' level of satisfaction when they are subject of a complaint.
- Create an approach within the PSD that promotes the intention to "Deliver – Support – Inspire"
- Increase responsibility and accountability by organisational learning

## **2. Complaints: Research and Improvements**

2.1 Complaints and Misconduct Investigators were tasked with completing feedback forms from complainants at the conclusion of respective investigations, for a period of three (3)

months. This feedback led to the creation of an Information for Complainants booklet that provides help and advice on;

- What is a complaint?
- How do I make a complaint?
- What happens after I make a complaint?
- How will my complaint be resolved?
- Outcomes and rights of appeal
- Other agencies/support

2.2 All complainants are provided with this booklet, which is also available on the Cumbria Constabulary internet.

2.3 Furthermore, the public provided feedback in relation to their expectations of the investigation process, and the themes found were a desire to:

- Stop the situation happening to somebody else;
- Be provided with an apology; and
- Be provided with an explanation

2.4 Following on from this PSD introduced a “service recovery” approach called “there and then” resolutions. This saw the introduction of a designated Complaints investigator tasked with contacting complainants in every case. This ensures that:

- Complaints are dealt with quickly and efficiently
- The process is simple for complainants and staff to understand and that not in all cases is there a need to follow a complex procedure to lodge a complaint.
- That there is an outcome and lessons learnt from the process
- That complainants are reassured by our commitment to swiftly deal with their dissatisfaction

2.5 Managing the expectations of a complainant throughout an investigation was also considered a key issue. This resulted in the introduction of “Complainant Service Agreements”. This agreement determines a bespoke update policy in response to the complainant’s specific needs in order to manage their expectations.

2.6 PSD recognise the true value of feedback and as part of our continuing commitment, we have introduced a complainant questionnaire, which is sent to all complainants at the conclusion of investigations and is available online. The contents of same are discussed at the People Department force tasking group as part of our collective commitment to improve overall levels of satisfaction with the entire complaints process.

### **3. Police: Research and Improvements**

3.1 Typical responses provided by police officers when asked about their level of understanding and satisfaction of the complaints process were:

1. Notification of complaint (created unease and anxiety for the officer affected)
2. Time taken to complete an investigation was too long and exacerbated their concerns
3. Lack of understanding of supervisors of how to manage the process

- 3.2 Previously any officer subject of a complaint investigation was notified of same via email, with little consideration about the impact of receipt.
1. We have revised this so that all officers, who are the subject of a complaint are personally informed by their respective Inspector, who is also required to complete a wellbeing questionnaire in respect of the officer(s) subject of a complaint investigation. This has helped in putting affected officer at ease from the outset, and provides a line of communication with a line manager should it be required.
  2. The Complaints and Misconduct Manager together with the Detective Chief Inspector have monthly meetings with Complainants and Misconduct Investigators to ensure timeliness in respect of complaint investigations. Any complaint investigation that exceeds 120 days is discussed at the People Department Force Tasking group.
  3. The Professional Standards Department recognised the need for greater understanding by line managers of the complaints process. In recognition of same there have been two forcewide sessions delivered by an external agency (sancus) to Line managers (Sergeants and above) in respect of police officers and police staff.
- 3.3 Furthermore, PSD staff deliver training in the complaints process to all newly promoted Sergeants and deliver inputs to the Custody forum and Use of force forum. In addition, PSD has delivered forcewide training to all staff (which includes new students) in respect of the Code of Ethics and the 10 standards of professional behaviour.

#### **4. Organisational Learning**

- 4.1 PSD have adopted a “learning to improve” approach in relation to public complaints. This is fully supported by the current Complaints and Misconduct Manager and promotes a progressive attitude towards individual and organisational learning.
- 4.2 On a quarterly basis PSD now share information in respect of complaints and misconduct (to each TPA) in order to create a culture that enables the organisation to learn lessons to determine if the complaints were as a result of :
- Systemic breakdown
  - Individual error
  - Misconduct
- 4.3 The data provided informs senior managers of:
- Notable Conduct and Complaint cases.
  - Proactive work currently been undertaken by ACU.
  - List of suspended officers and staff, list of restricted officers and staff
  - Repeat officers (subject of 3 complaints or more in a 12 month period).
  - Complaint allegation analysis per area and shift over a three-month period
- 4.4 This document has been positively received providing senior managers and early interventions are put in place where concerns are raised.

## 5. Moving Forward

- 5.1 There are new changes to the police complaints process that are likely to come into being in April 2019. This will involve the recording of ALL complaints (likely to have a significant impact on the bureaucratic process) and the OPCC being the relevant appeal body for minor complaints.
- 5.2 Furthermore, the success of Service Recovery teams cannot be underestimated. Many (if not the majority) forces have invested in service recovery teams and as a result some forces have seen a 28% reduction in complaints and a 41% saving in front line duties (currently Inspectors are responsible for Local Resolution complaints). Service recovery teams have taken on the tasks of contacting all complainants, providing them and then service recovery (where applicable) and all minor complaints leaving specialist investigators to investigate complaints which are subject to special requirements (serious complaints).
- 5.3 This approach has also led to:
- Complainants spoken to within 24 hrs of their complaint
  - Proactive response to complainants with a potential resolution of their complaint within 48 hrs
  - This approach ensures that this process does not delay complaints that need local investigation
  - Reassurance to the complainant that service improvements will take place
  - Reallocation of volume of work will result in organisational savings
- 5.4 The Head of PSD has recently secured additional resource to uplift the department by an additional 0.5 FTE, which will assist in providing an improved and timelier response to complainants. The impact of this investment is to be monitored once the post is filled.

## 6. Welfare Support

- 6.1 It is the intention of PSD to develop a Welfare Support Officer Role. The role is designed to support officers and staff who are subject to an ongoing investigation. This will include completing a welfare support contact log, signposting to support services available, and understanding how to escalate any risk or identified concern.
- 6.2 The role will be voluntary and will be linked into the MH First Aid training that is being developed via the Better Health at Work Scheme.

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**Enquiries to: Mrs J Head  
Telephone: 01768 217734**

**Our reference: jh/EIP**

**Date: 1 August 2018**

## **AGENDA**

**TO: THE MEMBERS OF THE ETHCS AND INTEGRITY PANEL**

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

A Meeting of the Ethics and Integrity Panel will take place on **Thursday 8 November 2018** in **Conference Room 3**, Police Headquarters, Carleton Hall, Penrith, at **1.15pm**. Please note that a buffet lunch will be served for Members of the Ethics and Integrity Panel.

**G Shearer  
Deputy Chief Executive**

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

**The Panel members will meet at 9.15 am to carry out two dip sampling sessions**

### **PANEL MEMBERSHIP**

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

# **AGENDA**

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

**1. APOLOGIES FOR ABSENCE**

**2. DISCLOSURE OF PERSONAL INTERESTS**

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

**3. URGENT BUSINESS AND EXCLUSION OF THE PRESS AND PUBLIC**

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

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

**4. NOTES OF THE PREVIOUS MEETING**

To confirm the restricted notes of the meeting of the Ethics and Integrity Panel held on 8 August 2018 (copy enclosed).

**5. SPIT GUARDS**

To receive a report and briefing on the proposed use of Spit Guards by Cumbria Constabulary (copy xxxxxx) – *To be presented by Inspector Dave Barr*

**6. CIVIL CLAIMS**

To receive and note a report by Cumbria Constabulary on Civil Claims (copy enclosed) - *To be presented by Mr A Dobson, Director of Legal Services.*

**7. GRIEVANCES**

To receive a report on Grievances against the Constabulary with particular note of any cases of bullying - *To be presented by Deputy Chief Constable Webster.*

**8. MISCONDUCT**

- (a) To receive and note a report by Cumbria Constabulary on police staff misconduct (copy enclosed) - *To be presented by Deputy Chief Constable Webster.*
- (b) To raise any overall issues identified during the dip sample session and discuss progress of allocated actions.

**9. INTEGRITY – ANTI-FRAUD & CORRUPTION**

To receive and note a report by Cumbria Constabulary on work undertaken by the Anti-Fraud and Corruption Unit (copy enclosed) – *To be presented by Deputy Chief Constable Webster*

**10. INTEGRITY – COMPLAINTS BY THE PUBLIC**

To receive and note a report by Cumbria Constabulary on public complaints (copy enclosed) – *To be presented by Deputy Chief Constable Webster.*

**11. OPCC COMPLAINTS AND QSPI**

To receive and note a report by the Office of the Police and Crime Commissioner regarding complaints and quality of service issues received (copy enclosed) – *To be presented by the OPCC Deputy Chief Executive .*

**12. 2019 ANNUAL WORK PROGRAMME AND MEETING DATES**

To receive and note a report by the Office of the Police and Crime commissioner (copy enclosed) – *To be presented by the OPCC Deputy Chief Executive.*

**Agenda Item No 04**

**ETHICS AND INTEGRITY PANEL**

Notes of a meeting of the Ethics and Integrity Panel held on  
Thursday 9 August 2018 in Conference Room 3, Police Headquarters,  
Carleton Hall, Penrith, at 2.00 pm

**PRESENT**

Mr Michael Duff  
Mr Alex Rocke  
Mrs Lesley Horton

**Also present:**

T/Deputy Chief Constable Mark Webster  
Superintendent Sarah Jackson  
Complaints and Misconduct Manager – Barry Bell  
OPCC Chief Executive - Gill Shearer  
OPCC Governance Manager - Joanne Head

**1. APOLOGIES FOR ABSENCE**

There were apologies for absence from Mr Alan Rankin. Lesley Horton undertook the role of Panel Chair in Mr Rankin's absence.

