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

Our reference: jh/EIP

Date: 28 April 2021

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 5 August 2021** at **2.00 pm**. Due to Government Guidelines in response to COVID-19 the meeting is being held via telephone conference facility.

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

**G Shearer
Chief Executive**

PANEL MEMBERSHIP

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

AGENDA

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

1. APOLOGIES FOR ABSENCE

2. DISCLOSURE OF PERSONAL INTERESTS

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

3. URGENT BUSINESS AND EXCLUSION OF THE PRESS AND PUBLIC

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

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

4. NOTES OF THE PREVIOUS MEETING

- (a) To confirm the notes of the meeting of the Ethics and Integrity Panel held on 5 May 2021 (copy enclosed)
- (b) To note an update in relation to the Constabulary's Property Review

5. CONTACT WITH THE PUBLIC REVIEW

To receive a report on the work being carried out by the Constabulary's Disproportionality Working Group (copy enclosed) – *to be presented by Chief Superintendent Sarah Jackson*

6. OFFICER & STAFF UPDATE

- (a) To receive a report on health wellbeing and support for officers and staff – presented by *Ms Kate Ruddick, HR Manager*.
- (b) To receive a verbal update on the Constabulary's Conscious Inclusion Accreditation Programme – *to be presented by C/Superintendent Lisa Hogan*

- (c) To receive a copy of the Constabulary's Grievance Policy - *Ms Kate Ruddick, HR Manager.*

7. DIP SAMPLE SESSIONS

- (a) The Panel to verbally report upon the outcome of the mornings' dip sample session of Stop and Search data.
- (b) The Panel to verbally report upon the outcome of the mental health detention dip sample during the morning.

8. INTEGRITY

- (a) The Panel to verbally report upon the outcome of the public complaint and misconduct dip sample sessions which took place on 27 July 2021
- (b) To receive a report on the work carried out within the Constabulary's Professional Standards Department, including:
 - i. Complaints by the Public; and
 - ii. Anti-Fraud & Corruption (including officer and staff misconduct)
- (c) To receive a copy of the Internal Audit Report for Reflective Practice Review Process – Practice Requiring Improvement – *to be presented by DCI Craig Smith*

9. INFORMATION MANAGEMENT COMPLIANCE

- (a) To receive and note a report by the OPCC on their compliance with Data Protection Legislation (copy enclosed) – *To be presented by the OPCC Governance Manager.*

ETHICS AND INTEGRITY PANEL

Notes of a meeting of the Ethics and Integrity Panel held on
Thursday 5 May 2021 via video conference facility at 2.00 pm

PRESENT

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

Also present:

Deputy Chief Constable – Mark Webster
Superintendent – Dave Stalker
Superintendent – Carl Patrick
Detective Chief Inspector – Craig Smith
Director of Corporate Support – Stephen Kirkpatrick
Head of Legal Services – Andrew Dobson
OPCC Deputy Chief Executive - Gill Shearer
OPCC Governance Manager - Joanne Head

The Chair thanked everyone for attending the video conference and the Constabulary for all their hard work during the ongoing COVID-19 pandemic which was now seeing the easing of the third lockdown restrictions. He hoped everyone was staying safe and well. Prior to the meeting commencing the Chair asked that everyone introduce themselves.

13. APOLOGIES FOR ABSENCE

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

14. DISCLOSURE OF PERSONAL INTERESTS

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

15. URGENT BUSINESS

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

16. NOTES OF THE PREVIOUS MEETING

The notes of the meeting held on 4 February 2021 previously circulated with the agenda were agreed.

(a) Property Store Review

The Constabulary's Director of Corporate Support updated the meeting on the work which was being carried out following the Property Store Review. The Panel had previously raised concerns regarding property that was either lost or stolen following which the Constabulary were having to pay compensation to the owners. Mr Kirkpatrick advised that options were being looked at regarding access and monitoring of property stores. In addition, amendments were proposed to policies and procedures which may address some of the issues raised. The Constabulary were also looking into procuring an improved property management system which had the potential to link into their Crime Management System enabling the recording of property by officers out in communities. Mr Kirkpatrick advised that further work was being undertaken and he would report back to the Panel in August 2021 regarding how the potential for complaints or civil claims are being avoided.

Agreed; that,
(i) the update be noted; and
(ii) an update be provided to the Panel regarding how the potential for complaints or civil claims are being avoided.

(b) Contact with the Public Review

The Constabulary had commenced work to understand the different types of contact they had with members of the public, particularly with people from ethnic and diverse backgrounds. A Disproportionality Working Group had been set up with Chief Superintendent Sarah Jackson leading the work. Their focus was to understand how the Constabulary's workforce interacted with members of the public, what the public's perception was of officers using their powers and how the Constabulary briefed officers and staff internally.

Following a tender process an independent organisation had been appointed to assist the Constabulary in this work. A number of areas would be reviewed including engagement with the community, policing powers, recruitment and progression, stop and search and public satisfaction.

DCC Webster advised that this work was to be carried out from May until July 2021. It was agreed that the Panel would be provided with a copy of the report. If this was not available for the August meeting an interim update would be provided.

Agreed; that,
(i) the update be noted; and
(ii) a copy of the report or an interim update be provided to the Panel in August 2021.

17. CIVIL CLAIMS

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

Members noted that the number of new Public Liability (PL) claims stood at 17 with 7 being deemed significant, 3 of which had arisen from the same incident. Two new claims had been registered in relation to Employer Liability (EL) claims resulting in their being 4 active claims, all of which were deemed significant. One new Uninsured Claim had been opened which was also deemed to be significant.

The Panel discussed several ongoing cases, 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.)

18. COVID-19 FIXED PENALTY NOTICES UPDATE

Superintendent Patrick presented a report which addressed a number of points raised by Panel members in relation to Fixed Penalty Notices (FPNs) issued for contravention of COVID-19 regulations. The Constabulary had reviewed 7 cases, watching body worn video footage, reviewing custody records, logs and where appropriate had rescinded or varied the FPN.

Following recommendations by the Panel communication with staff had changed to provide more examples and practical ways to deal with COVID breaches and assist in their understanding. When the Constabulary reviewed an FPN and found it to be incorrect they were now writing to the individual to advise them and apologising for the error. The FPN would then be provided to ACRO for it to be rescinded. The Panel felt that this was an important step for the Constabulary to provide confidence within communities. A member asked that further clarification when a FPN was to be rescinded and to confirm that an individual would not have a criminal record. Superintendent Patrick agreed to update the letter to make this clear to individuals.

Of the 475 tickets issued 8 had been rescinded giving an error rate of 2% which was well below the national average. Following a discussion, the members proposed that they carry out a dip sample of the FPN's which were issued during February, March and April 2021. This would then enable them to identify whether the changes implemented by the Constabulary had been successful and provide assurance. Mr Webster advised that the Constabulary were envisaging a busy summer, due to large events taking place such as Appleby Horse Fair, Kendal Calling, The Keswick Convention and The Solfest Music Festival. In addition, officers and staff would be taking annual leave which previously they could not due to the pandemic. Taking all of this into account Mr Webster advised that the Constabulary would need to consider whether or not they would be able to facilitate the dip sample request and would report back to the Panel.

During a previous COVID-19 FPN dip sample a member had raised a query in relation to some tickets which were issued in the south of the county and whether any profiling had taken place

leading to the stop. They again asked for assurance on this matter and it was agreed that the information would be provided and the FPN's reviewed.

In response to a member's question, Superintendent Patrick advised the meeting that ACC Slattery remained head of the gold command group for the Constabulary's COVID response. A strengthened governance process with partners sat under the Director of Public Health within Cumbria with a view to containing the virus spread. It was recognised that the coronavirus may see an increase in the autumn and winter months therefore the ability to have systems and groups in place to deal with it was essential.

- Agreed;** that,
- (i) the report be noted;
 - (ii) Superintendent Patrick agreed to update the letter to make it clear to individuals that they would not have a criminal recorded when an FPNA was rescinded;
 - (iii) the Panel potentially carry out a dip sample of Fixed Penalty Notices issued during February, March and April, dependent upon the Constabulary's capacity; and
 - (iv) a response regarding the identified Fixed Penalty Notices be provided to the Panel;

19. STAFF GRIEVANCES

During the reporting period of 1 November 2020 to 31 March 2021 the Constabulary had 7 new grievances and 1 ongoing grievance of which 3 were dealt with. A number of the issues raised related to dissatisfaction regarding perceived less favourable treatment either from line management or a police procedure.

A number of the grievances were dealt with either informally or at Stage 1. One outstanding grievance was awaiting confirmation whether it will be resolved at Stage 2 or progress to Stage 3.

The Constabulary's Grievance Policy, Procedure and Guidance were currently being reviewed and a copy of these would be provided to the Panel.

The Panel Chair briefed the meeting on the findings of the dip sample process of finalised cases. Comments and feedback were provided to the HR Manager at the time of the session, including the need to ensure mentors were in place for officers when required. During the dip sample discussions it was agreed that a copy of the Constabulary's updated Grievance Policy and Procedure Guidance would be provided to the Panel.

- Agreed;** that,
- (i) the report be noted; and
 - (ii) a copy of the Constabulary's updated Grievance Policy and Procedure Guidance be provided to the Panel.

20. OFFICER & STAFF UPDATE

Superintendent Stalker provided a verbal update to the Panel in relation to the Constabulary's officer recruitment. The Constabulary's target of 1250 had been met and establishment now stood at 1272. A series of 6 intakes by 2023 would see the Constabulary recruit 145 officers to allow for retirements and leavers taking the establishment ultimately to 1,325.

Candidates for the degree entry programme currently stood at 170 with 171 for the apprenticeship could be called upon as part of the recruitment process. The Constabulary had also carried out direct recruitment for police detectives. A member asked whether the Constabulary were retaining and developing officers once they had been appointed and throughout their careers. Supt Stalker advised that mentors and buddies were being assigned to newly appointed officers with line management and supervision support to prevent attrition.

A number of initiatives had been introduced to support officer and staff during the COVID-19 pandemic including lateral flow tests (LFT), vaccination and the amendment of policies to allow more agile working. A report on health, wellbeing and support for officers and staff, including regarding COVID-19 would be provided to the Panel meeting in August.

The Constabulary were introducing a Conscious Inclusion Accreditation Programme and an would be provided to the Panel for their next meeting on what this involved and how it was being rolled out across the Constabulary.

Agreed; that,

- (i) verbal report be noted;
- (ii) a report on health, wellbeing and support for officers and staff, including regarding COVID-19, would be presented to the Panel meeting August; and
- (iii) a report on the Constabulary's Conscious Inclusion Accreditation Programme and how it was being rolled out across the Constabulary to be presented to the August Panel meeting.

21. INTEGRITY

The Panel Chair thanked the Head of Professional Standards Department and Panel members for their input and work on the revamped report. The report reported on quarter four of 2020/21 and also provided comparison data for the previous 2 years.

The report illustrated a 25% increase in the number of complaints and allegations received within the department during quarter 4. During the year a total of 1422 complaints were recorded with 8% of these being de-recorded as they were subsequently dealt with outside the formal complaints process. DCI Smith advised that PSD were due to carry out a review of the de-recorded cases to understand why and what if any changes were required to procedures to reduce this in the future.

Body Worn Video footage was providing useful independent evidence to enable PSD to resolve complaints. Currently BWV was used in 76.9% of cases where use of force was used and a

member asked whether or not PSD were able to understand why it was not used in the remainder of cases. DC Smith advised that use of force complaints were being marked on the Centurion system as to whether BWV was used or not and would inform future work. Internal messages to officers and staff indicating the benefits of ensuring BWV was switched on when attending incidents were being circulated.

Following discussion, it was agreed that future reports should contain information regarding the number of incidents and interactions officers and staff had with members of the public. This would then allow a comparison against how many complaints were received from members of the public and provide context for the Constabulary which could then inform training or identify trends.

In relation to conduct matters it was noted that the number of cases had dropped from 24 to 13 in quarter 4 with Covid-19 breaches continuing to make up nearly half of these. This could be a simple matter of not wearing PPE appropriately when on duty to more serious issues. Overall during 2021/22 there had been 65 cases recorded leading to a 110% increase. The majority of cases in quarter 4 had been finalised as 'No Case to Answer' with advise that individuals undertake Learning from Reflection (RPRP) regarding the issues for which they were reported. Following discussion, it was agreed that the Panel would discuss the Performance Requiring Improvement (PRI) process at their next meeting.

Work was being carried out with student officers to engage and brief them on potential circumstances risks and re-affirming key messages and use of BWV in order to prevent them from being subject to misconduct. During Q4 the number of intelligence reports received by the Anti-Corruption Unit had decreased and was attributed to the effects of the third lockdown.

Agreed; that,

- (i) the report be noted;
- (ii) future reports contain data relating to the number of incidents and interactions the police attended to provide context
- (iii) the Panel discuss the Performance Requiring Improvement (PRI) process at their next meeting;

22. OPCC COMPLAINTS AND QSPI

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

The OPCC had seen a continued increase in members of the public writing to the Commissioner to make a complaint regarding a police officer or staff member. As the OPCC had no statutory authority to deal with these, the individual was provided with the contact information for the Constabulary's Professional Standards Department.

During the reporting period 1 complaint regarding the Commissioner and 1 complaint regarding the Chief Constable had been received. Both were being assessed and being progressed by the appropriate authority.

During 2020 the OPCC had received 32 requests for reviews of the outcome of their complaint with Cumbria Constabulary, of which 12% were upheld. Up to 31 March 2021 12 requests had been received with 8% being upheld. The OPCC were receiving on average 4 review requests per month. A member asked how long it took to carry out a review and were advised that this would be assessed and reported back to the Panel at their next meeting.

The number of QSPI's received by the OPCC continued to increase with 157 being received up to 31 March 2021. The report identified the 4 main issues raised as being – driving issues, miscellaneous (including coronavirus issues), crime and police service dissatisfaction. Correspondence from members of the public highlight to the Commissioner issues that are concerning local communities. In addition to individuals receiving a response, the information gathered is used to look at how assistance or changes can be provided throughout Cumbria.

These included funding of £11,513.46 for local communities to support road safety outside schools, with young people who were soon to be new drivers, and drink/drug driving related awareness materials. A 'Get Safe Online' campaign has been developed with partner agencies to raise public awareness of the risk and danger of online crime and how to keep safe. A cyber-crime and security focused Facebook surgery also took place in January 2021.

