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Our reference: jh/EIP

Date: 4 January 2019

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 **Monday 11 February 2019** in **Conference Room 2**, Police Headquarters, Carleton Hall, Penrith, at **2.00 pm**. Please note that a buffet lunch will be served for Members of the Ethics and Integrity Panel.

G Shearer
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 10.00 am to carry out a 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 8 November 2018 (copy enclosed).

5. SPIT HOODS

To receive a verbal update on Cumbria Constabulary's implementation of Spit Hoods – *To be presented by Inspector Ben Swinson*

6. BODY WORN VIDEO REVIEW

To receive an update on the findings of the Constabulary's Body Worn Video Review – *To be presented by Inspector Richard Quinn*

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 Webster*

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 Webster.*

9. 2019 DRAFT ANNUAL REPORT

To receive and approve the Ethics and Integrity Panel Annual Report (copy enclosed) – *To be presented by the OPCC Deputy Chief Executive.*

ETHICS AND INTEGRITY PANEL

Notes of a meeting of the Ethics and Integrity Panel held on
Thursday 8 November 2018 in Conference Room 3, Police Headquarters,
Carleton Hall, Penrith, at 2.00 pm

PRESENT

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

Also present:

Deputy Chief Constable Mark Webster
T/Detective Chief Inspector Jenny Beattie
Complaints and Misconduct Manager – Barry Bell
Director of Legal Services – Andrew Dobson
HR Manager – Kerry Rogerson
Inspector Dave Barr
OPCC Deputy Chief Executive - Gill Shearer
OPCC Governance Manager - Joanne Head

1. APOLOGIES FOR ABSENCE

There were no apologies for absence as all members were present.

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 August 2018 had previously been circulated with the agenda.

The Complaints and Misconduct Manager updated the Panel as to the current position of the Constabulary's Vexatious Complaints Policy. The draft policy was currently being reviewed by the Director of Legal Services and DCC Webster. A copy of the policy was provided to the Panel members to afford them an opportunity to provide feedback via email to the Governance Manager.

With regards to Police Office Misconduct, HMICFRS were currently carrying out an inspection of the force. An interim Audit had been carried out in August, which had gone well, highlighting areas of progression within the force. Formal feedback would be provided later in the year, whereby any identified issues would be advised, with a formal written report expected in Spring of 2019.

DCC Webster updated the Panel on a matter raised in May 2018 regarding the procurement of police uniforms. Having looked into the matter it had been identified that by transferring to the national contract the Constabulary could potentially gain £20k savings on the procurement of police uniform. Members were advised there may be occasions when the Constabulary would procure outside the agreement if they felt that the quality being purchased was not of a suitable standard for officers, for example polo shirts. It was recognised that due to the geography of Cumbria, the cost of inclement weather clothing was more expensive for the Constabulary due to the types required.

Agreed; that, the action updates be noted and minutes agreed.

5. SPIT GUARDS

The use of Spit Guard protection is approved by the National Police Chiefs' Council and recognised by the Home Office as affording officers protection from detainees spitting and to reduce the effects of biting. The recommendation to provide officers with Spit Guards was supported by the Police Federation who had lobbied for the provision at a national level. The Constabulary's Chief Officer Group (COG) had considered a report regarding the introduction of Spit Guards within Cumbria and felt it was important that the matter be discussed by the Ethics and Integrity Panel.

Members questioned whether there were any drivers for the change or an increase in the number of spitting/biting incidents within the Constabulary. Inspector Barr advised that there was not a huge increase in overall numbers but that there were a substantial number of occurrences within a year. Under Health and Safety legislation it was important the Constabulary provided officers with a suite of protective equipment to support them in their role.

If Spit Guards were not introduced then officers who were spat upon or bitten would need to use other methods of physical restraint on a detainee in order to protect themselves and prevent further incidents occurring. The use of Spit Guards would allow a handcuffed detainee to be able to see and communicate with officers but prevent them from spitting. Should an officer be bitten or spat upon they then ran the risk of infection from any infected saliva or blood from the detainee. Officers would need to go to hospital to have tests carried out to verify or rule out infection, which in itself would cause immense emotional stress to the officer.

Inspector Barr detailed to the Panel members instances where a Spit Guard would like be used taking into account any intelligence, a detainees behaviour or actions. The Constabulary felt it would be more likely that Spit Guards would be used within custody rather than in the street. Officers would receive training before they were issued with a single Spit Guard and this would include how to apply the hood and in what circumstances it should not be used, even if the detainee was spitting or biting in line with the national decision making model. Any use of a Spit Guard would need to be recorded by the officer as with any use of force.

The Panel asked whether data from other police forces who were using Spit Guards had been reviewed to assist the Constabulary in their proposal. Inspector Barr advised that use within other forces was monitored and the findings were available for the Constabulary to use to assist them in their planning and training. The Panel members raised concerns regarding the proposed implementation timeframe of January 2019 and how officers would all be trained and competent to use spit guards. Inspector Barr stated that officers must have attended one of the training or re-fresher training events that would include the use of Spit Guards and go through the key points. Only then would officers be issued with a single Spit Guard. Used Spit Guards will be disposed as biological waste and the officer provided with a replacement from the custody suite; it could not be obtained by other means.

To alleviate the Panel's concerns it was agreed that the Constabulary would provide the necessary information and assurance via email on the following points:

- What other information or intelligence was considered in making the decision – (Home Office/National Police Chief Council/Police Federation)
- What were the drivers for change?
- Was an Equality Impact Assessment carried out?
- What mental health issues were considered, given that a growing number of detainees have some form of mental health issues which may not always be obvious?
- What data is available and has been used to assess the risk of biting and non-protection against the use of Spit Guards
- How will the implementation of the training be rolled out and will this be in time for the proposed commencement date of January 2019?
- Assurance of how officers will be trained and guided on when to use spit hoods

DCC Webster agreed that the above information would be provided within a month to the Panel, however this would not delay the Constabulary's implementation programme. The Panel would receive an update at their May meeting on the roll out of the use of Spit Guards, any issues identified or complaints made.

Agreed; that, the

- (i) Panel note the report;
- (ii) Constabulary provide a written response via email to the Panel in relation to the points raised; and
- (iii) Panel receive an update report at the May meeting.

(Note: Insp Barr - left the meeting at this point)

6. CIVIL CLAIMS UPDATE

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

The Panel were updated on current claims in relation to police officer pensions and overtime payments. These issues were ongoing at a national level and unlikely to be concluded until 2019. Members asked whether the claims were causing any internal issues or anxiety and were advised that the Director of Legal Services was working closely with the Police Federation and those officers involved to try and resolve the claims.

Previously some civil claims had been resolved by the Constabulary's Central Services Department, however these were now all dealt with by the Legal Department, thus allowing any issues, trends or organisational learning to be identified more easily.

Agreed; that the report be noted.

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

7. CONSTABULARY GRIEVANCES

The HR Manager advised the Panel that since May 2018 the HR Department were now responsible for dealing with grievances. During the current financial year there had been 2 new grievance claims made and altogether 4 remained outstanding. Some cases were at stage 3 of the process with one being recently resolved at stage 3. Generally the grievances were regarding policies and procedures or regarding action taken against an individual.

The Panel had been provided with a copy of the revised Grievance Procedure with the meeting papers. This had been revised to include HMIC feedback and identified best practice. The ethos of the procedure was to provide welfare support to the individual and other parties during the process. It was the intention to convey positive communication to all officers and staff about the grievance procedure illustrating the positive changes that have occurred following the submission of a grievance.

The Panel raised the issue of low numbers and the dangers of informal resolution as any organisational learning would not necessarily be captured or developed. Training of internal mediators to also capture this information would assist the organisation. The Members felt that the new procedure and grievance form was easy to use and would not deter officers or staff from instigating the process. They were particularly pleased to see that the form asked what the individual would wish the outcome to be to gain an understanding of the issues that they raised.

Agreed; that the report be noted.

8. MISCONDUCT

The Constabulary HR Manager presented a report detailing the number of police staff discipline and misconduct cases dealt with during the period 1 May 2018 to 31 October 2018. Over this period four members of staff had been subject to disciplinary proceedings, with 1 final written warning, 1 resignation and 2 received words of advice.

There followed a discussion on the cases which were currently live and some of the issues being highlighted. The HR Manager advised that as HR and PSD now came under the same People Department this afforded more opportunity for both teams to work jointly on cases where necessary.

Agreed; that, the report be noted.

9. 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 during the year the Constabulary had renewed its focus on officers or staff who abused their position. As well as training sessions, there had been regular internal communications and posters.

The Panel discussed the cases they had reviewed as part of the dip sample session during the morning. Overall, the files were very good with only minor points raised. The members were pleased to see that any management action or advice given was fully recorded on every file. They also noted work being carried out with regard to personal relationships both internally with the Constabulary and externally.

Agreed; that, the report be noted.

10. 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 continued to have the lowest number of complaints within its Most Similar Force (MSF). Unprofessional Conduct complaints were the main group showing a decrease within the last 12 months with a decrease by 42 (-21.99%).

DCC Webster advised that the There and Then process was starting to have an impact on the workload of the department. As complaints were resolved at the earliest opportunity this was now affording staff the ability to concentrate on the more complex complaints and their investigation. The widespread usage of body worn video provided independent evidence to be used when dealing with complaints, either proving or dis-proving allegations made.

It was noted that the Independent Office of Police Conduct (IOPC) had now changed their emphasis in learning realised from complaints. This was then disseminated using positive messages to officers and staff via the PASS newsletter.

DCI Beattie discussed with members the proposal to update the Constabulary's external website in an effort to make it easier for members of the public to contact the Constabulary and make a complaint. It would advise on how to access other services, such as the returning of property, rather than simply direct them to making a complaint.

The members noted that the number of complaints being upheld by PSD had increased by 17 from 8 to 25 and asked what had caused this increase. The Complaints and Misconduct Manager advised that the threshold was low when considering the balance of probabilities of the incident occurring as alleged. Without the use of body worn video or notes being made on an officers Kelvin device to provide independent evidence there would need to be strong evidence to argue against it.

The members reported upon their dip sample of public complaint files session held the previous week. They had noted some elements of vulnerability in relation to some of the complainants and asked what training was provided to officers to enable them to identify vulnerabilities. DCC Webster advised that officers would apply the definition from the College of Policing and utilise the training provided by the Constabulary.

Agreed; that, the report be noted.

11. OPCC COMPLAINTS AND QSPI

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

During 2018, the OPCC had received four complaints regarding the Police and Crime Commissioner. The Police and Crime Panel were currently considering them, the outcomes of which were awaited. There had been three complaints regarding the Chief Constable, noting that two had been against the previous Chief Constable, Jerry Graham, and one against Mrs Michelle Skeer. All had been dealt with via an 'on the spot' resolution open to the Police and Crime Commissioner and had taken the format of an explanation. Two had subsequently appealed to the IOPC, neither of which were upheld. No complaints had been received regarding any member of OPCC staff.

Up to 31 September 2018, the OPCC had received 248 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:

- Appleby Horse Fair (131)
- Police Resources/Police Service (124)

- Car Parking / Driving Issues (36)
- Anti-Social Behaviour (19)
- Cyber Crime / Fraud (5)
- Drug Offences (5)

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.

Agreed; that, the report be noted.

12. 2019 ANNUAL WORK PROGRAMME AND MEETING DATES

Consideration was given to the proposed work programme for 2019. The Governance Manager advised that again 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 use of Spit Guards. 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.

A discussion took place regarding the areas of business which could be reviewed for the February session, with a number of areas being considered. The OPCC Deputy Chief Executive proposed that the Panel review the OPCC Engagement Strategy, which was in the process of being reviewed and updated.

Following discussion by the Panel with the Deputy Chief Constable, it was agreed that the following areas would be considered during the February session:

1. Use of Force -
 - A member of the panel attend the Constabulary meeting to gain an understanding of what work is carried out and where the Panel could carry out thematic work
 - How the force manage the reviews and what organisation learning is disseminated/changes to policy
2. 101
 - Dip sample the recorded calls with regard to the use of the Discretion Framework

It was proposed and agreed that in 2019 the Panel would meet on:

- Thursday 7th February @ 2.00 pm
- Thursday 2nd May @ 2.00 pm
- Thursday 8th August @ 2.00 pm
- Thursday 7th November @ 2.00 pm

Agreed; that, the Panel

- (i) consider the proposed thematic sessions in February and August as outlined within the meeting; and
- (ii) meet on the dates outlined above.

Meeting ended at 4.15 pm

Signed: *Alan Rankin*
(Panel Chair)

Date: 11 February 2019

Body Worn Video Evaluation

1st June 2018 – 1st December 2018



101

 www.cumbria.police.uk

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



Benefits

1. Improving Public Confidence
2. Increasing Officer Safety and Transparency
3. Bringing Offenders to Justice
4. Reducing Bureaucracy



General data

- 710 units issued

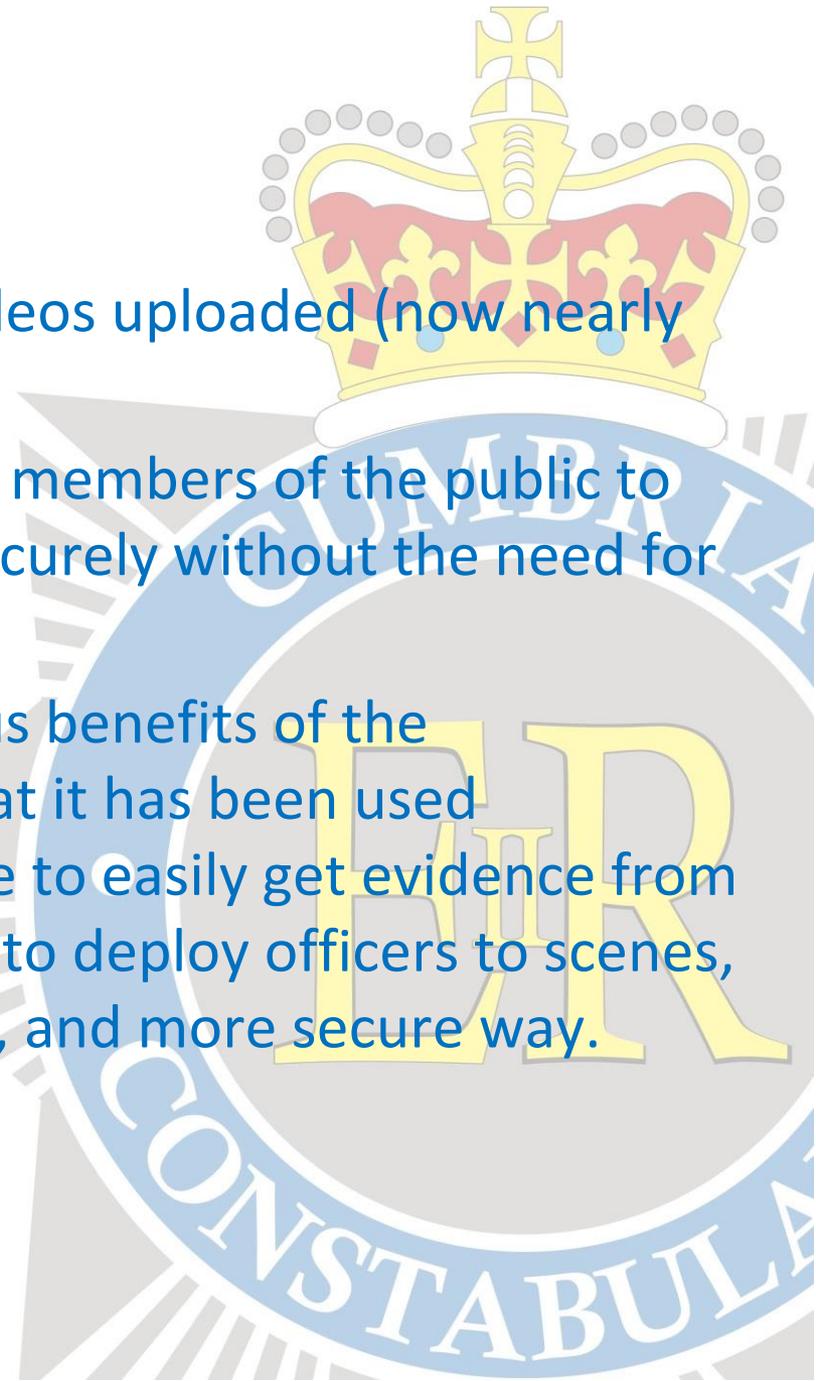
In the Evaluation period:

- 29,414 Videos taken
- 11,496 Evidential videos (Now over 17,000)
- 4,996 total hours of footage
- 1,233 videos shared with CPS (Now nearly 4,000)



Axon Citizen

- There were a total of 3,400 Citizen videos uploaded (now nearly 6,000)
- Axon Citizen is a product that enables members of the public to submit digital evidence quickly and securely without the need for their devices to be handed in.
- It is impossible to measure the obvious benefits of the introduction of Citizen but the fact that it has been used thousands of times means we are able to easily get evidence from public and partners without the need to deploy officers to scenes, seize devices, and to do so in a faster, and more secure way.
- <https://vimeo.com/288317318>



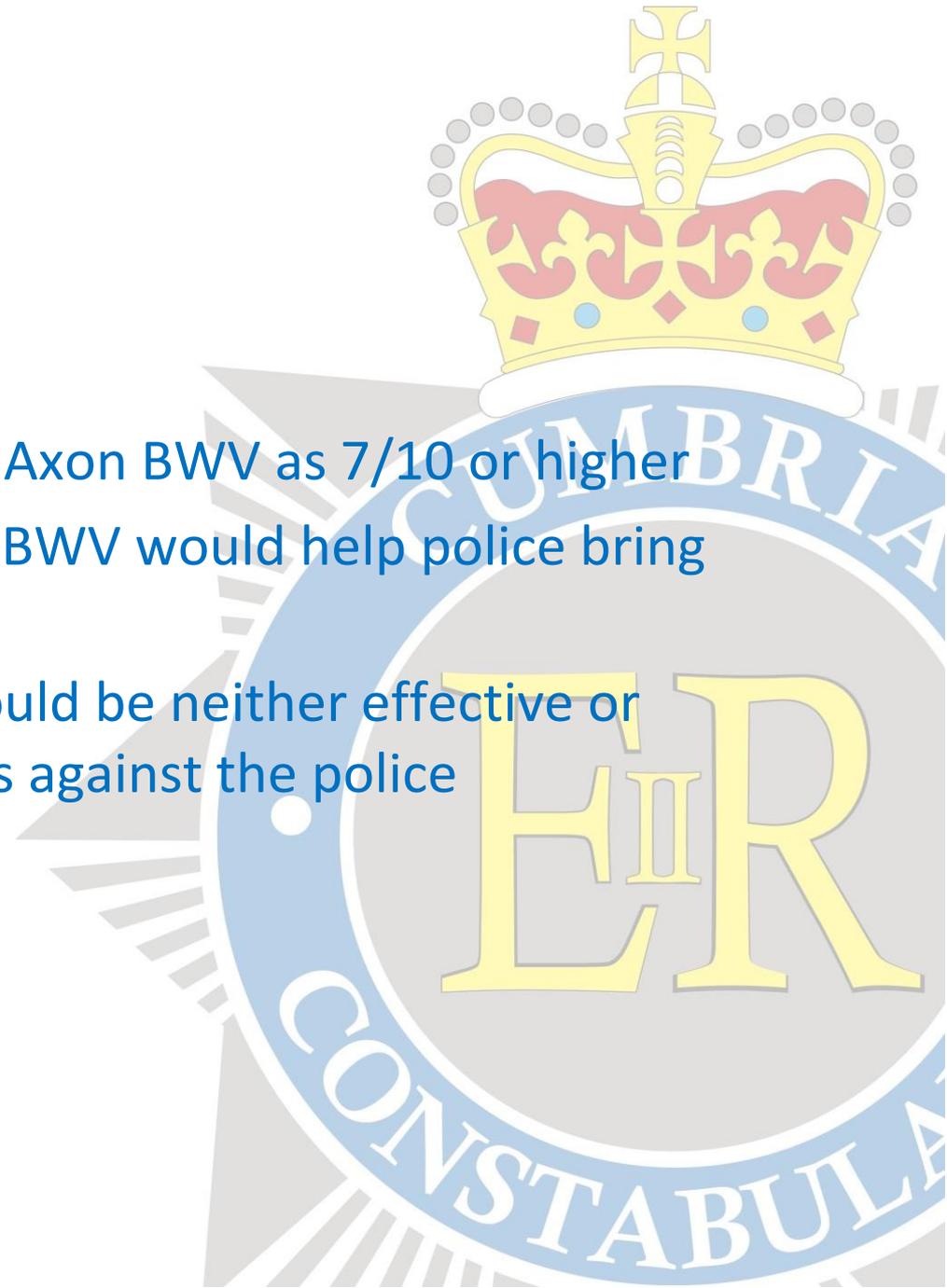
Public Survey

- 1,138 respondents
- Only 51% were aware that all uniformed officers now wear BWV
- However, 97% support the use of BWV
- 93% think will help the police bring offenders to justice
- 91% believe will make the police more accountable for their actions



Police Officer Survey

- 115 respondents
- 93% scored the ease of use of Axon BWV as 7/10 or higher
- 92% scored that they thought BWV would help police bring offenders to justice.
- The majority felt that BWV would be neither effective or ineffective in reducing assaults against the police



Police Officer Survey

- **How easy are the Axon BWV to use?**

“A decent bit of kit ordered for the Police....A first?”

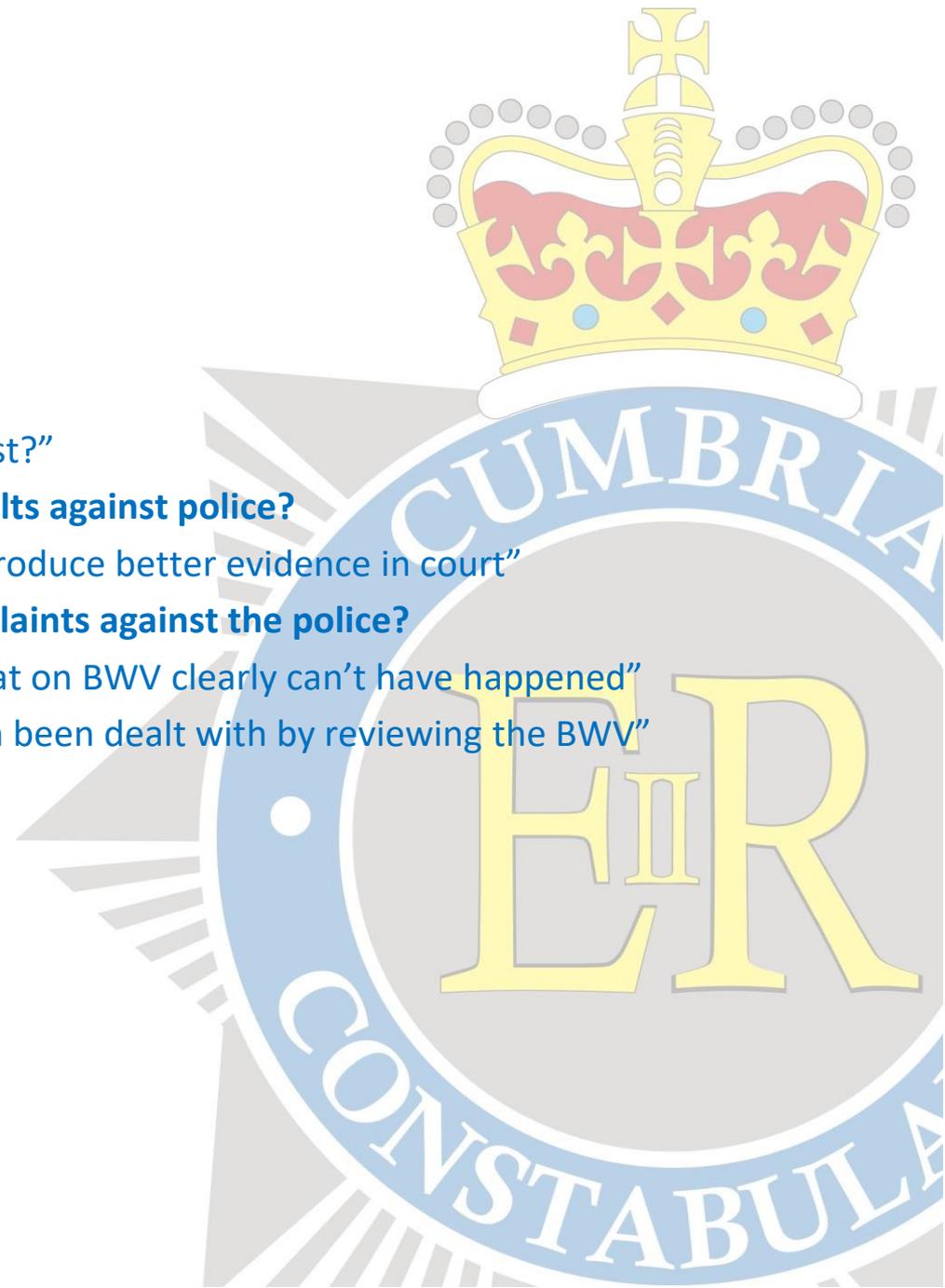
- **How effective will BWV be in reducing assaults against police?**

“I don't think they will reduce assaults but will produce better evidence in court”

- **How effective will BWV be in reducing complaints against the police?**

“I have already seen people make allegations that on BWV clearly can't have happened”

“I have had 2 complaints recently that have both been dealt with by reviewing the BWV”



Police Officer Survey

- **How effective will BWV be in helping police bring offenders to justice?**

“Excellent at obtaining best evidence at the time”

“If it’s on video, that’s all the courts are interested in, and we have already seen an increase in charges and convictions here in West”

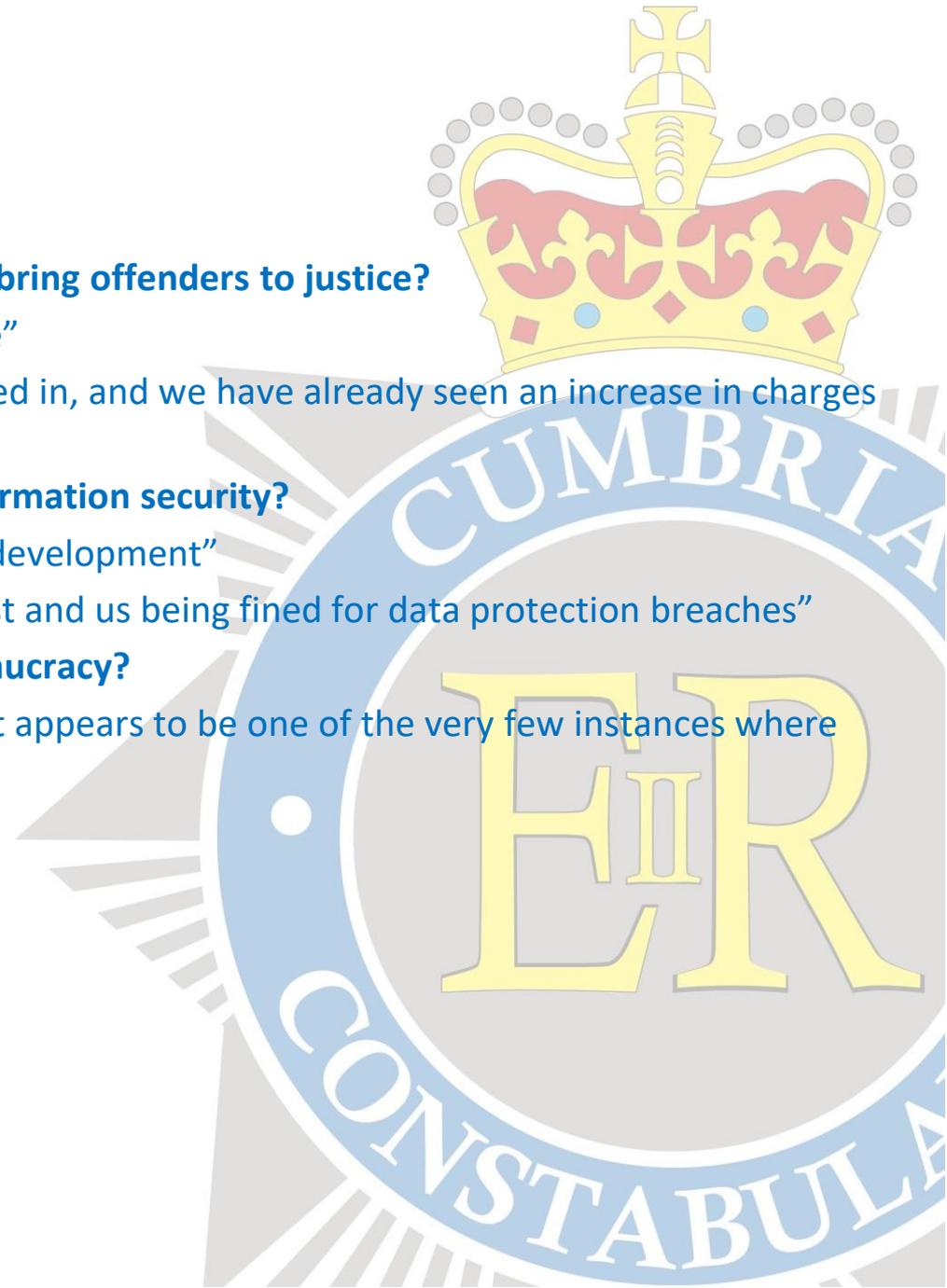
- **How effective will BWV be in improving information security?**