**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 16 May 2018 had been circulated with the agenda.

Superintendent Jackson updated the panel regarding the 15-week reviews that were being undertaken. The reviews consisted of a coaching style conversation with officers and staff,



also included four questions on integrity. These acted as a reminder to staff to consider and, where appropriate, self-refer or disclose relationships, friendships or vulnerable associations.

A recent newspaper article brought attention to the number of police officers and staff nationally who had secondary business interests. Superintendent Jackson advised that such interests in Cumbria related to property rentals or sales/marketing for skin care products. A number of officers and staff were also referring voluntary roles they undertook such as a school governor. All applications were considered against the working time directive to ensure that this was not being exceeded. Currently the process for recording secondary business interests was paper-based and made it difficult to process and monitor. An electronic system would increase efficiency in the workflows.

Deputy Chief Constable Webster advised that the Constabulary could also provide financial support and counselling to officers and staff.

**Agreed;** that, the minutes be agreed.

## 5. INTEGRITY – ANTI-FRAUD & CORRUPTION

Deputy Chief Constable Webster presented the quarterly report on work undertaken by the Constabulary's Anti-Corruption Unit. It was noted that there had been a significant reduction in allegations of discreditable conduct, domestic issues, honesty & integrity and data security & disclosure. There had been an increase in categories relating to associations but these had predominantly been self-referrals or becoming apparent through the individual's work. During the reporting period 5 police officers had been suspended.

Superintendent Jackson briefed the Panel on the proposed remodelling of the department, which included the investment of an additional detective constable and an analyst.

Development of the portal had been 95 % delivered and work was being carried out via a new audit tool to allow staff to carry out searches on all force systems at any one time; enabling more data to be assessed. The department had previously been reactive to information or intelligence received whereas now it was their intention to become more proactive. This would be achieved by utilising a process currently being used by Lancashire Constabulary. The system looked across a number of indicators and once these were pulled together would identify within the workforce who was a greater risk of corruption due to their lifestyle. The unit would start to look at information and assess whether or not it was intelligence or purely information. It was agreed that an update on the progress of this system would be reported to the Panel in 2019.

Superintendent Jackson advised that accessing data was a cause for concern but there were no real themes emerging at the moment.

**Agreed;** that,  
(i) the report be noted;

- (ii) an update on the Lancashire Constabulary intelligence system and its progress once in place (2019);

## 6. INTEGRITY – COMPLAINTS BY THE PUBLIC

Deputy Chief Constable Webster presented the quarterly report detailing the Constabulary's performance in dealing with public complaints. It was noted that the Constabulary currently had the lowest number of complaints within its Most Similar Force (MSF). Direction and Control complaints were the main group showing an increase within the last 12 months with an increase of 40 (59%). The merits of digging deeper into the cause of the increase was proposed by a Panel member. It was agreed that the Panel would look at a selection of Direction and Control complaints at the November dip sample session.

The Complaints and Misconduct Manager briefed the members on the process of identifying Direction and Control issues, how these were then reviewed and highlighted to relevant departments. Such examples were the use of appropriate adults and when they should be used within custody; this was brought to the attention of the Custody Forum. Another was in how the Constabulary trained officers in the use of force and why complaints were being received. The Constabulary had not concentrated on communication techniques within their training. The importance of this was recognised and this would be brought back into all training.

A quarterly report was prepared for all Territorial Policing Areas (TPA) and the Constabulary as a whole that identified the issues being raised through the complaints process.

A member asked how the new There and Then process was being received by complainants and by staff within the Professional Standards Department (PSD). The Complaints and Misconduct Manager advised that it was working well and by investing time at the beginning of the complaints process allowed issues to be resolved at a much earlier stage, with less matters being sent to TPA inspectors to deal with. Currently investigators were dealing with the There and Then process but this did have an impact on their investigation timeliness. Work was being carried out to re-model the whole of PSD to enable this work to be shared throughout the department

The There and Then process was a key element to improving the complaints process as the current system was based on officer misconduct. The Independent Office of Police Conduct (IOPC) were moving towards a system which learnt from outcomes rather than misconduct.

It had previously been reported that PSD would be seeking customer feedback from complainants who had been processed through There and Then. Mr Bell advised that he carried out a quarterly dip sample whereby he undertook to contact 10 people who had been dealt with as part of the There and Then process. Many advised that they had not expected to be contacted within 24 hours of them submitting their complaint. This early contact enabled the Constabulary to understand how the issues have affected the individual and what impression the officer had left them with. The information received as feedback is then fed

back to Superintendent Jackson and the Deputy Chief Constable. It was agreed that this feedback would be included in future reports.

**Agreed;** that,

- (i) the Panel note the update;
- (ii) review a selection of Direction and Control complaints during their November dip sample session; and
- (iii) feedback from the There and Then process would be reported upon in future reports.

## **7. IMPROVING THE POLICE COMPLAINTS PROCESS**

Superintendent Jackson presented a report highlighting the work that had been undertaken to improve the accessibility of the complaints process within PSD. Many of the areas within the report had been discussed within the two previous agenda items.

In response to a member's question Superintendent Jackson advised that she had oversight of Health and Wellbeing within the Constabulary as part of the People Department. The Constabulary had recently launched an initiative whereby 21 people had been appointed as a wellbeing advocate and an investment in mental health first aiders. Being subject of a complaint or misconduct process was recognised as being a stressful situation. The aim of the wellbeing advocates were to have an understanding but playing no part in the process, but having the skills and abilities to support the individual.

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

## **8. SPECIAL CONSTABULARY RECRUITMENT UPDATE**

A number of special constables had left to become regular officers during the current recruitment process resulting in officer numbers reducing. Recruitment had paused whilst work was carried out with the Cadet and Mini Police programmes. Work was being carried out to re-design what the Constabulary required from a special. Currently they were asked to attend 10-week sessions one after another which did not always suit individuals who had busy working or family lives. The Constabulary were looking to design a distance learning capability which would include tests and scoring against criteria. They were also viewing an option to have volunteers as certain powers could be devolved to them. This would present a reduced requirement for the individual and may be more appealing with the Constabulary being able to utilise different skills and abilities. The next intake was programmed for 2019 to allow the reviews to take place.

Members were advised that under the new College of Policing framework from 2020 there would be 3 routes to becoming a police officer, but all would require officers to have a degree. This could be attained via a specialised university course; a foundation/conversion course for other degrees or via a constable apprenticeship programme. It was recognised that for many this would present a disincentive and could present diversity issues. The rationale for the

decision was discussed and the Panel members felt that this could narrow the routes in policing when other organisations were opening up a diversity of opportunities.

**AGREED;** that, the

- (i) report be noted; and
- (ii) officer recruitment be included within the Panel's work programme for 2019

## **9. REVIEW OF SMALL EX-GRATIA PAYMENTS**

Superintendent Jackson advised the Panel of the work which had been carried out to simplify the process for making ex-gratia payments to members of the public. The new process aimed to assist the complainant to access the correct process; speeding up the issuing of payments and providing a better experience to the complaints system overall.

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

## **10. STOP AND SEARCH**

In 2016 the Panel when reviewing the forms had the quality of completion was poor which the Constabulary recognised and undertook a training programme for officers. In 2017 the Panel found that the quality had improved significantly.

During the morning the Panel had carried out a dip sample of 50 stop and search forms. Learning had clearly become embedded, as the quality of completion was being maintained. It was noted that some forms were still not clear on the exact reason for the stop/search and advised that this should be fed back.

In response to a member's question, Superintendent Jackson advised that where a form indicated that the stop/search was due to intelligence, supervising officers who reviewed the forms would check to ensure that this was in fact correct.

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

## **11. BODY WORN VIDEO**

During the morning the Panel had also received a presentation and demonstration on the Body Worn Video (BWV) equipment that was being rolled out across the Constabulary. The equipment was easy for officers to use and robust to withstand policing incidents.

The members were pleased with the integrity of the system and the audit processes in place to enable supervision to review footage and access to it. There were also safeguards in place when footage related to a complaint or investigation.

Members asked that if an officer did not active their BWV at an incident whether any disciplinary proceedings would be taken. The Complaints and Misconduct Manager advised

that officers were mandated to activate BMV and if they did not he would uphold a complaint against them.

The Panel has also dip sampled recorded footage during the morning. They reviewed seven items of footage covering a diverse range of incidents. These included dealing with a fight in Carlisle, a vulnerable youth, people with mental health issues and a safeguarding issue. In each instance the officers conducted themselves appropriately to the situation they were dealing with. They displayed good levels of civility and respectfulness, dealing with situations in a sensitive and caring manner when required. The attitude of each officer in every crime, showed sensitivity and civility in some very challenging and upsetting incidents.