A Safer Streets project had secured £436,994 from the Home Office Safer Streets Fund to help reduce the number of burglary offences in Barrow. The funding provided 200 home security packs which included DNA property marking kits and were delivered to residents by community volunteers. New and upgraded street lighting had been installed within a dedicated area of Barrow. The members were keen to see what effects the project had in reducing crime within the area. The OPCC Chief Executive agreed that this would be provided to the Panel at their Panel meeting in November.

Agreed; that,

- (i) the reports be noted;
- (ii) the time taken to carry out a review be provided to the Panel at their August meeting; and
- (iii) the Panel be provided with an update on the effects of the Safer Streets Project at the November meeting.

Meeting ended at 4.50 pm

Signed: _____
Panel Chair

Date: _____



Report for the Ethics and Integrity Panel on Cumbria Constabulary Property Stores.

The Ethics and integrity Panel requested an update be provided to the Panel regarding how the potential for complaints or civil claims are being avoided.

To reduce the risk of property being damaged or complaints being received the Constabulary seeks to retain property for only as long as it is needed and to restrict the access to property stores to a small team of Police Staff who manage the property stores.

The Constabulary has undertaken the following measures to reduce the risk of complaints or civil claims relating to property:

1. On the 24th August 2021 a need to know article was circulated reminding staff to 'Retain property only as long as is necessary'. - <https://intranet.cumpol.net/news/Pages/Retain-property-only-as-long-as-is-necessary-.aspx>
2. A 'spring cleaning exercise' is currently underway to reduce the number of items within the store – the fewer items the less risk of damage or complaints about retention times.
3. A property performance management Power BI tool has been created which enables the monitoring of property across all of the Constabulary's stores. This enables better strategic property management to be fulfilled over a longer term, which enables trends to be identified and also that property need only be stored for the necessary amount of time.
4. The access to bulk / long term property stores has been restricted to Police Staff who manage the property stores, reducing the access is anticipated to reduce the risk of accidental damage or accidental disposal.

By undertaking the above activity this addresses the issues identified in the NWROCU Review of Cumbria's Property Management.

Ethics and Integrity Panel



Peter McCall

Disproportionality Working Group Update

Date: 5th August 2021

Agenda Item No: 05

Originating Officer: Chief Superintendent Sarah Jackson

Introduction & Background

This paper outlines the steps Cumbria Constabulary has taken to build on the commitment given by all Chief Constables in January 2021 to “act on issues of diversity and inclusion and concerns about racial inequalities, including the experiences of Black people in policing and the criminal justice system” reaffirming the “commitment to tackle the wrongs of racism, bias and discrimination wherever they are found in policing”. It will also assist the constabulary in delivering against the recommendations in the recently published report by HMICFRS; *Disproportionate use of police powers: A spotlight on stop and search and the use of force* ([justiceinspectorates.gov.uk](https://www.justiceinspectorates.gov.uk)).

The stark scenes during the Black Lives Matter protests demonstrated the deep-rooted lack of confidence in policing from the black community. This action represents years of perceived disparity. Locally, through our Covid response, we recognised there was disproportionality in our actions.

In response to the challenge, the Constabulary established a Disproportionality Working Group (DWG), chaired by Chief Superintendent Sarah Jackson, which brings together senior leaders and staff association members from across the organisation to deliver against the agreed strategy.

DWG Strategy:

- Make best use of our data to bring insight regarding the use of our powers when interacting with people from a Black, Brown or a minority ethnic background.
- Act to remedy any occurrences where we find evidence of bias, discrimination, or disproportionality, and use the learning to prevent repetition.
- Listen to, and work with people with lived experience to take credible action to change policies, culture, and practice that perpetuate biased ideas and action; we endeavour to become an anti-racist organisation.
- Develop an innovative and candid communications strategy that provides reassurance to the public and our workforce of our commitment to action and progress.
- Ensure our staff are sufficiently capable to respond effectively, and compassionately, when Black, Brown and minority ethnic people are victims of crime, offering a high quality and victim focussed service.

- Work with our partners to understand and address the long-term drivers of systemic racial disparity.

Overall Aim

- When people from a Black, Brown or minority ethnic background live in, work in or visit Cumbria feel confident they will be treated fairly, without fear of discrimination.
- Through the transparent sharing of our data and our commitment to action, our ambition is to improve confidence and satisfaction in the delivery of our services.

Interim Update on DWG delivery:

1. The OPCC has supported the Constabulary to commission Anti-Racist Cumbria [Anti Racist Cumbria : Anti Racist Cumbria](#) (as people with lived experience) to work with us and bring insight to our data (both operational and organisational), policies, procedures and culture. A summary of the consultancy agreement is attached with the main activity occurring over a three-month period, June – August 2021. The collaboration has been announced through various media outlets.
2. Commissioned analysis regarding our interaction with Black, Brown and other ethnic minority groups in relation to Stop and Search, FPNs (plus a limited Covid Engagement data set), voluntary attendance for interview, arrests and use of force. This information (The Proportionality Report v.3*) has been shared with Anti-Racist Cumbria who will seek to bring further insight, enabling the generation of credible recommendations.
3. Internal “Safe to Say” survey which sought the views of constabulary employees regarding how inclusive they perceived their employer to be. The results are currently being analysed (by AR Cumbria) but will not be available in time for the next panel meeting.
4. Throughout July 2021 Anti-Racist Cumbria will finalise a series of focus groups they have held with:
 - The Chief Officer Group
 - DWG - Disproportionality working group (includes Fed & Unison)
 - Head of People
 - Strategic Lead for IAGs and Use of Force / Stop and Search.
 - Learning & Development
 - Professional Standards Lead
 - Diversity Equality and Inclusion Chair
 - The Positive Action team
 - Black and Brown staff
 - Black and Brown Officers & Multicultural Policing Association
 - White Police Staff
 - White Police Officers
5. Throughout August 2021, Anti Racist Cumbria will continue to hold focus groups with:
 - Black and Brown People who have been victims of hate crime

- Black and Brown People who have been a victim of crime and been referred to Victim Support
- Black and Brown People who have experienced an interaction with Cumbria Constabulary, and that particular interaction was later analysed (Use of Force, Stop and Search, Arrests, Voluntary attendance, Covid Engagements and FPNs)

Expected Consultant Outputs (September 2021):

- Written report documenting all findings, conclusions, and recommendations arising from the Consultancy
- Co-author a Cumbria Constabulary Inclusion and Race plan, which will have clearly defined SMART outcomes, service standards / performance indicators which can be tracked through agreed governance structures.
- Contribution to the generation of a stakeholder and communications strategy to reassure the public, our workforce, and our partners of our commitment.

Further updates can be provided at future Ethics and Integrity panels if required.



Chief Superintendent Sarah Jackson

22/7/21

Ethics and Integrity Panel



Officer & Staff Update re COVID19 and the Wellbeing of Officers and Staff

Date: 29 July 2021

Agenda Item No: 06a

Originating Officer: Supt Dave Stalker

CC:

A: General Health and Wellbeing

1. Risk Assessment to identify vulnerable officers and staff – all officers and staff were asked to complete a baseline risk assessment via our SharePoint portal to identify those who may be at greater risk from CV19. Occupational Health then conducted follow up interviews for those with disclosed conditions as identified by government guidelines. Using the ALAMA COVID Age calculator officers' staff were RAG rated accordingly and given advice on whether they could remain in work or should work from home. Those in public facing roles, who were unable to continue to be at work were allocated alternative roles. Risk Assessments' were reviewed at regular intervals in light of changing data regarding CV19 as linked to specific medical conditions.
2. COVID Swabs conducted by OHU – at the start of the pandemic a service level agreement was developed between Occupational Health and Cumberland Infirmary Laboratory to undertake COVID swabs in-house. This provided early access for symptomatic officers, staff, and family members over 18yrs of age to have PCR testing. Results were provided within 12hrs, which helped to reduce absences.
3. BAME specific RA – as more scientific data became available regarding the increased risk to the BAME population, further risk assessment was undertaken by OHU. The OH Manager in consultation with force BAME lead wrote to all BAME officers/staff to outline data available, offer 1:1 appointment to discuss any concerns with an OH practitioner. BAME officers/staff in public facing roles were given the option to work from home in an alternative role if this was their preference.

4. Agile Working RA and follow up – critical business functions were identified early in the pandemic and recycling of laptops to facilitate homeworking initiated; 120 laptops were re-cycled during this time. In addition, the constabulary invested in a further 250 laptops and 250 Dex kits to support working from home.
All officers and staff were asked to complete an agile worker’s risk assessment, which was reviewed by Occupational health. Where indicated a telephone assessment was arranged with the Forces Physiotherapist/ergonomist to discuss the home set up, advise on safe working, and explore any ergonomic concerns and identify equipment needs; 279 telephone assessments have been undertaken. In addition, VLOGs and information were added to COVID intranet pages on exercise and home working to reduce the risk of mask problems. Follow up calls were made to ensure equipment had been received and was fit for purpose.
It remains the aspiration of the Constabulary to maintain agile working once entering a period of recovery and renewal.
5. Vaccination Monitoring – agreement in place with local NHS Trusts for an offer of early vaccination, where the vaccine would otherwise be destroyed due to non-attendance at planned clinics – Force Incident Manager contacted and advised on location and number of vaccines available. Beyond this the vaccination of officers and staff has been in line with government guidance linked to at risk groups and ages.
6. Long COVID – information published on the COVID intranet pages to advise officers/staff about Long COVID. Further guidance produced by the Society of Occupational Medicine for line managers also added. OH adopting a multi-disciplinary approach to the management of any long COVID cases with an OH nurse adviser case manager along with access to physiotherapy and CBT as indicated by symptoms.
7. Mental Health – the force has an award-winning resilience programme, ‘Wiser Mind’, which was designed by and is managed by the force psychotherapist following CBT assessment. Investment in the ICT infrastructure enabled the force to adjust the programme so that concerns about the impact of the pandemic were included and launch it on the Teams platform. All officers and staff were offered the opportunity to participate and to date 369 have attended.

B: Health and Safety Measures

8. Signage

Signs have been placed in all areas of the estate to inform officers and staff of measures to be followed e.g.

- Maintain 2 metre social distance where possible
- Wash hands regularly or use hand sanitiser
- Maximum room occupancy (kitchens, toilets, gyms and communal areas)

- Floor signs instructing one-way system or keep left in corridors or stairs
- Best practice – “Maintaining the standards” information signs
- Posters are displayed with current PPE guidance and control measures

9. Office and workspace configuration

Officers and staff have been instructed to work from home unless their role cannot be performed without coming into the workplace. Control measures put in place within office and workspace areas include.

- Staff rotation – limiting the number of staff in the workplace at any one time allows more space and reduces close contact with colleagues.
- Screens have been placed around the workstations in CMR
- CMR has been spread over 2 floors allowing desks to be spaced out
- LDC and PDU training areas have been risk assessed with 2 mtr desk separation and floor markers for distancing
- Workstations in offices have been either moved to create a safe distance from others, removed completely to allow more space or isolated to prevent use to allow a physical separation.

10. Sanitiser stations

Sanitiser stations have been placed at all building entrances and around the various departments with a ready resupply available. Signs are also in these areas to remind and encourage the use of sanitiser.

11. PPE provision

All elements of PPE are in plentiful supply and positioned around the estate for use by officers, staff, visitors, contractors and volunteers. The four main elements of PPE for COVID 19 are:

- IIR Fluid Resistant Surgical Mask
- Nitrile Gloves (Non-Latex)
- Eye protection (Goggles) when required
- Disposable Apron

Additional PPE items are also available for specific circumstances

12. LFT provision

Lateral Flow Testing has been in place within the constabulary since February 2021, initially for in work testing but now the preferred method is home testing. Home testing gives us an early indication of possible infection prior to the member of staff coming into the workplace and potentially infecting others. Although not mandatory, it is advised to be carried out twice a week as a minimum or if feeling unwell or in doubt.

There are plenty of kits freely available and stores have done a great job of allocating, packaging and delivering LFT kits to all areas. At some point in the future the supply agreement with the Department of Health and Social Care will cease and the responsibility of obtaining kits will fall to the individual. The kits can then be sourced through local pharmacies, GP surgeries and online suppliers. There is currently no shortage of kits in stores or in areas.

13. Anti-Viral wipes and sprays

HQ stores have supplied disinfection products such as anti-viral wipes and sprays since the pandemic began, for use when cleaning down workstations at the start and end of the day/shift. Wipes are also placed in every vehicle to disinfect touch points within the vehicle and a procedure is in place for carrying this out. Procurement have been provided with a list of authorised products which are recommended, safe and meet the standards required.

14. Clinical waste bags and bins

The introduction of 'in work' lateral flow testing created an increased amount of what was initially classed as clinical waste which requires specific control and disposal methods. All areas have been provided with orange/yellow clinical waste bags and bins and the main stations also have new lockable wheely bins which are emptied under contract through the estates department. The regulations have since changed on this and LFT waste can now be disposed of in normal domestic waste. Once home testing was established the amount of waste was reduced as well

15. Specific training and provision for Aerosol Generated Procedures (Custody)

It was identified through the NPCC and College of policing that there was a greater risk of transmission of the virus in custody when carrying out evidential breath testing. Due to the rooms being generally small, confined spaces with limited natural ventilation and the DP must remove their mask to conduct the test, this was assessed to be an aerosol generating procedure. Enhanced PPE in the form of the FFP3 face mask is therefore required for the procedure. Eight officers were therefore trained to conduct face fit testing, which is a legal

requirement when using FFP3 masks, for selected staff within each custody suite. Any staff member carrying out evidential breath testing must wear the FFP3 and be face fit tested for that mask. This ensures we are giving our staff suitable respiratory protection for carrying out this procedure.

16. Guidance, Information, Instruction, and Training

As well as visual signs, posters and instructions around the estate there is a large resource of online information available to all officers and staff. Videos have been produced to explain and demonstrate the correct method of donning and doffing PPE as well as how to conduct a lateral flow test, backed up with online training sessions.