“Very secure system and have confidence in its development”

“There is no risk of discs going missing in the post and us being fined for data protection breaches”

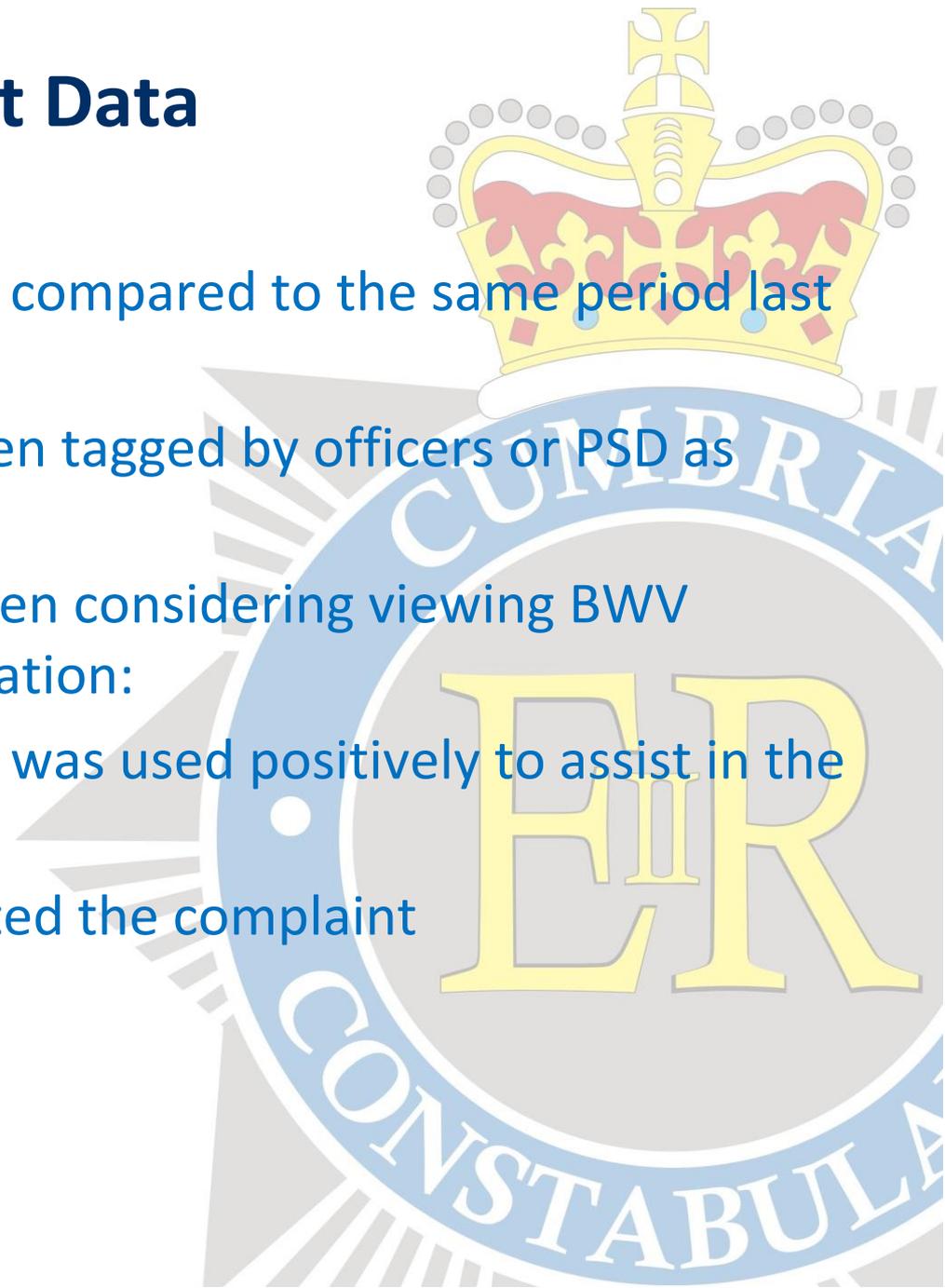
- **How effective will BWV be in reducing bureaucracy?**

“Unfortunately, it has increased bureaucracy but appears to be one of the very few instances where the extra paperwork is worth the effort”



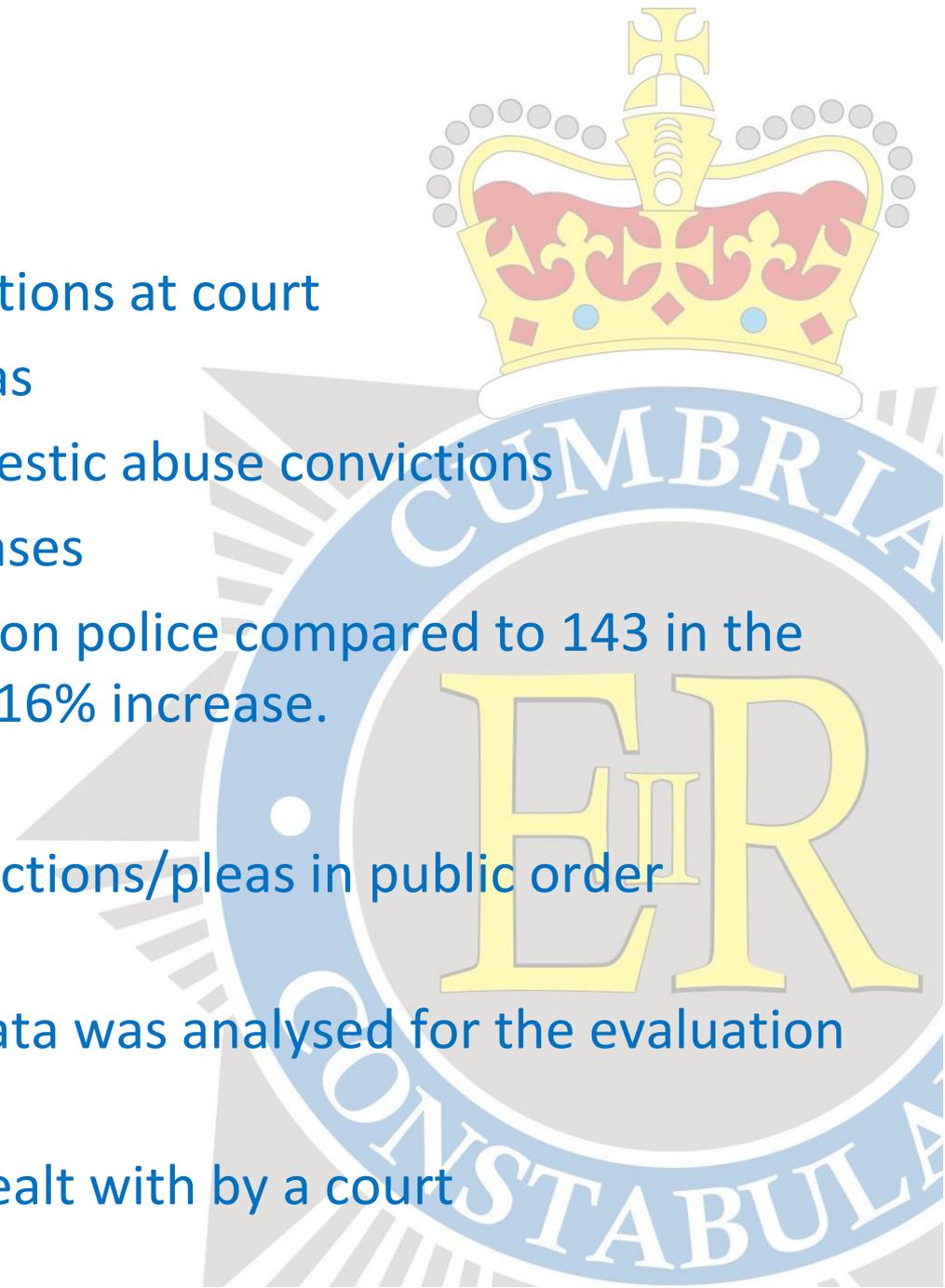
Complaints and Conduct Data

- 36 fewer recorded complaints compared to the same period last year (20% reduction)
- 308 evidential videos have been tagged by officers or PSD as 'Potential Complaint'
- Of all the total complaints, when considering viewing BWV footage as part of the investigation:
 1. 19 cases (13%) BWV footage was used positively to assist in the investigation
 2. 7 cases (5%) it actually negated the complaint



Criminal Justice Data

- No reduction of overall convictions at court
- No increase in early guilty pleas
- No increase in successful domestic abuse convictions
- No increase in discontinued cases
- There have been 173 assaults on police compared to 143 in the same period in 2017. This is a 16% increase.
- However:
- BWV should be useful in convictions/pleas in public order incidents
- Penalty notices for disorder data was analysed for the evaluation period
- A reduction of 61% in those dealt with by a court



Further developments

- Sending of 999/101 audio via evidence.com
- Consideration of a business intelligence dashboard for more accurate reporting





Constabulary Report to OPCC

Agenda Item No 8

TITLE OF REPORT: INTEGRITY – COMPLAINTS BY THE PUBLIC

DATE OF MEETING: 11th February 2019

ORIGINATING OFFICER: Superintendent Jackson – Head of People Dept

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

Executive Summary:

- IOPC data continues to show that Cumbria complaints per 1000 employees remains lowest in the MSF at 118 (most similar forces - Norfolk 142, Lincolnshire 229, North Wales 185) however the national average for the period is less:
 - Apr 18 to Sep 2018, Cumbria: 118, MSF average: 169 National average: 130
- The current quarters figures show that cases increased by 78.26% and allegations by 41.54% in comparison to the same quarter last year
- Cases and There & Then (T&T) combined have increased from 79 to 91, with T&T increasing proportionately from 10.71% to 14.29% in the current quarter.
- A breakdown of allegations shows that all areas have increased their level of allegations in the quarter.
- The main group showing a decrease when comparing the rolling 12 months is Direction & Control (D&C) by 13 (76.92%).
- Allegations finalised as Upheld by PSD increased by 3 allegations (25.0%) comparing with last similar quarter.
- The number of Force appeals has reduced from 13 to 9 (-30.77%) , IOPC appeals have also reduced by 16 (-84.21%).
- The number of Upheld appeals for the IOPC and the force have reduced with no Upheld appeals in the quarter, both categories still have live appeals.

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 Q2: April to September 2018

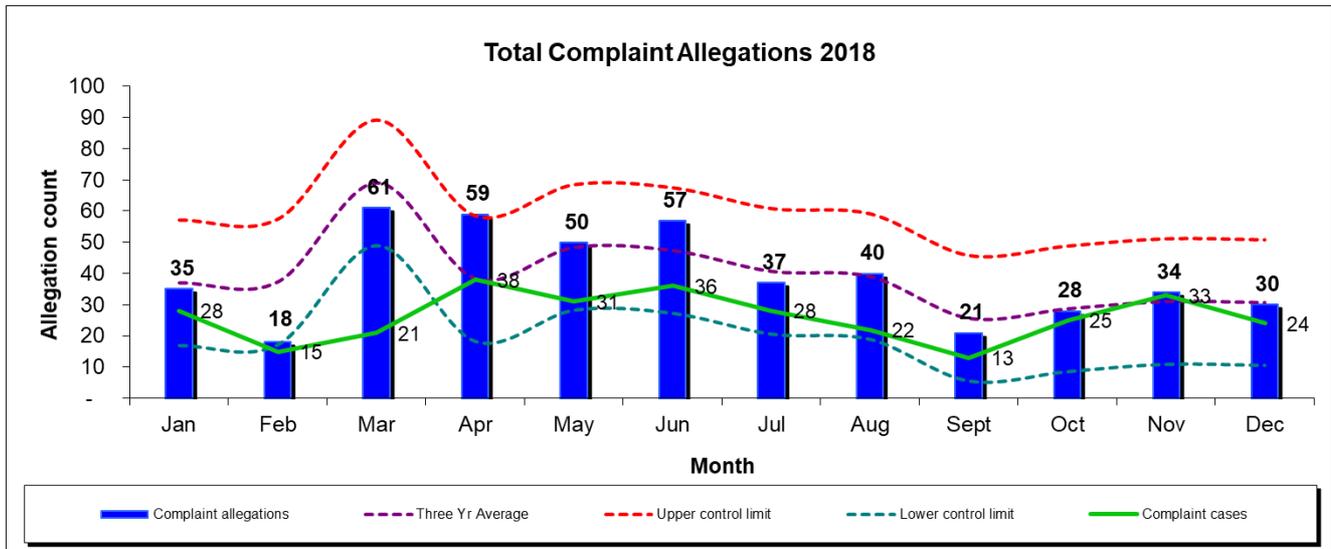
Cumbria Q3: October to December 2018

1.1 Public Complaints

Reporting is on cases

1. Cases; each individual occasion of complaint by a member of the public
2. Allegations; the number of issues they are complaining about within that case.

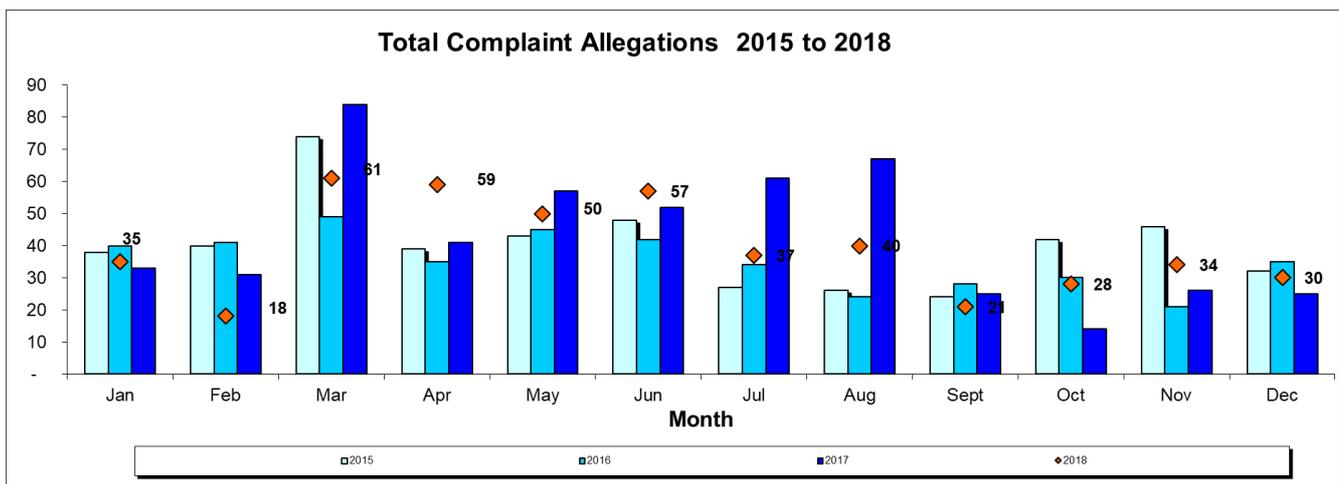
The below chart shows levels of complaint cases and allegations in the last 12 months ending 31st December 2018:



The chart shows following the reduction in January/February 2018, 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 470 and cases are 314. Cases have been slightly above their 3 year average in general over the the last 12 months. Allegations have been on or below their 3 year average over the last 12 months apart from in April and June.

Looking at the current quarter allegations have remained on or below the 3 year average. Cases have been just above their 3 year average but not over the Upper Control Limit.

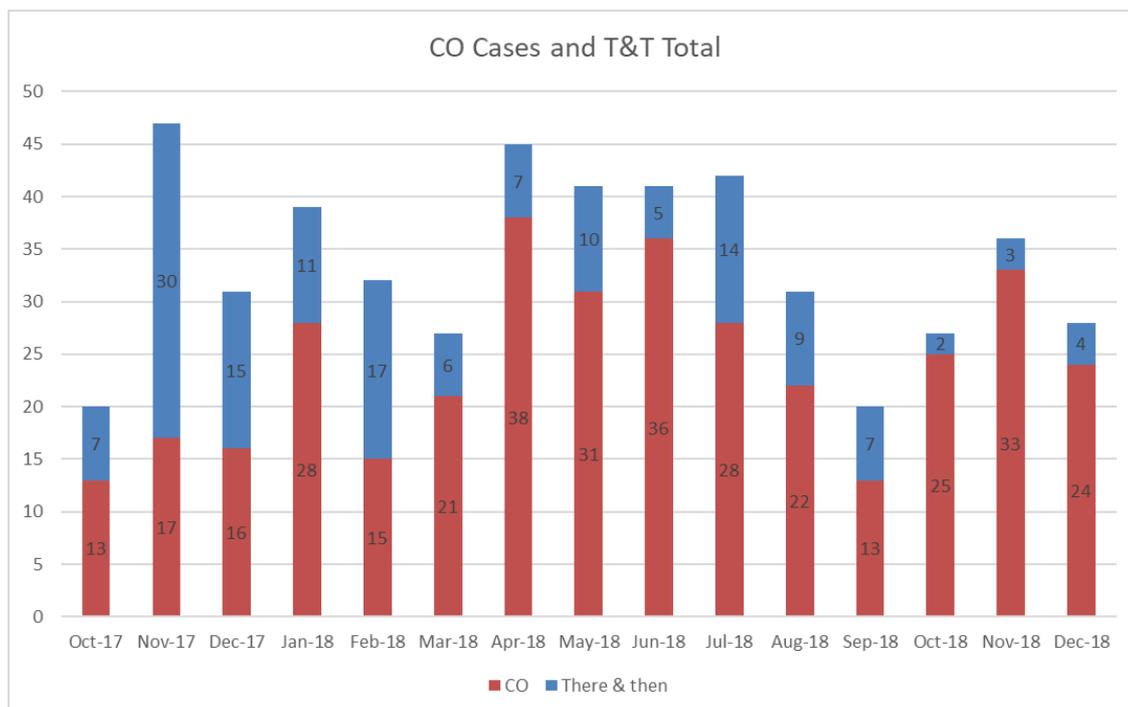
The chart below compares the allegations by month for the current year (red diamond) against the last three, and highlights November as being higher than the last two years, despite it remaining on the 3 year average, this is due to the higher 2015 figure.



The table below shows the total number of cases and allegations for the current quarter, last quarter and the same quarter last year. The figures show that the numbers of allegations and cases compared to the same quarter last year have increased, however cases have increased by more than allegations. These figures would suggest more people are complaining about the service they are receiving. Whilst the increase may look significant, overall this is within the the normal range for the total 12 month period.

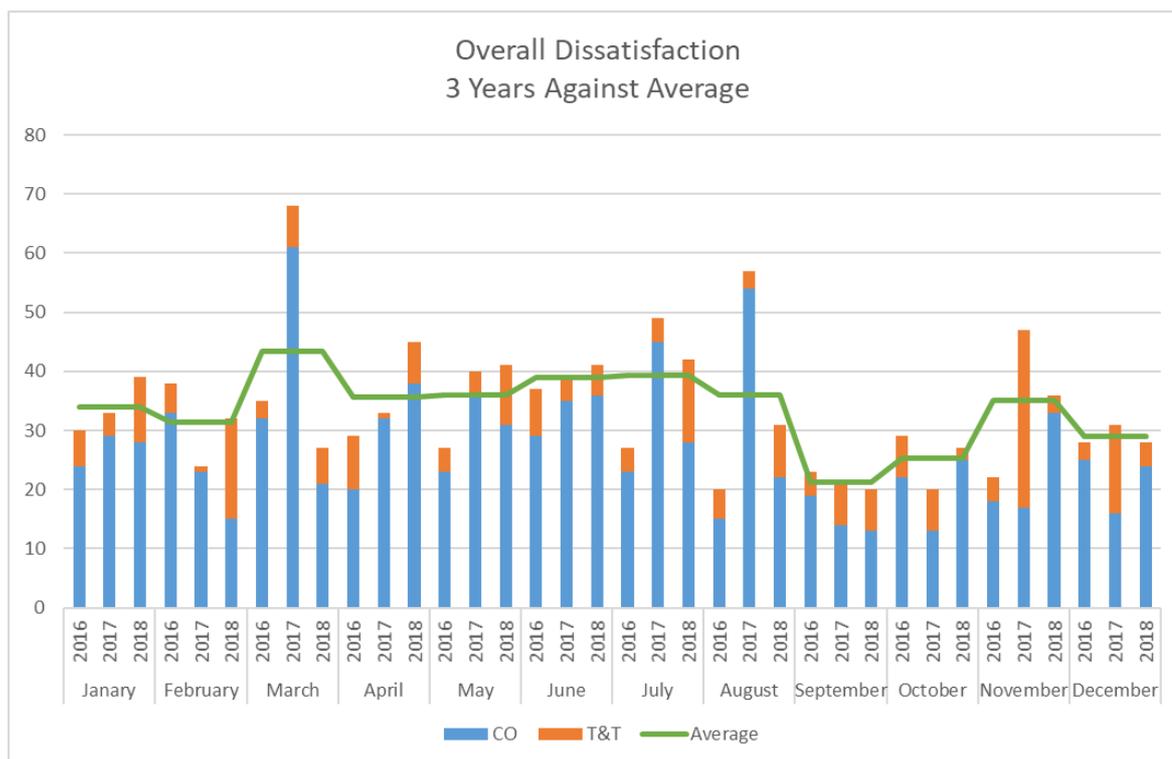
	Q3 2017 / 2018	Q2 2018 / 2019	Q3 2018 / 2019	% Change to Q3 2017 / 2018
Allegations	65	98	92	41.54%
Cases	46	63	82	78.26%

The other method of recording dissatisfaction is There & Then (T&T) which records matters of service confidence. Combining the figures for Complaints and T&T show the overall levels of dissatisfaction.



Complaint cases and T&T show that overall public dissatisfaction with the service has reduced in the current quarter compared to the same quarter last year, from 98 in 2017/8 to 84 in 2018/9.

The chart over the page shows that the current years overall dissatisfaction is in line with the average.



A full break down of T&T categories is at Section 1.5.

1.2 Results by TPA/Area.

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

Area	Allegations			Cases		
	Q3 2017 / 2018	Q3 2018 / 2019	Change	Q3 2017 / 2018	Q3 2018 / 2019	Change
North	19	26	36.84%	14	26	85.71%
South	22	25	13.63%	14	16	14.29%
West	21	27	28.57%	15	21	40.00%
UOS	1	4	300%	1	7	600%
HQ/Other	2	10	400%	2	12	500%
Total	65	92	41.54%	46	82	78.26%

The table shows an increase in allegations and cases with the largest increase in UOS followed by HQ & Other in this period, however with such low figures percentages increases are deceptive.

No areas are of concern at present.

1.3 Results by Allegation Type

Each Allegation is identified by the complaints manager based on the national Allegations types and groups. Reporting on the below graph is by exception.

Group	Allegation type Description	17 to 18	18 to 19	Change
		Q3	Q3	
Breaches of PACE K,L,M,N,P,R	Breach of Code A PACE on stop and search	1		-1
	Breach of Code B PACE on searching of premises and seizure of property	1	1	0
	Breach of Code C PACE on detention, treatment and questioning	6	3	-3
	Multiple or unspecified breaches of PACE which cannot be allocated to a specific code		1	1
Breaches of PACE K,L,M,N,P,R Total		8	5	-3
D&C	Operational management decisions	1	2	1
	Operational policing policies	2	6	4
	Organisational decisions	7	15	8
D&C Total		10	23	13
Discrimination F	Discriminatory behaviour	1	1	0
Discrimination F Total		1	1	0
Incivility U	Incivility, impoliteness and intolerance	8	13	5
Incivility U Total		8	13	5
Malpractice G,H,J	Irregularity in relation to evidence/perjury		1	1
	Mishandling of Property	2	2	0
Malpractice G,H,J Total		2	3	1
Oppressive Behaviour A,B,C,D,E,Y	Oppressive conduct or harassment		1	1
	Other Assault	7	8	1
	Serious Non-Sexual Assault		1	1
	Sexual Assault		1	1
	Unlawful/unnecessary arrest or detention	1		-1
Oppressive Behaviour A,B,C,D,E,Y Total		8	11	3
Other W	Other		2	2
Other W Total			2	2
Unprofessional Conduct S,T,V,Q,X	Improper disclosure of information	2	3	1
	Lack of fairness and impartiality	6	5	-1
	Other Irregularity in Procedure	5	7	2
	Other Neglect or Failure in duty	13	18	5
	Traffic Irregularity	2	1	-1
Unprofessional Conduct S,T,V,Q,X Total		28	34	6
Grand Total		65	92	27

- Direction & Control (D&C) overall shows an increase, this is due to increases in Organisation Decisions (114%) and Operational Policing policies (200%). D&C are easily affected by public opinion and the public's expectations and thus are liable to fluctuation. This has been investigated and there are no trends of note.
- Incivility has increased by 62%. However, this relates to just n=5 over a three month period. No trends have been identified.
- In Unprofessional Conduct, Other Neglect or Failure of Duty has increased by 38% but equates to n=6 and there are no trends of note.