Deputy Chief Constable Webster stated that a lot would be learnt about the equipment's capability and benefits from operational use and implementation. A review of the system was to be carried out in December 2018 and it was agreed that this would be reported upon to the Panel's February 2019 meeting.

**Agreed;** that,  
(i) the verbal report be noted ;  
(ii) the Panel be provided with the outcome of the Body Worn Video review at their February 2019 meeting

## **12. PANEL TENURE**

The OPCC Chief Executive briefed the meeting on a proposal to extend the current tenure of Panel membership. At present members were appointed to the Panel on 2 x 2 year terms up to a maximum of 4 years.

Following a review and consultation with the Constabulary it was recognised that the work of the Panel had developed significantly over the past 4 years. It had taken time for members to come to grips with the different elements of Constabulary work and therefore it was proposed that the tenure be extended to a maximum of 8 years. Members appointments would still be reviewed on a 2 year basis and of course members could leave the Panel at any time of their choosing. The proposed extension was comparable with the Commissioner's and the Constabulary's Joint Audit and Standards Committee.

A decision paper would be presented to the Commissioner at the beginning of September to approve the proposal.

**Agreed;** that, the verbal update be received.

**Meeting ended at 3.50 pm**

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

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

# Constabulary Report to OPCC



## Agenda Item No 07

**TITLE OF REPORT:** Constabulary Grievances

**DATE OF MEETING:** 8 November 2018

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

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

### Executive Summary:

*No more than 100 words.*

The report provides a position overview in respect of ongoing, finalised and newly submitted grievances for this financial year until 29 October 2018.

A summary of the main changes in respect of the management, monitoring and recording of grievances is also provided.

### Recommendation:

*Set out clearly the recommendation to be approved, using bullet points and ensure references are included to previous decisions on this matter. Any alternative options considered should not be outlined here but in the 'introduction and background' section.*

- That the Ethics and Integrity Panel note the report.
- That the Ethics and Integrity Panel provide feedback regarding the format of the report and how they wish this to be presented for future panels.

## MAIN SECTION

### 1. Introduction and Background

- 1.1 The attached Grievance Statistics Report shows the number of grievances lodged during this financial year up to 29 October 2018, 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 unlawful discrimination have been included.
- 1.3 Summary position is as follows:
  - To date, there has been one grievance lodged in this financial year, 2018/2019.
  - One grievance has been resolved at stage three.
  - Four grievances remain outstanding from the previous year, one at stage 1, one at stage 2 and two at stage 3.
- 1.4 Issues range from grievances against the application of a policy or procedure to complaints related to action taken against an individual e.g. investigation.
- 1.5 By their very nature all grievances have an element of perceived inequality and/or unfairness.

The one grievance submitted this financial year is directly linked to alleged disability discrimination under the Equality Act.

This is a longstanding attendance case which has been managed in accordance with the medical advice received from the Force Medical Adviser. Adjustments in respect of hours, role and duties have been put in place where considered appropriate and reasonable over an extended period of time. The individual in this case is challenging the medical opinion and as a result the adjustments and management action taken in this respect.

### 2. Issues for Consideration

#### 2.1 Drivers for Change

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

- There are no specific emerging trends or patterns at the time of submitting this report.
- Grievances submitted are predominantly from white, British males. Specific items impacting on equality are raised through the Valuing Individuals Group (VIG) to ascertain if there are any issues that the Constabulary should be dealing with. At this time no issues have been raised.
- 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.
- Funding has been secured to train 8 internal accredited mediators. This is currently being progressed with the aim that they are utilised in the resolution of any grievance.

### 3. Financial Implications and Comments



*Budget implications – one off and/or on-going costs, savings, growth, capital and revenue.*

3.1 Please see Risk and Equality Implications

#### **4. Legal Implications and Comments**

*Including advice received.*

4.1 Please see Risk and Equality Implications

#### **5. Risk Implications**

*Including any mitigating actions that can be taken.*

5.1 With any complaint which is potentially linked to the employment relationship there is the risk of employment tribunal or judicial review should the matter not be resolved.

5.2 Through working in partnership with Unison and the Federation the aim is to continue to avoid formal proceedings and resolve issues in an informal manner to the satisfaction of all parties.

#### **6. HR / Equality Implications and Comments**

*Including any actions arising from Equality Assessment.*

From May 2018 the management of Grievance transferred to the HR department including the recording and monitoring of progress and outcome.

A number of key change have been introduced to improve the management of cases but also to reflect feedback received from HMICFRS:

- Stage 3 consideration can now be undertaken by a senior member of the Constabulary e.g. (member of COG) this was amended from a member of Chief Officers.
- The Grievance form has been revised to act as a running case summary of the grievance for each stage enabling recording of action taken and outcomes.
- A HR officer, with no previous involvement, will be now allocated to provide advice and guidance to the stage manager.
- Consideration of welfare support where applicable for the aggrieved individual.

#### **7. Supplementary Information**

7.1 List any relevant documents and attach to report

*Such as Business Cases, Equality Assessments, PIDs, Media Strategy.*

(i) Grievance Data for the period 2018/2019

(ii) Grievance Procedure – September 2018



Peter McCall

## Office of the Police & Crime Commissioner Report

### Title: Police Staff Discipline and Misconduct

**Date: 8 November 2018**

**Agenda Item No: 08**

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

**CC:**

#### **Executive Summary:**

The Constabulary has a Disciplinary Policy and Procedure, which affords the opportunity to resolve cases quickly and effectively at the lowest possible management level. This report provides a summary and analysis of the cases, which have been dealt with in the six months preceding this year's meeting of the Panel

#### **Recommendation:**

That, the Ethics and Integrity Panel note the Report.

#### **1. Introduction & Background**

1.1 This report details the number of police staff discipline and misconduct cases dealt with during the period 1 May 2018 and 15 October 2018.

#### **2. Issues for Consideration**

2.1 Four members of Police Staff were the subject of disciplinary proceedings in accordance with the Constabulary Policy on Police Staff Discipline. Of the four cases three were male and one was female, and none were recorded as being of a minority ethnic origin.

2.2 Of the four cases;

- One originated from a public complaint, which was initially investigated as a criminal matter. This resulted in NFA but was then subject of an internal disciplinary investigation. This investigation resulted in insufficient evidence to progress formally with the individual receiving management words of advice.
- The three remaining cases were subject of a criminal investigation, two were NFA whilst the other resulted in a criminal conviction.

- Of these three cases one was provided with words of advice, with the two remaining considered gross misconduct and progressed to a hearing. One resulted in a final written warning with the other individual resigning prior to the hearing.

- 2.3 There are currently seven further cases which are ongoing and not subject to review by the panel at this time. Of these seven cases three relate to potential matters of gross misconduct with three staff members currently suspended from duty and a further two placed on management restricted duties.
- 2.4 No appeals were heard during this time period.

### **3. Implications**

#### **3.1 Financial**

Please see Equality Implications

#### **3.2 Legal**

In accordance with the introduction of the Advisory and Barred lists cases which result in dismissal for misconduct are referred for inclusion on this list – this applies to police staff and officers. To ensure consistency with officers in the case that an employee resigns prior to a hearing consideration is being given to the completion of any disciplinary process to allow a determination regarding whether they would have been dismissed if still employed. This will allow for the individual to be referred for inclusion on the Barred list as appropriate.

#### **3.3 Risk**

Please see Equality Implications

#### **3.4 HR**

##### **3.4.1 Joint approach**

From April 2018 the HR and PSD departments are operating a more integrated approach to police staff misconduct. Whilst HR will retain ownership investigations will be supported by the PSD Department with consolidation of guidance and template documentation.

A number of the current investigations have been progressed jointly reducing the timescales associated with any investigation.

This builds on the joint working already in place regarding investigations and the joint development and delivery of the Code of Ethics training across the Constabulary.

##### **3.4.2 Equality**

If the provisions of the Employment Rights Act 1996 are breached in terms of unfair dismissal then there would be implications for the Constabulary which may lead to financial and status loss.

If any equality or diversity issues are identified that would lead to unlawful discrimination being proven then there would be implications for the Constabulary which may lead to financial and status loss.



# Constabulary Report to OPCC

## Agenda Item No 10

**TITLE OF REPORT:** INTEGRITY – COMPLAINTS BY THE PUBLIC

**DATE OF MEETING:** 8<sup>th</sup> November 2018

**ORIGINATING OFFICER:** Superintendent Jackson – Head of People Department

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

### Executive Summary:

*No more than 100 words.*

- IOPC data continues to show that Cumbria complaints per 1000 employees remains lowest in the MSF at 72 (most similar forces - Norfolk 73, Lincolnshire 94, North Wales 109) however the national average for the period is less:
  - Apr 18 to Jun 18, Cumbria: 72, MSF average: 87 National average: 66
- The current 12 month rolling figures show that cases reduced by 29.44% and allegations by 17.50% in comparison to the last 12 months.
- A breakdown of allegations shows that all areas apart from West TPA have reduced their level of allegations in the rolling 12 months.
- The main group showing a decrease when comparing the rolling 12 months is Unprofessional Conduct by 42 (-21.99%).
- Allegations finalised as Upheld by PSD increased by 17 allegations (212.5%) comparing the last period with the current 12 months.
- The number of Force appeals has increased from 22 to 42 (90.91%) , IOPC appeals have also increased by 4 (11.76%), when comparing the last 12 months against the previous.
- The number of Upheld appeals for the IOPC has increased by 4 (36.63%) compared to the last 12 month period, upheld Force Appeals have increased by 4 (100%).