Comprehensive guidance documents are available under the Coronavirus section of the force intranet on PPE (including the NPCC interactive guidance), safe systems of work and operational procedures. Information and instruction has been regularly published through the Op Lectern Gold and silver meetings for dissemination and the weekly ACC briefing has provided a constant passage of information and instruction.

17. Cleaning and disinfection

An enhance cleaning schedule was introduced very early in the pandemic through the contracted cleaning company were midday cleaning was introduced for busier communal areas and touch point specific areas targeted. Instructions have been communicated through departmental risk assessments for personal responsibility within work areas. Keeping work areas clean and tidy, not sharing workstations and cleaning work areas and vehicles before, during and after shifts.

18. Lift sharing

Lift sharing was not permitted under legislation and therefore officers and staff were instructed not to do so, however with the change in legislation recently this is now allowed with advice to:

- Only share a vehicle if absolutely necessary
- Wear face coverings/masks whilst in the vehicle
- Keep windows open for fresh air
- Try to have a distance between passengers in the vehicle



Grievance Policy and Procedure

Policy & Procedure:	Grievance
Approved by which board (or Chief Officer) and date:	
Owner:	Head of People
For release under Freedom of Information?	Yes
Contact for advice:	Human Resources
Support information: (List any legislation, APP, other policies, etc. that this policy & procedure complies with)	
Review date: (Policy & Procedure must be reviewed every 3-years)	July 2024

Amendments made (Please detail the amendment(s) made and when)	July 2021
Date and Version Number	Business Board April 2018

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The Code of Ethics is at the heart of all our policies and procedures and underpins our decision-making.

1 The Code of Ethics

The Code of Ethics applies to everyone who works in policing in England and Wales. It sets out the principles and standards of behaviour expected of Police personnel, whether a warranted officer, police staff, volunteer or someone contracted to work in a police force.

“Doing the right thing and doing it the right way”

The code consists of two parts:

1. Policing Principles
2. Standards of professional behaviour

The Policing Principles are

- Accountability – you answerable for your decisions, actions and omissions.
- Fairness – you treat people fairly.
- Honesty – you are truthful and trustworthy.
- Integrity – you always do the right thing.
- Leadership – you lead by good example.
- Objectivity – you make choices on evidence and best professional judgement.
- Openness – you are open and transparent in your actions and decisions.
- Respect – you treat everyone with respect.
- Selflessness – you act in the public interest.

Each principle links closely to [The Police Standards of Professional Behaviour](#), which are

<p>1. Honesty & Integrity I will be honest and act with integrity at all times, and will not compromise or abuse my position</p> <p>2. Authority, respect & courtesy I will act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy. I will use my powers and authority lawfully and proportionately and will respect the rights of all individuals</p> <p>3. Equality & diversity I will act with fairness and impartiality. I will not discriminate unlawfully or unfairly</p>	<p>4. Use of force I will only use force as part of my role and responsibilities, and only to the extent that it is necessary, proportionate and reasonable in all the circumstances</p> <p>5. Orders & instructions I will, as a police officer, give and carry out lawful orders only, and will abide by Police Regulations. I will give reasonable instructions only, and will follow all reasonable instructions</p> <p>6. Duties & responsibilities I will be diligent in the exercise of my duties and responsibilities</p>	<p>7. Confidentiality I will treat information with respect, and access it or disclose it only in the proper course of my duties</p> <p>8. Fitness for work I will ensure, when on duty or at work, that I am fit to carry out my responsibilities</p> <p>9. Conduct I will behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing</p> <p>10. Challenging or reporting improper behaviour I will report, challenge or take action against the conduct of colleagues which has fallen below the standards of professional behaviour</p>
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2 POLICY

This policy will support the Constabulary mission to deliver an outstanding police service to keep Cumbria safe.

The Constabulary will take appropriate steps to ensure that all officers and staff understand this procedure and related statutory requirements and that it is publicised within the Constabulary and is available in alternative formats upon request. Appropriate training will be provided to managers.

Policy statement

The Constabulary strives to promote harmonious working relationships between officers, staff and managers, however there will be occasions when people are unhappy about work related matters or with the way they have been treated at work by the Constabulary or managers acting on its behalf. The Constabulary accepts that its employees have the right to express a grievance and for the Constabulary to respond to it and keep proceedings confidential.

This policy and procedure provide a clear framework to deal with grievances fairly, consistently and speedily. The procedure takes into account current employment legislation together with the ACAS Code of Practice. The Constabulary will also have regard to the Code of Ethics in determining the treatment of each case according to the circumstances.

Aim

To promote effective employee relations by trying to resolve grievances, either individual or collective, as promptly and amicably as possible ensuring fairness and transparency at all times.

Many potential grievance issues can be resolved informally without the need to progress to the formal stage. Managers, officers, staff and staff associations are expected to approach the procedure with the commitment to engage in constructive discussion and to adopt a positive approach in order to resolve the grievance wherever possible, at the Informal Stage.

Scope

This Policy and Procedure applies to all Police Officers, Special Constables, Volunteers and members of Police Staff.

3 Procedure

Overview

Issues that may cause an individual to raise a grievance include but are not limited to the following:

Terms and conditions of employment	Health and safety
Work relations	New working practices
Working environment	Organisational change
Equality of opportunities (amends)	Discrimination

This list is not exhaustive, advice should be sought from Human Resources on any complaint not listed.

This policy and procedure shall not apply to matters where separate procedures exist for example the Police Officer Promotion and Development Policy or allegations of bullying and harassment which will be dealt with in accordance with the Dignity and Respect Policy.

In addition, it will not apply where an individual decides to make a protected disclosure in accordance with the Constabulary's Confidential Reporting Policy and Procedure (whistle blowing procedure).

Officers / staff should raise grievances informally without unreasonable delay and managers should seek to address them as soon as practicable. Resolution should be the preferred outcome, this should be agreed where possible but it is not essential and may not always be possible or achievable.

Representatives, managers, fellow personnel and witnesses accompanying and assisting individuals are not to discuss any matters of the case other than with those involved. Grievance records will be kept strictly confidential. Breach of confidentiality may give rise to disciplinary action.

Victimisation, including unfair, less favourable or inappropriate behaviour towards any party to a grievance is unlawful and will be regarded as a disciplinary matter.

All formal meetings will be held without unreasonable delay.

Individuals have a statutory right to be accompanied by a fellow worker, a trade union representative or an official employed by a trade union of their choice at any formal stages of the procedure. No pressure will be placed upon any individual not wishing to act as a representative.

When a grievance is raised the conditions existing prior to the grievance being raised will remain unless a continuance of this would contravene statutory requirements. Wherever practicable, a status quo arrangement will operate until either the grievance has been resolved or the procedure has been exhausted.

The Constabulary Diversity Manager will be made aware of any grievance submitted which relates to any protected characteristics or discriminatory practice.

Any individual(s) found to be raising vexatious complaint(s) may be subject to disciplinary action as may any witnesses who are found to have deliberately misled any investigation.

Where a grievance is raised that restates an issue that is either, already being dealt with, or has previously been dealt with and there is nothing new being raised then the grievance will be rejected.

If an individual is absent due to sickness advice from the Occupational Health Unit may be sought on their fitness to participate in the process.

If an individual leaves prior to the grievance being resolved / completed

The grievance manager (in conjunction with Human Resources) will determine; how the grievance will be managed and whether it is appropriate to conclude any further enquiries or investigation. Any outstanding matters may be addressed by correspondence without the need for face to face meetings.

Collective grievances

Where more than one individual has the same grievance(s) this may be dealt with collectively and should be raised with the management directly responsible for the area / department concerned. Representation may be made by a trade union official or a maximum of two individuals from the group raising the collective grievance. The outcome will apply to all individuals who raised the original grievance and may also apply to other individuals.

Grievance and disciplinary cases

Where an individual raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently, in this instance Professional Standards will be advised to consider, in conjunction with Human Resources, how to proceed on a case by case basis.

Mediation

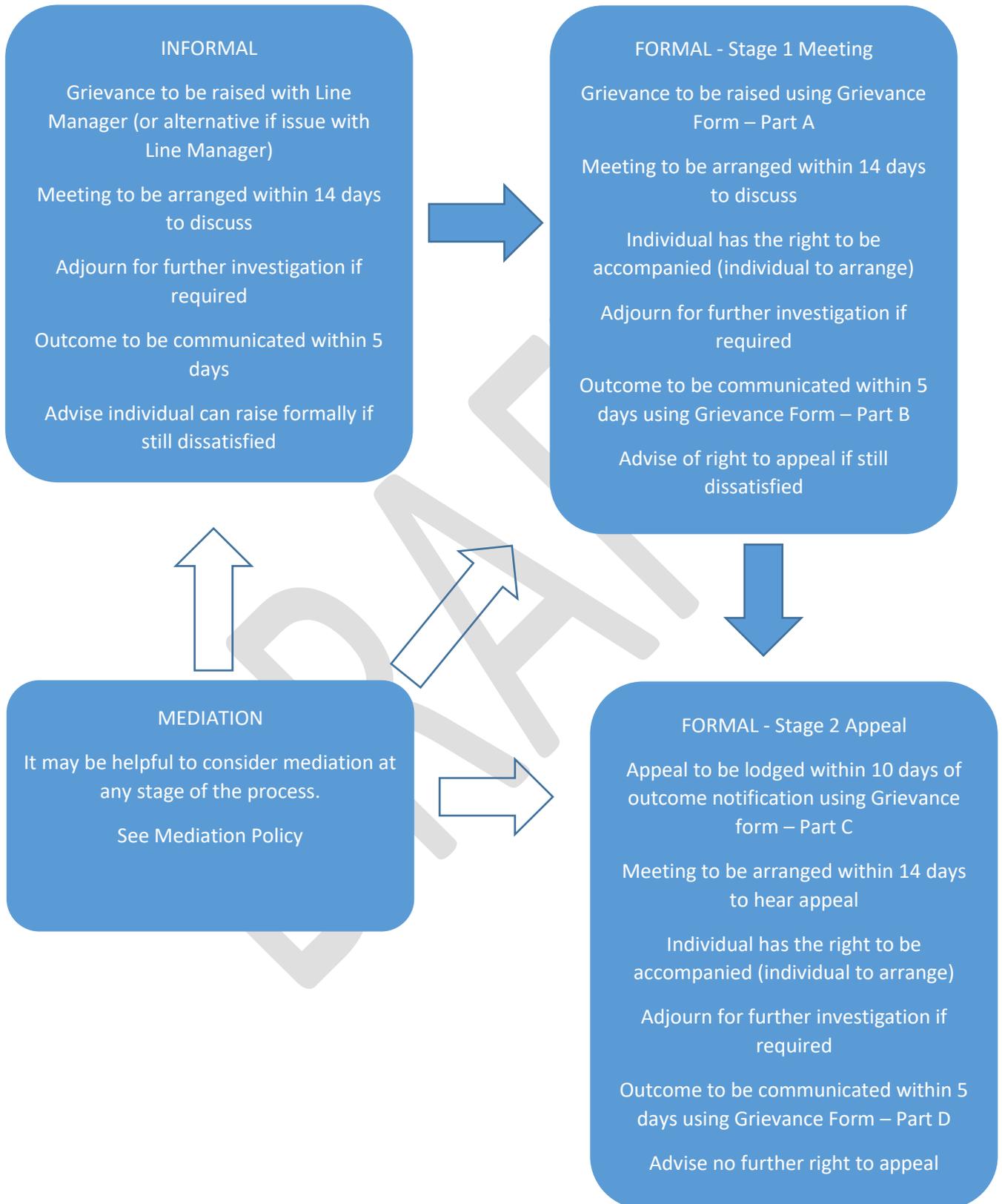
Mediation is a completely voluntary and confidential form of alternative dispute resolution. It involves an independent, impartial trained mediator helping two or more individuals, or groups, to reach a solution that's acceptable to everyone. Mediators do not make judgements or determine outcomes.

The overriding aim of workplace mediation is to restore and maintain the employment relationship wherever possible. This means the focus is on working together to go forward, not determining who was right or wrong in the past.

Many kinds of dispute can be resolved through mediation if those involved want to find a way forward. It can be used at any stage in a dispute but is most effective if used early on.

For further details refer to the Constabulary's Mediation Policy, [- LINK](#)

Flow chart



4 WHAT DO I NEED TO DO? (officers and staff)

Those raising grievances have a responsibility to act impartially, in good faith and to show commitment to the resolution process making every effort to participate in meetings. You must be clear about the issue(s) to which you seek a resolution and the outcome required avoiding language which may be considered insulting or abusive.

You have the right to be accompanied at any formal meetings by a co-worker or union / Federation representative, it is your responsibility to arrange this.

Consider the use of Mediation at any stage of the process, as appropriate.

Informal

You should aim to settle your issue(s) informally with your line manager in the first instance with the aim of reaching an agreed solution. You may be asked to put your grievance in writing to assist the manager in understanding the issues raised.

If your issue(s) relates to your manager, you should discuss the issue with your second line manager or an alternative manager.

If no satisfactory resolution can be obtained, after all informal approaches have been exhausted, the matter should be raised via the formal resolution process.

Formal

Stage 1 - Meeting

Set out the grievance in writing and the preferred resolution, using Grievance Form Part A ([link to forms library](#)). Use the form to identify any relevant witnesses / representation and authorise the manager to approach them.

If you wish to apply your right to be accompanied by a co-worker, a trade union / Federation representative or an official employed by a trade union you must arrange this and include their name on the form.

The grievance should be submitted to your line manager or second line manager if the grievance is about the first line manager.

If you remain unsatisfied with the outcome you have the right to appeal.

Stage 2 - Appeal

Set out your reasons for appeal and preferred resolution, using the Grievance Form - Part C ([link to forms library](#)).

If you wish to apply your right to be accompanied by a fellow worker, a trade union representative or an official employed by a trade union you must arrange this and include their name on the form.

The appeal should be submitted to the HR Department.

The outcome of the appeal is final and there is no further right of appeal.

5 WHAT DO I NEED TO DO? (managers and supervisors)

You have a responsibility to act impartially in good faith and to show commitment to the resolution process. Those addressing grievances must take personal responsibility for the resolution process.

A Human Resources Representative will be allocated to provide appropriate support and advice in the operation of the formal stages of this procedure.

You should ensure that the individual has a copy of the grievance procedure and understands the process that will be followed.