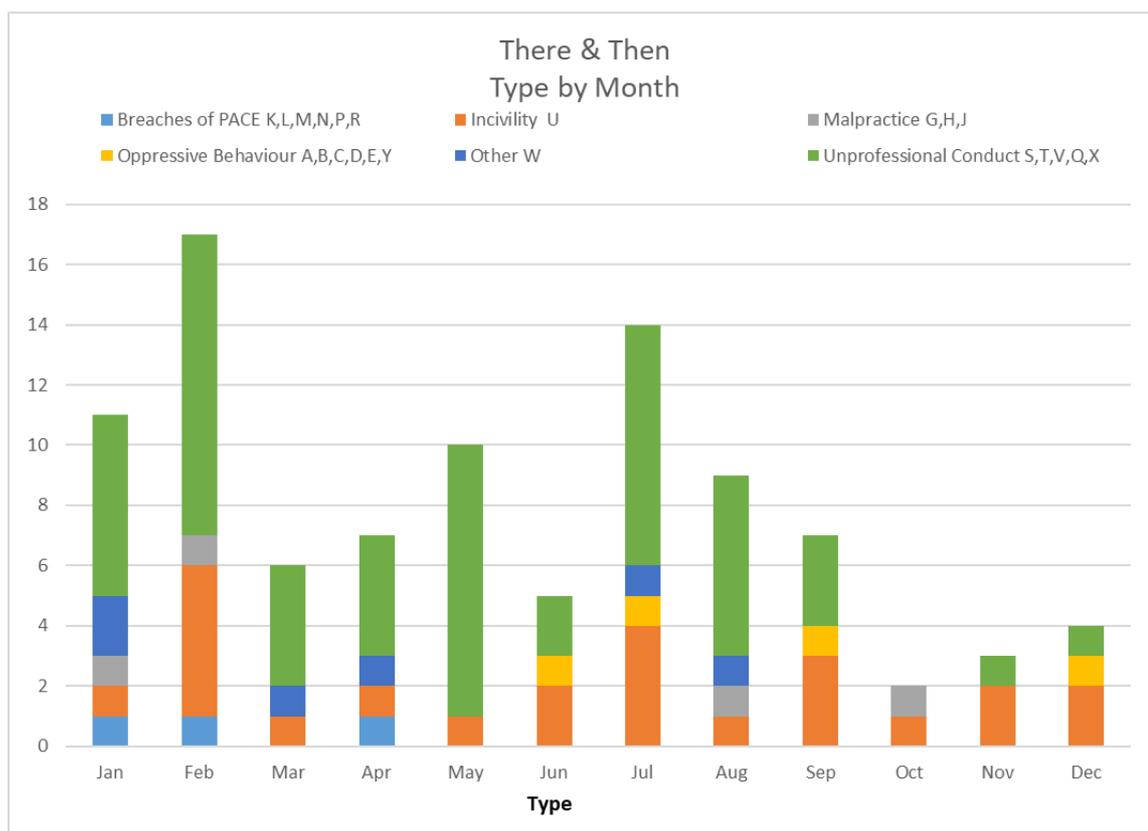
1.4 Issues Identified

The two main issues across the allegations identified in this period are:

- Poor communication – officers swearing, being uncaring or having a poor manner and failing to give information especially updates.
- Lack of or inappropriate Investigation - mainly when the aggrieved feels that they were ignored or investigated more than the other party. Also when the complainant feels that insufficient resources were used for their case (e.g. no CSI etc).

The PSD is reviewing its approach to how we learn from complaints regarding public contact, which is timely given the Practice requires Improvement (PRI) approach contained within the new police regulations for public complaints and police misconduct. It is designed to develop the skills and professionalism of the workforce and deal with low level breaches in terms of Standards of Professional behaviour. Cumbria Constabulary is now preparing to migrate towards the new approach in readiness for the changes brought about by the new regulations. PRI recognises the changing and wide range of challenges faced by staff. We will share further information with the Ethics Panel as the strategy evolves.

1.5 There & Then



T&T reports recorded in the current quarter reduced. The main category reported was Incivility but this equated to n=2 and is not significant.

TPA Inspectors are taking more and more responsibility for dealing with T&Ts hence the reduction in reports in the last quarter, this also impacts on the numbers that would be classified as Unprofessional conduct.

Unprofessional Conduct covers a plethora of categories; Neglect of duty, other irregularity in procedure, traffic irregularity, lack of fairness and impartiality, improper access/disclosure of information. For example where a complainant fails to receive an update in respect of a criminal

allegation, instead of recording this as a neglect of duty our approach has moved towards service recovery, and where possible we will simply provide the update (and/or arrange for the OIC to update them as appropriate). This is about correcting issues at source and not undertaking a bureaucratic process of recording a complaint.

Any issues brought to the attention of PSD that can be actioned are recorded under the "Miscellaneous" process rather than the complaint process. The regulations encourage this approach as it is customer focussed. This allows us to still scan for themes and repeat officers where necessary.

1.6 Diversity

There has been 1 allegation of discriminatory behaviour by the police recorded during the current quarter which is stable compared to the same quarter last year.

Allegation for Q3 October - December 2018:

December 2018 -

Complaint of an person being stopped in their own car for no other reason than they are of an ethnic minority. This allegation is currently live.

1.7 Best Practice

In Quarter 3, best practice circulated included the outcomes of two misconduct cases and associated advice and two regarding the use of Body Worn Video (BWV). The advice circulated from the IOPC has changed in emphasis to a focus on organisational and individual learning wherever appropriate.

A full list is included at the end of the document in Appendix 2

1.8 Performance

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

Allegation Result Description	Q3 2017 / 2018	Q3 2018 / 2019	Change
De-recorded	1	2	1
Disapplication - by Force	3	1	-2
Discontinued - by Force	0	4	4
Dispensation - by Force	0	0	0
Local Resolution - by TPA	68	28	-40
Local Resolution - by PSD	5	5	0
Not Upheld - by TPA	0	0	0
Not Upheld - by IOPC	0	0	0
Not Upheld - by PSD	79	42	-37
Special Requirements - No Case	1	0	-1
Special Requirements - Case	2	0	-2
Upheld - by PSD	12	15	3
Withdrawn - by Force	4	0	-4
Withdrawn - by IOPC	0	0	0
Grand Total	175	97	-78

The IOPC in the most recent report (end of Q2, April to September 2018) assess Cumbria's performance:

- Average number of days to locally resolve allegations – Cumbria 44, MSF average 78 and National average 71. Cumbria's figure has increased by 5, the MSF increased by 5 and national figures have reduced by 1 when comparing the same period the previous year.
- Average number of days to finalise cases – Cumbria 69, MSF average 94 and National average 103. Cumbria has increased compared to the same period last year which had 67 days.

- Average number of allegations per 1000 employees cases – Cumbria 118, MSF average 169 and National average 130. Same Quarter last year Cumbria was at 122.

We are recording less complaints – in quarter 3 of 2017/2018 we had not introduced the “There and Then” process whereas now the process of T&T is embedded force wide.

In the current quarter, 97 allegations were finalised compared to 175 in the previous period There have been some office admin pressures will will have comributed to the delays. This is now being rectified by recruitment of staff into the department).

The greatest increase was discontinued by Force (by 4 to 4) and the other increase was Upheld by PSD (by 3, 25%).

Local Resolutions by TPA has the greatest reduction, -40 (-58.82%) when comparing with the same quarter last year, with Not Upheld also reducing considerably by -37 (-46.84%). As these two categories form a significant proportion of the total outcomes which have reduced by 44.57% their reductions are not out of the expected levels.

1.9 Force and IOPC Appeals

Result	Force Appeals Q3 2017 / 2018	Force Appeals Q3 2018 / 2019	IOPC Appeals Q3 2017 / 2018	IOPC Appeals Q3 2018 / 2019
Upheld/Partially	4	0	7	0
Not Upheld	6	4	11	1
Withdrawn	1	0		0
Not Valid	1	1		0
Live	1	4	1	2
Total	13	9	19	3

The above data highlights that the number of IOPC appeals have reduced by 84.21% (16) and the number of force appeals has increased by 30.77% (4). The percentage of Upheld IOPC appeals has reduced in this quarter to 0. Force Appeals also reflect this reduction in upheld appeals currently although the live cases for both authorities may change this when finalised.

APPENDICES

Appendix 1

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

Appendix 1

LESSON LEARNED CATEGORY	DISSEMINATION By / To	BRIEF DESCRIPTION
October 2018		
Organisational	Sent to all officers involved from CI Wardle	On attendance at a potential suicide (recovered after medical input), the investigating officer has identified that Standard Operating procedures (SOP) do not appear to have been highlighted when the officer first attended. However the officers to their credit have complied with the SOP despite this not being highlighted at the time of the officers attending.
Organisational	PASS Newsletter Force wide	Officer receives a Final Written Warning following an incident of Domestic Abuse. The circumstances around the Misconduct were that the Officer was involved in a domestic argument, during which he assaulted the victim, resulting in the Officer accepting a caution for Common Assault. The evidence was heard by an Independent Panel consisting of a Legally Qualified Chair, an Independent Panel Member and a Senior Police Officer. It is also acknowledged that a member of staff may be suspected of being a perpetrator of Domestic Abuse. We are committed to developing a workplace culture in which there is 'positive action' towards Domestic Abuse, and which recognises that the responsibility for Domestic Abuse lies with the perpetrator.
Custody	Custody trained staff	Following a complaint about being denied medication, advice was given about the application of the 'nothing for 6 hours' rule. This rule is to prevent risk of harm to the detainee when previous substance / medication use is unknown. The advice is that FMEs would take account of the length of time that a detainee had been in custody. If there is an appearance of intoxication or the medication and the indication for it might lead to suspect that other substances may have been consumed, the decision to give or withhold medication would always be made in the detainee's best interests and would depend on the given situation. If a detainee requests medication then they should be assessed by HCP.
Organisational	IOPC to PSD	For info only - the IOPC are satisfied that the new personal issue Bodycam and the improved system in place for downloading that Bodycam would be switched on in the future
Individual	IOPC to IO	Recommendations from IOPC on investigation actions in relation to a DSI, including further evidential opportunities including other witness statements.

November 2018		
Organisational	Force wide	A reminder to all colleagues was given with specific reference to the festive period and the need to be mindful of how their actions may discredit themselves and the Constabulary, in particular inappropriate warrant or ID Card use when socialising
December 2018		
Organisational	Force wide	Pass newsletter No 35 – A member of the public who made a false allegation was investigated for wasting police time following a complaint investigation. Whilst this had not resulted in prosecution, colleagues were reassured that when false allegations were made by members of the public the circumstances would be reviewed and where appropriate action taken.
Organisational	Force wide	Advice provided to officers that the wearing of their issue jacket over body armour would obscure the BWV.
Organisational	Force wide	Pass Newsletter Issues 33- Following a misconduct case against an officer, all officers and staff were reminded that viewing pornography, even legal/adult pornography on any device, including personal devices, whilst they are on duty, would be considered as Discreditable Conduct which would be subject of a Misconduct investigation.

Ethics and Integrity Panel



Title: Ethics and Integrity Panel Annual Report

Date: 4 February 2019

Agenda Item No: 09

Originating Officer: Joanne Head

CC:

Executive Summary:

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

Recommendation:

That the Panel;

1. Consider the draft 2018 Annual Report; and
2. Provide feedback to inform the final version to be presented to the Police and Crime Commissioner as his Public Accountability Conference.

1. Introduction & Background

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

2. Issues for Consideration

- 2.1 A draft Annual Report has been prepared highlighting the work of the Ethics and Integrity Panel during 2018. The report illustrates the areas of business reviewed by the Panel; their findings and where the Panel have made proposals or suggestions to improve business practices and procedures.

3. Supplementary information

Appendix 1 – 2018 Ethics and Integrity Panel Annual Report



Peter McCall



Forward of the Panel Chair

Welcome to the 2018/19 Annual Report of the Ethics and Integrity Panel.

The Panel is an independent body, and its purpose is to promote and influence high standards of ethical performance in all aspects of policing in Cumbria and the work carried out by the Police and Crime Commissioner's office (OPCC).

The Panel seeks to achieve this by holding the mirror up to the Constabulary and the OPCC, by investigating, dip sampling, challenging and reviewing a broad range of aspects of policy, process and performance, through the lens of ethics and integrity.

We have an annual work programme that includes both routine and thematic activities through which we seek to always promote the improvement and value adding aspects of ethical responsibility.

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

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

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

Alan Rankin

Ethics and Integrity Panel Chair

The PCC for Cumbria, Peter McCall said:

"Ensuring that the constabulary and indeed the office of PCC act with the highest levels of integrity and ethical values must be one of our highest priorities. In the extremely busy day-to-day business of policing it can be easy for our ethical standards to slip without constant attention. This is why it is so important to maintain an independent board to scrutinise, challenge and support our adherence to the highest standards. Importantly the ability of the panel to undertake in-depth scrutiny of specific areas provides not only myself but also the communities of Cumbria with additional assurance.

The Chief Constable, Michelle Skeer said:

The Police Code of Ethics underpins the principles and standards expected of us all within Cumbria Constabulary. It is important that our compliance with the code is independently monitored. I am reassured by the scrutiny of the panel that we are transparent and they support our desire to uphold the highest standards in delivering an excellent policing service to keep Cumbria safe.

1. Introduction & Background

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

This report provides an overview of the work that the panel has carried out during 2018.

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.

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 2018 and the 2019 work programme revised to reflect such changes. Again there are to be two thematic sessions held during the year.

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

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

Membership of the Panel currently stands as:

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

2. Public Complaints and Quality of Service

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

Over the reporting period, the Panel reviewed 32 complaint files. 2018 saw the introduction of a paperless system within the Professional Standards Department resulting in the Panel carrying out dip samples directly via the Centurion system. This enable the members to view all information, actions and outcomes on the live system.

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 standards were retained. At each dip sample session any recommendations or comments are collated within an action sheet to ensure that they are completed and where appropriate implemented in a timely manner. Some of these include:

- Managing a complainant’s expectations at the beginning of the process was an important part of dealing with the complaint. The ‘There and Then’ process was going some way to achieving this. It provided a quicker service for some of the more low-level complaints with positive feedback received from members of the public.
- The more extensive use of Body Worn Video by officers was proving to be a useful tool in providing independent evidence to either support or negate complaints made by members of the public.

Monitoring of the action plans by the Panel at their next dip sample session to ensure that they are completed and where appropriate implemented in a timely manner.

The Panel has also been asked by the Police and Crime Commissioner to look at some specific complaint files following communication to him from members of the public. They undertook reviews and concluded that on each occasion the complaint had been dealt with fairly, proportionately and in line with statutory guidance. The outcomes of these reviews were then conveyed to the individuals to provide assurance that the complaints they raised were dealt with appropriately.

At quarterly meetings the Panel receive performance data from the Constabulary on the number of complaints received and how these have subsequently been managed, including whether this was in line with required timescales. Cumbria has remained the lowest within its Most Similar Force group regarding complaints per 1000 employees. Over the 12-month period the number of allegations received reduced by 17.5% with the largest decrease in complaints about unprofessional conduct. The number of Force Appeals received had increased from 22 in 2017 to 42, with IOPC appeals increasing by 11%. The Panel have carried out reviews on an increased number of Appeals to seek assurance that they are being processed fairly, which they have found.

Towards the end of 2018 the There and Then process was starting to have an impact on the workload of the Professional Standards Department. As complaints were resolved at the earliest opportunity this was now affording staff the ability to concentrate on the more complex complaints and their investigation.

The Panel also reviewed work undertaken by the Office of the Police & Crime Commissioner in relation to complaints and quality of service. During 2018 there was a 30% increase in the number of people contacting the Commissioner regarding policing issues. Members of the public write to the Commissioner and 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

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



The Panel receive 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.

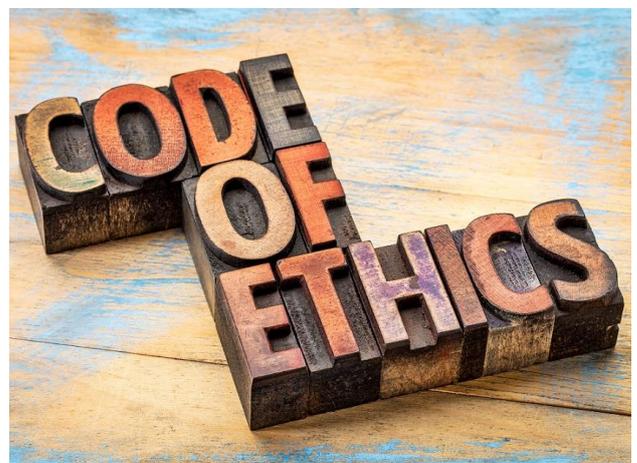
Having reviewed all completed files, the Panel have gained assurance that the Constabulary are dealing with misconduct and complaints in a professional manner. At no time did the Panel disagree with the outcome of any of the files. Where they provided advice or recommendations, this was to improve the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

4. Code of Ethics and Code of Conduct

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

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

Similarly the Commissioner upon taking office in May 2016 swore an oath to act with integrity and signed a Code of Conduct and Ethics. It sets out how The Commissioner has agreed to abide by the seven standards of conduct recognised as the Nolan Principles. This Ethical Framework allows transparency in all areas of work of the Police and Crime Commissioner. These principles encompass the Commissioner’s work locally and whilst representing Cumbria in national forums. The Panel did not identify any complaints received from either members of staff or the Commissioner during 2018.



5. Grievances and Civil Claims

Grievances

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

Since May 2018 the HR Department were now responsible for dealing with grievances providing a broader overview of staffing issues. Generally, the grievances were regarding policies and procedures or regarding action taken against an individual. The Panel raised the issue of low numbers and the dangers of informal resolution as any organisational learning would not necessarily be captured or progressed. A new Grievance Procedure had been developed with the intention of conveying the positive changes which could occur by using the grievance process. The new form to be completed asked what the individual would wish the outcome to be to gain an understanding of the issues that they raised at an early stage in the process.



Civil Claims

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

To date the Panel have not identified any issues or concerns in either area of business. On a national and local level the Constabulary, along with other forces, are in the process of dealing with employment tribunals in relation to police pensions. Currently there were over 114 claims following the Constabulary implementation of the national pension regulations being co-ordinated nationally by Hertfordshire Constabulary. This matter was unlikely to be concluded until 2019.

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

In 2018 all civil claims were dealt with by the Legal Department thus allow any issues, trends or organisational learning to be identified more easily. The Panel undertook to monitor these improvements on a six monthly basis.



6. Thematic Inspections

The Panel have reviewed three areas of thematic work during February and August 2018. In February the Panel 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 by officers and staff. There was 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.

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 dip sampled cases dealt with under the discretionary framework to ensure it had been applied correctly. They identified that in one instance the framework could have legitimately been applied. This had been in relation to a theft from a shop in a very rural location. The officers involved judged that an officer speaking with the owner was of a greater benefit to the community. The Panel welcomed that as an indication that the framework is applied in a proportionate and pragmatic way. 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 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. 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 which look at how issues can be problem solved.

The Panel felt able to reiterate their assurance that the professional discretion framework was working

well within the Comms Centre and was being appropriately applied.

In August the Panel undertook a dip sample of **Stop and Search** forms to ensure that their completion had been maintained. There was a theme of cannabis being found within the 50 forms reviewed. Some of the forms were not illustrating the exact nature of suspicion to warrant the stop and the Panel asked how assurance was gained that officers were providing legitimate reasons. This was raised as a training issue to ensure that legitimate reasons were provided and they fully understood any repercussions or consequences if not. With increased usage of Body Worn Video across police officers this supported or negated any subsequent complaints following the stop and search process which is viewed as a positive step.

Also in August the Panel received a demonstration on the new **Body Worn Video** equipment being rolled out across the Constabulary. The equipment was easy for officers to use and robust to withstand policing incidents. All front line officers were receiving the new BWV, which must be worn at all times for operational policing purposes. All recorded footage was date and time stamped and stored for 31 days unless it was marked for evidential purposes. 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.

The Panel dip sampled footage captured during the first few weeks of the roll out. 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. This reinforces the strong and positive link between the use of Body Worn Video to collate evidence and the ability to quickly resolve issues.

A review of the system was to be carried out in December 2018 with the Panel being provided with the outcomes at their February 2019 meeting.

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

Our reference: jh/EIP

Date: April 2019

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 2 May 2019** in **Conference Room 2**, Police Headquarters, Carleton Hall, Penrith, at **2.00 pm**. Please note that a buffet lunch will be served for Members of the Ethics and Integrity Panel.

**G Shearer
Chief Executive**

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

The Panel members will meet at 9.30 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 11 February 2019 (copy enclosed).

5. CIVIL CLAIMS

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

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 - *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

- (a) To receive and note a report by Cumbria Constabulary on work undertaken by the Anti-Fraud and Corruption Unit – *To be presented by Deputy Chief Constable Webster*
- (b) To receive a verbal update on the Lancashire/Cumbria intelligence system's progress – *To be presented by Superintendent Jackson*

9. INTEGRITY – COMPLAINTS BY THE PUBLIC

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

10. OPCC COMPLAINTS AND QSPI

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

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

11. THEMATIC SESSIONS UPDATE

To receive verbal feedback on:

- (a) Mental Health Detentions dip sample; and
- (b) Constabulary Use of Force

ETHICS AND INTEGRITY PANEL

Notes of a meeting of the Ethics and Integrity Panel held on
Monday 11 February 2019 in Conference Room 2, Police Headquarters,
Carleton Hall, Penrith, at 2.00 pm

PRESENT

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

Also present:

Deputy Chief Constable Mark Webster
T/Detective Chief Inspector Jenny Beattie
Chief Inspector Ben Swinson
Inspector Richard Quinn
OPCC Deputy Chief Executive - Gill Shearer
OPCC Governance Manager - Joanne Head

1. APOLOGIES FOR ABSENCE

There were no apologies for absence as all members were present.

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 November 2018 and supporting action sheet had previously been circulated with the agenda.

Superintendent Jackson advised that Special Constabulary Recruitment was due to take place in Spring 2019 and it was therefore agreed that she would report back to the Panel at their November 2019.

Agreed; that, the action updates be noted and minutes agreed.

5. SPIT HOODS

Chief Inspector Swinson updated the meeting on the implementation of the use of Spit Hoods by officers within the Constabulary. From January 2019, 132 officers had been trained to use Spit Hoods as part of their Personal Safety Training programme. This meant that a quarter of front line officers were now able to use Spit Hoods if necessary. There was to be a 12 month roll-out of officer training to use Spit Hoods as they attended Personal Safety Training courses. The training was also included as part of new officer induction training.

Over a 5 week period there had been 17 instances where officers had been spat at with 9 individuals carrying out these actions. The use of Spit Hoods had occurred on 4 of these occasions. When Spit Hoods were used these instances were recorded on the 'Use of Force' form which already had boxes and markers for officers to complete.

The Panel were then briefed on the 4 different types of incidents where the Spit Hoods had been used. The members noted that all 4 instances were drink or drug related. When a detainee was brought into custody the Custody Sergeant would carry out an assessment on whether or not the Spit Hood should be removed or remain which was dependent upon the detainee's demeanour. The members noted that two of the detainees had been charged under new legislation which related to the protection of emergency workers.

Over the next 3 to 6 months, whilst the process was being embedded, Chief Inspector Swinson advised that the Criminal Justice Unit would be looking at each incident when a Spit Hood was used. Custody records, use of force forms and body worn video footage would all be viewed to gain assurance that the use of Spit Hoods was appropriate. Each instance would be reported to the Constabulary's Use of Force Board for monitoring purposes.

No complaints had been received either from the person who was having the hood placed upon them or from members of the public. It was noted that using Spit Hoods resulted in a reduction of other types of use of force which would be required to prevent a detainee from spitting. DCC Webster advised that the National Police Chief's Council (NPCC) Self Defence Arrest and Restraint Working Group were receiving data regarding the use of Spit Hoods on a national basis and this would be used to inform future training.

At the November Panel meeting it had been agreed that a dip sample would be carried out as part of the August Meeting. Following discussion it was agreed that this would be deferred to the November meeting to allow more officers to be trained and the process to become more embedded.

Agreed; that, the

- (i) Panel note the verbal update; and
- (ii) Proposed dip sample session be deferred to November 2019 and an update report to be provided to the same meeting.

6. BODY WORN VIDEO

The Constabulary had carried out an evaluation of the use of Body Worn Video by its officers over the period 1 June to 1 December 2018. A number of benefits had been realised such as increasing officer safety, improving public confidence and reducing bureaucracy. Over 17,000 evidential videos had been captured with over 4,000 videos shared with the Crown Prosecution Service (CPS). Members of the public were also able to submit footage to the Constabulary by officers providing links to the system via text messages.

The use of Body Worn Video had assisted in the reduction of time to deal with complaints. As this independent evidence could easily prove or dis-prove any complaint allegations or alleged misconduct. T/Chief Inspector Beattie advised that there were to be a number of workshops held with sergeants over the next 6 weeks about the benefits of Body Worn Video to themselves and the officers they supervise. Month on month the usage was increasing which assisted officers in their work. In response to a members question, DCC Webster advised that video footage on its own cannot be presented at court and would need to be accompanied by an officers statement.

DCC Webster provided the Panel members with examples whereby Body Worn Video had recently been used to exonerate officers during incidents which subsequently involved the Independent Office of Police Conduct (IOPC). Each time the Body Worn Video had been viewed by the IOPC and reduced the amount of time taken to deal with the matter.

The Panel noted that there had not been an increase in the number of early guilty pleas at court when Body Worn Video was introduced as evidence. Chief Inspector Swinson advised that often defendants would wait until the day of the trial to see whether witnesses turned up to give evidence prior to them pleading guilty.

The Constabulary would be carrying out a further review mid-2019 and it was agreed that an update report would be presented to the Panel at their November meeting.

Agreed; that,
(i) the report be noted; and
(ii) an update report on the next review be presented to the Panel at their November meeting.

(Note: Chief Inspector Swinson and Inspector Quinn left the meeting at this point.)

7. 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 the area of most focus related to association and where the majority of risks arose, although there was a healthy level of self-reporting by officers and staff. The PASS newsletter was used to publicise any noted trends or issues to assist officers and staff on whether to self-report or not.

A discussion took place on the procedure to deal with officer and staff secondary business interests. It was noted that a number of departments had to check records and sign off each section prior to the application being considered and then approved or declined. An electronic system was to be introduced for this process to be carried out simultaneously to speed up the length of time taken.

Members asked what would happen if an individual's circumstances changed or their secondary business interest affected their work, how would they know. Superintendent Jackson advised that as part of officer and staff 15 week review questions were specifically asked around the individuals health, wellbeing and secondary business interests. Officers and staff were able to use a confidential line to seek guidance on whether or not they needed to seek permission for a secondary business interest.

It was noted that the reporting line received information relating to performance issues which should be dealt with by line managers rather than the Anti-Corruption Unit. T/Chief Inspector Beattie advised that all information was checked against their systems and then to the relevant line manager to manage the performance issues.

A discussion took place on some of the cases referred to within the report and what preventative actions were being taken by the Constabulary.

Agreed; that, the report be noted.

8. INTEGRITY - COMPLAINTS BY THE PUBLIC

Deputy Chief Constable Webster presented the quarterly report detailing the Constabulary's performance in dealing with public complaints. Superintendent Jackson advised that a new analyst would be in post by March 2019, which would see a different approach to the reporting of public complaints. Due to the small numbers, the use of percentages to illustrate an increase or decrease appeared disproportionate.

The two main issues identified across the allegations received were poor communication and lack of or inappropriate investigation. T/Chief Inspector Beattie advised that during the last quarter there had been over 30,000 interactions with members of the public resulting in only 5 complaints of incivility being made. The Constabulary's Professional Standards Department were reviewing their approach to how the organisation and individuals learnt from complaints which would be in line with new legislation and the Practice Requires Improvement (PRI) approach. PRI would recognise the changing and wide range of challenges faced by officers and staff.

The introduction of new Home Office Legislation and Regulations would see a change to the definition of a complaint as being any expression of dissatisfaction resulting in an increase in the number of complaints recorded.

The number of cases being dealt with via the 'There and Then' process which sees complaints and dissatisfaction dealt with at a very early stage had increased proportionately from 79 to 91 in the reporting period. The number of Force appeals had reduced as had the number of appeals sent to the IOPC.

Agreed; that, the report be noted.

9. 2019 DRAFT ANNUAL REPORT

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

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

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

Agreed; that, the draft report be approved.

10. THEMATIC SESSIONS

During the morning the Panel members had been afforded the opportunity to listen in to live telephone calls within the Communications Centre. They had listened to 20 live calls, these being a mixture of 999, 101 and referrals from the ambulance service. The Panel had also listened to 4 out of 5 pre-recorded calls.

The majority of calls listened to by the Panel had been dealt with in a courteous and professional manner with the exception of one. The members felt that given the circumstances of domestic violence taking place at the time of the 999 call the call handler could have dealt with the young victim differently. The members described their views and opinions following which DCC Webster advised he would have the Comms Centre Inspector listen to the call and report back to him. Any identified learning would be disseminated to the individual officers and other call handlers. The Panel were advised that the Constabulary was due to implement a new IT system within the Comms Centre. Once embedded, it was agreed that the Panel would revisit the Comms Centre, mostly likely prior to their November meeting. The dip sample would pre-dominantly be pre-recorded calls but with some live calls to ascertain the benefits of the new system.