## MAIN SECTION

### 1. Introduction and Background

*Alternative options considered, evaluation, benefits – anything not covered in sections below etc.*

The latest data periods available & reported on in this document are as follows:

IOPC Q1: April – June 2018

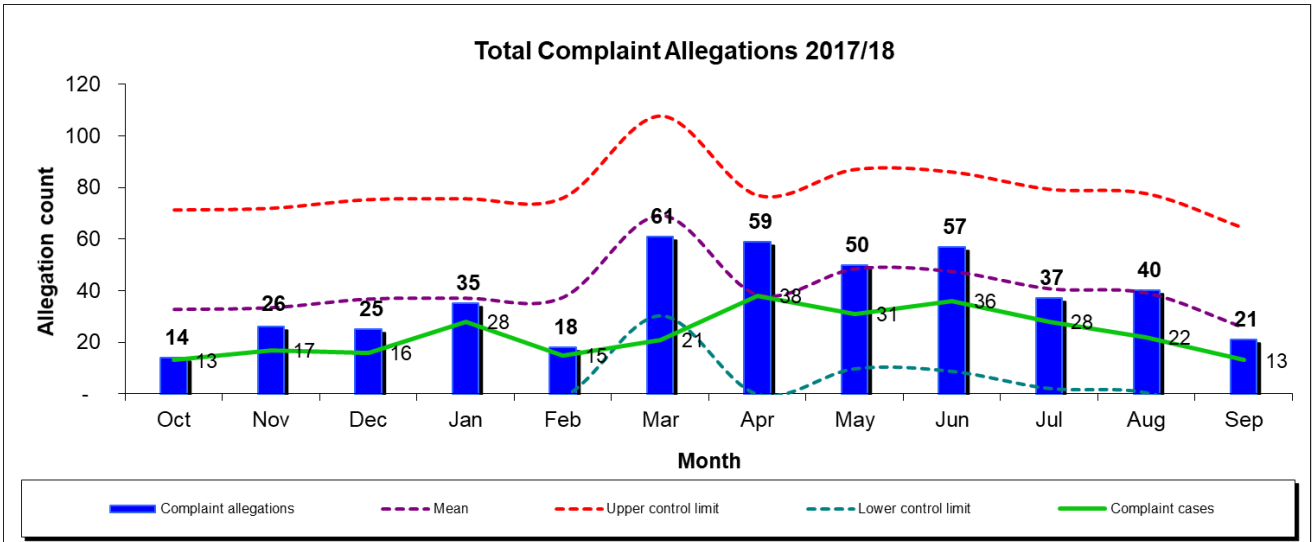
IOPC 12 month rolling: 1<sup>st</sup> July 2017 – 30<sup>th</sup> June 2018

Cumbria Q2: July – September 2018

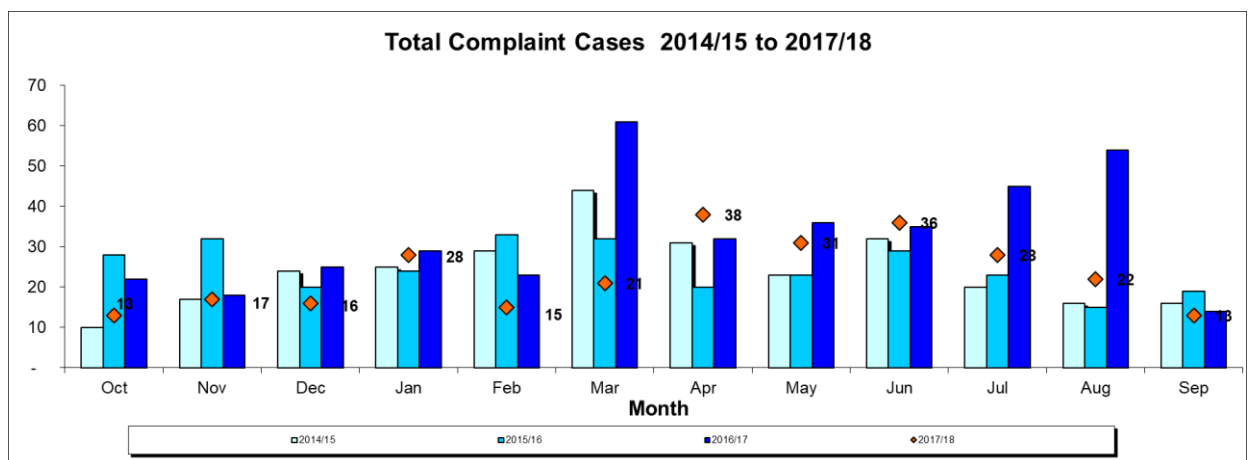
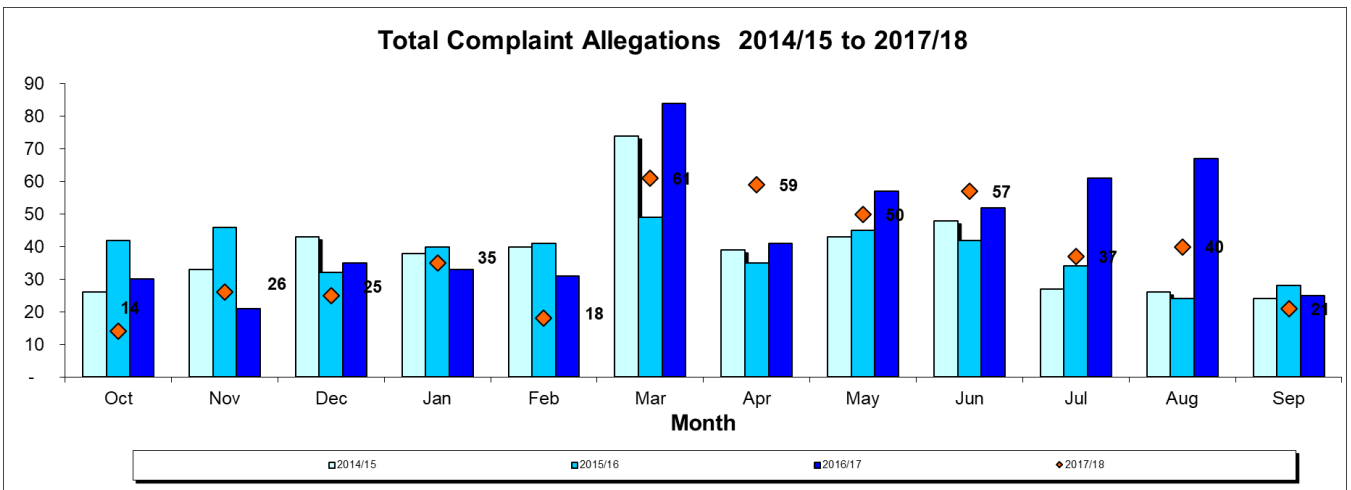
Cumbria 12 month rolling: 1<sup>st</sup> October 2017 – 30<sup>th</sup> September 2018

#### 1.1 Complaint Allegations

The below chart shows levels of complaint cases and allegations in the last 12 months from October 2017 to 30<sup>th</sup> September 2018:



The chart shows that following the winter reduction, figures rose for both complaint allegations and cases over summer months and are now on the decline heading towards winter months again. Over the 12 month period the total allegations are 443 and cases are 278. Cumbria complaints have been on or below their 3 year average when comparing the last 12 months, apart from in April and June.



Allegations & Cases<sup>1</sup> have reduced after the period from April to June.