Individuals have the right to be accompanied at any formal meetings by a co-worker or union / Federation representative, it is the individuals responsibility to arrange this.

Ensure any reasonable adjustments are made to facilitate the individual's participation in the process. If the individual is on sickness absence, advice can be sought from the Occupational Health Unit on fitness to participate in the process.

Any reasonable adjustments that may be required will be made on a case by case basis advice can be sought from Human Resources and the Occupational Health Unit.

Consider the use of Mediation at any stage of the process, as appropriate.

Informal

Once notified of a grievance you should arrange to meet with the individual at the earliest opportunity to discuss the issue(s) raised, keeping HR informed at each stage.

If the grievance is submitted verbally you may ask the individual to follow it up in writing, to assist you in fully understanding the nature of the grievance and the resolution sought.

Conduct any research / establish relevant facts as appropriate. Subject to agreement, approach others who may be able to inform or assist a resolution.

When you meet with the individual ensure they are given the opportunity to fully explain the issue(s) and explain the resolution sought.

You should keep a written record of the discussions and outcome within 14 calendar days and meet with the individual to confirm the outcome within 5 calendar days, unless there are reasons for a delay, which will be explained to the individual.

If after all informal resolution options have been explored, the individual remains dissatisfied with the outcome you should advise / explain they can raise the grievance at the formal stage, using Grievance Form – Part A ([link to forms library](#)).

Stage 1 - Formal

Set up a formal meeting in a confidential setting within 14 calendar days unless there are reasons for a delay, which will be explained to the individual.

Note agreement to approach any third party who may be able to assist in formulating a solution or with relevant facts and conduct any investigations required to ascertain relevant facts.

Arrange for any relevant third party witnesses to attend the meeting as necessary and for Human Resources to attend as management adviser.

Chair the grievance meeting and determine resolution. The aggrieved party must be allowed to fully state the grievance. Any representative must be allowed to speak in support of the aggrieved party.

Consider if appropriate to refer the matter to a different procedure.

Decisions will be communicated and confirmed in writing using the Grievance Form Part B [\(see forms library\)](#) within 5 calendar days unless there are reasons for a delay, which will be explained to the employee.

Outcomes should be actioned as appropriate and will be communicated by the manager dealing with the grievance.

Ensure the individual is advised of their right of appeal should they remain dissatisfied with the outcome.

Stage 2 - Appeal

Any appeal should be made in writing using Grievance Form Part C [\(see forms library\)](#) and sent to HR within 10 calendar days of receiving the outcome.

A meeting will be arranged to hear the appeal within 14 calendar days unless there are reasons for a delay, which will be explained to the individual.

Arrange for Human Resources to attend the appeal meeting as management adviser.

Inform the aggrieved of the time, date and arrangements for the appeal meeting including, other attendees.

Chair the appeal meeting and determine resolution. The aggrieved party must be allowed to fully state the reasons for the appeal.

The resolution may be to maintain original stance; alter the original stance as appropriate; refer the aggrieved and the resolution of the matter to a different procedure.

Decisions will be communicated and confirmed in writing using the Grievance Form Part D [\(link to forms library\)](#) within 5 calendar days unless there are reasons for a delay, which will be explained to the employee.

Advise there is no further right of appeal.

Outcomes should be recorded and actioned as appropriate and will be communicated by the manager hearing the appeal.

6 WHAT DO I NEED TO DO? (any specialist function)

Human Resources

Will be available to offer advice on the correct interpretation and application of terms and conditions of employment, policies and procedures and the appropriateness of the procedure in resolving complaints.

Will take responsibility for monitoring and recording any grievance submitted, sharing data with Professional Services and the use of mediation, where this is deemed appropriate.

Trades Union / Federation representatives

Provide advice and support to members on and during the process, including assistance on completing the forms if required as a reasonable adjustment by the individual.

Trades Union / Federation will ensure all representatives are sufficiently trained in the role of acting as a members companion.

7 EQUALITY ANALYSIS

An Equality Analysis must be completed before and during development of a policy and procedure to inform its content, and the template presented below must be used.

The Equality Duty has three aims:

- **Eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Equality Act 2010.
- **Equality of opportunity** between people who share a protected characteristic and people who do not share it.
- **Foster good relations** between people who share a protected characteristic and people who do not share it.

DRAFT

1. What is the potential impact in relation to the General Duty of this proposal on each of the protected groups below?

Protected characteristics	Positive Impact				Negative Impact (provide details and mitigating actions taken or proposed)	No Impact (v)
	Does the proposal:					
	eliminate unlawful discrimination (provide details)	advance equality of opportunity (provide details)	Foster good relations (provide details)	Other positive impact (provide details)		
Age	A grievance can be raised if a person perceives that they are being discriminated due to their age. By having a grievance policy all discrimination issues will be addressed with consideration given to the Equality Act, which will eliminate discrimination	Any member of staff or officer can utilise this policy and procedure to raise concerns if they feel that they are being discriminated against due to their age giving the person concerned the opportunity to resolve a problem	By having a structured policy, those that are aggrieved can follow a process with confidence therefore fostering good relations	The Policy and Procedure will assist in embedding the principles of the Code of Ethics and Well Being at Work	None	
Disability	The policy will adhere to the Equality Act therefore facilitating reasonable adjustment if required. Any issues raised concerning a disability through the grievance procedure will be dealt with eliminating unlawful discrimination	Any member of staff or officer can use this policy and procedure to raise concerns if they feel that they are being discriminated against due to their disability, giving the person concerned the opportunity to resolve a problem	By having a structured policy, those that are aggrieved can follow a process with confidence therefore fostering good relations	The Policy and Procedure will assist in embedding the principles of the Code of Ethics and Well Being at Work	None	

OFFICIAL – SENSITIVE

Sex	The policy will apply to all, whether male or female.	Any member of staff or officer can use this policy and procedure to raise concerns if they feel that they are being discriminated. As the policy deals with all protected characteristics and the investigation into the grievance will be tailored to the needs of that person and the issues raised this will advance equality of opportunity	By having a structured policy, those that are aggrieved can follow a process with confidence therefore fostering good relations	The Policy and Procedure will assist in embedding the principles of the Code of Ethics and Well Being at Work	None	
Sexual orientation	A grievance can be raised if a person perceives that they are being discriminated due to their sexual orientation. By having a grievance policy all discrimination issues will be addressed with consideration given to the Equality Act, which will eliminate discrimination	As the policy deals with all protected characteristics and the investigation into the grievance will be tailored to the needs of that person and the issues raised this will advance equality of opportunity	By having a structured policy, those that are grieved can follow a process with confidence therefore fostering good relations	The Policy and Procedure will assist in embedding the principles of the Code of Ethics and Well Being at Work	None	
Gender reassignment	If a person undergoing/gone through/considering gender reassignment considers that they are aggrieved and their perception is that it is because they are transgender, then to have a grievance policy will	As the policy deals with all protected characteristics and the investigation into the grievance will be tailored to the needs of that person and the issues raised this will advance equality of opportunity	By having a structured policy, those that are aggrieved can follow a process with confidence therefore fostering good relations	The Policy and Procedure will assist in embedding the principles of the Code of Ethics and Well Being at Work	None	

OFFICIAL – SENSITIVE

	eliminate this aspect of discrimination					
Marriage and civil partnership	No Impact identified	No Impact identified	No Impact identified	No Impact identified	None	
Pregnancy and maternity	A grievance can be raised if a person perceives that they are being discriminated against due to maternity and pregnancy. By having a grievance policy all discrimination issues will be addressed with consideration given to the Equality Act, which will eliminate discrimination	Any member of staff or officer can use this policy and procedure to raise concerns if they feel that they are being discriminated against due to pregnancy and maternity giving the person concerned the opportunity to resolve a problem. As the policy deals with all protected characteristics and the investigation into the grievance will be tailored to the needs of that person and the issues raised this will advance equality of opportunity	By having a structured policy, those that are aggrieved can follow a process with confidence therefore fostering good relations	The Policy and Procedure will assist in embedding the principles of the Code of Ethics and Well Being at Work	None	
Race	A grievance can be raised if a person perceives that they are being discriminated against due to their race. By having a grievance policy all discrimination issues will be addressed with consideration given to the	By any member of staff or officer can utilise this policy and procedure to raise concerns if they feel that they are being discriminated due to their race giving the person concerned the opportunity to resolve a problem.	By having a structured policy, those that are grieved can follow a process with confidence therefore fostering good relations	The Policy and Procedure will assist in embedding the principles of the Code of Ethics and Well Being at Work	None	

	Equality Act, which will eliminate discrimination	As the policy deals with all protected characteristics and the investigation into the grievance will be tailored to the needs of that person and the issues raised this will advance equality of opportunity				
Religion and belief including non-belief	A grievance can be raised if a person perceives that they are being discriminated against due to their religion or belief. By having a grievance policy all discrimination issues will be addressed with consideration given to the Equality Act, which will eliminate discrimination in this respect	By any member of staff or officer can utilise this policy and procedure to raise concerns if they feel that they are being discriminated due to their religion or belief giving the person concerned the opportunity to resolve a problem. As the policy deals with all protected characteristics and the investigation into the grievance will be tailored to the needs of that person and the issues raised this will advance equality of opportunity	By having a structured policy, those that are aggrieved can follow a process with confidence therefore fostering good relations	The Policy and Procedure will assist in embedding the principles of the Code of Ethics and Well Being at Work	None	

If there is no potential impact (positive or negative) please provide a brief explanation why this is the case, e.g. the data utilised in arriving at the decision, summary of responses to consultation, etc.

Brief explanation of the ‘no impact’ decisions above

Although the grievance numbers are very low within the Constabulary there is a requirement that officers and staff have a procedure that will deal with issues and find resolutions that do not lead to disciplinary or formal action. Grievances are about resolving a problem, not apportioning blame. By having this policy and procedure all officers and staff have a mechanism to find resolutions and hopefully make the treatment/service better which has a positive impact. An Equality and Diversity monitoring form has been added to the grievance form to assist with better data collection and monitoring of any equality related issues in respect of grievances submitted.

8 DATA PROTECTION IMPACT ASSESSMENT

	DPIA Screening Questions	Yes	No	N/A
1	Will the project/policy involve the collection of new information about individuals?			
	(provide details)			
2	Will the project compel individuals to provide information about themselves?			
	(provide details)			
3	Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information?			
	(provide details)			
4	Does the project/policy involve multiple organisations, whether they are government agencies (e.g. as a joint working initiative) or private sector organisations (e.g. providing a service as data processor).			
	(provide details) If any shared data will be anonymised prior to being shared, please state here what will be shared and how it is anonymised.			
5	Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?			
	(provide details):			
6	Does the project/policy involve you using new technology which might be perceived as being privacy intrusive? For example, the use of biometrics or facial recognition.			
	(provide details):			
7	Will the project/policy result in you making decisions or taking action against individuals in ways which can have a significant impact on them?			
	(provide details)			
8	Is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For example, health records, criminal records or other information that people would consider to be particularly private.			
	(provide details)			
9	Will the project/policy require you to contact individuals in ways which they may find intrusive?			
	(provide details)			



Professional Standards Department

Ethics and Integrity Panel Report

2021/2022 Q1

July 2021

DCI Craig Smith – Head of Professional Standards

Hannah Pocock – Force Intelligence Analyst, Anti-Corruption Unit

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Background

This report combines areas dealt with by Professional Standards Department. Each section will commence with an executive summary followed by a detailed commentary and insight into each headline. A final section will cover other updates and hot topics of interest.

Public Complaints are assessed under Police (Complaints and Misconduct) Regulations 2020 and Police (Conduct) Regulations 2020.

Conduct is reviewed in relation to Standards of Professional Behaviour as defined within the Code of Ethics:

Honesty and Integrity	Duties and Responsibilities
Authority/ Respect/ Courtesy	Confidentiality
Equality and Diversity	Fitness for duty
Use of Force	Discreditable Conduct
Orders and Instructions	Challenging and Reporting Improper Conduct

This report covers 2021/2022 Quarter 1 (Q1), 01/04/2021 to 30/06/2021. Figures in this report are correct as of 12/07/2021.

In line with IOPC data collection and analysis, De-Recorded Public Complaint allegations and cases, unless otherwise stated, have been excluded from the below figures and commentary. De-Recorded cases and/or allegations may concern persons who are not eligible, as per the Police Regulations 2020, to make an expression of dissatisfaction and/or have been logged/recorded in error.

Unless otherwise stated, the below sections relate to allegations recorded within a given quarter and added to a case which has been logged/recorded in the same quarter. They do not include allegations which have been logged/recorded but added to an earlier quarter's case, eg allegation recorded in Q4 but added to a Q3 case; this is to allow more like for like comparisons between quarters.

Where comparisons are made between Constabulary areas, these areas will be defined, North for example may or may not include HQ and/or Control and Command Room (CCR) but this will be noted in the commentary. Characteristics of the subjects of the complaints have been considered in some sections below but caution is to be taken as it is possible, although likely low risk, that subjects may have changed area, shift or role within Q1 which may not have been accurately represented in Centurion, PSD database.

Public Complaints Executive Summary

- **Public Complaints have decreased by a quarter in Q1 compared to Q4, this is despite incident logs, crimes and custody attendance having all increased in Q1.**
- **North, South and CCR have all seen decreases in Public Complaints, whereas, West have maintained the same number of Public Complaint cases compared to Q4.**
- **Schedule 3 Public Complaint cases have increased in Q1, particularly relating to when the force has determined a complaint should be recorded.**
- **Finalisation times for all types of Public Complaints became much longer in Q1 but are expected to shorten again in Q2.**

Risk and Concerns – Low

There are no direct concerns to be adduced from the types of complaints received. We again see the three key groups of complaints remain the same as per previous quarters across the organisation.