A discussion took place on the burden placed upon the Constabulary in dealing with mental health issues that were ultimately the responsibility of health partner agencies. This led to a

discussion on the issues of detainees with mental health issues being detained in custody when they should have been released due to a lack of mental health beds in secure accommodation.

It was agreed that the Panel would carry out a thematic dip sample of mental health detentions prior to their May Panel meeting.

As part of the discussions in relation to Thematic Sessions, and following on from earlier discussions regarding Spit Hoods, the Panel felt it may be appropriate to look at the Constabulary's use of force. It was agreed that a member of the Panel would be invited to attend the Use of Force Board on 13th February 2019 to gain an understanding of what work was carried out, how the Constabulary manage the reviews, what organisational learning is disseminated, any changes to policy and potential areas of thematic work for the Panel.

- Agreed;** that,
- (i) the Control Room Inspector review the pre-recorded call and any identified learning be disseminated to the call handler;
 - (ii) the Panel revisit the Comms Centre in November and review the benefits of the new system and pre-dominantly pre-recorded calls; and
 - (iii) the Panel carry out a dip sample of mental health detentions prior to their May meeting.
 - (iv) a Panel member attend the Constabulary's Use of Force Board meeting on 13 February 2019.

Meeting ended at 4.00 pm

Signed: _____
Panel Chair

Date: _____

Constabulary Report to OPCC



Agenda Item No 06

TITLE OF REPORT: Constabulary Grievances

DATE OF MEETING: 2 May 2019

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 the period 1 October 2018 until 31 March 2019.

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 the period 1 October 2018 up until 31 March 2019, together with a summary of ongoing and finalised cases within the reference period.
- 1.2 Included in the report is an overview of the characteristics of those lodging grievances. The report identifies the gender and race of those submitting grievances as well as an overview as to the nature of the grievance. In addition, statistics relating to whether the aggrieved is a police officer or member of staff and whether the grievance relates to alleged discrimination have been included.
- 1.3 Summary position is as follows:
 - To date, there have been five grievances lodged in this reporting period.
 - Two grievances have been resolved at stage one.
 - One individual accounts for 3 of the separate grievances
- 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 finalised as unresolved 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.
 - There are no specific emerging trends or patterns at the time of submitting this report.
 - Grievances submitted are predominantly from white, British males. However one collective grievance involved mainly white, British females.
 - 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.

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 changes were 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.

This has allowed more timely progression of stage 3 considerations as there is a wider pool of availability.

- A HR officer, with no previous involvement, will be now allocated to provide advice and guidance to the stage manager.

This has provided required and consistent support to the stage managers providing both procedural and legislative guidance.

- Consideration of welfare support where applicable for the aggrieved individual.

Welfare support is now offered at all formal acknowledgement stages and incorporated as standard with correspondence.

An internal pool of accredited mediators is now available for utilisation. A Mediation policy is currently being developed to support effective and efficient usage – this will be formally launched as part of a proactive and positive marketing campaign regarding grievances.

7. Supplementary Information

7.1 List any relevant documents and attach to report

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

- Grievance Data for the period 2018/2019



Constabulary Report to OPCC

Agenda Item No 09

TITLE OF REPORT: INTEGRITY – COMPLAINTS BY THE PUBLIC

DATE OF MEETING: 2nd May 2019

ORIGINATING OFFICER: Superintendent Jackson – Head of People Dept

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 Most Similar Forces (MSF) at 155 complaints for the year to date.
- Cumbria is below the MSF and national average for complaints per 1000 employees.
- The figures for the current quarter demonstrates that there is a reduction across many of the areas examined.
- The current quarters figures show that cases decreased by 6% and allegations by 4% in comparison to the same quarter last year.
- Cases and There & Then (T&T) combined have decreased from 98 to 82.
- A breakdown of allegations shows that almost all areas have increased their level of allegations in the quarter.
- Allegations finalised as Upheld by PSD increased by 9 allegations comparing with last similar quarter.
- The number of Force appeals has reduced from 9 to 4, IOPC appeals have also reduced from 11 to 3.
- The number of Upheld appeals for the IOPC and the force have reduced with no Upheld appeals in the quarter, both categories still have live appeals.
- This data is encouraging given that officers and staff interact with the public hundreds of thousands of times a year. In 2018, Cumbria Constabulary's Communication Centre took in excess of 200,000 calls, including 58,726 999 emergency phone calls. Officers attend 65,925 incidents, making 9,710 arrests whilst more than 4,000 cases were prosecuted.

MAIN SECTION

1. Introduction and Background

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

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

IOPC Q3: October to December 2018

Cumbria Q4: January to March 2019

Overall this report illustrates that in comparison to the MSF and national averages Cumbria has low figures in relation to most of the areas discussed in this report. With a lot of the data it is difficult to quantify due to the large number of variables involved:

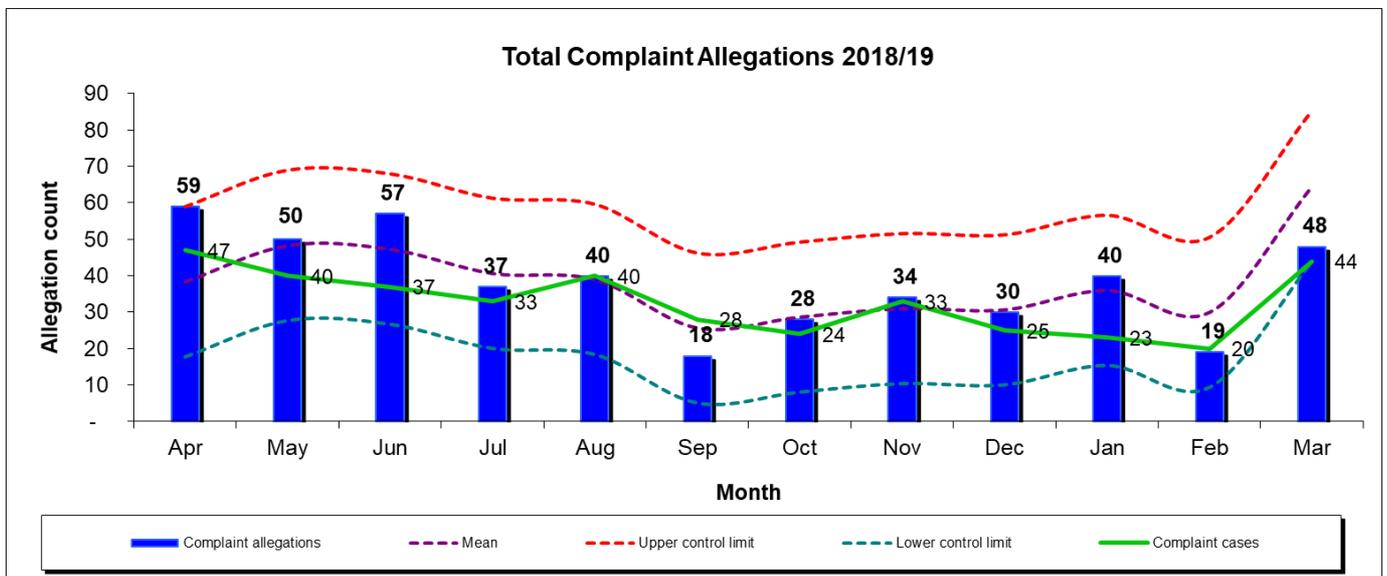
- Changes to on line reporting and recording There and Then outcomes
- The “Practice Requirement Improvement” is being utilised across the force where an officer can review issues that have been raised with their supervisor and Inspector to assist them in learning from previous mistakes.
- There is increased emphasis to officers on wearing and using body worn camera, this offers greater evidence and offers protection from false allegations. We are seeing a particular reduction in the number of complaints of excessive force following the roll-out of the cameras.
- Internal processes and structures have been changed within the constabulary to improve sharing of information.
- Staffing levels have also changed which reflects on some of the figures appearing much higher than the same quarter last year, this will be detailed further in the report.

1.1 Public Complaints

Reporting is on cases

1. Cases: each individual occasion of complaint by a member of the public
2. Allegations: the number of issues they are complaining about within that case.

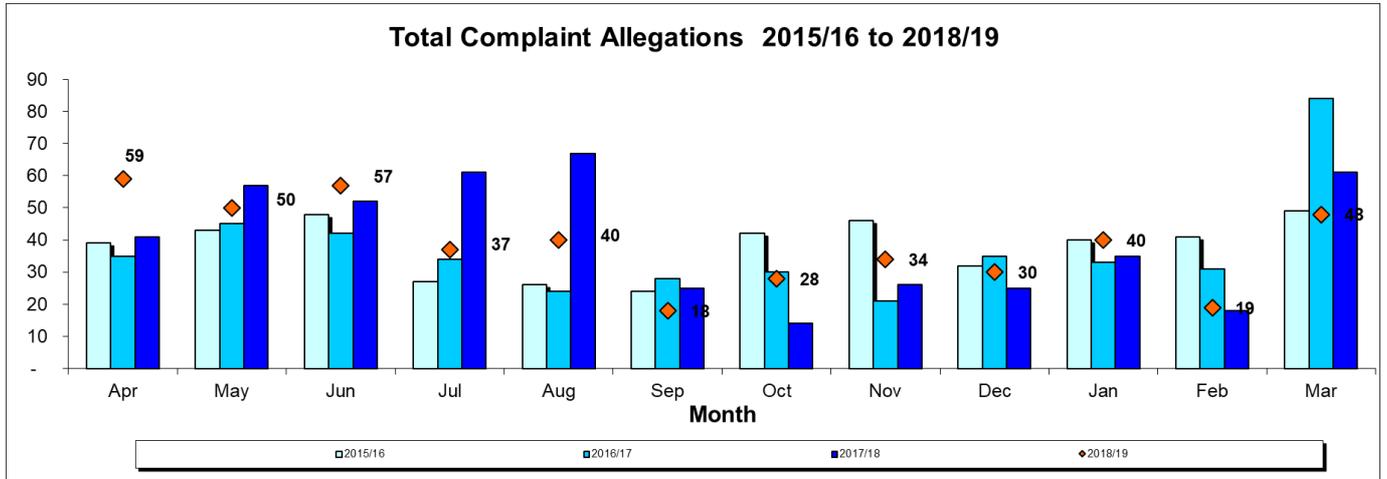
The below chart shows levels of complaint cases and allegations in the last 12 months ending 31st March 2019.



The chart shows following the reduction in quarter 3, October to December 2018, figures rose for both complaint allegations and cases over the last quarter however are lower than the early summer months in 2018. Over the 12 month period the total allegations are 460 and cases are 394. Cases have been mostly on or below the 3 year average over the the last 12 months except for April, September and November. Allegations have mostly been on or below the 3 year average over the last 12 months however there were several months; April, May, November and January where allegations were above the average.

Looking at the current quarter allegations are below the 3 year average except for January which was slightly higher but below the upper control limit. Cases are below the 3 year average.

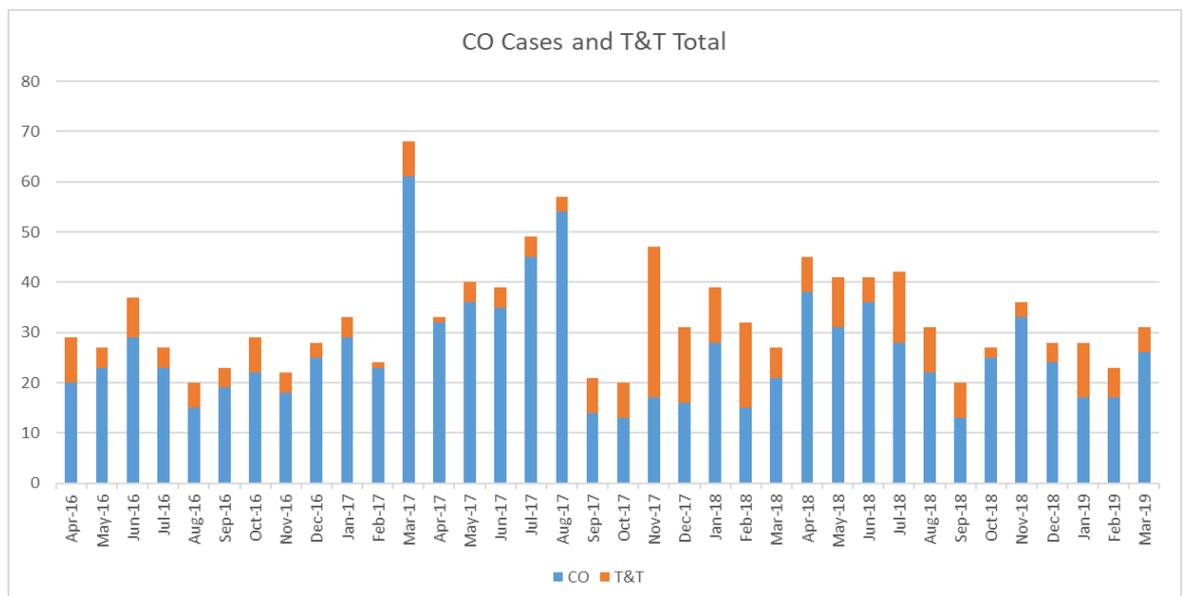
The chart below compares the allegations by month for the current year (red diamond) against the last three, and highlights November as being higher than the last two years, despite it remaining on the 3 year average, this is due to the higher 2015/16 figure.



The table below shows the total number of cases and allegations for the current quarter, last quarter and the same quarter last year. The figures show that the numbers of allegations and cases compared to the same quarter last year have slightly decreased, however there is an increase compared to the previous quarter.

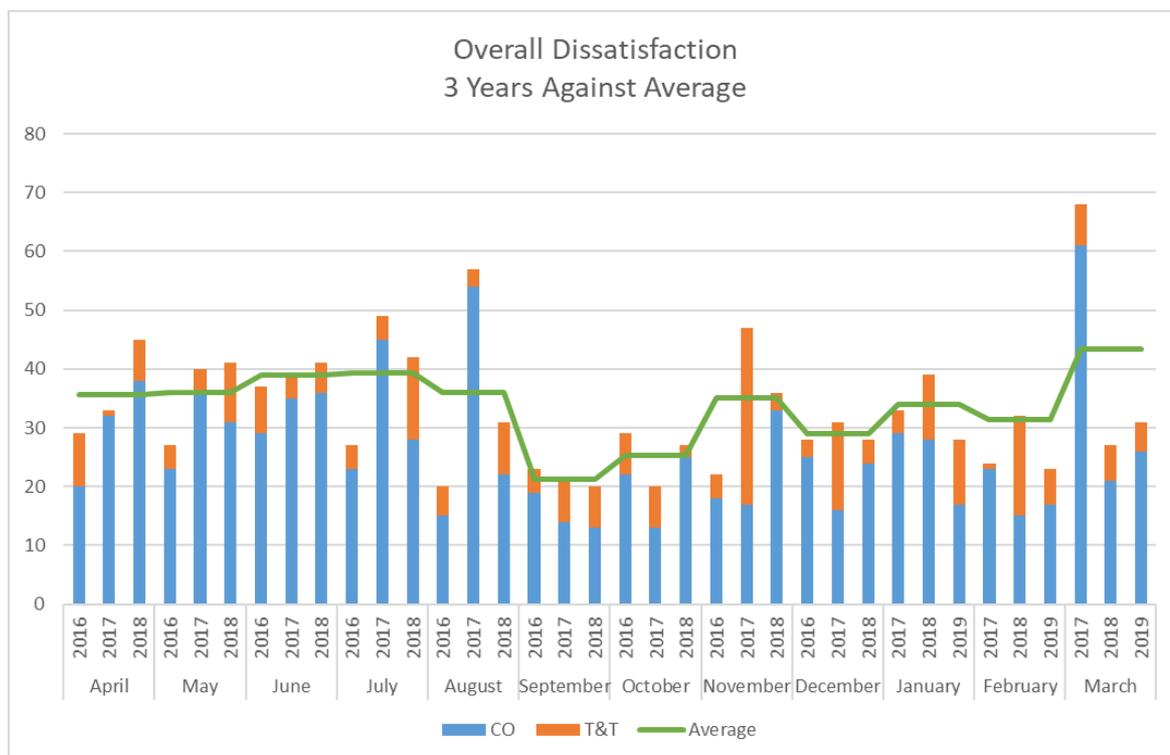
	Q4 2017 / 2018	Q3 2018 / 2019	Q4 2018 / 2019	% Change to Q4 2017 / 2018
Allegations	114	92	110	-3.51%
Cases	64	82	60	-6.25%

The other method of recording dissatisfaction is There & Then (T&T) which records matters of service confidence. Combining the figures for Complaints and T&T show the overall levels of dissatisfaction.



Complaint cases and T&T show that overall public dissatisfaction with the service has reduced in the current quarter compared to the same quarter last year, from 98 in 2017/18 to 82 in 2018/19.

The following chart over the page shows that the current years overall dissatisfaction is in line with the average.



A full break down of T&T categories is at Section 1.5.

1.2 Results by TPA/Area.

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

Area	Allegations			Cases		
	Q4 2017 / 2018	Q4 2018 / 2019	Change	Q4 2017 / 2018	Q4 2018 / 2019	Change
North	38	41	7.89%	27	24	-11.11%
South	30	28	-6.67%	16	16	0%
West	34	21	-38.24%	13	15	15.38%
UOS	4	12	200%	3	0	-100%
HQ/Other	8	8	0%	5	5	0%
Total	114	110	-3.51%	64	60	-6.25%

The table shows a slight decrease in allegations and cases. The largest decrease for allegations was in West while the largest increase was in UOS. 3 of the 12 allegations were for incivility and 3 were for unprofessional conduct, 2 of the allegations were for discrimination which were the only two allegations of discrimination across the force.

It is difficult to determine whether there is an issue within specific teams as a large proportion of the allegations relate to “unknown officers” and is not changed until there is confirmation of who the allegation is against. Due to this it could misrepresent figures in particular areas until the identity of the officer is confirmed.

1.3 Results by Allegation Type

Each Allegation is identified by the complaints manager based on the National Allegations Types and Groups. Reporting on the below graph is by exception.

Group	Allegation Type Description	Q4 2017/18	Q4 2018/19	Change
Breaches of PACE K,L,M,N,P,R	Breach of Code A PACE on stop and search	2	1	-1
	Breach of Code B PACE on searching of premises and seizure of property	4	3	-1
	Breach of Code C PACE on detention, treatment and questioning	7	8	1
Breaches of PACE K,L,M,N,P,R Total		13	12	-1
D&C	Operational management decisions	4	1	-3
	Operational policing policies	6	6	0
	Organisational decisions	18	18	0
D&C Total		28	25	-3
Discrimination F	Discriminatory behaviour	1	2	1
Discrimination F Total		1	2	1
Incivility U	Incivility, impoliteness and intolerance	9	18	9
Incivility U Total	Incivility, impoliteness and intolerance	9	18	9
Malpractice G,H,J	Corrupt Practice		1	1
	Irregularity in relation to evidence/perjury		2	2
	Mishandling of Property	6	5	-1
Malpractice G,H,J Total		6	8	2
Oppressive Behaviour A,B,C,D,E,Y	Oppressive conduct or harassment		5	5
	Other Assault	7	12	5
	Serious Non-Sexual Assault		2	2
	Unlawful/unnecessary arrest or detention	1	7	6
Oppressive Behaviour A,B,C,D,E,Y Total		8	26	18
Other W	Other		4	4
Other W Total			4	4
Unprofessional Conduct S,T,V,Q,X	Improper disclosure of information	2	8	6
	Lack of fairness and impartiality	6	4	-2
	Other Irregularity in Procedure	2	5	3
	Other Neglect or Failure in duty	14	22	8
	Traffic Irregularity	5	2	-3
Unprofessional Conduct S,T,V,Q,X Total		29	41	12
Grand Total		94	136	42

- Oppressive behaviour has increased by 18 allegations with each allegation type within the group showing an increase over the same quarter in the previous year.
- Incivility has increased by 9 allegations which is double compared to the same quarter in the previous year.
- Unprofessional Conduct shows an increase of 41%.

Most of the other groups showed marginal changes with some slightly increasing and other slightly decreasing when compared to the previous years quarter 4 data.

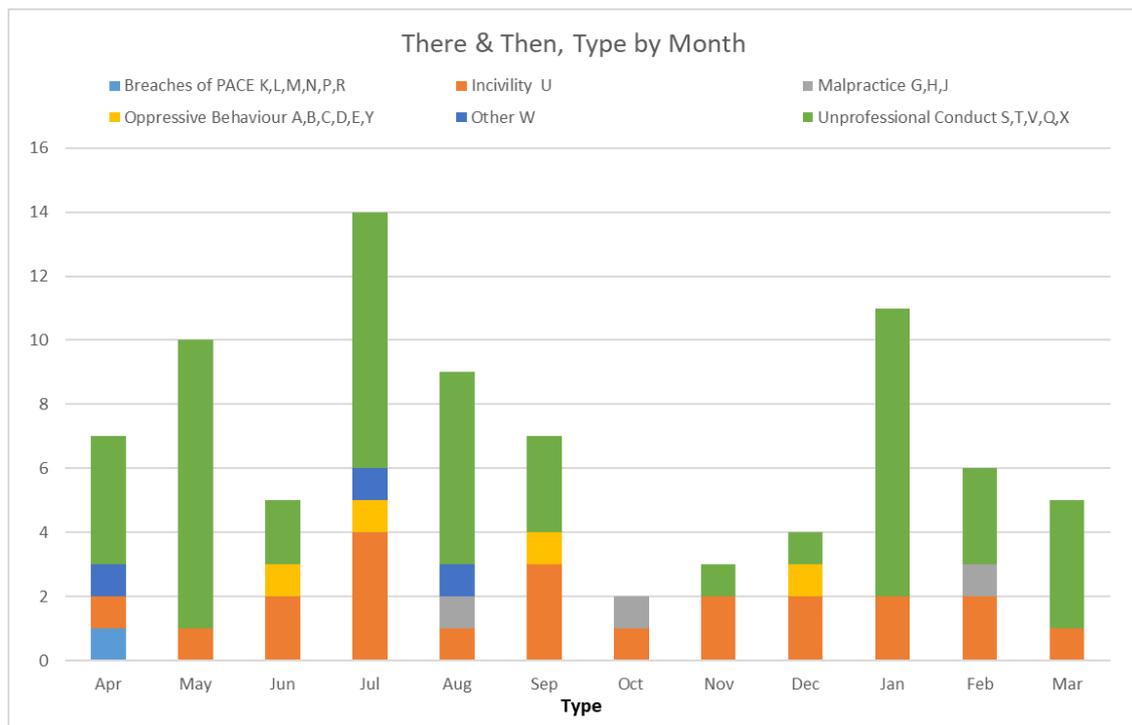
Issues Identified

The two main themes across the allegations identified in this period are:

- Poor communication – officers swearing, being rude or not listening and failing to give information especially updates. In some cases incorrect or conflicting advice was given.
- Lack of or inappropriate Investigation - mainly when the aggrieved feels that they were ignored or investigated more than the other party. Also when the complainant feels that insufficient resources were used for their case and in some cases were providing information to the investigating officer and still felt no action was being taken.

PSD have since circulated an internal message on “Need to Know” to help inform officers about steps they can take to increase positive interactions with the public in such cases, and thereby help to prevent any dissatisfaction.

1.4 There & Then



T&T reports recorded in the current quarter increased. The main category reported was unprofessional conduct which combined forms 73% of reports in the quarter.

1.5 Diversity

There have been 2 allegations of discriminatory behaviour recorded during the current quarter which is an increase of 1 compared to the same quarter last year.

Allegation 1 for Q4 January - March 2019:

January 2019 -

Complaint of a person being stopped at a train station and believes they were subjected to racial profiling and harrasment. This allegation is currently live.

February 2019 –

Complaint of a person who states that failure by police to recognise him as a victim was discriminatory based on a lack of understanding of domestic abuse where the victim is a male. This allegation is currently live.

As part of the next quarterly report for July 2019/20 there will be an update on previous cases covering the last year to review the outcomes of diversity related cases.

1.6 Best Practice

In quarter 4, best practice circulated included reminders to be conscious of how people are treated. One of the examples related to being mindful of how some language could be deemed inappropriate when used in particular situations. The other example was concerning information provided that was in contravention of legislation.

A full list is included at the end of the document in Appendix 2

1.7 Performance

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

Allegation Result Description	Q4 2017/18	Q4 2018/19	Change
De-recorded	1	7	6
Disapplication - by Force	4	5	1
Discontinued - by Force	3	3	0
Dispensation - by Force	0	0	0
Local Resolution - by TPA	66	53	-13
Local Resolution - by PSD	7	5	-2
Not Upheld - by TPA	0	0	0
Not Upheld - by IOPC	0	0	0
Not Upheld - by PSD	7	50	43
Special Requirements - No Case	1	0	-1
Special Requirements - Case	0	2	2
Upheld - by PSD	1	10	9
Withdrawn - by Force	4	1	-3
Withdrawn - by IOPC	0	0	0
Grand Total	94	136	42

The IOPC, in their most recent report (end of Q3, April to December 2018) assesses Cumbria's performance:

- Average number of days to locally resolve allegations – Cumbria 44, MSF average 78 and National average 72. Cumbria's figure and the national figures have increased by 1 when comparing the same period the previous year whilst the MSF has stayed the same.
- Average number of days to finalise cases – Cumbria 151, MSF average 179 and National average 154. Cumbria has seen a reduction in the number of days taken to finalise cases compared to the same period last year which had 160 days.
- Average number of allegations per 1000 employees cases – Cumbria 155, MSF average 238 and National average 196. In the same quarter last year Cumbria had 151.

In the current quarter, 136 allegations were finalised compared to 94 in the same period in the previous year.

The greatest increase was 'Not upheld by PSD' (from 7 to 50). The reason for this is due to PSD staffing levels. In quarter 4 of the previous year there were only two complaints investigators in PSD. The Constabulary has since amalgamated the complaints and misconduct teams, essentially

doubling the capacity, resulting in more cases being finalised. This has directly caused the dramatic increase. The other increase was Upheld by PSD (by 9) for the same reasons as detailed above.

Local Resolutions by TPA has the greatest reduction, -13 (-20%) when compared with the same quarter last year.

1.8 Force and IOPC Appeals

Result	Force Appeals Q4 2017 / 2018	Force Appeals Q4 2018 / 2019	IOPC Appeals Q4 2017 / 2018	IOPC Appeals Q4 2018 / 2019
Upheld/Partially	2	0	4	0
Not Upheld	7	1	4	0
Withdrawn	0	0	0	0
Not Valid	0	0	1	0
Live	0	3	0	3
Invalid	0	0	2	0
Total	9	4	11	3

The above data highlights that the number of IOPC appeals have reduced by 73% (8) and the number of force appeals has decreased by 56%. The percentage of Upheld IOPC appeals has reduced in this quarter to 0. Force Appeals also reflect a reduction in upheld appeals although the live cases for both authorities may change this when finalised.