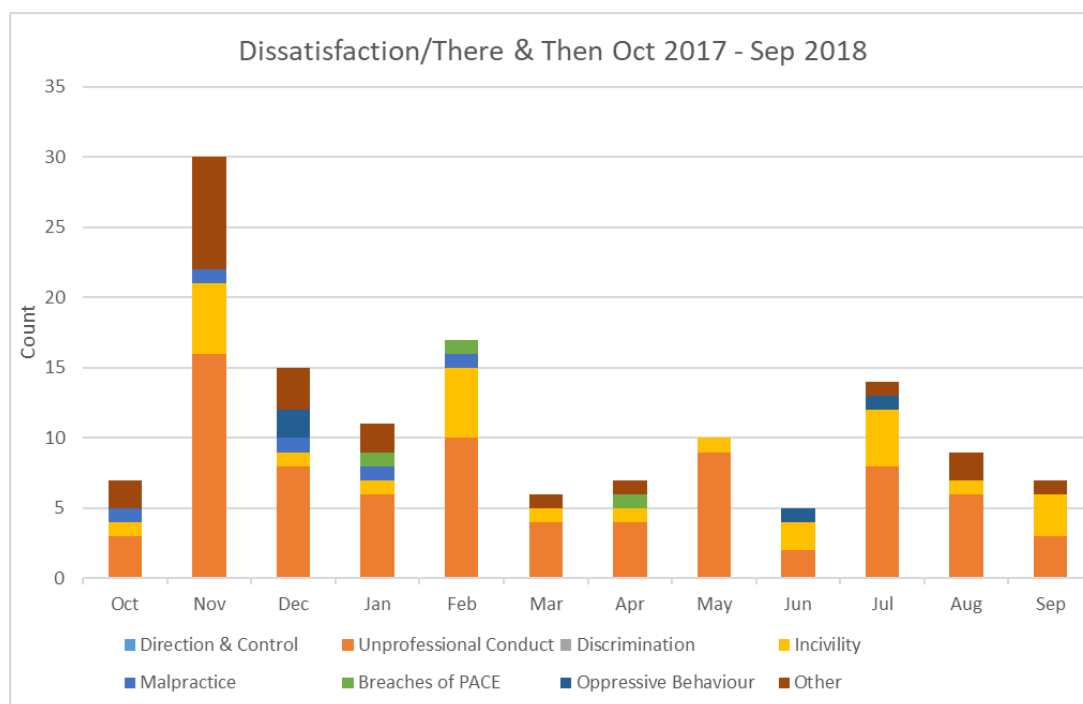
**Allegations and Cases totals (rolling 12 month 17/18)**

	12 Month Rolling to end of Sept 2017	12 Month Rolling to end of Sept 2018	Percentage Change
Cases	394	250	-36.18%
Allegations	537	443	-17.50%

\*Including Direction and Control cases/allegations.

The table shows the total number of cases and allegations including direction and control for 12 months to the end of September 2017 and 2018. The figures show that the recorded numbers of allegations and cases over the current 12 month period have decreased compared to the last 12 months in the same period.

The Professional Standards Department have invested in additional training for supervisors to develop their skills in complaint handling. Supervisors now have the confidence and expertise to work with the complainant to swiftly resolve an expression of dissatisfaction at source, rather than route people into the convoluted PSD complaints process.



In the calendar year of 2017 there were 28 expressions of dissatisfaction recorded on the Centurion System.

“There and Then” was introduced at the end of 2017

Year to date in the 2018 calendar year there have been 118 expressions of dissatisfaction dealt with via There and then. Having regard to the overall reduction in cases and allegations, it is highly likely that the reduction in cases is due to the recording under the “There and Then” process, rather than a reduction in complaints.

<sup>1</sup> A case is defined as a public complaint that has been recorded in accordance with the Police Reform Act. Within the case, there may be one or more separate allegations identified and / or investigated.

### Allegations and Cases broken down into TPA/Area

The table below shows the numbers of allegations and cases broken down into areas:

Area	Allegations			Cases		
	12 Month Rolling to end of September 2017	12 Month Rolling to end of September 2018	Change	12 Month Rolling to end of September 2017	12 Month Rolling to end of September 2018	Change
North	169	146	-13.61%	130	89	-31.54%
South	127	114	-10.24%	88	62	-29.55%
West	130	134	3.08%	91	68	-25.27%
UOS	38	21	-44.74%	28	14	-50%
HQ/Other	73	28	-61.64%	57	17	-70.18%
<b>Total</b>	<b>537</b>	<b>443</b>	<b>-17.50%</b>	<b>394</b>	<b>250</b>	<b>-36.55%</b>

\*Including Direction and Control cases/allegations<sup>2</sup>

The table shows an decrease in allegations and cases with the largest decrease in HQ & Other followed by UOS in this period.

#### 1.2 Area Allegation group breakdown (Glossary of allegation types at end of document)

The table below shows the difference between the 12 month rolling total allegations broken down into area and group:

Change between 12 Month Rolling September 2017 and September 2018 (537 to 443 in total)						
Group	North	South	West	UOS	HQ	Group Total
Breaches of PACE K,L,M,N,P,R	6	-3	2	3	0	8
D&C	7	3	4	-7	-24	-17
Discrimination F	-1	1	0	1	1	2
Incivility U	-16	-6	-5	-7	-4	-38
Malpractice G,H,J	-1	-5	4	1	-4	5
Oppressive Behaviour A,B,C,D,E,Y	7	-10	31	0	-2	3
Other W	-4	-5	-3	0	-3	-15
Unprofessional Conduct S,T,V,Q,X	-21	2	-6	8	-9	-42
<b>Area Total</b>	<b>-23</b>	<b>-13</b>	<b>4</b>	<b>-17</b>	<b>-45</b>	<b>-94</b>

The four main groups reported on are Direction and Control, Unprofessional Conduct, Oppressive Behaviour, and Incivility. Each is explained in more detail below:

#### Direction & Control<sup>3</sup>

<sup>3</sup>Direction and Control complaints are those received from members of the public regarding matters of strategy, policy, structure and organisation.

Allegation Type Description	12 Month Rolling to end of Sept 2017	12 Month Rolling to end of Sept 2018	Change
General policing standards	3	0	-3
Operational management decisions	25	5	-20
Operational policing policies	10	15	+5
Organisational decisions	54	55	+1
<b>Grand Total</b>	<b>92</b>	<b>75</b>	<b>-17</b>

Direction & Control has decreased by 17 (-18.28%) in the current 12 month period when compared to the previous 12 months. <sup>3</sup>

North, South and West have all increased, whereas UOS has decreased by 7 (-100%) and HQ has decreased by 24 (-80%).

Organisational Decisions decreased by 17 although there are no particular trends of note. The totals for HQ and UOS have reduced significantly year on year, North and West both saw slight increases in Organisational decisions.

Other complaints categorised as Direction and Control include complaints about the 101 telephone system response times. These complaints have significantly reduced in the last quarter and are the main contributor to the overall decrease.

### Unprofessional Conduct

Unprofessional conduct focusses on the following areas:-

- Lack of fairness and impartiality
- Other neglect or failure in duty
- Other irregularity in procedure
- Traffic Irregularity
- Improper disclosure of information.

Despite the recorded high reductions in North there are no significant patterns or themes to report. However, a significant point of note is that those complaints that would have previously have been recorded as unprofessional conduct in 2017, may now be recorded as a "There and Then", and therefore will contribute to the reduction. The graph above shows that a large proportion of "There and Thens" are unprofessional conduct. Future reporting periods will allow a better comparison of like with like.

### Oppressive Behaviour

Oppressive Behaviour includes the following Home Office Classifications:

- Serious Assault
- Sexual Assault
- Other Assault
- Oppressive Conduct/Harassment

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NB. If the complaint from a member of the public relates whole or partly to the conduct of a member of staff it will be recorded and dealt with in accordance with the conduct procedures.



- Unlawful/Unnecessary arrest or detention
- Other sexual conduct

**Oppressive Behaviour** has remained stable increasing only by 3 (4%) when comparing the previous 12 months to the 12 months beforehand.

There were 2 Sexual Assaults in the 12 month period. Both were in North TPA.

- One allegation was that a female was searched following a stop on her vehicle whereby she states the female officer placed her hands inside her swimming costume making her feel as though she had been raped. The complaint was received, investigated but proven not to have occurred.  
It is worth highlighting how useful BWV was in this case referred to above. The duty Inspector was immediately able to view the BWV of the arresting officer and was able to negate the allegation upon receipt. Previously this allegation would have been recorded, referred to the IOPC resulting in a lengthy and intrusive PSD led investigation.
- An allegation was made by a detainee in Carlisle custody that a male police officer anally assaulted her. This was investigated but proven not to have occurred and was finalised as Not Upheld by PSD.

### **Incivility**

This includes allegations of abusive, offensive or rude language or behaviour.

Incivility has seen a significant reduction of the four main groups -38 (-42.22%) when comparing the 12 month period ending September 2017 to the current 12 month period.

- HQ - reduced by 45 (-61.64%)
- North TPA - reduced by 23 (-13.61%)
- UOS – reduced by 17 (-44.74%)
- South TPA – reduced by 13 (-10.24%)
- West TPA – increased by 4 (3.08%)

As reference above, a large proportion of Incivility complaints will now be recorded as a There and Then and therefore, this will have contributed significantly to the data.

### **Incivility; opportunities for improvement**

However, Body Worn video which captures officer interactions with the public has been rolled out forcewide, and will undoubtedly continue to reduce the overall number of complaints in respect of incivility.

Following consultation between PSD and OST Instructors there was an acknowledgement that officers as part of their learning package are reminded of the importance of communication skills and the need to justify their actions as captured in the NDM. There is recognition that OST will further develop the communication skills of officers aligned to the use of force. This is being developed for implementation in 2019.