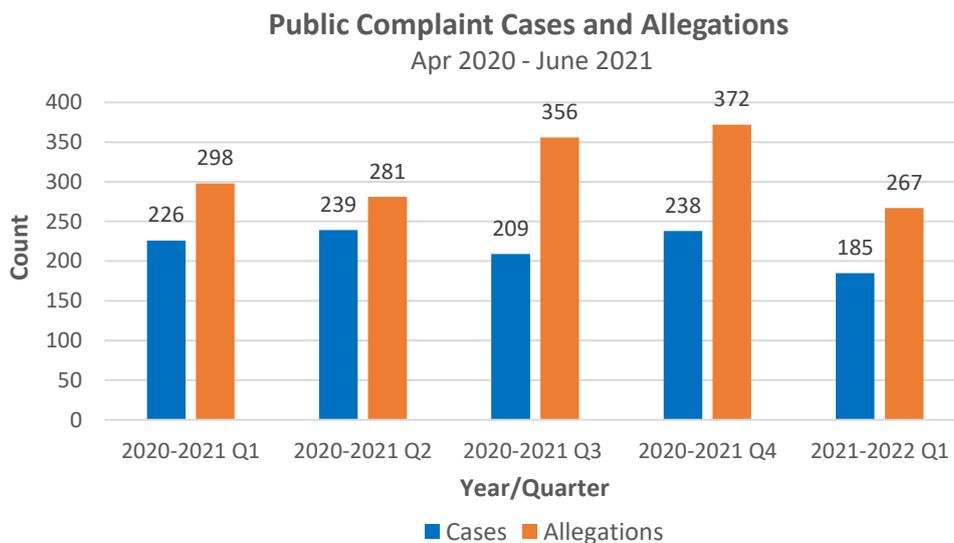
Schedule 3 Public Complaints have increased – this is down to training and supervisory guidance regarding our processes.

Finalisation times have now been addressed with a short-term solution with a long-term resolution being introduced in the coming weeks.

Public Complaints

Public Complaints have decreased by a quarter in Q1 compared to Q4, this is despite incident logs, crimes and custody attendance having all increased in Q1

Public Complaint cases have decreased by 23% and associated allegations by 25% in Q1 compared to Q4, this is despite an increase in incident logs (+18%), recorded crimes (+34%) and custody attendance (+27%) across the Constabulary in Q1 (**Appendix A**). Q1 has seen the lowest number of cases and allegations since the implementation of the 2020 Regulations.



Case numbers have fluctuated month on month under both 2012 and 2020 Regulations. April and May have this quarter shown low numbers of cases and allegations which were akin to August 2020. They did however follow a bumper month for cases and allegations as March recorded the 2nd highest number of cases and allegations under 2020 Regulations (**Appendix B**). Furthermore, cases increased towards the end of the quarter, with June noting cases numbers towards the higher end of average. Both March and June may therefore have had knock on effects for both April and May figures.

The split between Organisational and Individual complaint allegations remains similar to previous quarters, 70% Individual and 30% Organisational. The top three Complaint Groups also remain the same as previous quarters, Group A *Delivery of service and duties*, Group B *Police powers, policies and procedures* and Group H *Individual Behaviours*. Allegations have decreased for all three groups in varying amounts but primarily for the most common Group A *Delivery of service and duties*. Allegations recorded per group compared to Q4 are as follows, Group A -37%, Group B -21% and Group H -17%. Group L *Other* and Group F *Discriminatory Behaviour* allegations also decreased in Q1 (**Appendix C**). As with other quarters, some of the less common complaint allegation types rose, but due to their smaller overall number this is not necessarily significant, small rises were seen in Groups C *Handling or damage to property/premise* and E *Use of police vehicles*. Changes in some of these complaint allegations are discussed below.

In addition, Covid-19 related complaints have significantly decreased from around 12-13% of cases in Q3 and Q4 (24-28 cases per quarter) down to 1.6% of cases in Q1 (3 cases) which has had a direct impact on the overall decrease in cases in Q1.

Overall, the number of complaints received per incident log, crime or custody attendance remain very low (**Appendix A**).

	% of Complaints
Incident Logs <i>with and without duplicates/errors excluded</i>	1%
Crimes Recorded	2%
Total Custody	6%

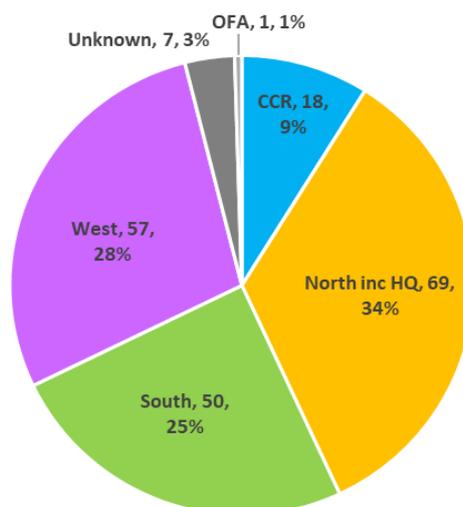
The decrease in complaints is not what may have been expected with the increased interaction with the general public in Q1, however, it is a welcomed that the Constabulary have not attracted as many complaints during these ever-changing difficult pandemic times. Therefore, the decrease in cases is not concerning at present.

North, South and CCR have all seen decreases in Public Complaints, whereas, West have maintained the same number of Public Complaint cases compared to Q4

Although complaint cases have decreased overall, they have not decreased in all areas of the Constabulary.

The percentage share of cases has remained similar for North inc HQ (34%) and also CCR (10% to 9%) but West have increased their share (22% to 28%) and South decreased their share (33% to 25%) compared to Q4.

Q1 Complaint Cases by Area



West have the smallest workforce of all areas (**Appendix D**), yet have maintained the same amount of complaint cases as Q4 (57 cases). West unlike North and South have seen an increase in incident logs, crimes and custody arrests month on month this quarter (**Appendix A**), whereas North and South peaked in May and decreased again in June. Each area has continued to peak in differing complaint allegation types, some which of are discussed below.

West appear to have had an increased workload, particularly with crimes in June, which could account for their complaint cases remaining the same rather than following North and South in decreasing. The increase in B4 *Use of Force* and associated B5 *Detention in Custody* allegations in Q1, as well as, leading in A1 *Police action following contact* complaints can be accepted given that West's custody, crime and incidents continued increase throughout the course of Q1. It has been noted that the majority of B4 complaints can be linked to one particular team but this will be explored in Q2.

North have seen their Group A complaints decrease by over half in allegation types A1 *Police action following contact* and A2 *Decisions*.

South have ceased complaints relating to B1 *Stops and stop and searches* which had peaked at 9 allegations in Q4. South's B4 *Use of Force* complaints, which were more prevalent in Q4, have also halved. Both of these decreases having contributed to the lowering of complaint cases in South. South are returning to more average levels following their increase closer to North's figures in Q4.

Although North and South both saw reductions in their complaint case figures in Q1 compared to Q4, West did not, but this does not cause undue concern as West's incident, crime and custody figures all grew month on month in Q1.

Schedule 3 Public Complaint cases have increased in Q1, particularly relating to when Force has determined a complaint should be recorded

The split between Schedule 3 and Outside of Schedule 3 complaints has returned to a 25/75 split following an 18/82 split in Q4. Despite the overall 25% decrease in complaint cases in Q1, Schedule 3 complaint cases have risen from 42 to 46 this quarter. This increase is not due to complainant's wishing for their complaint to be recorded nor the severity of complaints but due to the Constabulary determining the case should be recorded. Following continual review of processes, it was determined that not all cases were being recorded as Schedule 3 but had been Service Recovered without the correct review body being determined. The increase of Schedule 3 cases is therefore a positive change, and which will be monitored by the Complaints and Conduct Manager in the coming quarters.

Finalisation times for all types of Public Complaints became much longer in Q1 but are expected to shorten again in Q2

Performance figures from the IOPC have been further delayed, therefore, the below has been calculated in house to the same parameters as the Q4 report. A case must have been logged/recorded and then finalised in Q1 to feature in the below figures.

Average Finalisation Times of Cases Logged/Recorded and Finalised in Q1

	Average number of days to finalise complaint case Outside Schedule 3	Average number of days to finalise complaint case Schedule 3
Q3	7.9	19.2
Q4	8.4	23.7
Q1	17.5	31.4

Finalisation of Outside of Schedule 3 Cases Logged and Finalised within a week in Q1

Days to Finalise Case	Q3 Count of Cases	Q4 Count of Cases	Q1 Count of Cases
0 <i>(Finalised same day as logged)</i>	22	15	8
1	14	21	11
2	5	11	13
3	12	8	3
4	11	10	3
5	4	10	2
6	10	5	2
Total	78	80	42

As predicted in the previous report, the staffing issues within the department have continued to affect case turnaround times. Despite the fall in the number of cases in Q1, the number of cases logged and then finalised within the same quarter has nearly halved. The time to finalise cases both in Schedule 3 and Outside Schedule 3 has significantly increased, doubled Outside of Schedule 3 and nearly half the time again for Schedule 3 cases. An extraordinary measure was undertaken part way through the quarter to have a purge on backlogged complaints cases. As a result of this, the Complaints and Conduct Manager will monitor, on a daily basis, the number of new complaints cases and ensure that they are dealt with as soon as is practicable via the correct processes. Finalisation times are therefore expected to improve in Q2, albeit, even with a full cohort of staff, seasonal leave may still affect the turnaround times to a degree.

As a side note, despite the slower finalisation times, the department has been consistent with the Outcomes issued for complaints cases which have remained relatively similar to Q4 (**Appendix E**). De-Recorded cases have however decreased throughout the quarter, with only 1 case in June having been De-Recorded which is a vast improvement. De-Recorded cases were raised in the last report and having been reviewed in Q1 it was determined that there was some individual learning identified which had accounted for cases being De-Recorded rather than resulted as No Further Action. This has been rectified but will continue to be monitored by the Complaints and Conduct Manager.

Finalisation times for complaints are expected to improve in Q2 and Q3 and will be monitored by supervision, therefore, the temporary slower turnaround times do not pose a significant concern and are being addressed.

Other Updates and Hot Topics

Learning

Overall, 10 Lessons were issued in Q1, 5 Organisational and 5 Individual as a result of Public Complaints and Conduct cases. This is a decrease from 18 in Q4, however, the split between Organisational and Individual is now equal rather than heavy on the individuals as seen in previous quarters. The decrease mirrors the combination of decreased complaints and conduct cases being finalised as 'No Case to Answer'. The lessons span the whole Constabulary and cover a variety of issues without any stand-out themes. Individual lessons related only to North or South officers with six officers, PC, DC or PS rank, receiving lessons; half of whom were younger-in-service South PCs. The single issuance of PRI related to following comprehensive search procedures whilst conducting missing person enquiries.

PASS Newsletters and Need to Know articles reinforced some of the above lessons as well as the new staged BWV media campaign to aid learning throughout the Constabulary:

- 1) ***Personal Social Media Posts*** – linked to a complaint from member of the public regarding gender identity comments posted online. Link to Online Code of Conduct document.
- 2) ***Why you should be using Body Worn Video*** – issued from HoD PSD in relation to how BWV can bring swift conclusions to vexatious or disingenuous complaints.
- 3) ***Handling of police information*** – reminder that information should be handled legally and in accordance with policy and procedure.

Whole departmental monthly learning for PSD started in Q1 with the aim to cover pertinent topics to ensure universal and up-to-date knowledge within the department. A central depository for learning materials has been created which will also aid newcomers to the department, such as the two new staff expected to start in the coming months, to become up to speed with relevant regulations etc.

Violence against women

Following recent external sad events such as the murder of Sarah Everard, an extremely high number of Freedom of Information (FOI) requests were received into the department concerning violence against women, including domestic, physical, sexual and mental abuse committed by both officers and staff. A total of 23 of 59 FOIs were considered by PSD since the start of 2021 on these topics. During the collation and review of data, spanning back over a decade in some instances, complaint and conduct cases were identified that met the FOI criteria. However, they were not deemed to be of a significant number, nor did they cause undue concern which would warrant further action.

Appendices

Appendix A - Q1 Incidents, Crimes and Custody Figures

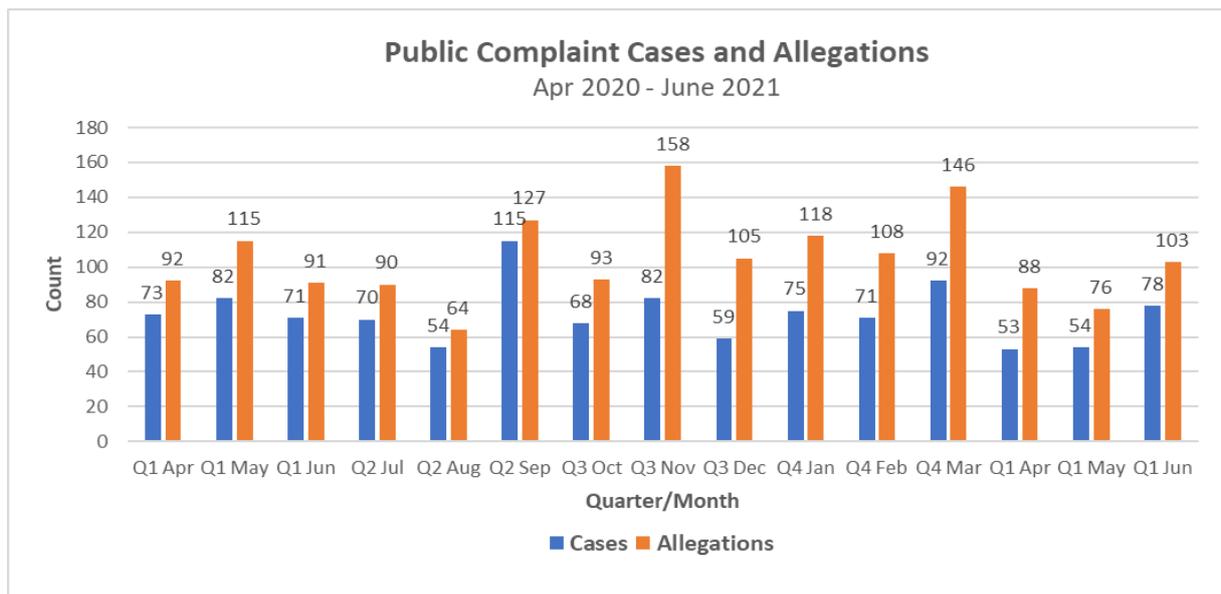
	2020-2021 Q4	2021-2022 Q1	% Change
Incident Logs	19734	23239	+18%
Incident Logs minus duplicates/errors	18873	22197	+18%
Crimes	6620	8858	+34%
Custody: Arrests	1876	2171	+16%
Custody: Voluntary Attendance	391	698	+79%
Custody Total	2267	2869	+27%