APPENDICES

Appendix 1

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

Appendix 2

LESSON LEARNED CATEGORY	DISSEMINATION By / To	BRIEF DESCRIPTION
January 2019		
Individual	Insp Minnikin to officer involved	Officer has been given advice and has apologised for his conduct following an allegation of aggressive behaviour towards a member of the public.
Individual	Insp Brennand to officer involved	Officer given advice regarding necessity to document actions to improve performance and ensure all actions are auditable.
Individual	Sgt Roberts to officers involved	Reminder given that all actions should be recorded and BWV used.
Individual	Management to all officers involved	Officers are reminded of the need to adhere to correct procedures in relation to submitting forms and documenting actions.
Organisational	Officer involved	An officer attended the complainants address in relation to an allegation made against him. Complainant felt the officer was rude and was telling lies about trying to communicate him. His property has an active Storm Alert and his wife carries an alarm that is linked to Cumbria Constabulary due to actions from the accuser and her family. Complainant feels that the officer should have known this background information before attending his address. It was noted that officers should be fully briefed and background checks conducted however not always possible when actions are time critical and in some circumstances including this one limited details could be given to officers due to the sensitive nature resulting and historic investigations being restricted.
Individual	Officer involved	Following what was considered to be aggressive behaviour an officer was advised of the Code of Conduct and Big 6.
February 2019		
Individual	Sgt Sampson to officers involved	Officers have been given advice in relation to poor communication that resulted in the complainant being subjected to serious financial implications.
Organisational	Article submitted for Need to Know	Advice given force wide via Need to Know for officers to be mindful of language used that could be inappropriate in some situations.
Individual	DI Nutter to officer involved	Complainant reported that her daughter may have been raped whilst in hospital. Complainant feels that an inadequate investigation was conducted and that an officer was rude and wouldn't let her speak. Officer had not read notes provided by social worker before attending a safeguarding meeting Officer spoken to and deemed human error, officer has learnt from this and understands the importance of reading minutes thoroughly. Another allegation from the complainant is that an officer attended her home address and was rude, pretended to be thick and

		made them repeat everything they said. Officer involved has taken on board the comments made.
Custody	Custody trained sergeants	Following a failure to action a breach of a non-molestation order guidance has been circulated to all custody trained sergeants to remind them of procedure for dealing with non-molestation orders and other substantive offences.
Organisational	Article submitted for Need to Know	Following an RTC where the complainants details were given to the company of the other vehicle involved a reminder was published regarding the sharing of information between parties following an RTC in contravention of the RTA 1971.
March 2019		
Individual	Both officers involved	Officers given advice to use BWC to capture the incident but also to gain more knowledge of the underlying issue experienced by the complainant. One of the officers has also been advised to be mindful of how language and attitudes make people feel.
Individual	Insp O'Hare to officers involved	Following the detention of a child without arrest officers involved have been advised on the legal position regarding lawful arrest, the use of BWV, correct procedures for submission of forms and recording of actions. Officers have already changed their working practices prior to management advice and had acted in what they believed was in the best interests of the child at the time.
Individual	Firearms Licensing Manager	Complainant alleged that firearms enquiry officer had 'exceeded his authority' and told a community that the complainant was being investigated by the police and was a 'bad payer of rent', this was not proven. Performance issues were identified in relation to firearms licensing checks and documenting findings correctly, recommendations were passed to the Firearms Licensing Manager to review and action as appropriate.

Ethics and Integrity Panel



Title: OPCC Complaints

Date: October 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 illustrating the number of complaints which have been received by the OPCC up to 31 March 2019. In brackets are the number of those complaints which were passed to Cumbria Constabulary to deal with, these were all regarding police officers below the rank of Chief Constable, the Police and Crime Commissioner has no statutory responsibility to deal with such matters. As can be seen from the figures detailed below a large proportion of the complaints received by the OPCC, the Commissioner is unable to deal with.

2014	2015	2016	2017	2018	2019
13 (8)	2 (2)	22 (22)	5 (5)	16 (15)	2(2)

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

Commissioner Complaints

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

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

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 5 complaints received in 2018, all have now been resolved by the County Council's Monitoring Officer by way of 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 received from 1 January 2017 to 31 March 2019. There are no complaints outstanding.

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

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. Police Integrity Reforms

3.1 In December 2014, the Home Secretary conducted a consultation on Police Integrity with a view to reforming the police complaints and disciplinary systems, making them more public focused and independent. A copy of the consultation and the Government's response can be viewed on their website - [Home Office consultation and response](#)

3.2 Outlined below are proposed changes to the police public complaints process which will directly affect the OPCC.

Complaints System

- Recording Complaints - all complaints received by either the Constabulary or the Commissioner will be recorded.
- Complaints - Police and Crime Commissioners are to decide locally whether or not they take on any role in relation to the receiving complaints and dealing with them, up to and including local resolution. Proposed legislation will enable Commissioners to establish the arrangements they believe most appropriate to improve the complaints system at a local level.
- Appeals - Police and Crime Commissioner will be mandated to consider appeals brought by complainants in cases dealt with through local resolution handled by the police. Commissioners will not be able to decide to leave the appeal function with the Constabulary.

3.3 Legislation is required to pass through Parliament before the proposed changes can be finally implemented. It was hoped that this would have been finalised for implementation on 1 April 2018, however due to other draft legislation and issues being discussed, predominantly Brexit, the required legislation has not been passed.

3.4 The Home Office and the IOPC during the latter part of 2018 and the beginning of 2019 have consulted widely on proposed guidance in preparation for implementation when legislation is passed and receives Royal Assent.

3.5 As Police and Crime Commissioners will take on the role of dealing with Appeals, there is a likelihood that there will be an increase in the number of complaints received against them from individuals dissatisfied with the outcome of their appeal. The Home Office will be consulting with Police and Crime Panels (PCP) on any potential increase and how these would be dealt with. PCP's will need to look at their decision making processes as to whether a complaint met the strict criteria and consider whether to record it or not.

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.

Ethics and Integrity Panel



Title: OPCC Quality of Service & Policing Issues

Date: April 2019

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 (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	2014	2015	2016	2017	2018	2019
98	198	167	235	270	350	126 (up to 31.3.19)

The number of QSPI's received in the first 3 months of 2018 was 64, in 2019 the OPCC has seen a 49% (126) increase and it is anticipated that this increase could be maintained throughout the year.

- 1.6 In February and March 2019 the OPCC received 42 enquiries following the Commissioner's decision to increase council tax funding for the second year. Public consultation was carried out prior to the decision of which 2,161 members of the public responding; with over 70% stating they supported the proposed increase. Each enquiry has been provided with a response and detail of the rationale behind the increase.
- 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 350 QSPI's processed from 1 January to 31 December 2018 the OPCC itself provided the response to 88 (25%) with the Constabulary providing information for the OPCC to respond with, and in some instances directly contacting individuals, for 262 cases (75%).

2. Making A Difference

- 2.1 In each instance, the OPCC helps to facilitate the individual to be provided with a tailored response or explanation to the issues that they have raised. On many occasions the matter is dealt with at a local level, with police officers and staff making contact or visiting the individual. This then enables the Constabulary to find out more about the issue and look to implement a suitable solution or resolution for not only them but on occasions the wider community.
- 2.2 Where matters are passed to the Constabulary the OPCC is advised of progress and of either a final solution, which has been agreed with the individual, or information/advice relating to their issues.
- 2.3 Members of the public also contact the OPCC for advice and clarification on a variety of topics and issues. Again, these will all receive a response either providing the information sought or signposting the individual to the correct organisation who can assist them.

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 to 30 December 2018:

95% shared learning with TPA's
5% shared learning with PSD

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 Appendix 1 illustrates the nature of the top five issues raised within 2017 and 2018 are detailed below as compared to the first 3 months of 2019. As can be seen from the table below Council Tax issues have been prominent during the reporting period, which had not been experienced in previous years.

Issues Raised	2017	2018	2019
Appleby Horse Fair	5	131	1
Police Resources / Police Service	88	124	37
Car Parking / Driving Issues	45	36	19
Anti-Social Behaviour	19	19	4
Cyber Crime / Fraud	7	5	3
Council Tax			42

- 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 funded 'speed watch' initiatives which is being extended across the county via Neighbourhood Watch Volunteers. A number of community-based projects across the county have received funding with an aim to reducing anti-social behaviour particularly in young people.

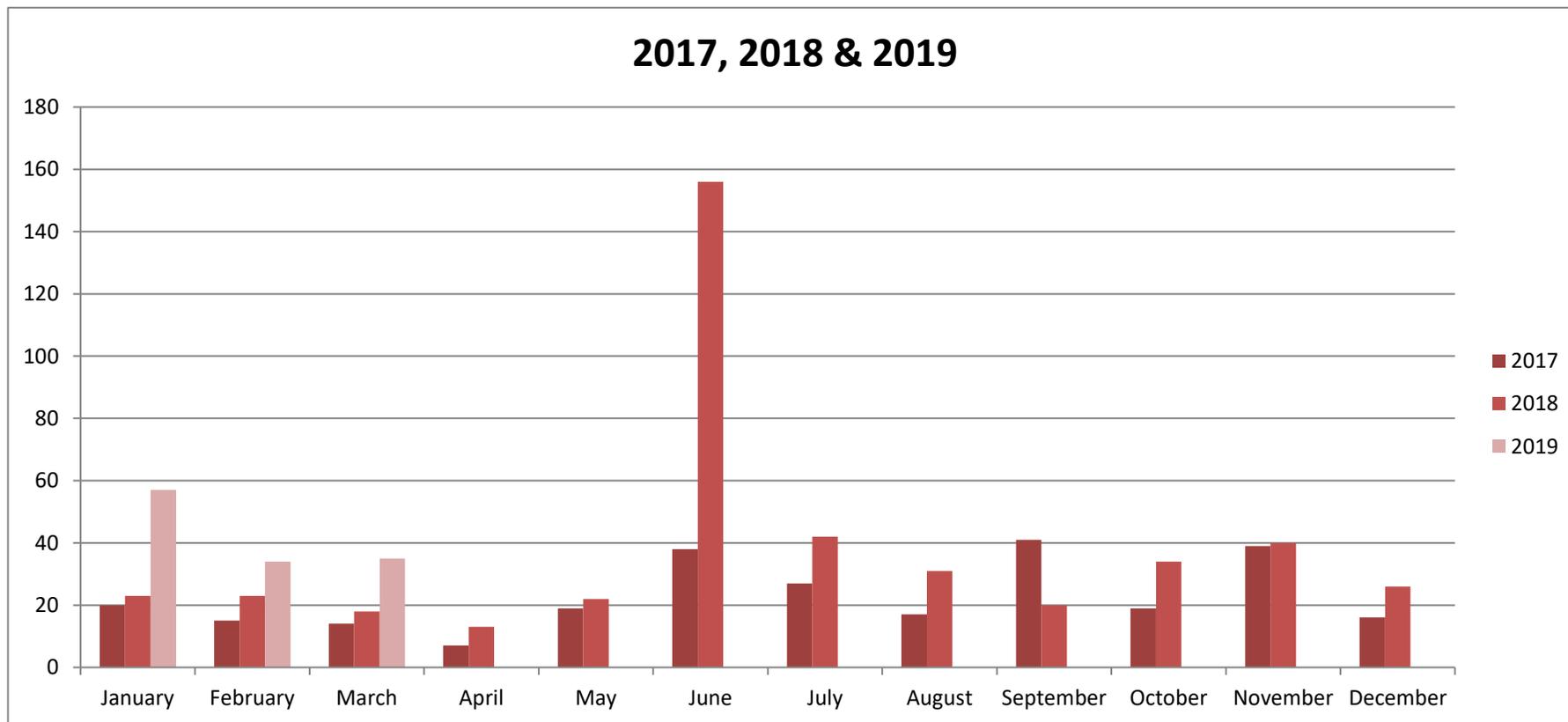
4. Implications

- 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

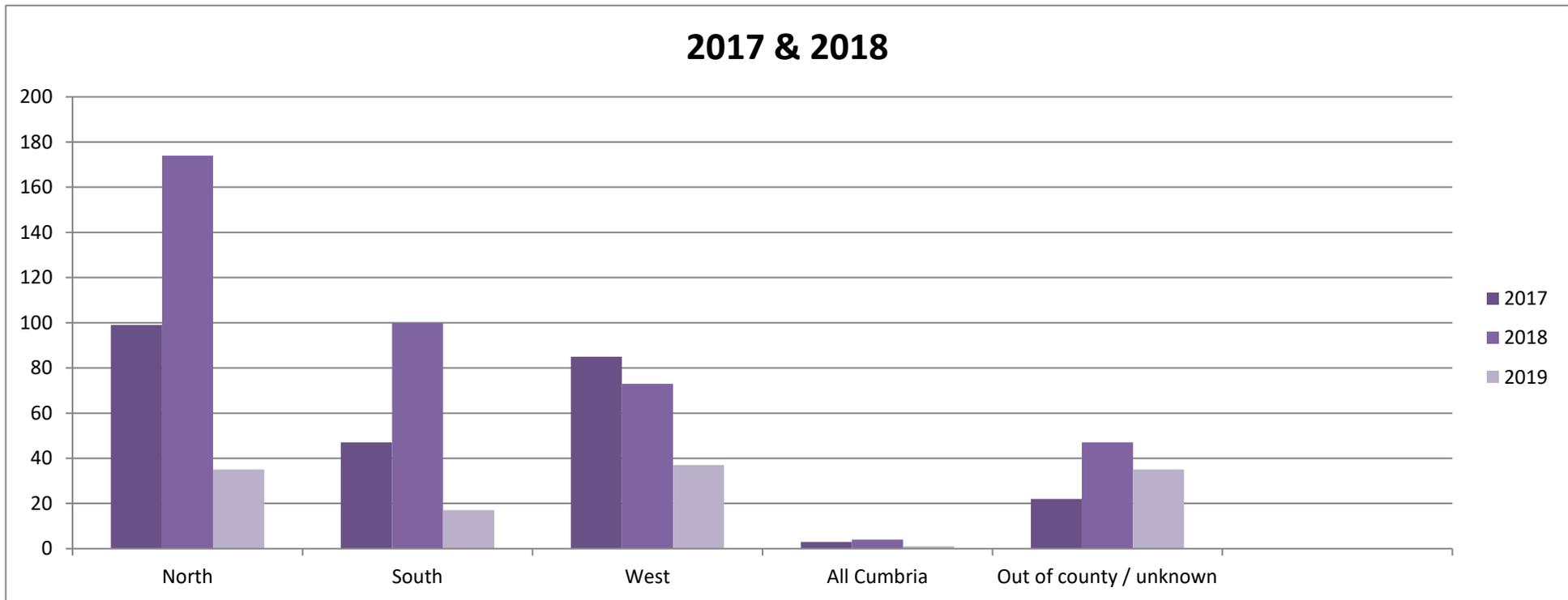
Appendix 1 – Quality of Service issues received by the OPCC

QSPI'S per Month



It can be seen from the above chart in June 2018, 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. In the first 3 months of 2019 the OPCC has received a number of requests in relation to Council Tax Policing Precept increases.

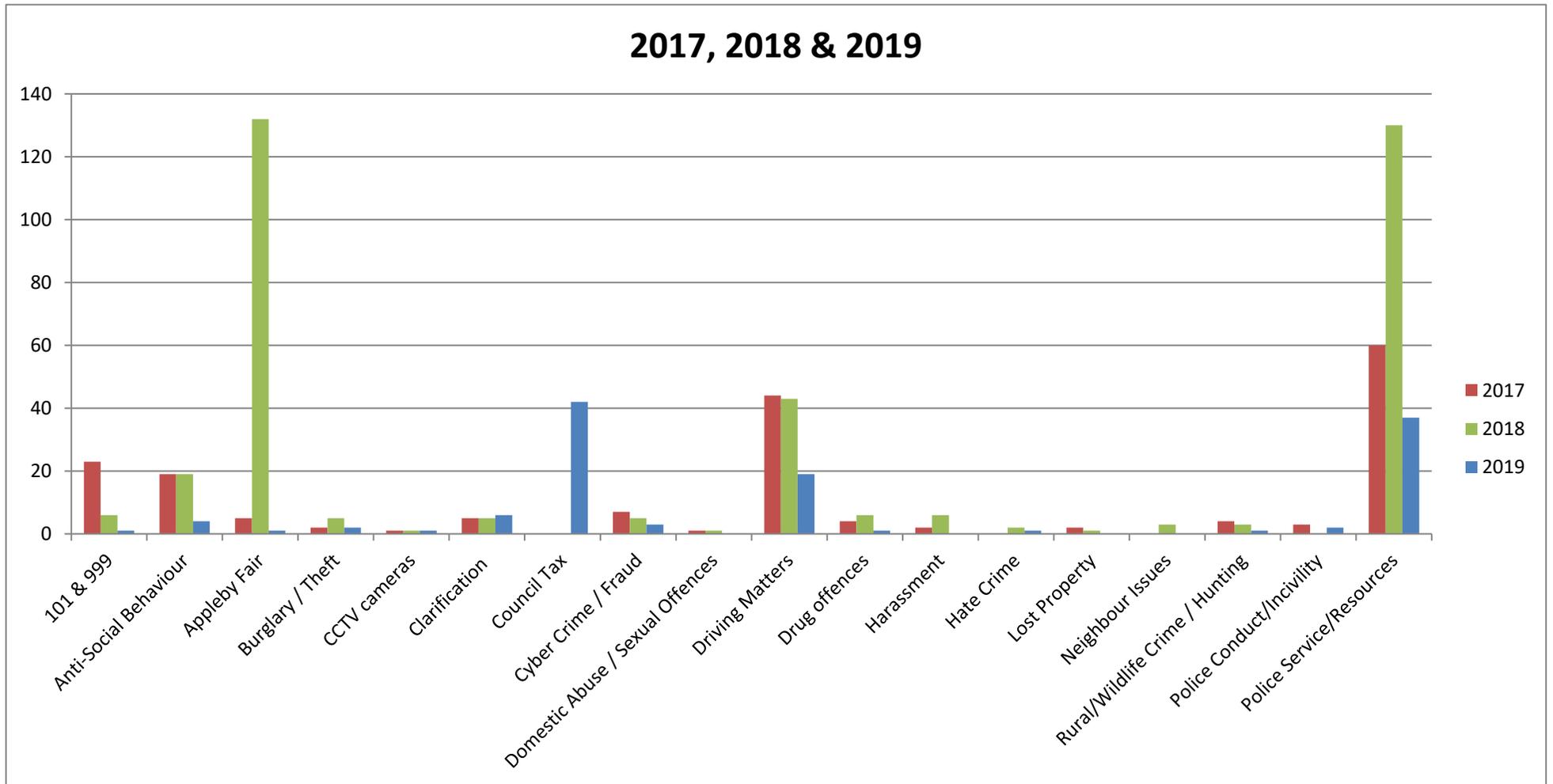
QSPI's per Area



The number of QSPI's received in the first 3 months of 2018 was 64. In 2019 the OPCC has seen a 49% increase up to 126 during the same period.

QSPI Categories

2017, 2018 & 2019



The above figures are for the periods 2017, 2018 and 1 January to 31 March 2019

Enquiries to: Mrs J Head
Telephone: 01768 217734

Our reference: jh/EIP

Date: 1 August 2019

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 August 2019** in **Conference Room 2**, Police Headquarters, Carleton Hall, Penrith, at **2.00 pm**. Please note that a buffet lunch will be served for Members of the Ethics and Integrity Panel.

G Shearer
Chief Executive

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

The Panel members will meet at 11.00 am to carry out a dip sampling session

PANEL MEMBERSHIP

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

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 2 May 2019 (copy enclosed).

5. STOP & SEARCH

The Panel to verbally report upon the outcome of the mornings' dip sample session.

6. INTEGRITY –

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

- (a) Anti-Fraud & Corruption; and
- (b) Complaints by the Public

7. NEW COMPLAINTS AND MISCONDUCT REGULATIONS

To receive a verbal update on the changes to the Complaints process where Police and Crime Commissioners will carry out complaint appeals (reviews).

8. PANEL WORK PROGRAMME

To receive a verbal update on future work streams for the Panel.

ETHICS AND INTEGRITY PANEL

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

PRESENT

Mr Alan Rankin (Chair)

Mr Michael Duff

Mr Alex Rocke

Also present:

Deputy Chief Constable Mark Webster

Superintendent Sarah Jackson

Superintendent Mark Pannone

Andrew Dobson – Head of Legal Services

OPCC Chief Executive - Gill Shearer

OPCC Governance Manager - Joanne Head

11 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mrs Lesley Horton.

12. DISCLOSURE OF PERSONAL INTERESTS

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

13. URGENT BUSINESS

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

14. NOTES OF THE PREVIOUS MEETING

The notes of the meeting held on 11 February 2019 and supporting action sheet were previously circulated with the agenda.

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

15. CIVIL CLAIMS

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

The number of Public Liability claims had dropped to its lowest level since May 2016, which was pleasing to see. A member questioned why there were a number of claims relating to lost or damaged property and asked what processes were in place for dealing with property. The Head of Legal Services advised that previously such claims were dealt with by the Constabulary's Central Services Department and would not have appeared on the report. Legal Services were now handling all such claims resulting in reported numbers increasing. That said, taken in the context of the number of incidents that the Constabulary dealt with these were relatively small numbers. The Constabulary had undertaken to review its need to seize property from members of the public if other options were available to them such as the ability to send video footage securely.

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

Agreed; that the report be noted.

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

16. CONSTABULARY GRIEVANCES

During the 2018/19 financial year there had been 5 grievance claims made and altogether. The cases were at a number of different stages includes, stages 1, 2 and 3.

The Panel discussed in more depth details of the cases being raised to enable them to understand the nature of the issues raised through the Grievance procedure. They noted that the numbers remained low and indeed some of the cases were brought by one individual. Some cases were at stage 3 of the process with one being recently resolved at stage 3.

Agreed; that the report be noted.

17. MISCONDUCT

The Panel Chair advised that police staff misconduct was now being reported as part of the Constabulary's Integrity – Anti-Fraud and Corruption report and was no longer a separate agenda item.

18. INTEGRITY – ANTI-FRAUD & CORRUPTION

The Panel feedback on the cases they had dip sampled of both police officer and police staff misconduct files during their morning session. In total only 5 cases had been finalised within the previous 6 months. They were pleased to see that Body Worn Video evidence was able to be used in misconduct cases which provided independent evidence.

Following the conclusion of all the cases the files were reviewed to identify any organisational learning which was then disseminated force wide to prevent similar matters occurring in the future.

During the morning the Panel were shown a new intelligence system which the Constabulary were using to identify individuals at risk of compromise. The system took into account any reports alongside complaints, HR and Occupational Health Unit data to obtain a full picture of the individual and any issues affecting them. Following their concerns, the panel were assured that the system was used as a welfare tool and any discussions with officers or staff were carried out with a positive approach to assist the individual.

Deputy Chief Constable Webster presented the quarterly report on work undertaken by the Constabulary's Anti-Corruption Unit. It was noted that the area of most focus related to data security/disclosure with an increase of 5 reported cases. Work was being carried out on a local and national level concerning personal relationships and especially those in the workplace. National working groups, boards and regional boards provided an opportunity to share learning and develop consistent communications for officers and staff.

A discussion took place regarding the Constabulary's Secondary Business Interests process. The current system was predominantly paper-based and due to the different areas having to be signed off could take a while before approval was granted. Superintendent Jackson advised that the Constabulary were looking through the different workflows to try and improve the system and speed up the process. However due to other work being currently carried out within the force it was anticipated that this would not be finalised within the next 6 months. It was agreed that an update would be provided to the Panel's November meeting on progress.

Agreed; that,
(i) the report be noted; and
(ii) an update on the Secondary Business Interests process be provided to the November meeting.

19. INTEGRITY - COMPLAINTS BY THE PUBLIC

Deputy Chief Constable Webster presented the quarterly report detailing the Constabulary's performance in dealing with public complaints. Superintendent Jackson advised that a new analyst was now in post, leading to a change in the way this area of business was reported, including a different approach to the reporting of public complaints. Deputy Chief Constable Webster recognised that although the report provided good data it did not deal with the 'so what', illustrating the next steps to be taken.

The report highlighted that the force attended 65,295 incidents with 9,710 arrests made. It was noted, that the number of complaints and appeals had both reduced by 6% from the last quarter. The increased usage by officers of Body Worn Video enabled complaints to be dealt with quickly should there be any doubt regarding an officers actions.

During their dip sample session on 25th April 2019 the Panel had looked at 17 files including investigations, local resolutions, appeals and There and Then procedure. Collectively there had been a noticed improvement on the content of the local resolution letters with four which were worthy of note. These had been comprehensive, clearly explained the process whilst being robust and managing individual's expectations.

There was a discussion in relation to one particular case where an officer had attended an incident. Issues related to him having to attend an incident whilst not wearing his full kit and unable to activate Body Worn Video. Fellow officers had also failed to activate Body Worn Video and no Use of Force form was completed. Having reviewed the file the Panel members highlighted that what was deemed to be mitigating and aggravating factors within the report and felt that these were not being used appropriately. Superintendent Jackson advised that this would be discussed within the PSD team to ensure that appropriate reasons were included within the reports. It was agreed, that the Panel would be updated at the next meeting on the changes to be made.

Agreed; that, the
 (i) report be noted; and
 (ii) Panel be updated at the August meeting on the changes in relation to investigation files and force policy on refreshment breaks.

20. OPCC COMPLAINTS AND QSPI

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

During the first three months of 2019, the OPCC had received no complaints regarding the Police and Crime Commissioner. In 2018 the Police and Crime Panel had received a total of five, all of which had now been finalised by way of Local Resolution. There were currently no outstanding complaints about the Chief Constable, Mrs Michelle Skeer. One had been received but this had not been pursued by the complainant and was therefore finalised. No complaints had been received regarding any member of OPCC staff.

In 2018 the OPCC had received a total of 350 notifications of dissatisfaction from members of the public regarding policing matters. In the first three months of 2019 the OPCC had received 126, equating to a 49% increase.

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

- Appleby Horse Fair (1)
- Police Resources/Police Service (37)
- Car Parking / Driving Issues (19)
- Anti-Social Behaviour (4)
- Cyber Crime / Fraud (3)
- Council Tax (42)

The number of issues regarding Council Tax were attributed to a recent increase in the police element of the council tax for residents in Cumbria. Much of the correspondence related to enquiries on how the increased money was to be spent on policing.

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.

Agreed; that, the report be noted.

21. THEMATIC SESSIONS

The Panel had recently carried out two thematic sessions as follows:

Mental Health Detention

The Panel had been asked to dip sample custody records relating to detainees held in custody with mental health issues. In particular, those relating to detention under Section 136 of the Mental Health Act and those detained under Common Law.

Twelve Sec136 custody records and 4 Common Law records had been reviewed during the dip sample session. The Panel reported their observations from the session. The first being recognition of the incredible workload which was placed upon Custody Sergeants in dealing with detainees who had mental health issues, the amount and level of data inputting they carried out and it's frequency was to be applauded especially in busy custody suites.

Recognition was made that there was inadequate health provision by partner agencies to provide secure accommodation for mental health patients. This meant that custody staff had to deal with detainees for long periods waiting for health partners to be able to accept the detainee.

Superintendent Pannone, as the Constabulary's Mental Health Lead, briefed the Panel on proposed changes within the county in relation to mental health provision. Noting that the county would be split with the north of the county receiving provision from the North East and the south of the county receiving provision from Lancashire.

The Panel felt that the Constabulary overall dealt with such detentions very well and asked whether the Deputy Chief Constable wished for further oversight of this area of work. He

advised that the IOPC are potentially going to carry out a thematic on how people with mental health issues were detained in custody. The Panel's work and comments provided assurance that robust processes were in place. It was agreed that the Deputy Chief Constable would speak with the OPCC Chief Executive to discuss how this work could be carried out within the Panels work programme.

The Panel asked that their praise for the hard work of the custody staff be relayed to them, which Superintendent Pannone agreed to do.

Use of Force

Panel Member, Alex Rocke, had attended the Constabulary's Use of Force Board meeting on 13 February 2019. The purpose was to gain an understanding of the Boards work, how they manage issues, use of learning points to improve service and identify any potential thematic work for the Panel.

Alex provided a briefing for the Panel on his findings, noting that in the final quarter of 2018/19 there had been 1147 forms completed which equated to 7% of all recorded incidents attended by the Constabulary. That said, a significant percentage, over 30% of the incidents were resolved using communication skills to achieve control of a situation rather than actual force. There had been 391 (34.1%) where the use of force was against subjects who were deemed to have mental health impairment.

Following force learning a review of the use of force forms was to be undertaken at a national level and refreshed on receipt of Home Office data ensuring they were current and fit for purpose. As part of the action list reviewed by the board it stated that reports of use of force would be presented to an external body.