### **Learning & Developing**

### **PASS Newsletters**

In the quarter 2, the following PASS Newsletters and Best Practice guidance have been issued in respect of identified issues: -

<b>LESSON LEARNED CATEGORY</b>	<b>DISSEMINATION By / To</b>	<b>BRIEF DESCRIPTION</b>
<b>July 2018</b>		
06/07/2018	Online News to all staff	Reminder to staff dealing with local resolution of complaints to give complainants sufficient time to respond to proposed LR actions
<b>August 2018</b>		
08/08/2018	Pass Newsletter Force wide	All Officers and Staff are reminded that they are responsible for the security of Personal Information that they take away from any Police Station or other Place of Work and are also responsible for ensuring its safe return, where it is to be stored securely

We have updated our mission statement to include “ a successful and effective PSD ought to be as familiar and adept at catching people 'doing the right thing' as well as identifying and intervening where individual or force standards and behaviours fall short of expectation.”

Officers and their managers are being informed where good practise is identified by PSD and we will capture a wider audience by circulating this in further PASS newsletters.

### **Learning to Improve Document**

The Professional Standards Department have recently produced a performance document which provides TPA commanders and departmental heads with more in depth analysis of public complaints. The document which is presented on a quarterly basis identifies;

- Complaint allegation (Home office classification) per shift/department, per area for the 3 month reporting period.
- Local Resolution complaints (older the 40 days) and reminder of LR process
- Useful information (Balance of probabilities test) repeat complainants

The feedback from commanders has been very favourable and this information is being used at operational level to improve performance.

### **Upheld Complaints**

When public complaints are upheld PSD (but are not subject of misconduct proceedings) PSD now laise with the relevant managers and supervisors which seeks to develop the officers learning and prevent reoccurrence.

#### **1.3 Repeat Officer Strategy**

The repeat officer strategy is now well embedded and supports both the IOPC and Constabulary’s approach to focussing on development, early intervention and organisational learning.

The repeat officer process is a holistic review that captures:

- Overview and summary of previous complaints (complaints and misconduct investigator)
- Summary from HR to determine if the officer has any performance issues
- Summary from ACU
- Overview from the Complaints and Misconduct Manager

The case is reviewed as part of the People Department tasking process and action predominantly (where appropriate) focusses on additional training and support in conjunction with their supervisor in area .

There were 7 entries under the Repeat Officer Strategy in the current Quarter 2. A decrease from 8 in the previous period, Quarter 1. The entries refer to 7 different officers and there are no themes of note.

#### **1.4 Diversity**

There have been 13 allegations of discriminatory behaviour by the police recorded during the current 12 month period which is an increase of 5 compared to the previous 12 months.

Allegations for Q2 July - September 2018:

July 2018

Complaint of an officer walking up to a child and referring to him as a “cheeky monkey”, upsetting the mother of the child who perceives the comment to be racist.

August 2018

Complaint of a police officer responding to an incident, using force and making inappropriate comments about PTSD, which has given the member of the public flashbacks to an historic assault.

September 2018

Complaint from driver of a motor vehicle who received a fixed penalty notice for ignoring road closure signs on the A66. The complainant believes other drivers were allowed to proceed without penalty. The complainant believes the officer discriminated against him as he was the only black driver and the other three drivers were white.

All 3 complaints are currently live.

#### **1.5 Performance**

The IOPC in the most recent report (end of Q1, April 2018 to June 2018) assess Cumbria’s performance for average number of days to finalise Local Resolution and Investigations:

- Average number of days to locally resolve allegations – Cumbria 42, MSF average 69 and National average 72. Cumbria’s figure has increased by 1, the MSF increased by 6 and national figures have decreased by 5 when comparing the same period the previous year.
- Average number of days to finalise cases – Cumbria 64, MSF average 93 and National average 113. Cumbria has decreased compared to the same period last year which had 72 days.

- Average number of allegations per 1000 employees cases – Cumbria 72, MSF average 87 and National average 66. Same Quarter last year Cumbria was at 63.

Allegations finalised in the period regardless of when the allegations were recorded.

Allegation Result Description	12 Month Rolling to September 2017	12 Month Rolling to September 2018	Change
Disapplication - by Force	18	9	-9
Discontinued - by Force	0	6	+6
Dispensation - by Force	0	0	0
Local Resolution - by TPA	241	264	+23
Local Resolution - by PSD	51	23	-28
Not Upheld - by TPA	4	0	-4
Not Upheld - by IOPC	0	0	0
Not Upheld - by PSD	120	119	-1
Special Requirements No Case	3	5	+2
Special Requirements Case	2	1	-1
Upheld - by PSD	8	25	+17
Withdrawn - by Force	15	12	-3
Withdrawn - by IOPC	0	0	0
<b>Grand Total</b>	<b>462</b>	<b>464</b>	<b>+2</b>

In the current 12 month period, 464 allegations were finalised compared to 462 in the previous period.

The greatest increase (by 23) Local Resolution - by TPA. Local Resolutions by PSD has the greatest decrease by 28 (-54.90%) when comparing the latest 12 month period to last.

There has been significant training and support offered to Inspectors to assist in their dealings with public compliants by way of Local Resolution which accounts for the rise in TPA resolutions. All supervisors tasked with completing and LR investigation receive an LR pack which includes an aide memoire to help them understand and implement the LR process, which has seen the quality of LRs improve significantly.

**1.6 Force and IOPC Appeals**

<b>Result</b>	<b>Force Appeals 12 months rolling to September 2017</b>	<b>Force Appeals 12 months rolling to September 2018</b>	<b>IOPC Appeals 12 months rolling to September 2017</b>	<b>IOPC Appeals 12 months rolling to September 2018</b>
Upheld/Partially	4	8	11	15
Not Upheld	18	28	21	19
Withdrawn	0	1	0	0
Not Valid	0	1	1	2
Live	0	4	1	2
<b>Total</b>	<b>22</b>	<b>42</b>	<b>34</b>	<b>38</b>

The above data highlights that the number of IOPC appeals have increased by 11.76% (albeit this relates to n=4) and the number of force appeals has increased by 90.91% (n=20).

The percentage of Upheld IOPC appeals has increased in this reporting period by 36.36% (4) compared to the previous 12 months.

The only decrease seen this 12 month period when compared to last is in IOPC Not Upheld appeals. This has decreased by 9.52% (2).

The higher figures for Force appeals is due in the main to a small number of repeat complainants who have repeatedly accessed the appeals process.

## APPENDIX

## 1.0

Group	Allegation Ref	Allegation Title
Breaches of PACE	K	Breach of Code A PACE on stop and search
	L	Breach of Code B PACE on searching of premises and seizure of property
	M	Breach of Code C PACE on detention, treatment and questioning
	N	Breach of Code D PACE on identification procedures
	P	Breach of Code E PACE on tape recording
	R	Multiple or unspecified breaches of PACE which cannot be allocated to a specific code
Direction & Control	01	Operational policing policies
	02	Organisational decisions
	03	General policing standards
	04	Operational management decisions
Discrimination	F	Discriminatory behaviour
Incivility	U	Incivility, impoliteness and intolerance
Malpractice	G	Irregularity in relation to evidence/perjury
	H	Corrupt Practice
	J	Mishandling of Property
Oppressive Behaviour	A	Serious Non-Sexual Assault
	B	Sexual Assault
	C	Other Assault
	D	Oppressive conduct or harassment
	E	Unlawful/unnecessary arrest or detention
	Y	Other Sexual Conduct
Other W	W	Other
Unprofessional Conduct	Q	Lack of fairness and impartiality
	S	Other Neglect or Failure in duty
	T	Other Irregularity in Procedure
	V	Traffic Irregularity
	X	Improper disclosure of information

**Lack of fairness** complaints are the 4<sup>th</sup> highest Unprofessional Conduct issue. The majority of complaints recorded under this categorisation tend to come from complainants who perceive that the police favour one account over the other, commonly referred to as Tit for Tat allegations.

**Other neglect of failure in duty:-**

The main issues in the previous 12 months are concerned with dissatisfaction expressed in respect of the level of investigation undertaken by officers together with a perceived lack of communication by way of updates and progress.

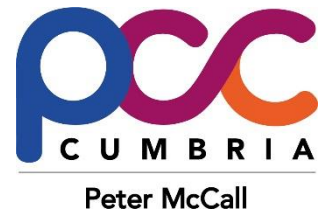
**Other irregularity in procedure** – The main features of this type of complaint tend to come from detained persons who infer that custody officers have failed to fully recognise their mental health issues whilst they are detained in police custody

**Traffic Irregularity** complaints includes allegations where police officers are alleged to be using hand held devices whilst driving.

Furthermore there have been a number of public complaints about the manner of driving by officers, responding to emergency calls but not taking the desired care and attention

**Improper disclosure of information** has seen a rise in the number of allegations in line with the heightened awareness of GDPR.

# Ethics and Integrity Panel



## Title: OPCC Complaints

**Date:** October 2018

**Agenda Item No:** 11a

**Originating Officer:** Joanne Head

**CC:**

### Executive Summary:

In accordance with the Police Reform and Social Responsibility Act 2011 the Police and Crime Commissioner has a responsibility in relation to conduct and complaints. The Commissioner is the appropriate authority for complaints and conduct matters relating to the Chief Constable only. The Chief Constable is the appropriate authority for any complaints regarding police officers (below the rank of Chief Constable) or police staff conduct whilst carrying out their work/duties under the Direction and Control of the Chief Constable.