Q1 Incident Logs <i>(excluding Duplicates/Errors)</i>	North <i>Inc HQ & CCR</i>	South	West	Blank/ Unknown	Grand Totals
Apr	2458	2309	2182	119	7068
May	2654	2558	2214	137	7563
Jun	2529	2521	2317	199	7566
Totals	7641	7388	6713	455	22197

Q1 Crimes	North <i>Inc HQ & CCR</i>	South	West	Blank/ Unknown	Grand Totals
Apr	891	965	932	18	2806
May	958	1100	939	20	3017
Jun	928	1013	1065	29	3035
Totals	2777	3078	2936	67	8858

Q1 Custody <i>(Arrests only - excluding Voluntary Attendees)</i>	North <i>Inc HQ & CCR</i>	South	West	Grand Total
Apr	208	240	197	645
May	256	272	248	776
Jun	224	260	266	750
Grand Total	688	772	711	2171

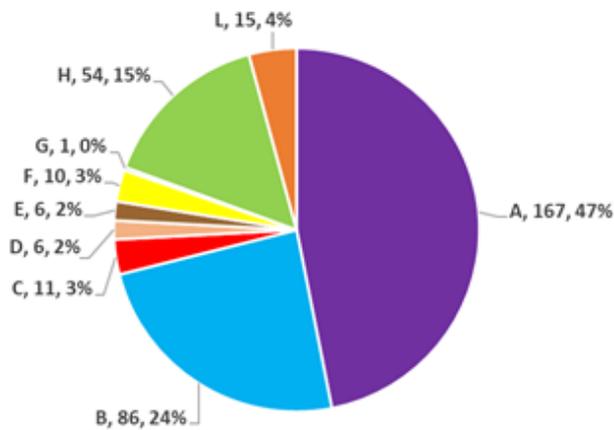
Appendix B - Public Complaint Cases and Allegations April 2020 – June 2021



Appendix C – Public Complaint Allegations by Complaint Groups

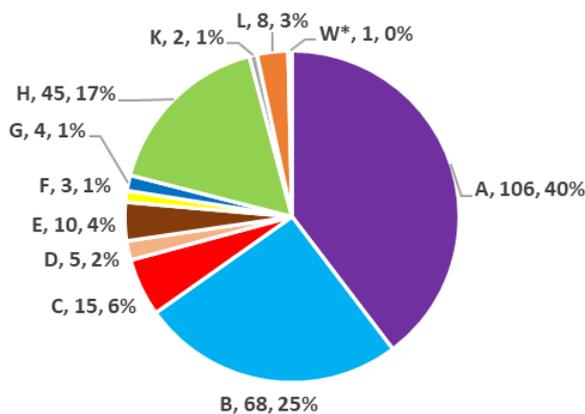
Complaint Allegations by Complaint Group - Q4 Cases Only

Complaint Group/Number of Allegations/% Share



Complaint Allegations by Complaint Group - Q1 Cases Only

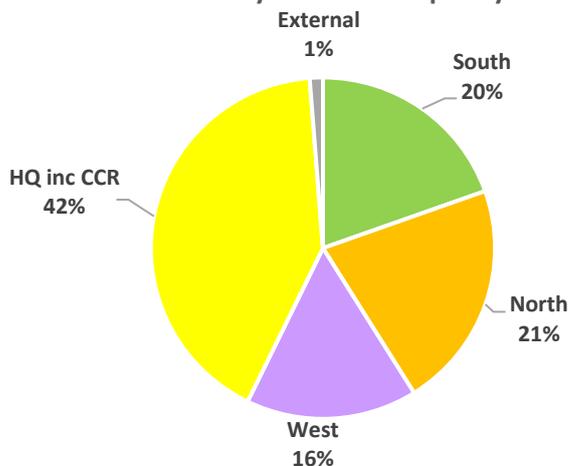
Complaint Group/Number of Allegations/% Share



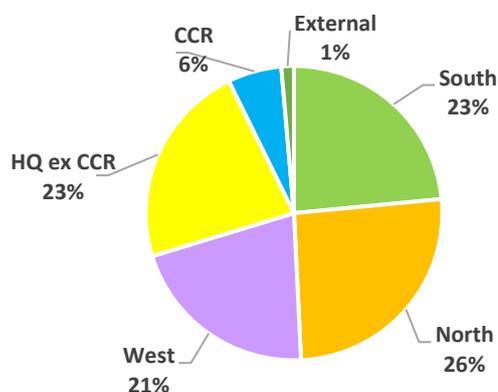
Complaint Group	
	A - Delivery of duties and service
	B - Police powers, policies, and procedures
	C - Handling of or damage to property/premises
	D - Access and/or disclosure of information
	E - Use of police vehicles
	F - Discriminatory behaviour
	G - Abuse of position/corruption
	H - Individual behaviours
	J - Sexual conduct
	K - Discreditable conduct
	L - Other
	W* - Other (2012 Regulations)

Appendix D – Constabulary Workforce Split - Figures as of 30/06/2021

All Constabulary Headcount Split by Area



Police Officer Split Headcount by Area



Appendix E – Public Complaint Outcomes

Complaint Case Outcome	Q4 Count of Cases	Q4 % of Cases	Q1* Count of Cases	Q1* % of Cases	Q1 Count of Cases	Q1 % of Cases
Live	61	24%	50	25%	67	33.50%
Resolved	148	58%	115	57%	108	54%
Not Resolved NFA	8	3%	2	1%	2	1%
NFA Required	4	1%	3	1%	1	0.50%
Not determined if the service provided was acceptable	0	0%	2	1%	1	0.50%
The service provided was acceptable	15	6%	11	6%	7	3.50%
The service provided was not acceptable	2	1%	2	1%	1	0.50%
De-Recorded	17	7%	15	8%	13	6.50%

Q1 = figures as of 30/06/2021 Q1* = figures as of 12/07/2021

Ethics & Integrity Panel Agenda Item No 08



Cumbria Shared Internal Audit Service

Internal Audit report for Cumbria Constabulary

**Audit of Reflective Practice Review Process –
Practice Requiring Improvement**

Draft Report Issued: 10th March 2021

Final Report Issued: 10th May 2021

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Audit Report Distribution

For Action:	Craig Smith, Detective Chief Inspector, Head of Professional Standards
For Information:	Lisa Hogan, Superintendent, Head of People Stephen Kirkpatrick, Director of Corporate Support Mark Webster, Deputy Chief Constable
Audit Committee:	The Joint Audit Committee which is due to be held on 23 rd June 2021 will receive the report.

Note: Audit reports should not be circulated wider than the above distribution without the consent of the Audit Manager.

Executive Summary

Background

This report summarises the findings from the audit of **Reflective Practice Review Process – Practice Requiring Improvement**. This was a planned audit assignment which was undertaken in accordance with the 2020/21 Audit Plan.

The Reflective Practice Review Process (including Practice Requiring Improvement) was introduced as part of the updated Police Conduct Regulations which came into force on 1st February 2020.

Practice Requiring Improvement is defined within the Home Office Statutory Guidance as *'underperformance or conduct not amounting to misconduct or gross misconduct, which falls short of the expectations of the public and the police service as set out in the Code of Ethics'*.

The purpose behind the reformed system is to develop an approach to the handling of matters which fall short of the expectations set out in the Code of Ethics and are considered low level conduct, mistakes or performance issues that can be handled in a more proportionate and constructive way without recourse to formal disciplinary proceedings or performance procedures.

The principal focus of following the process is to learn and to develop by improving from mistakes, poor judgement and low-level wrongdoing through early intervention. The process is designed to be inclusive, reflective and participative for the officer involved, and to be a process in which they can engage and take genuine learning and positive action from.

Reflective Practice Review Process - Practice Requiring Improvement (RPRP-PRI) falls within the remit of Professional Standards Department (PSD). A new Head of Professional Standards came into post in mid-November 2020.

The regulations came into place at the time the COVID-19 pandemic was escalating. As a result, the pace of introducing and developing the process within the Constabulary has been slower than anticipated and this means that the Reflective Practice Review Process – Practice Requiring Improvement (RPRP-PRI) process is not yet embedded within the Constabulary.

Audit Approach

Audit Objectives and Methodology

Compliance with the mandatory Public Sector Internal Audit Standards requires that internal audit activity evaluates the exposures to risks relating to the organisation's governance, operations and information systems. A risk-based audit approach has been applied which aligns to the five key audit control objectives. Detailed findings and recommendations are set out within the Management Action Plan.

Audit Scope and Limitations

The Audit Scope was agreed with management prior to the commencement of this audit review. The Client Sponsor for this review was Stephen Kirkpatrick (Director of Corporate Support). The agreed scope of the audit was to provide assurance over management's arrangements for governance, risk management and internal control in the following areas:

- Policy and procedures
- Themes identified from the process
- Compliance with the regulations
- Awareness raising and training

Assurance Opinion

Each audit review is given an assurance opinion, and this provides the Joint Audit Committee and Officers with an independent assessment of the overall level of control and potential impact of any identified system weaknesses. There are 4 levels of assurance opinion which may be applied. The definition for each level is explained in **Appendix A**.

From the areas examined and tested as part of this audit review, we consider the current controls operating within Reflective Practice Review Process – Practice Requiring Improvement provide **Partial Assurance**.

Note: as audit work is restricted by the areas identified in the Audit Scope and is primarily sample based, full coverage of the system and complete assurance cannot be given to an audit area.

Summary of Audit Findings and Recommendations

Controls were operating effectively in the following areas:

- The Professional Standards Department (PSD) undertook an initial exercise to review all RPRP-PRI cases (we were informed that this was in the region of 10 cases at the time of the audit). They identified that the process, as required by the regulations, was not being complied with. This has resulted in corrective action being taken with a new process being proposed to enable oversight for compliance by PSD.

The recommendations arising from this review can be summarised as follows:

High	Medium	Advisory	Total
2	3	0	5

The three levels of audit recommendation are defined in **Appendix A**.

Areas for development: Improvements in the following areas are necessary in order to strengthen existing control arrangements:

High Priority Issues:

- Awareness of, and training on RPRP- PRI within the Constabulary needs to be developed and rolled out so that there is a full organisational understanding of, and engagement with, the process.
- Arrangements are not in place to identify and capture organisational learning from the RPRP-PRI process.

Medium Priority Issues:

- Supplementary procedures for the RPRP-PRI process have been developed. They require authorisation, approval and communication throughout the organisation.
- The measures identified by PSD to address issues of non-compliance with the RPRP-PRI process are not yet approved or rolled out so are not working in practice.
- A replacement for the Kallidus system, which included training outcomes from RPRP-PRI should be explored.

Advisory issues: None identified

Deputy Chief Constable Comments

Implementing new systems and processes to support the changed focus on police complaints and discipline towards Reflective Practice/Practice Requiring Improvement has been a developing area nationally since its recent introduction. The force approach is seeking to mirror that across other forces to ensure consistency. The College of Policing training products are key to that, along with internal process to record issues such as performance action plans that arise, along with ancillary issues such as the approval of business interests. These processes will allow the identification of themes across the organisation which can then be utilised to improve our policing approach. I am content that the steps outlined by the business area will take these issues forward in a way that will deliver to national standards and address the recommendations outlined within this report.

DCC M Webster 7th May 2021

Management Action Plan

High Priority

Audit finding	Management response
<p>Awareness Raising and Training</p> <p>We were informed that, at the time of our review, no training has been delivered on RPRP-PRI. Awareness raising and training is an area that the Head of PSD has identified as requiring some focus and development. It is recognised that RPRP-PRI represents a change in culture for the whole organisation and consideration is being given to how best this might be achieved.</p> <p>An extract of the notes from a recent Regional Professional Standards Panel meeting, which included a discussion on Practice Requiring Improvement, noted that <i>‘most forces reported that they have been able to roll out training for supervisors and line managers around the time the reforms were implemented in February 2020. However, and understandably, efforts have since been hampered by Covid-19 meaning some line managers may have been left without the necessary knowledge and experience of using Reflective Practice and RPRP to deal with performance and lower-level conduct matters’</i>.</p> <p>We were informed that in Cumbria, training has not been rolled out for supervisors and line managers. The Home Office Guidance document ‘Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and Integrity in Policing’ highlights the important responsibility placed on supervisors and line managers in engaging in difficult conversations locally and addressing shortcomings through this process. Training for these roles is key to ensure that Officers have the confidence that unintentional mistakes, shortcomings or failings will be handled in a constructive way and</p>	<p>Agreed management action:</p> <p>We will develop a plan for rolling out training on RPRP-PRI. The plan will include timescales to enable delivery of training throughout the organisation.</p> <p>We are now utilising the MLE Training Package which will provide input in two formats.</p> <ol style="list-style-type: none"> 1) Supervisors 2) All members of staff (recipients) <p>It is anticipated this initial phase will see completion by Autumn 2021.</p>

admissions of such behaviour or mistakes will not be to their detriment or result in being punished. Instead they will be supported through constructive steps to aid their improvement and organisational learning identified to improve the wider environment.

We were informed that Chief Officer Group (COG) has recently approved the creation of a Force Learning Panel which is Chaired by the Head of People. At the time of our review the Panel had not yet met and Terms of Reference had not been defined to set out the remit of the Panel. We were informed that the Force Learning Panel would include work around how the RPRP-PRI might look with regard to training throughout the organisation.

The Head of PSD reported that the College of Policing’s Managed Learning Environment (MLE) will be used as part of the training roll out for RPRP-PRI once implemented. We were informed that the MLE information on RPRP-PRI had only been made available in late February 2021 and that the detail was still being worked through.

The Head of PSD informed Internal Audit that feedback had recently been sought from those involved in the RPRP-PRI process. We were informed that the feedback confirmed that additional work on awareness raising and training was required for the RPRP-PRI process.