It was proposed that the Panel could be utilised to review the revised use of force form to give an independent perspective. A recently released HMICRF PEEL report had included the Constabulary's Use of Force and the use of Stop and Search Powers as part of its review. It recognised that there was external scrutiny of Stop and Search but not of Use of Force. Following discussion, it was agreed that the Ethics and Integrity Panel could potentially provide external scrutiny for Use of Force. Deputy Chief Constable Webster and the OPCC Chief Executive would meet to discuss how this could be inserted into the Panel's work programme.

Anti-Social Behaviour

Baroness Newlove had recently issued a report regarding anti-social behaviour, how this affected victims of it and in some forces where police were failing. The Panel asked what the position was within Cumbria. Deputy Chief Constable Webster advised that there had been a decline in the number of anti-social behaviour incidents, mainly due to their re-classification and recording of the criminal offences committed. There were now more officers within the neighbourhood policing teams whose core responsibilities were to target and deal with anti-social behaviour. Within the Communication Centre anyone reporting being a victim of anti-social behaviour was assessed and its severity graded to either bronze, silver or gold. This then

also enabled the Constabulary to review repeat incidents and prioritise accordingly. Such information could then be reviewed by not only the Constabulary but partner agencies to seek to address the problem.

It was agreed that this area would also be discussed with Deputy Chief Constable Webster and the OPCC Chief Executive when they met to discuss the Panel's work programme.

- Agreed;** that,
- (i) Mental Health Detentions be included as part of the Panels work programme for the year;
 - (ii) Use of Force to be included as part of the Panels work programme for the year;
 - (iii) Anti-social Behaviour be considered as part of the Panel's work programme; and
 - (iv) the Deputy Chief Constable and the OPCC Chief Executive to meet and discuss the Panel's work programme.

Meeting ended at 3.40 pm

Signed: _____
Panel Chair

Date: _____



People Department OPCC Update Report

Owner	Superintendent Jackson
Produced By	Cara Voller – Anti-Corruption Unit Intelligence Analyst
Date Produced	17/07/2019 v1 24/07/2019 v2 29/07/2019 v3
Dissemination	To OPCC Integrity Panel

This product has been prepared for the attention of the OPCC Integrity Panel at the request of Superintendent Jackson.

It contains Intelligence in an abridged format and may contain 'Sensitive Material' as defined in the Attorney General's guidelines for the disclosure of "Unused Material" to the defence and therefore may be subject to the concept of public interest immunity.

No part of this document may be copied or disclosed without prior reference to the Department Superintendent. The GSC is Official - Sensitive.

1. Executive Summary

- Cumbria Constabulary is still below the National and Most Similar Force (MSF) average for number of days taken to locally resolve allegations.
- Figures relating to allegations of Discrimination and Diversity are low however there is a lack of readily available information regarding equality to accurately analyse levels of discrimination.
- Unprofessional Conduct and Incivility are key areas of concern as they are categories that are consistently being reported.
- There has been a significant increase in corruption cases however this is due to a single but significant investigation and should not present a cause for concern.

2. Introduction

This document will be produced quarterly to provide a comprehensive overview of many aspects of the Professional Standards Department and where relevant the wider People Department. It will cover a brief summary of the main cases in relation to the priorities of the ACU and the region.

Complaints will be discussed including cases, allegations and There and Then.

It will also look at appeals and organisational learning to determine what actions have been taken

Performance and intelligence reports for each area will be compared to give an indication of emerging TPA trends of note.

Repeat officers are assessed along with an analysis of whether gifts and gratuities received or secondary employment and business interests suggest any issues.

New to the report this quarter will be a thematic review and the results of the Risk and Vulnerability Matrix.

The thematic review in this report will be on Discrimination and Diversity. Whilst this has involved many challenges the overriding outcome of this is that not enough data is managed by the force in relation to the diversity of officers and staff.

The Risk and Vulnerability Matrix will comprise of the high risk individuals and a brief description of the highest scoring officer/staff's behaviour over the last 12 months.

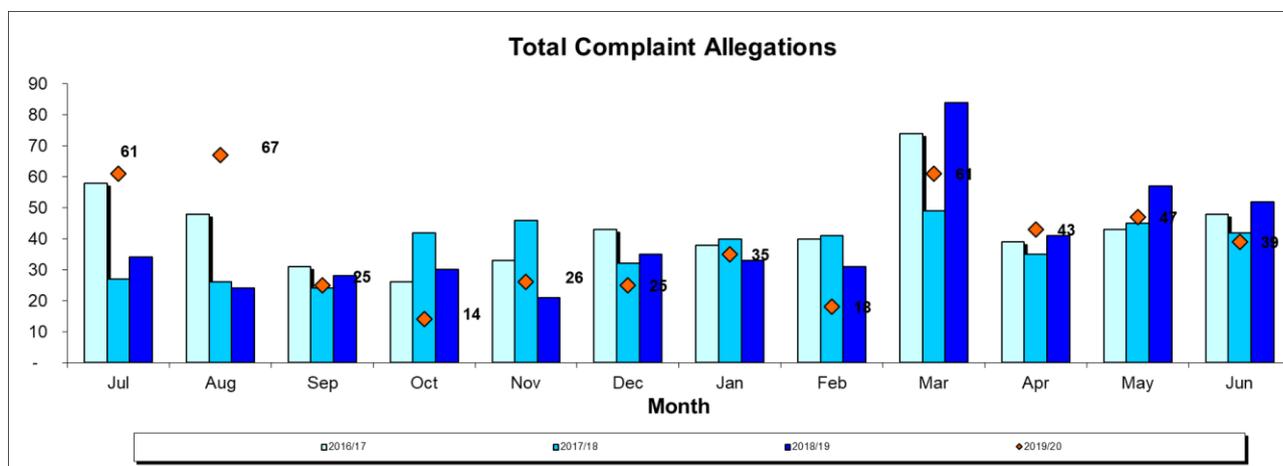
3. ACU Report

The ACU/Regional Priorities are:

- Disclosure of Information & Misuse of Force Systems
- Abuse of Position for Sexual Purpose/Sexual Misconduct
- Misuse & Supply of Controlled Drugs
- Employee Vulnerability
- Operational Security

4. Complaints – Cases, Allegations, There & Then

The below chart compares the allegations recorded per month over the last 3 years.



The diamond shape reflects the number of allegations in the last 12 months and shows that the current quarter is generally around the average mark (with April being slightly higher this year).

The table below provides a more effective way of seeing which categories have changed from year to year. The current year is shaded in blue and shows that total figures have dropped since the same quarter of the previous year but increased slightly from two years ago.

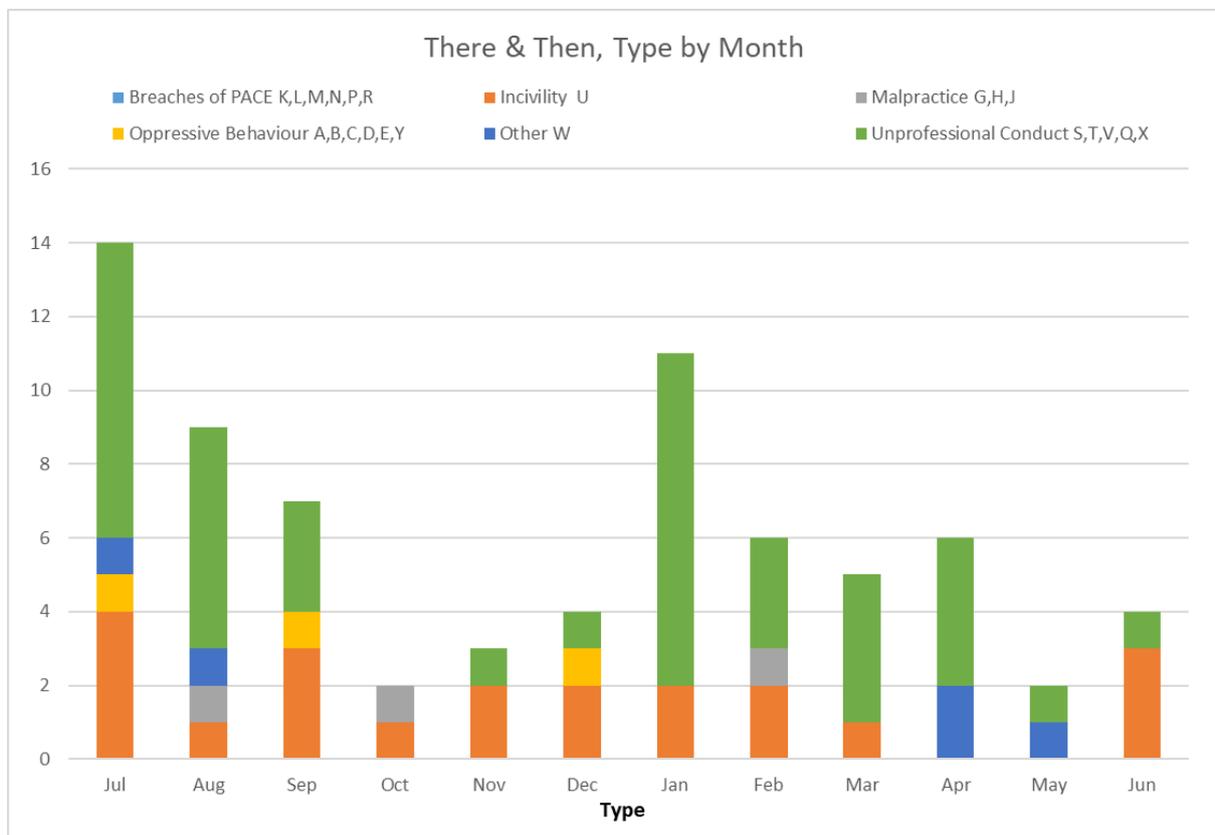
D&C has dramatically reduced this year due to the emphasis being aligned to individual learning. Rather than dealing with it as D & C it will be aligned to individual officers to allow them to learn from mistakes. An example of this would be a complaint against custody which previously would be recorded as D& C but further investigation shows that it was actually the actions of an individual officer. The IOPC also advised that complaints associated with custody issues should be recorded against respective officers rather than D&C. There has been an increase in incivility.

Unprofessional conduct is showing a steady increase with 7 additional allegations each year when comparing quarter to quarter. This is likely to be due to all complaints now being logged or recorded where previously dissatisfaction reports were not logged. This is so that reflective learning is captured under PRI.

Allegation	19/20 Q1	18/19 Q1	17/18 Q1
Breaches of PACE	11	13	7
D&C	2	31	32
Discrimination	2	3	2
Incivility	33	20	26
Malpractice	6	11	5
Oppressive Behaviour	24	27	15
Unprofessional Conduct	67	60	53
Total	145	165	140

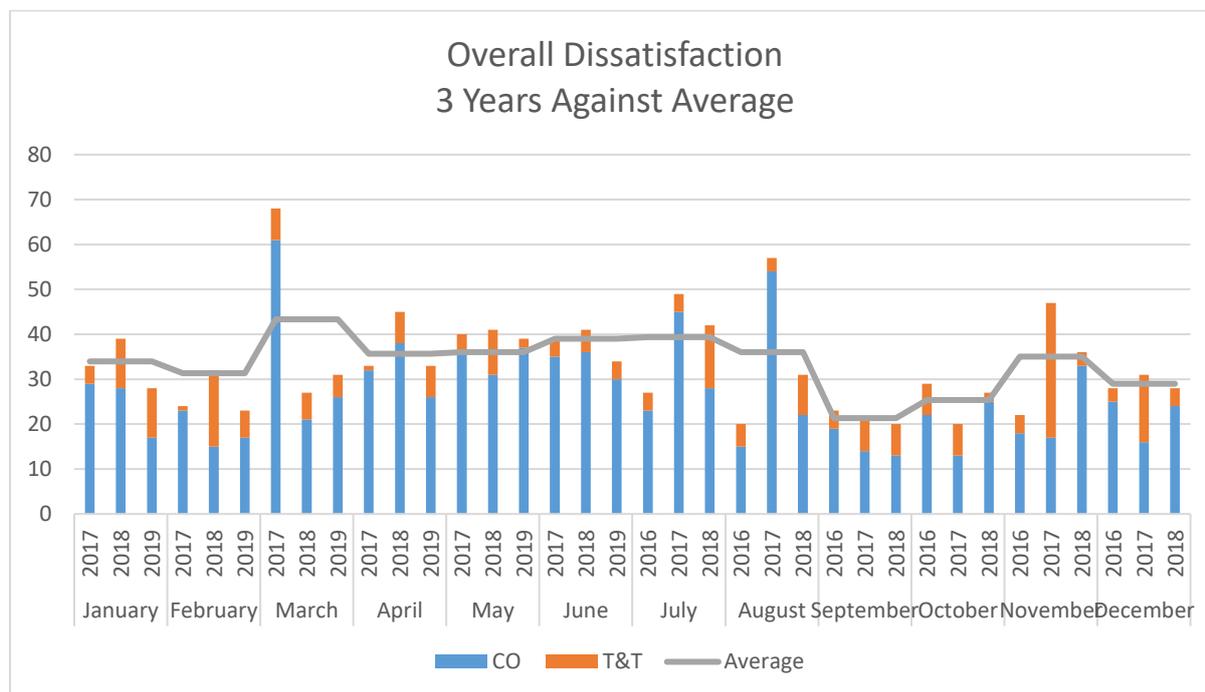
There and Then figures for the last 12 months are in the below graph and although there is nothing of concern in the current quarter, Unprofessional Conduct is the most prevalent type with 41 reports. This area is far reaching in that it covers neglect of duty, other irregularity in procedure, traffic irregularity, lack of fairness and impartiality and improper disclosure of information. There are no particular patterns that raise concern other than improper disclosure of information, which has been targeted proactively by PSD in internal media campaigns, training and dissemination reports.

The next type most reported on is Incivility where there are 21 reports. As the graph shows, these are the two categories that appear most regularly. There is one month where Unprofessional Conduct did not feature and two months with no incivility cases. This is an area that is being addressed as it is known that there has been an increase in improper disclosure of information complaints, and as a result has been the topic of recent PASS newsletters. Furthermore unprofessional conduct includes Neglect of duty – this can include officers failing to update/inform victims of crime. This will be a focus of attention as we move towards greater supervisory involvement through Practice Requires Improvement and ensure supervisors confront low level complaints and conduct head on.



An effective way in which the PSD has highlighted issues used by the department is via the Sergeant and Inspector briefing days. At the presentations, intrusive supervision and having difficult conversations with staff is encouraged and this could be having a knock on effect of reducing the number of public complaints. In addition, the implementation, use and understanding of Practice Requiring Improvement (PRI) seeks to take a reflective view of low level complaints rather than individual sanctions. Incivility and Unprofessional Conduct will now feature as a thematic issue in the forthcoming briefing days.

The graph below combines the figures for Complaints and There and Then to show the overall level of dissatisfaction over the last three years. Comparing the current quarters figures against the average there are no concerns beyond what has already been mentioned.



5. Appeals

The below table shows the number of appeals for the current quarter and the same quarter of the previous year that have been referred to the force or to the IOPC. Where relevant, the result is shown. Both referral categories have declined from the previous year however, IOPC appeals have only reduced by one so it is not a significant change. Looking at other quarters from the previous year, force appeals tend to be between 10-17 per quarter, therefore the current quarter is less than what was expected last year.

Result	Force Appeals Q1 2018/19	Force Appeals Q1 2019/20	IOPC Appeals Q1 2018/19	IOPC Appeals Q1 2019/20
Upheld/Partially	2	2	0	1
Not Upheld	11	3	0	1
Withdrawn	0	0	0	0
Not Valid	0	0	0	1
Live	2	2	4	0
Invalid	0	0	0	0
Total	15	7	4	3

Based on the figures, appeals have reduced by half and there are a number of reasons for this. Firstly, Inspectors have come to embrace and understand the approach to dealing with low level

complaints through a more pragmatic approach to the Local Resolution process. Secondly, they have engaged with the complainant and agreed a list of actions, and lastly, they have provided an update to the complainant with a summary of their findings aligned to the list of agreed actions between them (both of the former were historically repeated reasons for complaint appeals which have been mitigated by ongoing awareness raising by PSD).

6. Area Overviews

North – In the current quarter there were 34 complaints, 19 of those were for Unprofessional Conduct, mostly relating to Other Neglect or Failure in Duty. There were 5 allegations of Oppressive Behaviour and 3 of those were Other Assault. 5 allegations were for Incivility.

There is no discernible pattern other than;

- North Carlisle Section 3 were responsible for 7 public complaints
- North Crime unit were responsible for 7 public complaints (5 of which were categorised as neglect of duty)

South – There are 56 complaints in the current quarter, 22 of which are for Unprofessional Conduct, again mostly for Other Neglect or Failure in Duty. There are 11 allegations for Oppressive Behaviour, 6 are for Other Assault, 1 for Serious Non-Sexual Assault and 4 for Unlawful/Unnecessary Arrest. There were 2 allegations of discrimination and 12 for Incivility.

- Kendal had more than twice the number of complaint allegations for the reporting period compared to Barrow.
- Kendal Unit 1 were responsible for 11 of the public complaints within the reporting period.

South Crime Unit were responsible for 5 public complaints (5 recorded as neglect of duty)

West – 49 complaints have been recorded in this quarter, 17 for Unprofessional Conduct. 8 allegations were made for Oppressive Behaviour, 1 of which was for Sexual Assault. 13 allegations were for Incivility.

- There is no discernible pattern for West.
- West Crime Unit were responsible for 2 complaints.

UOS – There were 4 complaints in the quarter, 2 for incivility and 2 for Unprofessional Conduct.

HQ – 5 complaints have been recorded in the current quarter, 3 for Unprofessional Conduct, 1 for Incivility and 1 for Direction & Control.

It should be noted that a significant number of complaints are captured as Unknown – where the complainant is unable to identify the officer(s) involved or there are a number of officers assigned to particular incident log.

A copy of the report is supplied to the Area commanders for their information and action as necessary. A member of PSD attends the Area Management Team meetings on a quarterly basis to provide oversight. PSD now also provide a member of staff in area on a monthly basis to provide support and advice to staff on all complaints/conduct matters.

8. Performance

In the most recent report published by the IOPC (March 2019) Cumbria's performance was analysed and is presented in the below table

	Cumbria – 01/04/2018- 31/03/2019	Same period last year	MSF Average	National Result
Average number of days to locally resolve allegations	42	43	76	72
Average number of days to finalise cases	164	163	170	158
Number of allegations recorded per 1000 employees	204	200	302	264

This shows that whilst Cumbria is still below the Most Similar Force (MSF) average in all aspects it is higher than the National Result for average number of days taken to finalise cases.

In order to improve performance, new working practices have been introduced, which include:-

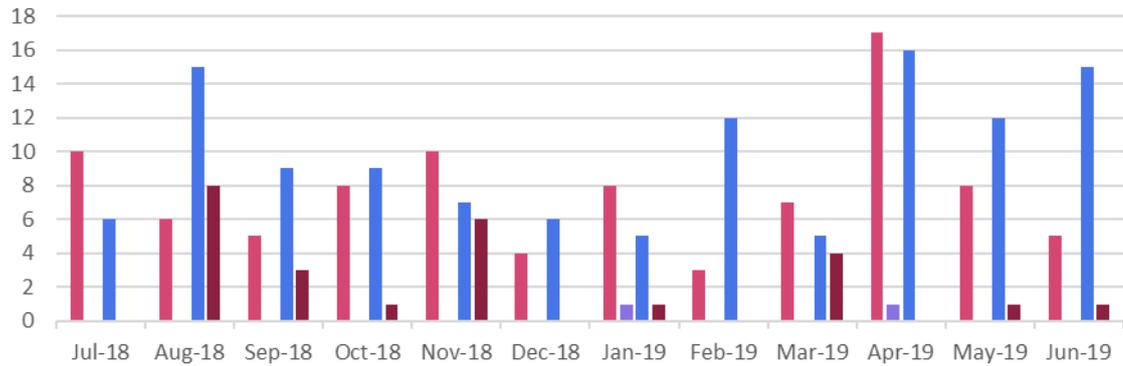
- One Investigation Team who investigate both Conduct and Complaints
- All investigations now overseen by DI Jenner
- Investigations are discussed on a weekly basis

When the new process started there were over 50 outstanding complaint investigations which has now reduced to 9.

9. Intelligence Reports

The below graph and table shows the number of intelligence reports received according to the PASS strategy. The current quarter shows that levels for "People We Know" and "Standards of Professional" Behaviour are considerably higher than the previous two quarters (Oct-Dec18, Jan-Mar 19), particularly in April. "Areas We Work" and "Systems We Use" remain low and are consistent with previous months/quarters. The reason for this increase is due to multiple reports linked to an intelligence development operation which has progressed into a live investigation.

Intelligence Reports by PASS Strategy



	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19
People	10	6	5	8	10	4	8	3	7	17	8	5
Areas	0	0	0	0	0	0	1	0	0	1	0	0
Standards	6	15	9	9	7	6	5	12	5	16	12	15
Systems	0	8	3	1	6	0	1	0	4	0	1	1

■ People
 ■ Areas
 ■ Standards
 ■ Systems

10. Gratuities

In the current quarter 29 gifts or gratuities were offered, of those 5 were declined. Most of the gifts and gratuities were low value and only 2 were £100+. One of these was a gift of tickets to Cartmel Race Day and Cliff Richard concert and was given as appreciation for 29 years of working directly with the race course management and was a value of £180. The other was track training and bike hire at Ladies Day by California Superbikes which was offered at a national event and accepted. Senior Officers were the recipients of 4 of the gifts and gratuities.

Quarterly Thematic

13. Diversity

Each quarter will now provide a thematic review of the past year in relation to a particular field based on areas of concern or contemporary issues. In this document the focus is on Diversity and Discrimination.

The aim of this thematic review is to provide an overview of the previous year's cases relating to diversity and discrimination. By analysing the circumstances along with the outcomes it can provide an initial indication as to whether Cumbria Constabulary are appropriately reporting, responding and handling issues of diversity and discrimination. This can then produce recommendations to promote discussions regarding the current position. The Policing Minister is concerned with whether there is disproportionality relating to BAME officers and staff in misconduct investigations both in number of cases and higher sanctions. Past studies suggest that there is a disproportionality towards BAME officers and staff therefore research is currently being undertaken to fully understand the issues to develop good practice. Whilst this is a more detailed section for this quarter due to it being the

topic of the quarterly thematic, going forward there will be more of an analysis of diversity within the force and attempts are being made to collect and manage the data more effectively for regular analysis.

This document is examining data from 1st July 2018 to 30th June 2019. The main business areas for consideration are Public Complaints, Misconduct and Anti-Corruption and whether officers who are in ethnic minority groups receive more complaints against them.

The below table looks at complaints involving complainants or subjects who identify as BAME.

Category	Total Number	Number BAME	BAME %	Proportion Percentage %
Public Complaints – Complainants	439	17	3.9%	1.5% <i>(Population of Cumbria from 2011 Census)</i>
Public Complaints – Subjects (Recorded)	86	2	2.3	<i>(Unable to obtain workforce population data)</i>

Public Complaints – Complainants

Over the 12 month period from 1st July 2018 to 30th June 2019 there were 439 Complainants in relation to Recorded Public Complaints. 17 of the 439 Complainants self-identified as BAME which equates to 3.9%. The most recent census (2011) indicated that the population of Cumbria was around 1.5% BAME.

Public Complaints – Subjects

In the same period there were 2 subjects who identify as BAME out of 86 recorded Public Complaints which is 2.3% of all Complaint Subjects in the period.

Finalised

Between July 2018 and June 2019 12 cases of discrimination have been finalised.

Outcome	Number
Local Resolution – By Division	6
Local Resolution – By PSD	1
Discontinued – By Force	1
Not Upheld – By PSD	4

Area	Number
North	2
South	4
West	2
HQ/MSG	4

Concerns

It would be beneficial to have an oversight of the staffing levels in relation to equal opportunities. This would enable monitoring of whether there are any areas of concern surrounding recruitment and complaints made against officers or staff based on ethnicity, religion, sexual orientation or gender. We are unable to determine levels of discrimination towards officers or staff as the equal opportunities forms are not actively managed, attempts were made to retrieve data from HR, CSD and Information Management but none of the departments hold the data. Without the data we cannot analyse levels of discrimination across the force. The only available data that has been made available is grievances from HR. In this there are several grievances relating to discrimination, one of sexual discrimination which is currently unresolved and three of disability discrimination one of which was dismissed and the other two currently unresolved. These are over the past 18 months between February 2018 and May 2019.

The work to determine whether there are any concerns with diversity and discrimination will continue in the coming months to attempt to obtain the data and provide a more accurate analysis This is an area which is currently being benchmarked nationally due to data quality issues.

Enquiries to: Mrs J Head
Telephone: 01768 217734

Our reference: jh/EIP

Date: 30 October 2019

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 7 November 2019** in **Conference Room 2**, Police Headquarters, Carleton Hall, Penrith, at **2.00 pm**. Please note that a buffet lunch will be served for Members of the Ethics and Integrity Panel.

G Shearer
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 9.00 am to carry out dip sampling sessions during the morning

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 2019 (copy enclosed).

5. BODYWORN VIDEO REVIEW

To receive an update on the outcome of the Constabulary's review into Body Worn Video, following the initial report in February 2019.

6. CIVIL CLAIMS

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

7. SPIT HOODS

- (a) To receive a report on the Constabulary's usage of Spit Hoods since their introduction.
- (b) Receive verbal feedback from the Panel following their dip sample of their usage

8. MISCONDUCT

- (a) To receive and note a report by Cumbria Constabulary on police staff misconduct - *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. 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.*

10. INTEGRITY

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

- (a) Anti-Fraud & Corruption; and
- (b) Complaints by the Public

11. OPCC COMPLAINTS AND QSPI

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

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

12. THEMATIC SESSIONS UPDATE

To receive verbal feedback on:

- (a) Communication Centre - the Panel to provide verbal feedback on their thematic session within the Constabulary's Communication Centre
- (b) To discuss how the Panel can provide a scrutiny role in relation to the Constabulary's Use of Force.

13. COMPLAINT AND MISCONDUCT REGULATION CHANGES

To receive an update on the development of changes to the current Complaint and Misconduct Regulations and what this means for the Constabulary and the OPCC – *Deputy Chief Constable Webster and the OPCC Deputy Chief Executive.*

14. 2020 ANNUAL WORK PROGRAMME & MEETING DATES

To consider and agree the Panel's annual work programme and meeting dates for 2020 - *To be presented by the OPCC Deputy Chief Executive*

Agenda Item No 4

ETHICS AND INTEGRITY PANEL

Notes of a meeting of the Ethics and Integrity Panel held on
Thursday 8 August 2019 in Conference Room 2, Police Headquarters,
Carleton Hall, Penrith, at 2.00 pm

PRESENT

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

Also present:

Deputy Chief Constable Mark Webster
Detective Chief Inspector – Jenny Beattie
Inspector – Gemma Hannah
OPCC Chief Executive - Gill Shearer
OPCC Governance Manager - Joanne Head

22 APOLOGIES FOR ABSENCE

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

23. DISCLOSURE OF PERSONAL INTERESTS

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

24. URGENT BUSINESS

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

25. NOTES OF THE PREVIOUS MEETING

The notes of the meeting held on 2 May 2019 and supporting action sheet were previously circulated with the agenda.

Concerning Minute 19 and the changes in relation to investigation files and force policy on refreshment breaks, Chief Inspector Beattie advised that there was currently national

discussions on this issue. DCC Webster advise that he would encourage officers to use local premises for refreshment breaks, providing a visible presence within communities, as long as they were able to respond to incidents.

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

26. STOP AND SEARCH

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 fully clear on the exact reason for the stop/search, but none were fundamentally wrong and advised that this should be fed back.