### Recommendation:

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

#### 1. Introduction & Background

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



## 2. Issues for Consideration

### Complaints received by the OPCC

- 2.1 Detailed below is a table which illustrates the number of complaints which have been received by the OPCC up to 30 September 2018. 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
13 (8)	2 (2)	22 (22)	5 (5)	14 (13)

- 2.2 The reduction in the number of complaints received by the OPCC indicates that 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 The Panel will be aware that Police and Crime Commissioner elections were held on 5 May 2016. Following the election the Commissioner, Mr Peter McCall, was elected. Detailed in

the table below is the number of complaints received regarding the previous Commissioner, Mr Richard Rhodes, (RR) and the current Commissioner, Mr Peter McCall (PM). 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
2016 RR	2	0	2	0
PM	0	0	0	0
2017	2	0	2	0
2018	4	0	1	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. Of the 4 complaints received in 2018, there are 3 complaints which are currently being progressed by the County Council's Monitoring Officer to try and attain a local resolution.

#### 2.9 Chief Constable Complaints

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

2.10 The table below illustrates the number of complaints which were received from 1 January 2016 to 30 September 2018. There are two complaints outstanding.

YEAR	N° of Complaints Received	Recorded	Not Recorded	Dealt with by informal / local resolution	Investigation	IOPC Appeal
2016	4	4	0	1	1	3
2017	4	2	2	2	0	1
2018	3	3	0	3	0	2

2.11 A complainant has the right of appeal to the IOPC if they feel that a complaint should be recorded or is unhappy with the outcome of the resolution process or investigation. Of the complaints dealt with in 2018, two were appealed to the IOPC, none of which were upheld.

#### 2.12 OPCC Staff Complaints

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

### **3. Implications**

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

# Ethics and Integrity Panel



## Title: OPCC Quality of Service & Policing Issues

**Date: October 2018**

**Agenda Item No: 11b**

**Originating Officer: Joanne Head**

### 1. Introduction & Background

1.1 The Office of the Police & Crime Commissioner (OPCC) receives a number of telephone calls and emails from members of the public who wish to raise issues or dissatisfaction about some element of the policing service they have experienced. These are regarded as quality of service and policing issues (QSPI).

1.2 Our service standard is that:

- An acknowledgement will be 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 will be provided on a 28 days basis until the matter is finalised.
- Where possible a response will be provided at the earliest opportunity and is often before 28 days.

1.3 A system has been developed within the OPCC to acknowledge, log and monitor the resolution of the issues raised. Once a QSPI is logged within the OPCC it is then allocated appropriately. Predominantly the majority of issues are passed through to the Chief Constable's Office who then allocate it to the appropriate Territorial Policing Area (TPA) or department to deal with. Regular contact between OPCC staff and the Chief Constable's Office takes place to ensure that matters are progressed in a timely manner. The staff officers have access to the same information and QSPI spreadsheet as the OPCC and will update it accordingly.

1.4 Where an urgent matter is received, the OPCC will directly contact the Chief Constable's office to ensure that the matter is progressed immediately.

1.5 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 - 98
- 2014 - 198
- 2015 - 167
- 2016 - 235

- 2017 - 270 (249 up to 30 September 2017)
- 2018 - 248 (up to 30 September 2018)

- 1.6 On occasions the OPCC receives correspondence from groups or organisations who raise an issue regarding a particular matter. In May and June of this year we received a number of telephone calls, emails and letters all relating to Appleby Horse Fair and the policing of it. Each of these have been registered individually, however in addition the Commissioner held 2 surgeries in the run up to the Horse Fair when 100 people attended (80 at Kirkby Stephen and 20 at Kirkby Lonsdale). Each of these surgeries have been registered as one event. Although everyone who provided their contact details at the meetings has been contacted and provided with information from the Commissioner on the actions he has taken.
- 1.7 As can be seen from the appendices the issues raised by members of the public are very broad ranging. The Commissioner will write to every individual using information provided by the Constabulary, the OPCC or other partner organisations. Of the 248 QSPI's processed from 1 January 2018 to 30 September 2018 the OPCC itself provided the response to 75 (30%) with the Constabulary either providing information for the OPCC to respond with provided information for 173 cases (70%).

## **2. Making A Difference**

- 2.1 In each instance, the OPCC helps to facilitate the individual to be provided with a 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 Every QSPI will receive a tailored response from the OPCC in answer to the issues that they have raised.
- 2.4 Members of the public also contact the OPCC for advice and clarification on a variety of topics and issues. Again, these will all receive a response either providing the information sought or signposting the individual to the correct organisation who can assist them.
- 2.5 The OPCC has received a number of letters of thanks for the help and support they have provided. On some occasions the author has acknowledged that they did not get the final outcome they had hoped for but thanked the OPCC for the work they have carried out to assist them in being provided with the correct information.

## **3. Organisational Learning**

- 3.1 On a six monthly basis the OPCC will analyse the information it has received via the QSPI process. This enables us to look at any trends or patterns regarding issues concerning the

public, see how the OPCC has facilitated an outcome or service recovery for the Constabulary and whether there is any organisational learning.

- 3.2 Detailed below illustrates the amount of shared learning between the OPCC, the Constabulary and the Professional Standards Department relating to the total number of QSPI's dealt with from 1 January 2018 up to 30 September 2018:

90% shared learning with TPA's

5% shared learning with PSD

5% shared learning with HR

For 100% of the QSPIs received the OPCC provided advice, information; or was the conduit through which the Constabulary contacted and resolved the issue with the individual.

- 3.3 As can be seen from Appendix 1 the nature of the top five issues raised within 2018 are:

Issues Raised	2017	2018
Appleby Horse Fair	5	131
Police Resources / Police Service	88	124
Car Parking / Driving Issues	45	36
Anti-Social Behaviour	19	19
Cyber Crime / Fraud	7	5
Drug Offences	4	5
Harassment	2	5

- 3.4 Where an issue is repeatedly being raised by members of the public territorial policing teams will include this within their daily tasking meetings and where necessary ongoing work for that area. The Commissioner through funding of specific projects or initiatives has helped to assist local communities with the issues that they raise. For example following concerns raised regarding speeding the Commissioner is funding 'speed watch' initiatives and looking to extend this across the county via Neighbourhood Watch Volunteers. When anti-social behaviour was identified in Wigton the Commissioner highlighted this to the local Superintendent and a six week targeted operation was carried out to combat it. By funding additional police inspector posts within the territorial policing teams, this allowed better coverage and monitoring of many local issues.