Recommendation 1:

A plan for rolling out training on RPRP-PRI should be developed, approved by management and delivered across the Constabulary. Items to consider as part of the plan should include timescales, who the training will be initially focussed at (e.g. line managers and supervisors), arrangements for cascading and embedding the training throughout the

<p>organisation and how the training will be delivered (e.g. through e-learning, classroom based, as part of the promotion process etc).</p>	
<p>Risk exposure if not addressed:</p> <ul style="list-style-type: none"> • RPRP-PRI process doesn't work as anticipated and the intended purpose is not achieved. • Under-developed workforce. • Non-compliance with Police Conduct Regulations 	<p>Responsible manager for implementing: Head of Professional Standards</p> <p>Date to be implemented: Plan to be drawn up by end April 2021</p>

High Priority

Audit finding	Management response
<p>Themes identified from the process</p> <p>We are advised that there are currently no routine arrangements in place to identify whether there are themes arising from RPRP-PRI to determine if there are any wider organisational issues arising.</p> <p>The Head of PSD agreed that this was an area that he would like to see developed and it was noted that this has been built in to the new process proposed which includes that “<i>DI PSD reviews the [RPRP] form identifying any organisational learning, requirement to update complaints etc</i>” but at the time of our review this process was not in operation.</p> <p>We were informed, as part of our audit discussions, that there is no reporting to management on the number of RPRP-PRI cases.</p>	<p>Agreed management action:</p> <p>The process to identify themes and organisational learning identified through RPRP-PRI will be built into the plan to be developed as part of recommendation 1</p> <p>We are currently working with IT to develop an existing process (Secondary Business Interests), as a model to address this priority. It is anticipated the adoption of this system will facilitate the individual and organisational learning that will fall out of the process.</p>

<p>Capturing organisational learning from the RPRP-PRI process is a valuable practice in improving how the force as a whole interacts with members of the public and the community and its importance is noted in the Home Office Guidance document.</p>	
<p>Recommendation 2: Arrangements should be put in place to identify whether any themes are emerging from the RPRP-PRI process which highlight organisational learning and would require a corporate response (this links to recommendation 1 on awareness raising and training).</p>	
<p>Risk exposure if not addressed:</p> <ul style="list-style-type: none"> • RPRP-PRI process doesn't work as anticipated. • Intended purpose of the process is not achieved. • Underdeveloped workforce. • Wider learning opportunities / improvements are not identified. 	<p>Responsible manager for implementing: Head of Professional Standards</p> <p>Date to be implemented: Themes & organisational learning to be identified by March 2022 once arrangements have had sufficient time to embed.</p>

Medium Priority

Audit finding	Management response
<p>Policy and Procedure The framework for Reflective Practice Review Process – Practice Requiring Improvement (RPRP-PRI) is governed by legislation including the Conduct Regulations. These are supported by the Home Office Guidance – Conduct, Efficiency and Effectiveness: Statutory</p>	<p>Agreed management action: The procedure has now been approved by the Head of PSD and the process will be communicated within the Force in line with the</p>

<p>Guidance on Professional Standards, Performance and Integrity in Policing. The details are set out in Chapter 13 of the guidance.</p> <p>During our initial discussions on 12 January 2021, we were informed that local guidance, setting out how the legislative requirements should be applied in practice, was not required as the process was set out in legislation. On 28 January 2021 we were made aware that a procedure ‘Participating Officers Guide’ and ‘Reviewer Guide’ had been developed to set the scene and expectations of PRPR-RPI. We were informed that the guidance was drafted, based on College of Policing documents, amended for Cumbria Constabulary’s requirements in response to issues found when the RPRP has been used (in approximately 10 cases at the time of the audit). At the time of our review the guidance was in draft, awaiting review and approval by management.</p>	<p>plan to be developed as part of recommendation 1.</p> <p>We are now utilising the MLE Training Package which will provide input in two formats.</p> <ol style="list-style-type: none"> 1) Supervisors 2) All members of staff (recipients) <p>It is anticipated this initial phase will see completion by Autumn 2021.</p>
<p>Recommendation 3: RPRP-PRI procedure prepared by the Constabulary should be reviewed, approved and communicated within the Constabulary.</p>	
<p>Risk exposure if not addressed:</p> <ul style="list-style-type: none"> • The RPRP-PRI process is not effectively applied. 	<p>Responsible manager for implementing: Head of Professional Standards</p> <p>Date to be implemented: Procedure approved March 2021 Initial phase completion Autumn 2021</p>

Medium Priority

Audit finding	Management response
<p>Compliance with the process</p> <p>We were informed that completed RPRP-PRI referrals, undertaken since February 2020 when the new regulations were introduced, have recently been reviewed by the DI PSD. Information provided for this audit identified that a number of issues had been identified as part of the DI PSD’s review of cases. The issues included:</p> <ul style="list-style-type: none"> • RPRP not being completed by the participating officer / reviewer • RPRP not being launched • Some cases where no record has been completed • Questions whether full reflection had occurred / reflection doesn’t appear to fully agree with the issue identified by the Appropriate Authority. <p>An interim measure, a process (referred to under policy and procedures) was developed by the DI PSD, together with templates to be completed. This process is with the Head of PSD for review and approval.</p> <p>We were informed that the Ethics and Integrity Panel will undertake dip sampling work on the Reflective Practice Review Process (RPRP) and the Practice Requiring Improvement Process (PRI) during April 2021 as its Thematic Session for the May 2021 meeting.</p>	<p>Agreed management action:</p> <p>The quality assurance process has now been agreed and is embedding.</p>
<p>Recommendation 4:</p> <p>The quality assurance process for RPRP-PRI should be agreed and approved as part of the embedding of the overall process.</p>	

<p>Risk exposure if not addressed:</p> <ul style="list-style-type: none"> • Non-compliance with legislation and guidance. • The RPRP-PRI process is not effectively applied. • Reputational damage from non-compliance. 	<p>Responsible manager for implementing: Head of Professional Standards</p> <p>Date to be implemented: March 2021</p>
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Medium Priority

Audit finding	Management response
<p>Replacement of Kallidus system used to record training</p> <p>The outcome of RPRP-PRI process was recorded on the Kallidus system which has now become obsolete. We were informed that there had been an omission to include RPRP-PRI in the new Crown system. As an interim measure the details of RPRP-PRI are being recorded on a spreadsheet.</p> <p>We were informed that the Kallidus system had an audit trail which meant that any training (including training identified as RPRP-PRI) went into the individual’s profile so that managers / supervisors could see what training had been given. However, the indication is that the new Crown system doesn’t have the facility to capture information into each officer’s profile.</p> <p>PSD have access to the Centurian system and the various stages of the RPRP-PRI process is stored within that system. This allows traceability for PSD, but as this is a PSD system, line managers do not have access.</p> <p>While the number of RPRP-PRI cases are small, the spreadsheet held by PSD (although not ideal) will currently suffice to record and monitor RPRP-PRI. As the process becomes</p>	<p>Agreed management action:</p> <p>We are currently working with IT to develop an existing process (Secondary Business Interests), as a model to address this priority. It is anticipated the adoption of this system will facilitate the individual and organisational learning that will fall out of the process.</p> <p>Timescales are currently looking at 4 – 6 months to implement following agreement of the proof of concept.</p>

<p>embedded within the organisation it is possible that the number of cases will increase so there is a need to implement a robust, fit for purpose system to record RPRP-PRI cases and outcomes moving forward.</p>	
<p>Recommendation 5: Arrangements for recording RPRP-PRI should be explored to ensure that the information is captured and retained organisationally.</p>	
<p>Risk exposure if not addressed:</p> <ul style="list-style-type: none"> RPRP-PRI is not fully captured and organisational learning in this area is not addressed. 	<p>Responsible manager for implementing: Head of Professional Standards Date to be implemented: 4-6 months following agreement of the proof of concept</p>

Appendix A

Audit Assurance Opinions

There are four levels of assurance used, these are defined as follows:

Assurance Level	Definition
Substantial	Sound frameworks of governance, risk management and internal control are in place and are operating effectively. Recommendations, if any, will typically be no greater than advisory.
Reasonable	Frameworks of governance, risk management and internal control are generally sound with some opportunities to further develop the frameworks or compliance with them. Recommendations will typically be no greater than medium priority.
Partial	Weaknesses in the frameworks of governance, risk management and/or internal control have been identified or there are areas of non-compliance with the established control framework which place the achievement of system / service objectives at risk. Recommendations will typically include high and medium priority issues.
Limited	There are significant gaps in the governance, risk management and/or internal control frameworks or there are major lapses in compliance with the control framework that place the achievement of system / service objectives at significant risk. Recommendations will include high priority issues.

Grading of Audit Recommendations

Audit recommendations are graded in terms of their priority and risk exposure if the issue identified was to remain unaddressed. There are three levels of audit recommendations used; high, medium and advisory, the definitions of which are explained below:

Grading	Definition
High	A recommendation to address a significant gap in governance, risk management or internal control frameworks or to address significant non-compliance with controls in place.
Medium	A recommendation to address a gap in governance, risk management or internal control frameworks or to address aspects of non-compliance with controls in place.
Advisory	A recommendation to further strengthen governance, risk management or internal control frameworks or to improve compliance with existing controls.

Ethics and Integrity Panel



OPCC INFORMATION MANAGEMENT COMPLIANCE

Date: 22 July 2021

Agenda Item No: 09b

Originating Officer: Lisa Hodgson, OPCC Governance Officer

Executive Summary:

As a public authority, the Office of the Police and Crime Commissioner is required to process information in an appropriate manner including complying with GDPR (UK), the Freedom of Information Act 2000 and the Data Protection Act 2018. Both Acts entitle an individual to request information from a public authority and as such public authorities must comply with requests under this legislation. The Acts clearly identify how a request should be processed including timescales in which an individual should be provided with the requested information or advised why an exemption is being applied. This report includes FOI and Data Protection requests received up to 30/06/2021.

Recommendation:

That, the members of the Panel note the report.

1. Introduction & Background

- 1.1 This report is to provide information to the Panel, acting on behalf of the Commissioner, so the Panel can assure the Commissioner that the OPCC are complying with the Freedom of Information Act and the Data Protection Act.
- 1.2 The Chief Constable and the Police & Crime Commissioner (the Commissioner) are required to comply with the Freedom of Information (FOI) Act, the Environmental Information Regulations where applicable and the Data Protection Act. Set out within the legislation is how a request is to be processed and within what timescales.

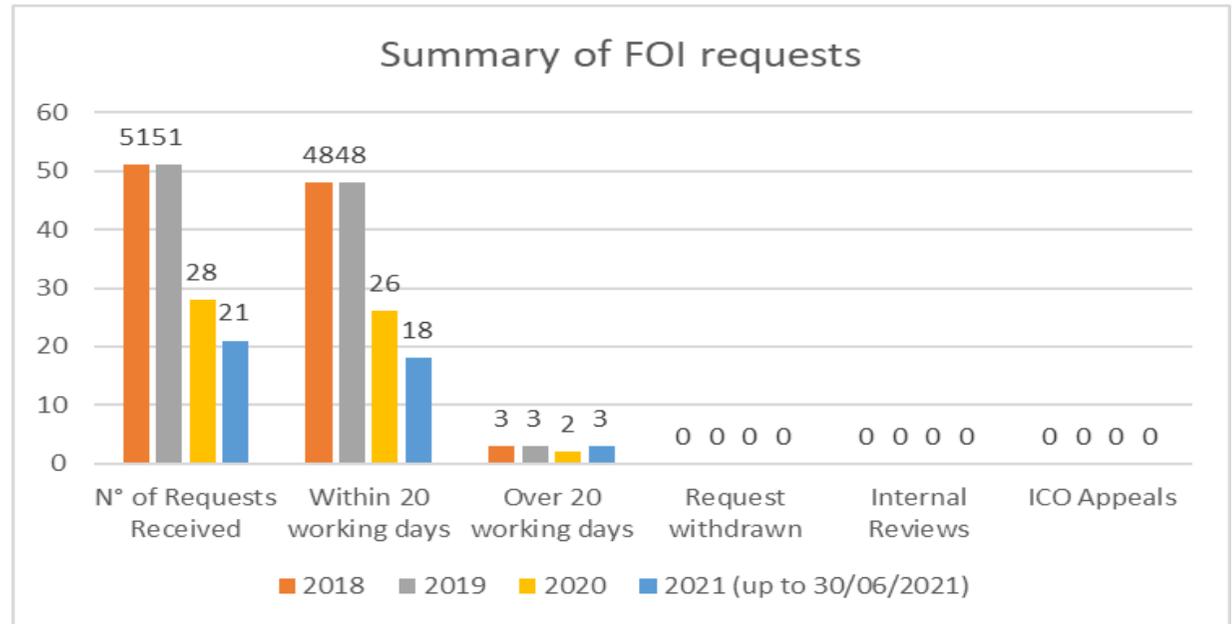
- 1.3 On an annual basis the Commissioner agrees a “Funding Arrangement” with the Chief Constable. This arrangement sets out the terms and conditions under which the Commissioner will provide funding to the Chief Constable during the Funding Period. Detailed within Section 17 of the Funding Arrangement the Chief Constable will comply with their obligations detailed within the Data Protection Act 2018 and the General Data Protection Regulations (GDPR) effective from 25 May 2018. Where appropriate the Chief Constable must notify individuals that their personal data may be transferred to the Commissioner as required under the funding arrangement. They should ensure this is carried out via a secure means of transmission.
- 1.4 The Chief Constable agrees to assist and cooperate with the Commissioner, where necessary, to enable the Commissioner to comply with their obligations under the FOI Act and the Environmental Information Regulations whenever a request is made for information.
- 1.5 In the event that a request received by the Chief Constable under the FOI Act or the Environmental Information Regulations includes a request for information, either (i) provided to the Chief Constable by the Commissioner, or (ii) where a reasonably objective observer would consider that disclosure of that information would be likely to have a prejudicial impact on the Commissioner's priorities and responsibilities, the Chief Constable shall in good faith take account of any representations submitted by the Commissioner about the applicability of any exemptions under the FOI Act or exceptions under the Environmental Information Regulations.