A large proportion of the forms had identified that body worn video had not been activated when the stop and search was carried out. Some of these were at violent incidents and following a request the Panel had been advised that generally body worn video was used in only 46% of the forms. DCC Webster confirmed that the use of body worn video was mandated unless there was a sensitive issue. The Panel suggested that the form be changed so that where an officer answered no to body worn video being used they had to subsequently provide an explanation as to the reason.

Of those dip sampled the force had identified 7 which were returned to the officers as requiring improvement in completion. The Panel were pleased to see that detailed feedback was provided to officers to support future improvements.

AGREED; that the verbal report be noted.

(Note: Inspector Hannah left the meeting at this point.)

27. INTEGRITY

DCI Beattie presented a report which provided a quarterly update on public complaints and work carried out by the Anti-Corruption Unit. Changes were being made to make the Anti-Corruption Unit more accessible to officers and encourage them to report confidentially. Although all lines of communication were confidential and officers or staff were unable to be identified, the perception was that they could be which often prevented reporting. The changes were to be launched in the autumn.

A discussion took place on the discrimination and diversity thematic review contained within the report. DCI Beattie advised that work was to be carried out to assist in the ability to access various types of diversity data within the organisation. The National Police Chief's Council (NPCC) had recognised this as a national issue and asked that the Constabulary report back to them. An update is to be provided to the Panel on the work being carried out at the February meeting.

A Panel member asked whether the 'There and Then' process for dealing early with public complaints was working well. Changes to legislation and Independent Office of Police Conduct (IOPC) guidance would see the requirement to record every expression of dissatisfaction. Clarification was being sought from the IOPC as this could impact on the ability to use the There and Then process.

The report provided an updated on the Constabulary's Secondary Employment and Business Interests process. Panel members were concerned that they had carried out a thematic session on this over 2 years ago and that nothing had changed in that time. DCI Beattie advised that a new electronic process with automatic renewals was to be introduced by December 2019. It was agreed that the Panel would review the new process as part of their work programme in 2020.

AGREED; that,

- (i) the report be noted;
- (ii) an update be provided to the Panel on progress with the Constabulary's diversity data at the February 2020 meeting; and
- (iii) the Panel review the new electronic secondary employment and business interests process in 2020.

28. NEW COMPLAINTS AND MISCONDUCT REGULATIONS

The Governance Manager advised the Panel on the forthcoming changes to dealing with complaints and subsequent appeals. From late January/early February 2020 it would be mandatory for Police and Crime Commissioners to deal with appeals which would be known as reviews. Work was being carried out by the OPCC to scope how this work would be carried out going forward and a number of options were being considered. In response to a question, the Chief Executive advised that the funding for the additional work would be resourced from within existing budgets.

In 2020, the OPCC would be reporting to the Panel on reviews (appeals) rather than the Constabulary, identifying any trends or issues. When carrying out their dip sample of public complaints the Panel would include the review element carried out within the OPCC.

DCI Beattie advised that a number of task and finish groups had been set up nationally with regards to the new regulations, with each force leading on a thematic area. The Complaints Manager from within the Professional Standards Department (PSD) had been invited to work on one of these groups.

AGREED; that the verbal updates be received.

29. PANEL WORK PROGRAMME

Use of Force

Peter McCall

It had previously been agreed that a member of the Panel would attend the Constabulary's Use of Force meetings to gain a better understanding of how scrutiny of this area of business was carried out. A Panel member had attended a February meeting and was due to attend another on 14 August. It was agreed that following this meeting the Panel would review how they could add value to the process rather than attending meetings.

Special Constable Recruitment

DCC Webster advised that during the forthcoming recruitment of additional police officers a number of Special Constables may join the Constabulary as regular officers. At present, the recruitment of Special Constables was not the main focus and it was therefore agreed that any updates would be delayed until the middle of 2020.

Communications Centre

With the introduction of the new communications system, SAAB, it was agreed this would be an opportune time for the Panel to carry out a thematic session on live, pre-recorded conversations and the 101-email system. The Panel would carry this out during the afternoon of 31 October 2019.

The Panel's work programme for 2020 is to be presented to the November meeting.

- Agreed;** that,
- (i) the Panel review how they can add value to the Use of Force scrutiny process;
 - (ii) Special Constable Recruitment reports be delayed until the middle of 2020;
 - (iii) the Panel carry out a thematic session within the Communications Centre on 31 October 2019; and
 - (iv) the Panel's draft 2020 Annual Work Programme be presented at the November meeting.

Meeting ended at 3.40 pm

Signed: _____
Panel Chair

Date: _____

Constabulary Report to OPCC



TITLE OF REPORT: Constabulary Grievances

DATE OF MEETING: November 2019

ORIGINATING OFFICER: Kerry Rogerson, HR Manager

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

Executive Summary:

The report provides a position overview in respect of ongoing, finalised and newly submitted grievances for the period 1 April 2019 until 30 September 2019.

Recommendation:

- 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 the period 1 April 2019 up until 30 September 2019, together with a summary of ongoing and finalised cases within the reference period.
- 1.2 Included in the report is an overview of the characteristics of those lodging grievances. The report identifies the gender and race of those submitting grievances as well as an overview as to the nature of the grievance. In addition statistics relating to whether the aggrieved is a police officer or member of staff and whether the grievance relates to alleged discrimination have been included.
- 1.3 Summary position is as follows:
 - To date, there have been four grievances lodged in this reporting period.
 - Three of these grievances have been transferred / dealt with under alternative procedures e.g bullying and harassment, change management
 - Of the seven ongoing grievances at the start of the period – three of these relate to one individual and are historic in nature.
 - A number of issues raised relate to dissatisfaction regarding perceived less favourable treatment. This can be directly from line management or as a result of the application of a policy or procedure.
 - Grievances dealt with during this period are generally split equally between male and female and are all from a white, British ethnicity.

By their very nature all grievances have an element of perceived inequality and/or unfairness. In this respect three of the grievances do have an associated disability element.

The one grievance finalised as unresolved is directly linked to alleged disability discrimination under the Equality Act. This longstanding attendance case 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 identified emerging trends or patterns at the time of submitting this report.

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.
- 5.3 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.
- 5.4 The People Department will continue to meet with the Federation and Unison when necessary to discuss issues that are emerging and look to informally resolve them prior to a formal grievance being submitted. The Constabulary proactively engages to address concerns.

6. HR / Equality Implications and Comments

Including any actions arising from Equality Assessment.

- 6.1 The management of grievances transferred to the HR department in May 2018. Now that a 12 month period has passed the procedure and recorded data will be reviewed to identify any efficiencies or improvements.
- 6.2 Three of the current grievances have an associated link into disability – whilst not indicative of an underlying issue at present this will be monitored going forward. Alongside the support provided to managers on attendance matters the HR department is already developing a briefing session which provides a practical insight into the management of disability within the workplace.
- 6.3 The internal pool of accredited mediators is now available for utilisation through the Constabulary Mediation Scheme. In support of this a mediation toolkit has been developed and launched Constabulary wide.

7. Supplementary Information

7.1 List any relevant documents and attach to report

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

- Grievance Data for the reference period

Grievances – Overview 1 April 2019 to 30 September 2019

Please see below the figures for the period 1 April 2019 up to and including 30 September 2019.

Total No. of grievances submitted in period	4
Total No. of grievances ongoing at start of period	7
Resolved Stage 1	-
Resolved Stage 2	-
Resolved Stage 3	-
Not Resolved	1
Awaiting Action/Resolution	4
Withdrawn	-
On Hold	3*
Transferred to alternative procedure	3

Breakdown by Business Area

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

Gender and Ethnicity Breakdown	
Male	6*
Female	5
White British	11
White Other	-
Police Officers	4
Police Staff	7

* 3 separate grievances from one individual.

** 3 individuals accounting for 6 grievances.

Public Complaints



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

Conduct



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

ACU Intel



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



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

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



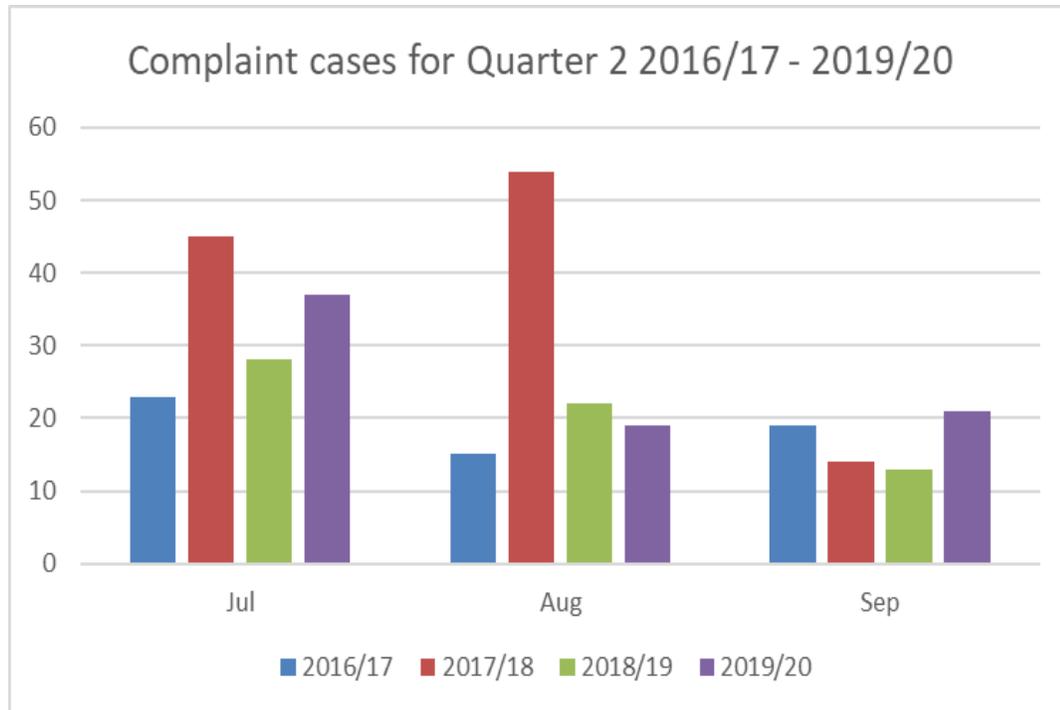


- Complaints from members of the public with regard the actions and conduct of police officers and staff are currently recorded centrally through the Professional Standards Department.
- The range of the data for this quarterly report is from 1st July – 30th September 2019.
- Data extracted utilises information from Cumbria Constabulary ICT systems which includes Centurion, the PSD case management system.
- In reviewing information, in addition to Constabulary systems, regard is given to partner agencies including The Independent Office of Police Conduct (IOPC).
- Public complaints relate to an expression of dissatisfaction in relation to Cumbria Police Officers and staff. Each complaint may consist of one or more specific allegations. Complaint allegations are broken down into a number of categories to assist with recording and analysis. Subject to the nature of the complaint, it is either allocated to a supervisor to manage locally (local resolution or local proportionate investigation) or alternatively the matter is investigated by the Professional Standards Department.
- The IOPC uses this data to understand how forces handle public complaints and to assess trends.

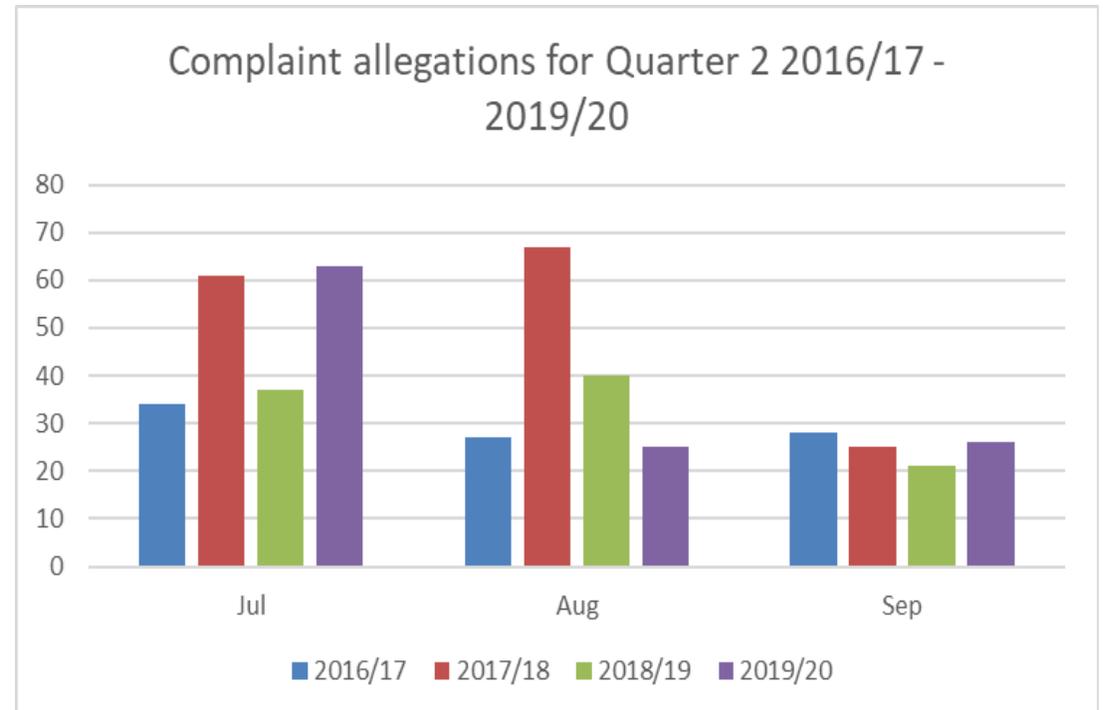
Public Complaints: Complaint Cases and Allegations – Current Quarter



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



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



Public Complaints: Percentage of Crimes



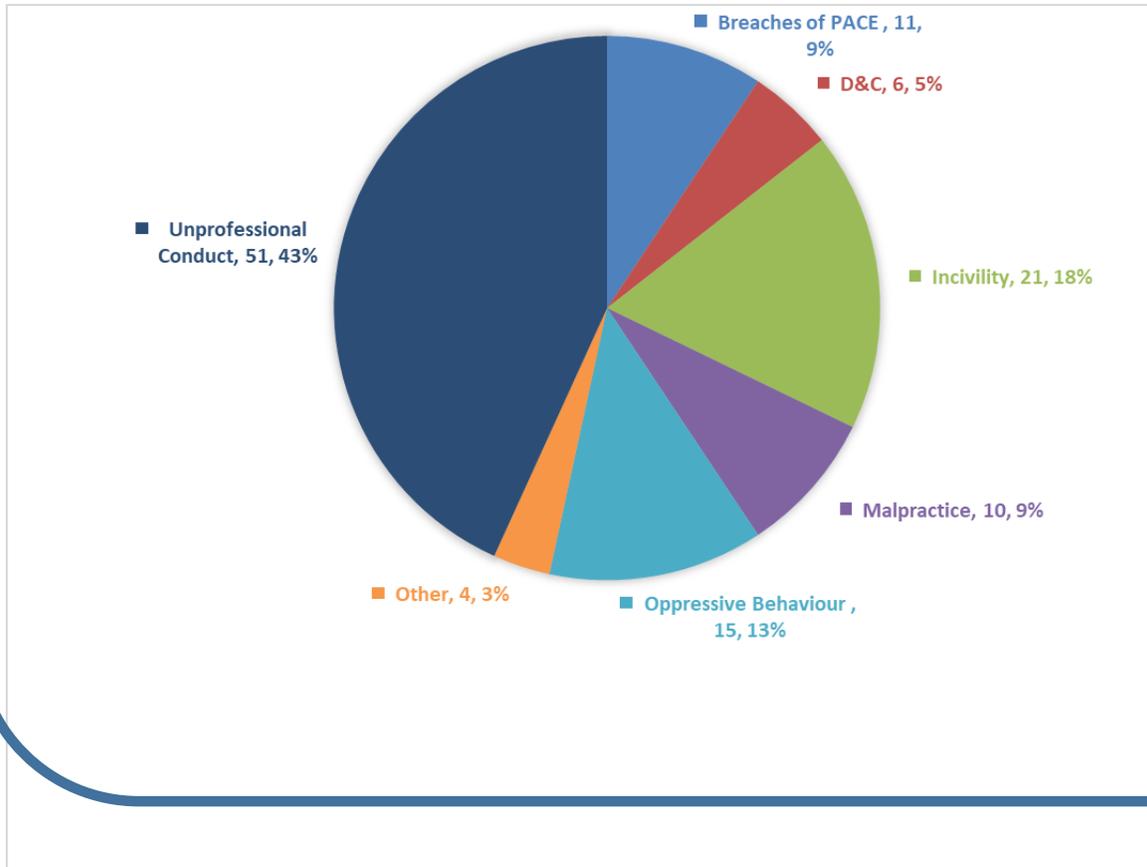
- There were **77** cases recorded in the current quarter and **114** allegations.
- **2881** have been processed via custody **2.67%** have resulted in complaint cases.
- 9700 crimes have been recorded in lines with National Crime Recording Standards, **0.79%** of all crimes have resulted in complaint cases.
- **24374** incidents have been recorded during the quarter. This relates to 3.2 complaint cases per 1000 incidents.

	Incident Logs	Crimes	Total Custody (inc VA)	Voluntary Attendance
July	8496	3278	1005	202
August	8228	3218	980	188
September	7650	3204	896	162
Total	24374	9700	2881	552

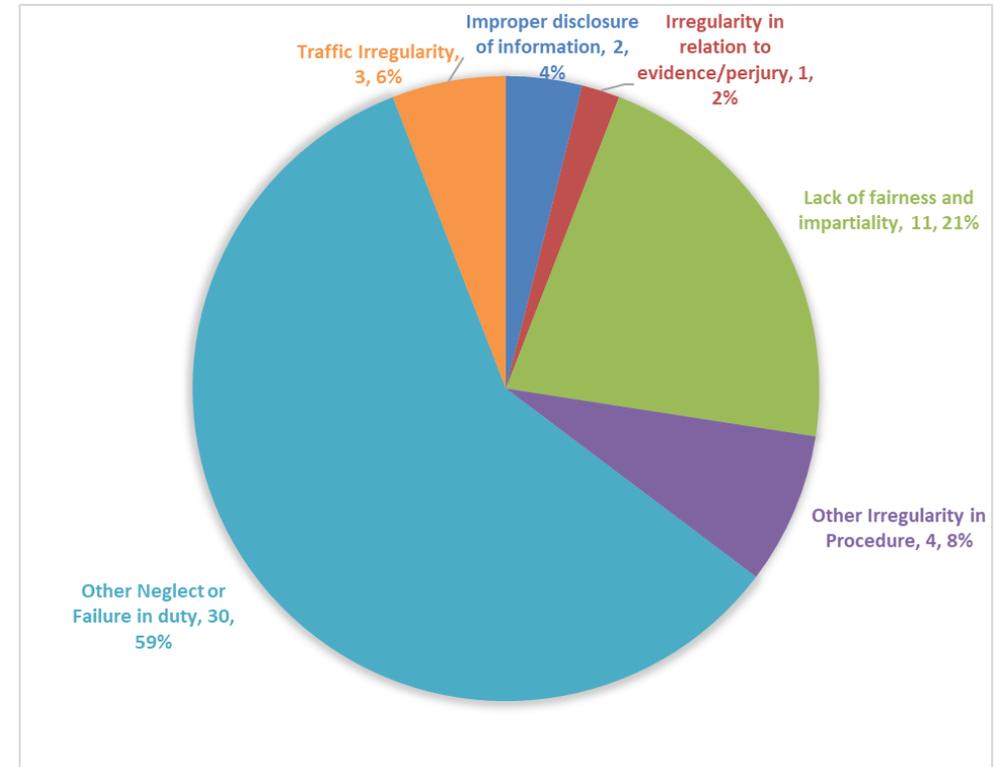
Public Complaints: Complaint Cases and Allegations - Types



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



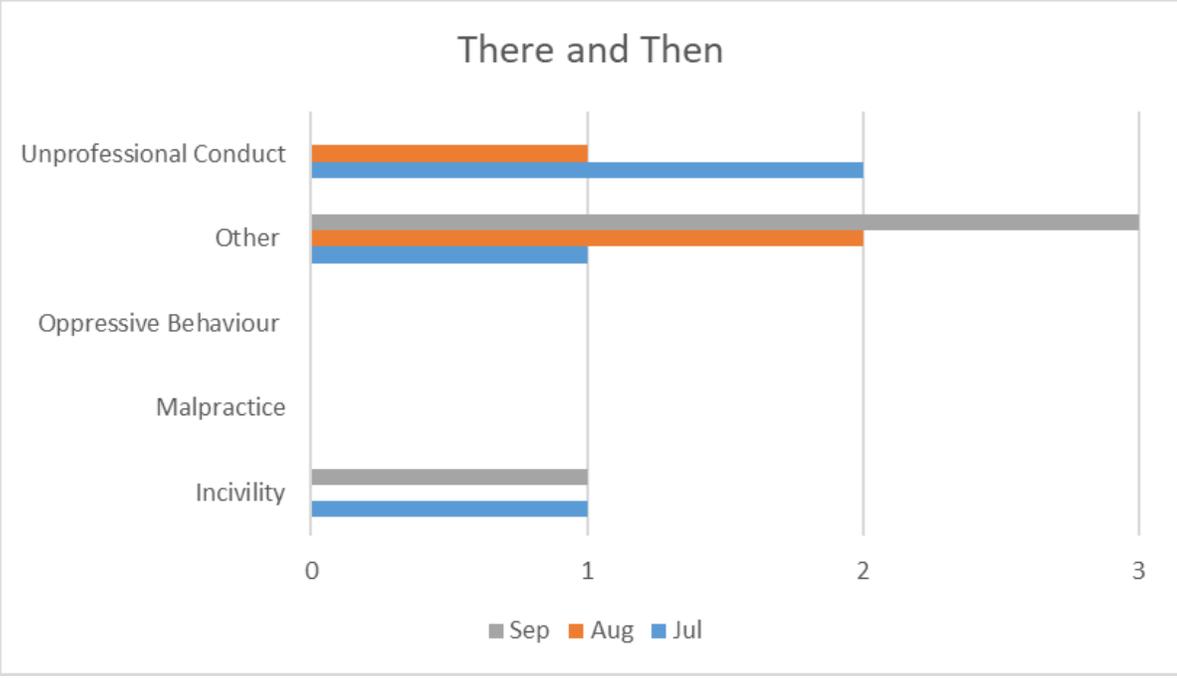
The below chart looks in more detail at the type descriptions for the allegations received for unprofessional conduct.



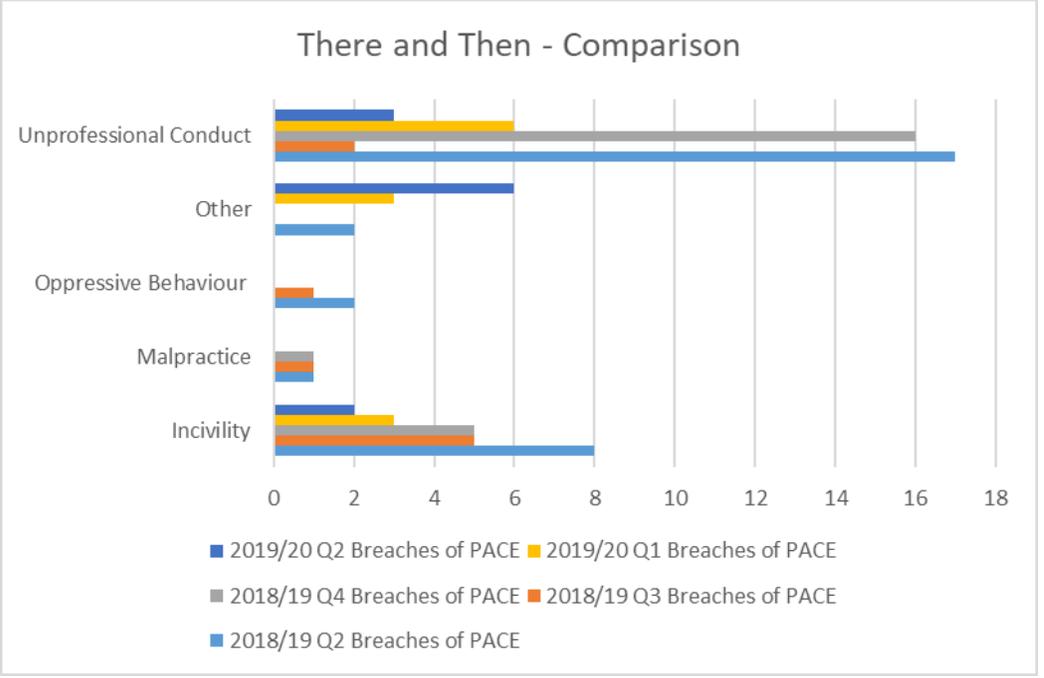
Public Complaints: There & Then



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



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





Priority Issues

- From the data gathered it is apparent that complaints in relation to Unprofessional Conduct are higher than other categories. However this is very low in comparison to the total number of crimes and custody records for the quarter.
- 3 cases were upheld by PSD.
- There have been no appeals to the IOPC in this quarter.
- Use of Force complaints have reduced, a contributing factor is the use of BWV.
 - Number of complaints upheld has reduced due to thorough investigations that are completed quickly and no appeals
- There and Then, whilst relatively low values have seen a decrease. An explanation can be suggested as a better quality service and increased confidence in the community. An alternative could be that this demonstrates potential lack of use which may be remedied by the use of PRI and Inspectors Training Days.
- The area with the most frequent complaints is North with 43 allegations. A more detailed breakdown can be found at Appendix 1-3
- Almost 40% of all complaints relate to being rude, not updating complainants and not returning property which falls within Unprofessional Conduct. See [Appendix 4-5](#) for further details.
- For appeals information please see [Appendix 6](#)



Discovery/Emerging Issues

- Changes are planned to the statutory regime with Office of the Police and Crime Commissioner provided greater opportunity to be involved in complaint handling. OPCC will review outcomes (previously known as appeals). The implementation date of the reforms has been delayed and they are now expected to take place from February 2020. Draft regulations and statutory guidance have been subject to consultation.



Learning and Development

- PASS Newsletters disseminated regarding BWV
- PSD staff are going into areas and IOPC and Sancus training events.



Cumbria

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

Most Similar Force (MSF) and National

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



Priority Issues

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



Discovery/Emerging Issues

- As of 4th November 2019 Professional Standards will investigate all incidents where Officers/Staff are suspected of criminality, including Off Duty. Professional Standards have had an uplift of staff, 1 Detective Sergeant and 1 Detective Constable, in order to take on this additional responsibility.



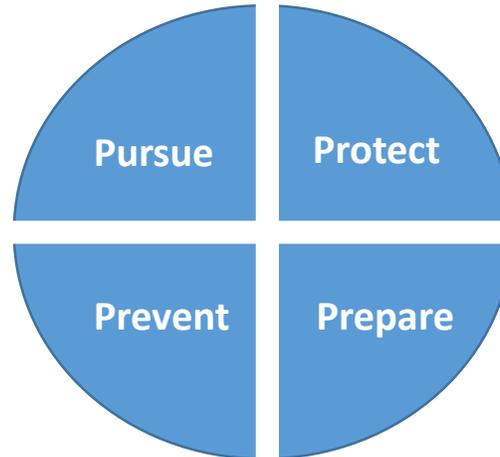
Learning and Development

- PASS Newsletters provide organisational learning following the outcome of misconduct investigations/proceedings. – [See Appendix 7-8](#)
- Restorative Practice Review Process (RPRP), which is aligned to PRI, is being utilised in advance of the new regulations.
- Timetabled presence of Professional Standards representatives in territorial policing areas (1st 2nd and 3rd Monday of each month).