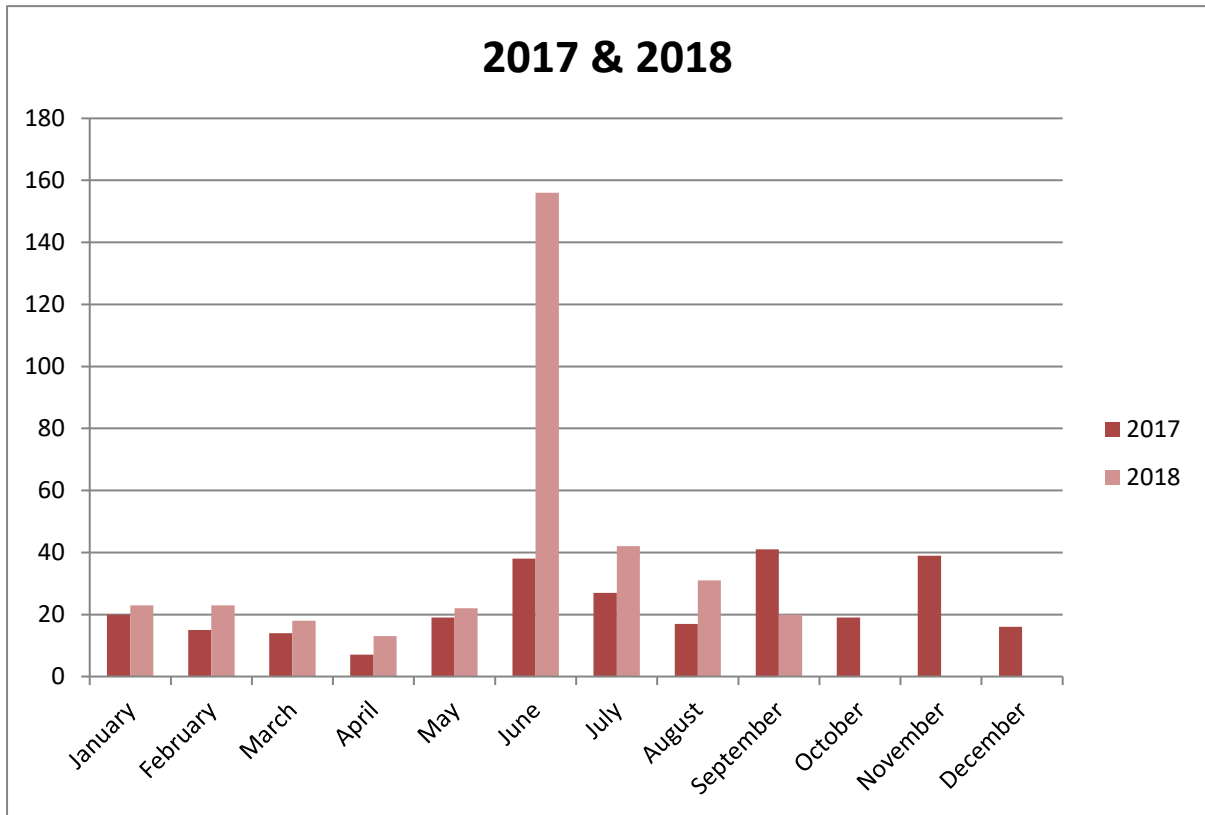
#### 4. Implications

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

**5. Supplementary information**

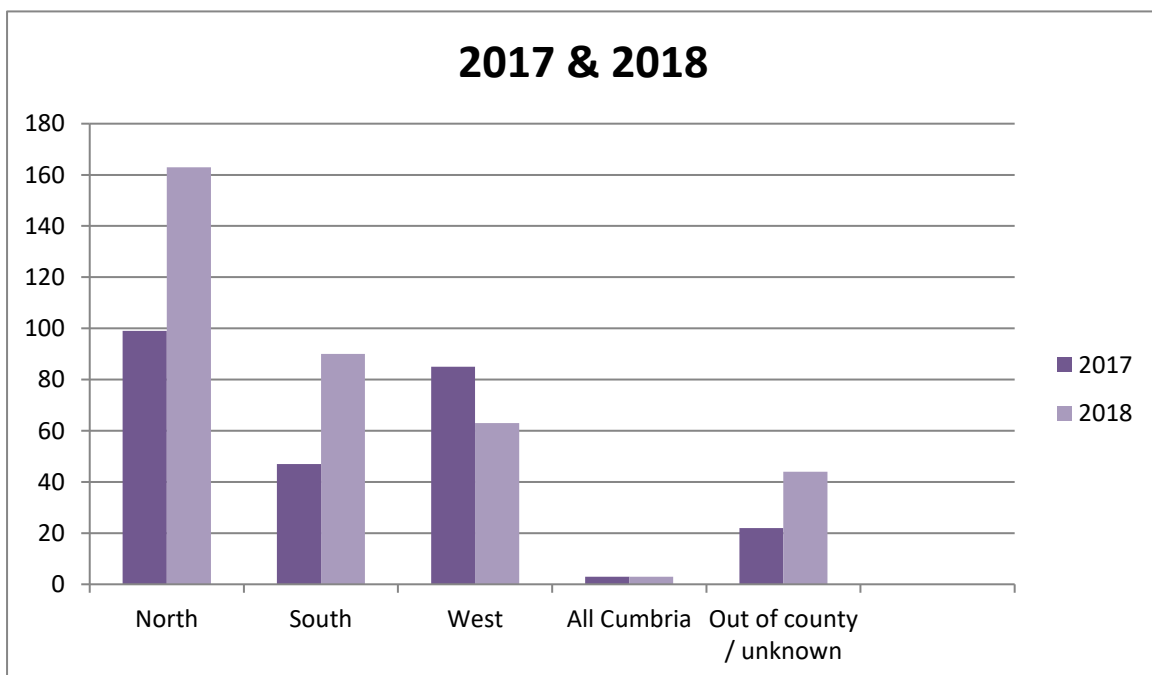
Appendix 1 – Quality of Service issues received by the OPCC

QSPI'S per Month



It can be seen from the above chart that in June, there was a significant increase in the number of QSPI's received. This can be attributed to 128 members of the public contacting the Commissioner regarding Appleby Horse Fair.

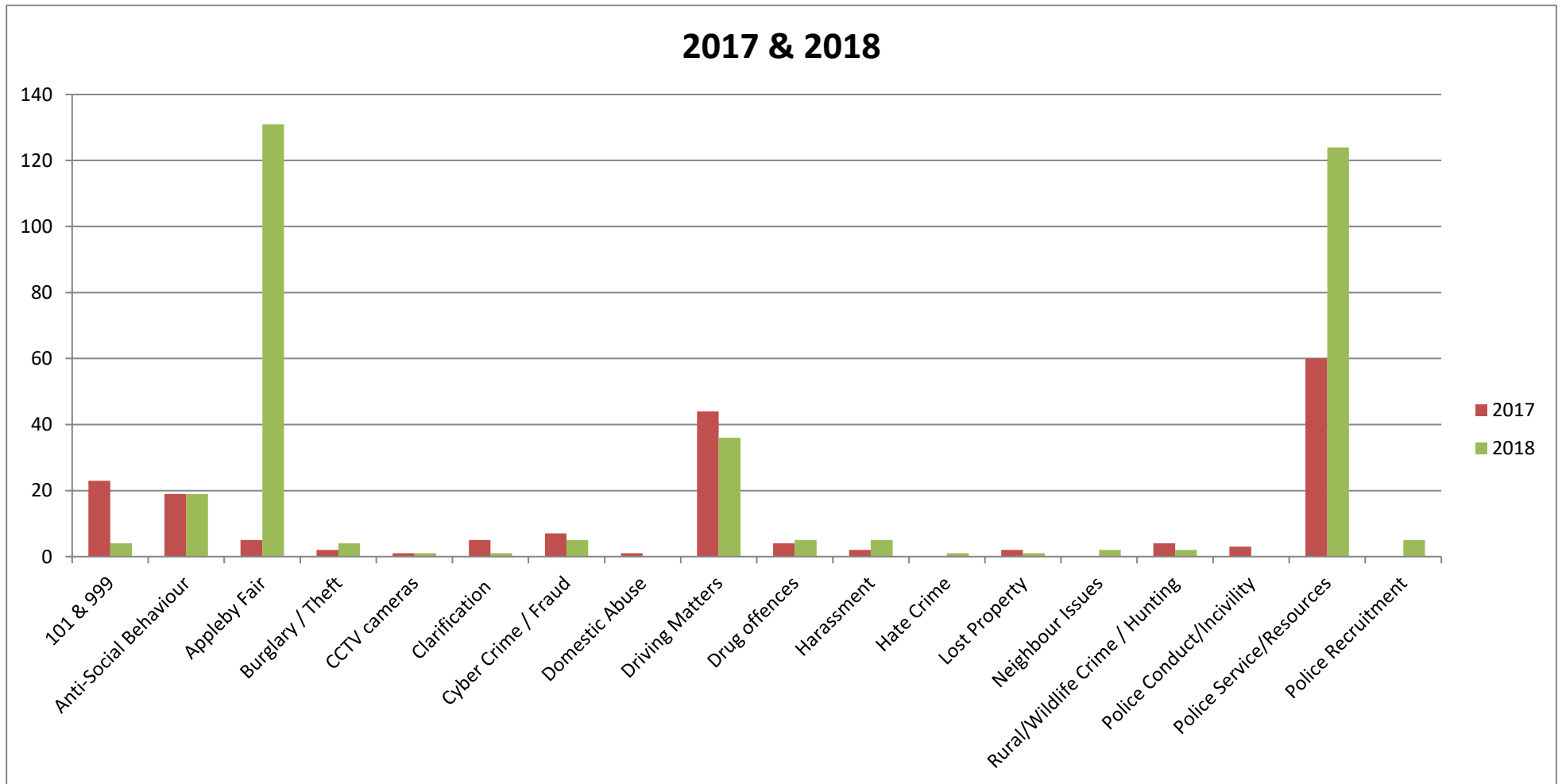
QSPI's per Area





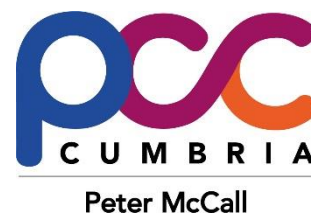
## QSPI Categories

### 2017 & 2018



The above figures are for the period 1 January to 31 December 2017 AND 1 January to 30 September 2018

# Ethics and Integrity Panel



## Title: 2019 Meeting Dates

**Date: 9 October 2018**

**Agenda Item No: 12**

**Originating Officer: Joanne Head**

**CC:**

### Executive Summary:

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

### Recommendation:

That, the Panel considers and agrees the proposed meeting dates for 2019.

#### 1. Introduction & Background

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

#### 2. Issues for Consideration

- 2.1 When considering the meeting dates for 2019 thought has also been given to the dip sample sessions that the Panel members carry out in relation to Constabulary complaints and police officer/police staff misconduct cases. These are held approximately 1 week prior to the Panel Meeting.

2.2 The proposed meeting dates for 2019 are:

- ❖ Thursday 7<sup>th</sup> February
- ❖ Thursday 2<sup>nd</sup> May
- ❖ Thursday 8<sup>th</sup> August
- ❖ Thursday 7<sup>th</sup> November

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

- ❖ Thursday 25<sup>th</sup> April @ 9.00 am
- ❖ Thursday 2<sup>nd</sup> May @ 9.00 am
- ❖ Thursday 31<sup>st</sup> October @ 9.00 am
- ❖ Thursday 7<sup>th</sup> November @ 9.00 am