Completed Actions, Recommendations & Bids

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



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

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

- Upskilling of Staff Investigators (PIP 1 and tier 2) accreditation. Uplift in staff – additional 1 DS and 1DC.
- All staff receive training in misconduct investigations, including attendance in training of new regs.
- Working environments being improved via structural changes to the fabric of the PSD estate.
- SPOC identified to prepare for the department's embedding of new regulations and to manage demand so PSD can deal with the more serious offences



- The Anti-Corruption Intelligence Unit is responsible for the sterile management of intelligence that includes the anonymous confidential reporting facility.
- The Unit has a dedicated analyst that provides support to the Anti Corruption Unit and Public Complaints Team.
- The **PASS** initiative is utilised for prevention and education regarding misconduct comprising people, areas, systems and standards.
- The report will consider activity relating to key themes, these themes reflecting regional and national priorities
- The date range for the data is 1st July – 30th September 2019



Priority Issues



- Reduction is observed between quarters in respect of systems, this will cover data breaches and systems misuse. The Constabulary and ACU-Intel have invested time and education in this area, however it is expected that there will still be incidents in future.
- Increased reporting in discreditable conduct and honesty and integrity issues can be attributed to training across these areas and media profile around issue.
- It is recognised that a threat still exists in the form of social media use and this is reflected through the confidential mailbox to identify officers and staff who have posted inappropriately. Outcomes relating to this can include intervention through education or enforcement where the misconduct threshold is met.
- Whilst figures are relatively low in terms of APSP, reporting is still observed linked to this thematic area. Again appropriate action is taken where standards of professional behaviour are breached.



Discovery/Emerging Issues

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



Learning and Development

Dissemination reports to SLT, Training input to students, Integrity Interviews, Sergeant and Inspector briefings, Days in area, Regional meetings – sharing best practice. Partner working regarding APSP presentations and internal media campaign in relation to appropriate relationships in the workplace. Use of Risk & Vulnerable Matrix/Repeat Officers /BI/SE and Gratuities to identify vulnerability – [Appendix 9-12](#)

Appendix: Appeals

Force

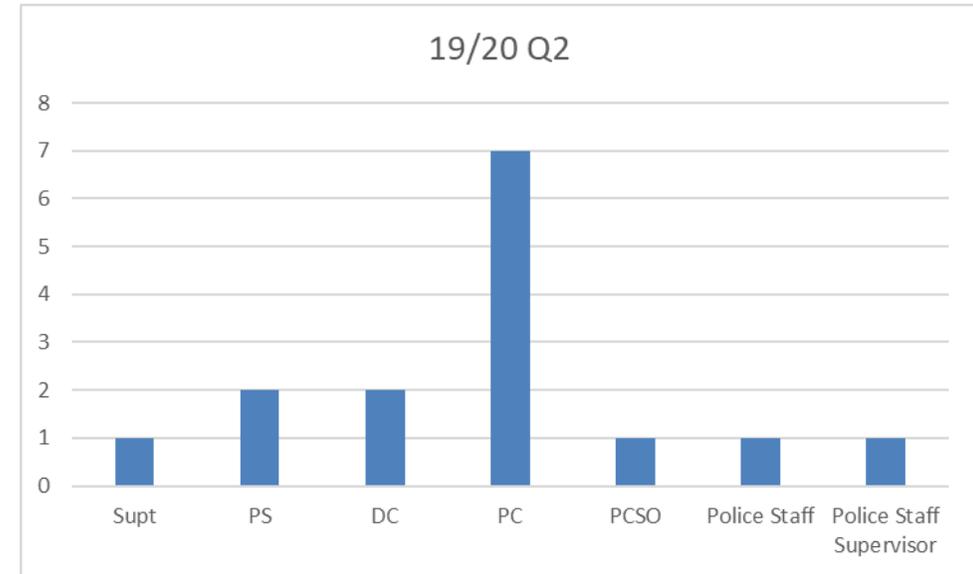
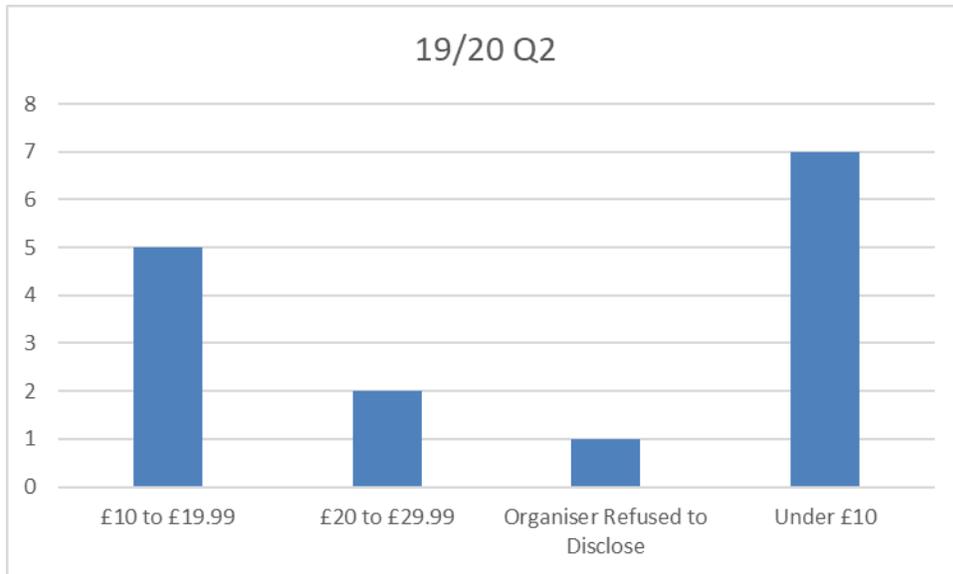
	Force	
Result	Q2 2018/19	Q2 2019/20
Upheld		
Not Upheld	8	7
Withdrawn		
Not Valid		
Live		2
Invalid		

IOPC

	IOPC	
Result	Q2 2018/19	Q2 2019/20
Upheld		
Not Upheld	1	
Withdrawn		
Not Valid		
Live	2	
Invalid		

Appendix: Gratuities

- 15 gifts and gratuities offered in the current quarter.
- All gifts and gratuities in the current quarter were accepted.



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 illustrating the number of complaints which have been received by the OPCC up to 30 September 2019. In brackets are the number of those complaints which were passed to Cumbria Constabulary to deal with, these were all regarding police officers below the rank of Chief Constable, the Police and Crime Commissioner has no statutory responsibility to deal with such matters. As can be seen from the figures detailed below a large proportion of the complaints received by the OPCC, the Commissioner is unable to deal with.

2014	2015	2016	2017	2018	2019
13 (8)	2 (2)	22 (22)	5 (5)	16 (15)	18(17)

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

Commissioner Complaints

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

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

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. All of the 5 complaints received in 2018, have now been resolved by the County Council's Monitoring Officer by way of 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 received from 1 January 2017 to 30 September 2019. There are no complaints outstanding. Regarding two of the complaints received, initial information was provided but when further information was requested no further correspondence was received from the individuals. This was followed up and the complaints were subsequently withdrawn.

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

2.11 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 2019

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:

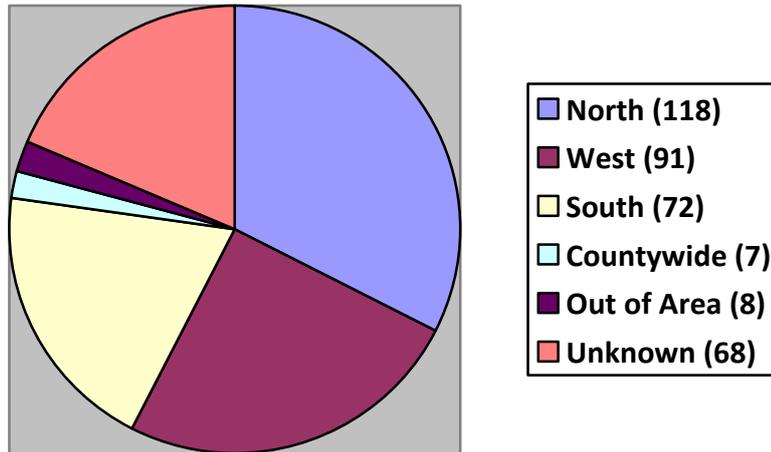
- An acknowledgement is sent out on the day of receipt of the correspondence advising them that they will receive a full response from the OPCC within 28 days. Should the matter take longer to conclude updates are provided on a 28 days basis until the matter is finalised.
- Where possible a response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

1.3 A system has been developed within the OPCC to acknowledge, log and monitor the resolution of the issues raised. Once a QSPI is logged within the OPCC it is then allocated appropriately. Predominantly the majority of issues are passed through to the Chief Constable's Office who then allocate it to the appropriate 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.

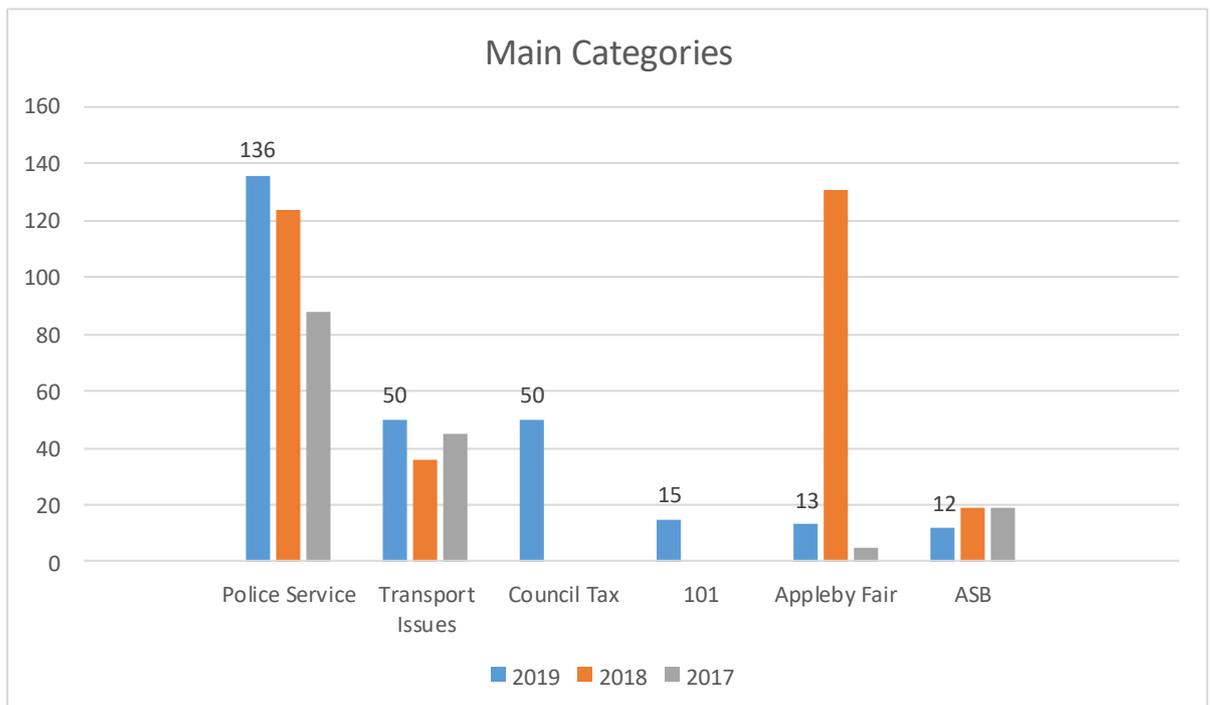
1.4 Where an urgent matter is received, the OPCC will directly contact the Chief Constable's office to ensure that the matter is progressed immediately. Since its inception the number of QSPIs received and dealt with by the OPCC has increased year on year as can be seen from the figures below:

2013	2014	2015	2016	2017	2018	2019 (up to 30.09.19)
98	198	167	235	270	350	355 (up to 30.09.19)

1.6 The number of QSPI's received in the first 3 months of 2018 was 64, in 2019 the OPCC received 126 resulting in a 49% (126) increase. During the remainder of the year, the OPCC has seen a continuation of this increase. Compared to 247 in the first 9 months of 2018, the OPCC in 2019 has received 355, an increase of 108 cases (44%). Below is an area breakdown of where the complainant is based in Cumbria, or where they are from outside the county. When contacting the OPCC an individual may not always provide their location which is recorded as 'unknown'.



1.7 Members of the public will contact the OPCC regarding a broad range of issues. The Commissioner will write to every individual using information provided by the Constabulary, the OPCC or other partner organisations. Below is a breakdown of the top 6 types of issues raised from 1 January to 30 September 2019.



2. Identified Issues

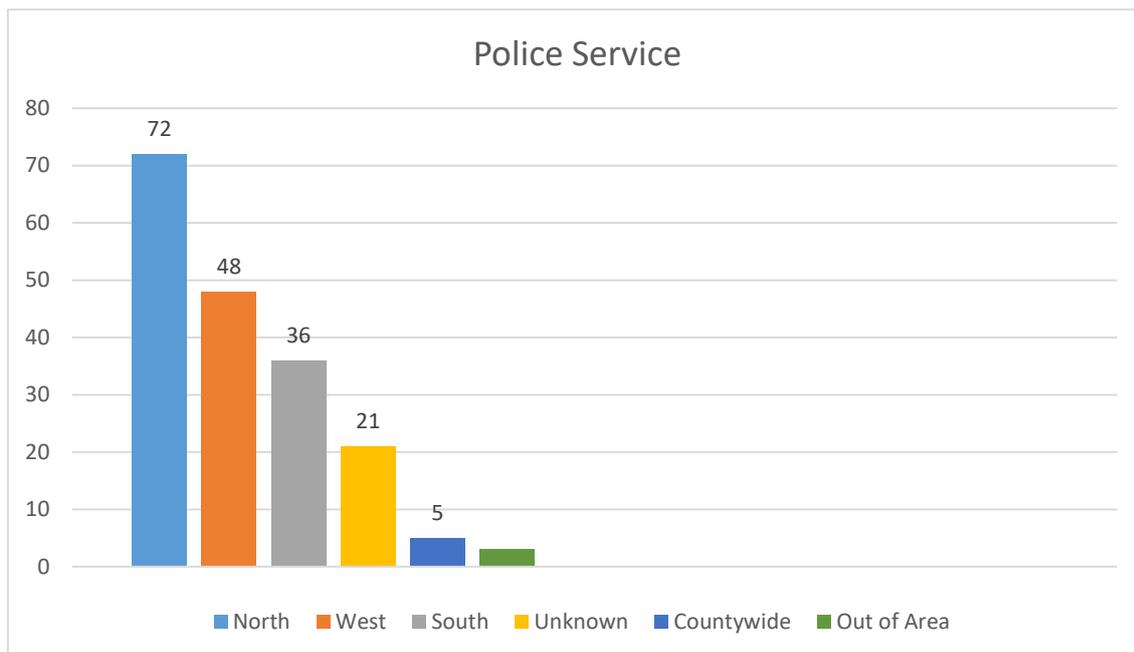
2.1 In each instance, the OPCC helps to facilitate the individual to be provided with a tailored response or explanation to the issues that they have raised. On many occasions the matter is dealt with at a local level, with police officers and staff making contact or visiting the individual. This then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

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

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

2.4 Police Service

Up to the end of September 2019, 185 concerns were raised in relation to the general level of policing service received. A breakdown by area is included below:

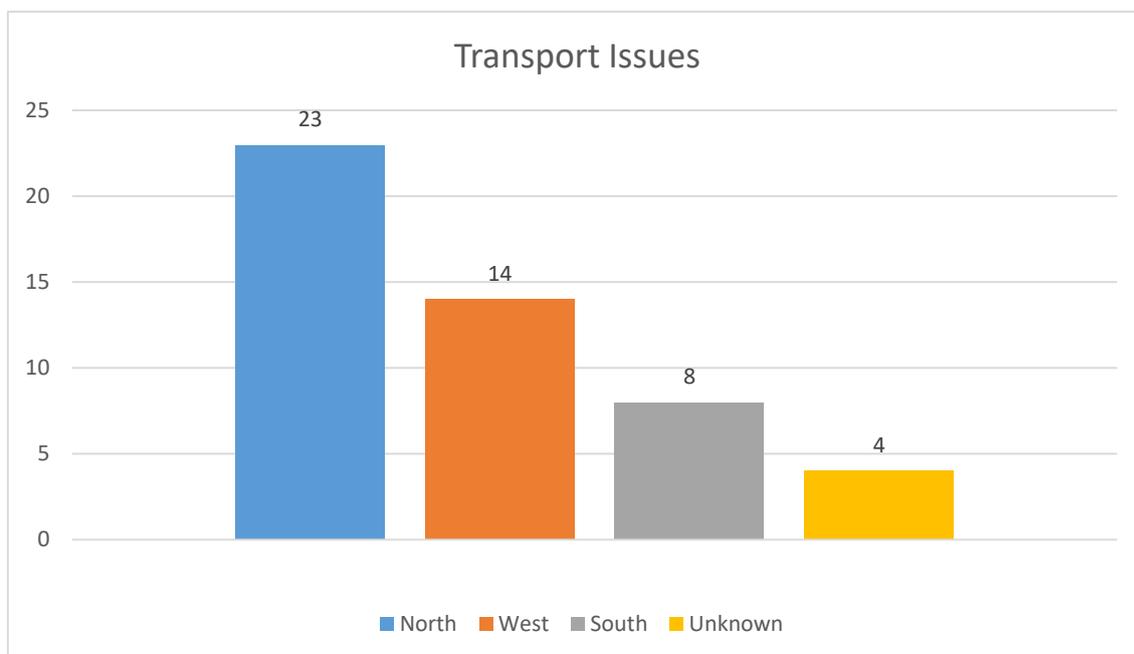


The concerns logged within this category indicate that the individual is unhappy with the level of policing service they have received, and/or the outcome of the investigation. The OPCC has identified that a large number of these concerns are triggered by the lack of communication or updates received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

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

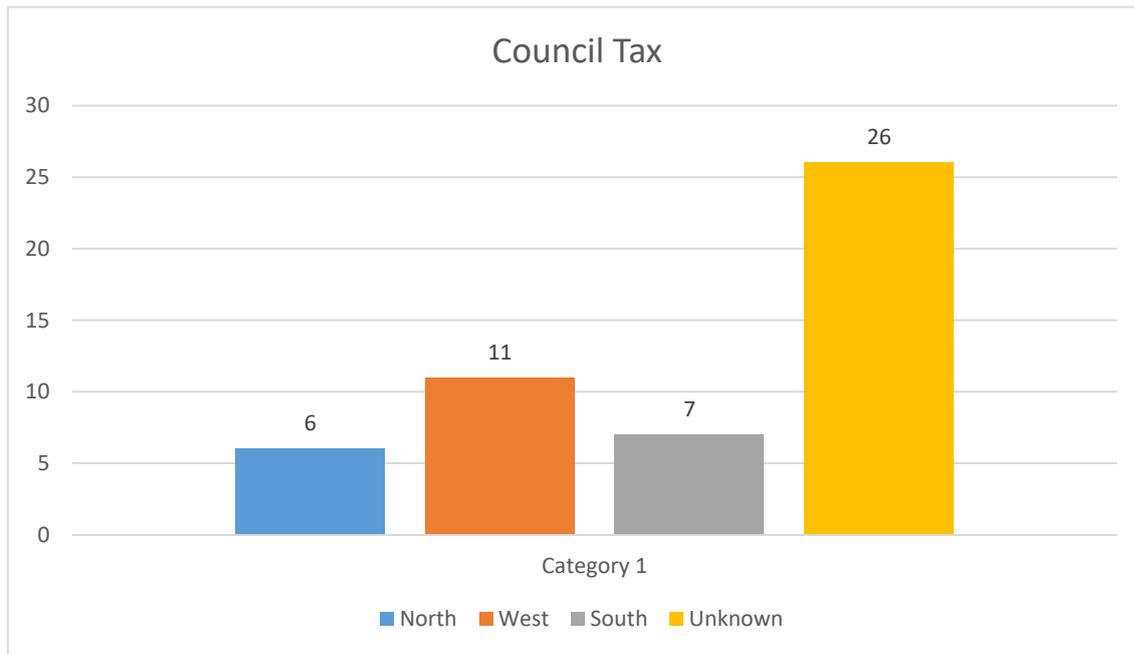
2.5 Transport Issues

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



2.6 Council Tax

In early 2019, the OPCC received 50 enquiries following the Commissioner's decision to increase council tax funding for the second year. Public consultation was carried out prior to the decision of which 2,161 members of the public responded; with over 70% stating they supported the proposed increase. Each enquiry was provided with a response and the rationale behind the increase.



2.7 101

During the reporting period the OPCC has received contact from 15 members of the public who were dissatisfied with the 101 telephone service. Predominantly this related to the amount of time it took for members of the public to be connected to a member of staff within the Comms Centre; or that calls were being lost and the individual had to telephone again. A new communication system has been installed within the Comms Centre and has encountered some initial problems with work ongoing to identify the issues.

The Constabulary is exploring a number of opportunities to develop how members of the public can contact them. With the advancement of technology and many members of community preferring to engage in digital way, it is important that the force maximises the potential of opportunities such as call-back, email and self-completion.

2.8 Appleby Horse Fair

In May/June 2019, the OPCC received 13 enquiries concerning the Appleby Horse Fair; compared with 137 received in May and June 2018. This demonstrates that the work carried out by the Constabulary and the Multi-Agency Strategic Co-ordinating Group (MASC) following the 2018 Fair has reduced the number of issues and concerns experienced by members of the public.

2.9 Anti-Social Behaviour

The OPCC received 12 complaints regarding anti-social behaviour, the majority of which were in West Cumbria. Pro-active teams were tasked to undertake patrols in the areas of concern to better understand the issues and act as a form of deterrent for this behaviour. The Police also installed a Community Safety funded anti-social behaviour camera in the Workington area to assist all local agencies to work to resolve the issues.

Within West Cumbria, PCSO's were tasked to continually engage with the youths to work to minimise any escalation of anti-social behavior; and local PCSO's also attending youth clubs in the area to further engage with the young people.

3. Local Focus Hubs

In 2018, Local Focus Hubs were introduced within each of the three policing areas in Cumbria. There are two hubs: Allerdale & Copeland; one in Carlisle City Centre and two in the south of the county in Barrow and Kendal.

These multi-agency hubs bring together organisations such as the police, local councils, housing associations, drug and alcohol support services, Environmental Health, licensing, enforcement, planning, Trading Standards, Fire & Rescue and locally represented charities; also with the ability to link in with Highways and CRASH. This enables the hubs to respond to issues in an efficient manner.

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

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

4. Making a Difference

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

For example, numerous complaints were received from a member of the public about footballs being thrown over a school playing field, landing on a roadway and into a garden. The focus hub spoke with the individual; coordinated with the local council regarding civil law; the local PCSO engaged with the schools delivering advice and trying to prevent further issues, carrying out regular patrols in the area. The matter has been monitored longer term and confirmed that no further issues were being experienced.

This type of work is replicated throughout many of the QSPI's received and actioned by the OPCC. Meaning that the Commissioner is ensuring that the issues raised by communities within Cumbria are responded to and in the majority of cases resolved.

As with all QSPI's the information provided by individuals is used not only to resolve their issues but to allow the Constabulary to look at the wider community and scope whether similar issues are being experienced by others. Quality assurance work is carried out to monitor issues longer term and this information can then be used to inform local policing teams and the work that they carry out.

The information collated by the OPCC from QSPI's is subsequently used by the Commissioner to inform his Police and Crime Plan and any subsequent reviews thereof. The Constabulary also uses this information to assist in their implementation of the Police and Crime Plan and local policing plans.

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.

Ethics and Integrity Panel



Title: Police Integrity Reforms

Date: October 2019

Agenda Item No: 13

Originating Officer: Joanne Head

CC:

1. The Policing and Crime Act

- 1.1 The Policing and Crime Act has given Police and Crime Commissioners an explicit responsibility for the performance of the complaints system locally, responsibility for appeals currently heard internally by forces; and the ability to take on certain other functions of the system where appropriate.
- 1.2 The different models within the legislation are to give Commissioner's the levers to affect the performance of the complaints system locally if they need to. If the complaints system is operating smoothly, other than taking on responsibility for appeals, the Commissioner need not change the process if they are confident they have the oversight of the system that they need. Within Cumbria, the Ethics and Integrity Panel assist the Commissioner to have effective oversight of the police complaints process.

2. Police Integrity Reforms

- 2.1 In July 2019, the Home Office wrote to police forces and OPCC's to advise them that changes to the current Complaints and Misconduct regulations would commence from 1 February 2020. It is hoped that legislation will be laid before Parliament at the beginning of December 2019 therefore allowing the requisite timeframe prior to the legislation becoming law.
- 2.2 The IOPC during the latter part of 2018 and the beginning of 2019 consulted widely on proposed guidance in preparation for implementation when legislation receives Royal Assent. To assist police forces and Police and Crime Commissioners, the IOPC are developing a number of information bulletins which will give some practical advice on how to deal with complaints and reviews under the new legislation. Updated consultation versions are due to be circulated mid-November.
- 2.3 Training sessions have been developed by the College of Policing, in conjunction with the Home Office and the IOPC; and these are being delivered during September and October to all police forces and OPCC's. The IOPC are to hold 1-day events for police forces and OPCC's in

November, December and January. These sessions will provide an update on the IOPC Statutory Guidance regarding complaints, reviews and their practical

2.4 Recording Complaints

It is recognised that between 45% and 70% of complaints are about issues that could be dealt with quickly and easily without the need for long investigations. In order for police forces to deal with complaints at the earliest opportunity, the training is promoting the consideration of dealing with initial complaints as quickly as possible with the individual to find a resolution. Should a complainant not agree to a more informal solution they can, if they wish, ask to have their complaint 'recorded' and dealt with by PSD. This will potentially result in more complaints being logged or recorded by the Constabulary.

2.5 Complaints

Part of the rationale behind the new regulations is to understand whether complaints relate to a performance issue or misconduct. It also shifts the focus from simply identifying what an individual has done to how police forces can identify and use organisational learning to improve. Where it is identified as being a performance issue, line management will have the ability, where appropriate, to deal with this using a Practice Requiring Improvement model. Following conclusion of the complaint any individual and/or organisational learning will be fed back to PSD and disseminated wider, where necessary.

2.5 Reviews (Appeals) -

Police and Crime Commissioners will be mandated to consider appeals brought by complainants in cases dealt with through the 'Recorded – No Investigation' category of complaints handled by the police. The Commissioner has made the decision to deal with reviews only as it is important that the Constabulary received, understand and resolve complaints appropriately. Learning from complaints can ensure individual and organisational development and improvement.

2.6 As Police and Crime Commissioners and their offices take on the role of dealing with Reviews (appeals) there is a likelihood that there will be an increase in the number of complaints received from individuals dissatisfied with the outcome of their appeal. The Home Office has been consulting with Police and Crime Panels (PCP) on any potential increase and how these would be dealt with. PCP's will need to look at their decision making processes as to whether a complaint met the strict criteria and consider whether to record it or not. The OPCC is considering a delegation of authority to deal with the reviews to a member of staff who will carry out the role of Appropriate Authority.

2.7 A process will be developed to enable the Panel to continue to dip sample review files when they are carried out by the OPCC.

2.8 The Panel will be provided with a verbal update from the Constabulary and the OPCC during the meeting on preparations that are being made.

Recommendation:

That, the Panel notes the proposed changes to legislation and work being carried out by the Constabulary and the Office of the Police and Crime Commissioner.

3. Implications

- 3.1 Financial - The OPCC will incur additional financial costs to enable staff to have licensed access to the Centurion case management system on an annual basis. There may be additional financial costs associated with dealing with reviews, dependent upon how the PCC carries out this function.
- 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: 2020 Meeting Dates

Date: 2 October 2019

Agenda Item No: 14

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 2020.

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 2020 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 2020 are:

- ❖ Thursday 6th February
- ❖ Friday 1st May
- ❖ Thursday 6th August
- ❖ Friday 6th November

2.3 The additional dip sample sessions for public complaints and misconduct files have been arranged as follows:

- ❖ Thursday 23rd April @ 9.00 am
- ❖ Thursday 29th October @ 9.00 am