2. Issues for Consideration

Freedom of Information Act

- 2.1 In order to have assurance that the OPCC and the Constabulary are complying with the Freedom of Information Act, the Police and Crime Commissioner has delegated authority to the Ethics and Integrity Panel to monitor this area of business. This report is to provide assurance to the Panel that the OPCC are complying with the Freedom of Information Act.
- 2.2 The OPCC on its website publishes a procedure for dealing with FOI requests. This enables the OPCC to ensure that it meets its statutory obligations under the FOI Act and to inform members of the public to in how to make an FOI request.
<http://www.cumbria-pcc.gov.uk/media/21801/2014-03-02%20FOI%20Procedure.pdf>
- 2.3 When responding to requests under the FOI Act essentially information provided is released into the public domain. In order to be open and transparent the OPCC publishes the requests it has received and the responses it has provided on a monthly basis. These disclosure logs can be found on the Commissioner’s website: <http://www.cumbria-pcc.gov.uk/governance-transparency/freedom-of-information.aspx>

2.4 The Act requires that requests for information are dealt with within 20 working days. This timescale commences the day after the request is received. The chart shown to the right illustrates the number of requests received by the OPCC and how they were dealt with.



2.5 There are a number of reasons why a request cannot be dealt with within the 20-working day timescale. In cases where the request is taking longer to process, under Section 10 of the Act where a qualified exemption is being applied a public authority may extend the deadline for consideration of public interest tests for a time which is reasonable.

2.6 Following receipt of information a requestor can, if they are unhappy with the information they have received or feel they should be entitled to further information, request the OPCC to undertake an Internal Review. This involves the OPCC looking at the request again and determining whether or not further information should be disclosed. In 2020, the Office of the Police and Crime Commissioner did not receive any internal review requests.

Compliance Rate			
Year	No of FOI's received	Responded within 20 days	%
2018	51	48	94.12%
2019	51	48	94.12%
2020	28	26	92.86%

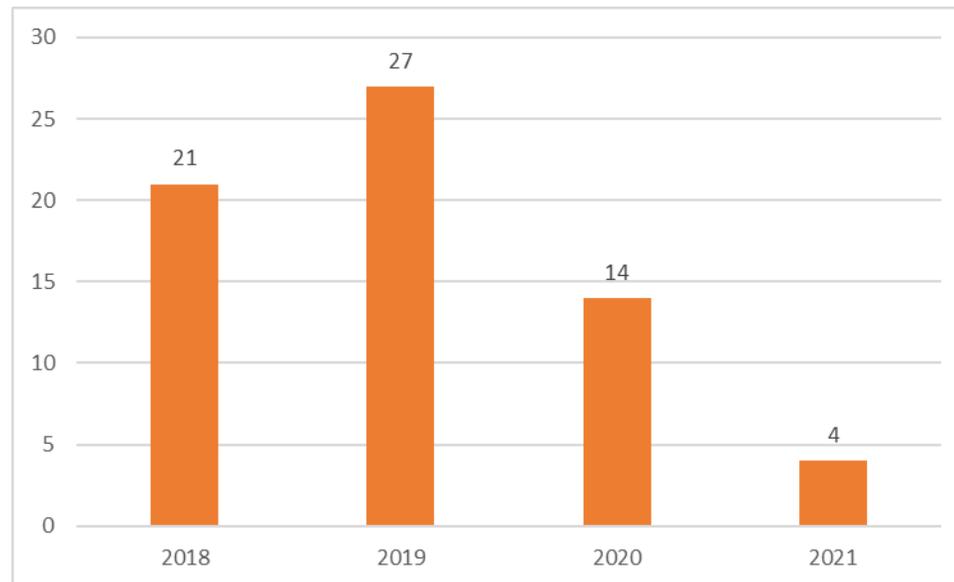
2.7 If a requestor still remains dissatisfied with a response they have received, they can then appeal to the Information Commissioner's Office (ICO) and have them undertake a review of the OPCC's decision. During this process the ICO look to work with the organisation to ensure that the correct information has been disclosed and where appropriate identify further information which can be disclosed. In the last 3 years the OPCC has not had any appeals dealt with by the ICO.

Year	No of FOI's received	% increase/decrease
2018	51	
2019	51	0%
2020	28	-45.09%
2021 (30/06/2021)	21	-25%

2.8 Information Provided:

The Office of the Police and Crime Commissioner received varied requests during 2020 and of those where information was provided were largely in relation to funding/grant applications. Two requests related to staff numbers and staff salary costs; with a number of requests relating to 'transparency data. In each case the requester was pointed to our website where information for each quarter will be available. Currently in 2021, requests received cover various subjects such as: funding/grant applications and projects; staffing information; election information; police officer numbers and OPCC policies.

Having received a request, where the OPCC does not hold the information as the information requested relates to the Constabulary; the requestor is advised of this and where appropriate provided with the contact details of the Constabulary. Figures included below:



2.9 In addition to the OPCC not holding the information it may be necessary not to provide a requestor with information due to qualified or absolute exemptions being applied. Where exemptions are applied consideration is given to the public interest as to whether the information should be disclosed or not. Generally, exemptions are applied where the information requested relates to an individual, the

information is already publicly available or is to be published at a later date. On some occasions a requestor may ask for a number of pieces of information which could result in some information being provided and other information being exempted within the same request.

2.10 The chart to the right illustrates the number of requests where information was not disclosed due to an applied exemption.

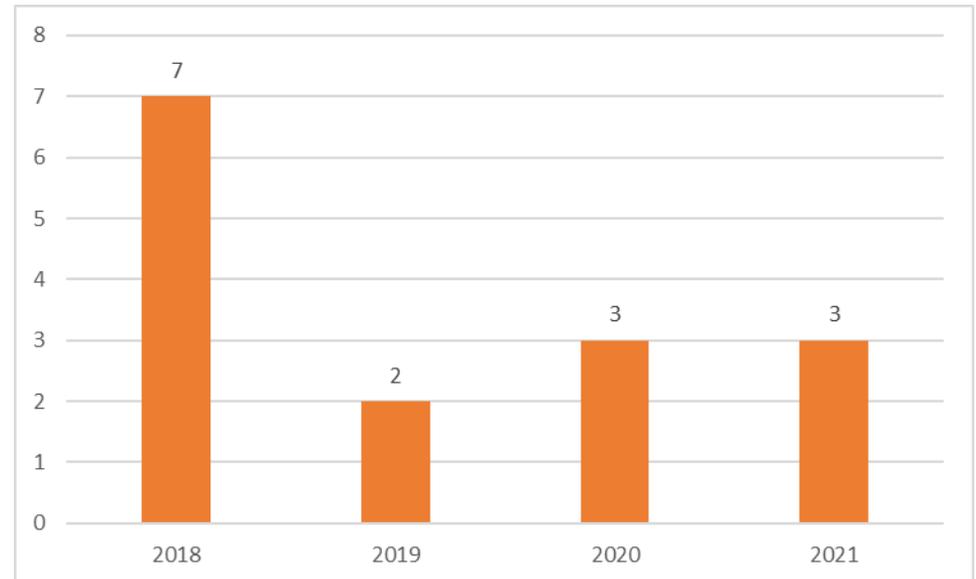
2.11 Under the FOI Act the OPCC is required to maintain and publish a Publication Scheme. The scheme must specify classes of information which the OPCC publishes or intends to publish and whether or not this is freely available to the public or if there will be a charge. The OPCC maintains such a scheme and it is published on the OPCC website within the Freedom of Information Section.

2.12 In addition the Commissioner is required under the Elected Local Policing Bodies (Specified Information) Order 2011 to publish information in relation to the following:

- Who they are and what they do
- What they spend and how they spend it
- What their priorities are and how they are doing
- How they make, record and publish their decisions
- What policies and procedures govern the operation of the office of PCC
- Public disclosure of a register of interests

2.13 The OPCC endeavours to be as open and transparent as possible with regards to the work it and Commissioner carries out. By taking this approach it also enables members of the public to access such information and therefore negate the need for the public to request information via the FOI Act.

2.14 In 2021 the Specified Information Order was amended and a requirement for the OPCC to publish further information was made. These are in relation to national priorities for policing, HMICFRS reporting and complaint handling. The OPCC is required to have its website updated with the requisite information by 31 July 2021 and provide any subsequent information as required by the Order.



Data Protection Act – Subject Access Requests

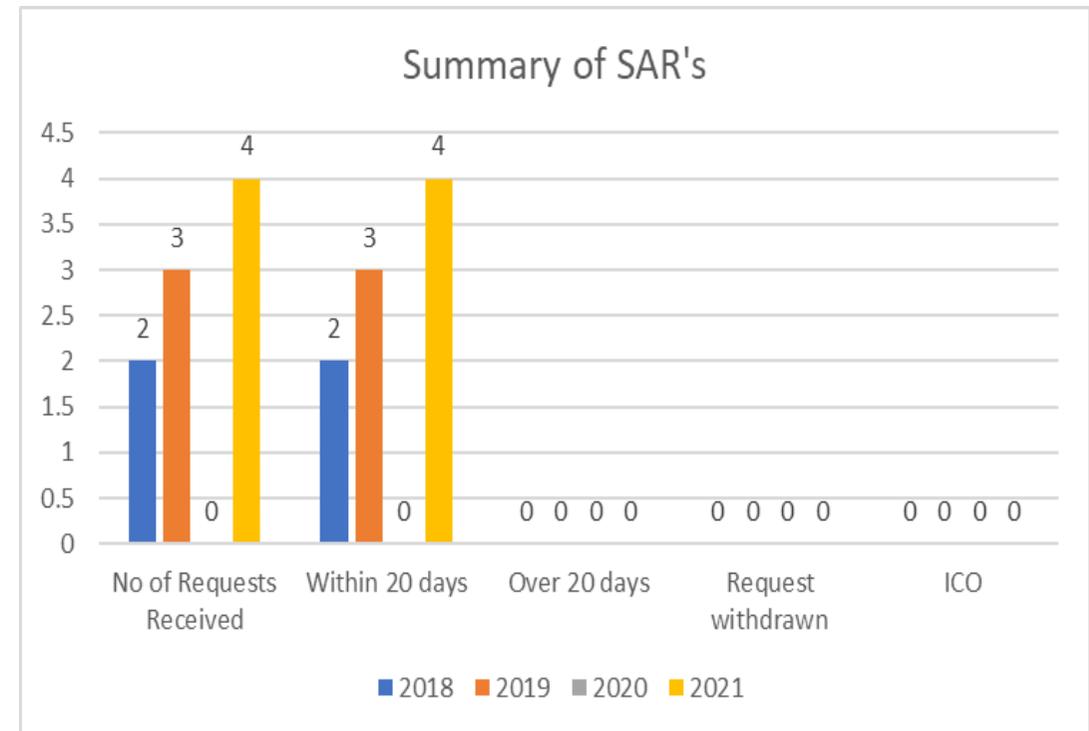
- 2.14 The purpose of the Data Protection Act is to:
- i) Make provision for the regulation of the processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information;
 - ii) Protect individuals from the use of incorrect information about them whether that information is automatically processed or held manually in a `relevant filing system`;
 - iii) Protect individuals from the improper use of correct information held about them;
 - iv) Provide individuals with the right to know of and correct such information held about them and to claim compensation in situations where they suffer damage or distress as a result of the loss, destruction or unauthorised disclosure of data;
 - v) Ensure UK compliance with the European Directive on the protection of individuals in regard to the processing of their personal data.
- 2.15 The Data Protection Act applies whenever *personal* data is processed by a Data Controller in accordance with the Act. The Police and Crime Commissioner is the Data Controller for Cumbria Office of the Police and Crime Commissioner (OPCC). The OPCC is required to ensure that before any personal data is processed there is a legal basis for that processing. The Act requires that all personal data is maintained in accordance with the 8 Data Protection Principles, unless an exemption applies. The OPCC collates, stores and processes data in accordance with legislation and the Data Protection Act (DPA) Policy and procedures.
- 2.16 Section 7(1) of the Act gives individuals the right to access their personal data and they can do this by making a Subject Access Request (SAR) in writing and paying a fee. An applicant is entitled to:
- Be told whether any personal data is being processed;
 - Given a description of the personal data, the reasons it is being processed and whether it will be given to any other organisations or people;
 - Given a copy of their personal data; and
 - Given details of the source of the data (wherever this is available).

2.17 The Act requires that Subject Access Requests for information are dealt with within one month. This timescale commences the day after the request is received. The table shown to the right illustrates the number of requests received by the OPCC and how they were dealt with in comparison with previous years. As can be seen, the OPCC does not as a matter of course receive or deal with large quantities of SAR's.

Data Breaches

2.18

During the first 6 months of 2021 two matters were reported to the Joint Data Protection Officer concerning information which had been sent to the wrong recipient. When identified both matters were assessed, the information retrieved or deleted and reported to the Joint Data Protection Officer. They made an assessment on each and neither were required to be reported to the Information Commissioner's Office.



3. Joint Data Protection Officer

- 3.1 With the introduction of the Data Protection Act 2018 and the General Data Protection Regulations (GDPR) on 25 May 2018, the OPCC was required to appoint a Data Protection Officer. Their role is to inform and advise the Data Controller of their obligations under the UK GDPR and other relevant data protection laws; and be the first point of contact for the Information Commissioner.
- 3.2 A Data Protection Officer monitors compliance with data protection laws, including managing internal data protection activities, advise on data protection impact assessments, train staff and conduct internal audits. To enable them to carry out this role they must have professional experience and knowledge of data protection law proportionate to the type of processing carried out by the organisation.
- 3.3 The legislation allows for an individual to be appointed as a Data Protection Officer by more than one data controller, taking into account of their organisational structure and size. With this in mind, the Office of the Police and Crime Commissioner agreed that they would have a Joint Data Protection Officer (JDPO) with the Constabulary.

- 3.4 This arrangement has worked well since its introduction with the OPCC receiving professional support and guidance from the appointed JDPO. It has also enabled oversight of both organisations to identify any issues or trends.
- 3.5 A Personal Data Breach guidance document was developed to allow all members of staff to be aware of the requirements when reporting a breach. Any breaches in relation to information once identified must be notified to the Joint DPO within 72 hours, who will then deal with them appropriately.
- 3.6 On a six-monthly basis the OPCC Deputy Chief Executive, the Joint DPO and the OPCC Governance Manager meet to discuss any identified issues, emerging trends and themes. It also ensures knowledge and processes are up to date.

4. Implications

- 4.1 Financial - failure by the OPCC to comply with legislation could lead to financial penalties of up to 20m Euros.
- 4.2 Legal – Freedom of Information Act, Data Protection Act and the General Data Protection Regulations are statute and the OPCC is thereby required to comply with them. Failure to do so could lead to financial penalties or legal proceedings.
- 4.3 Risk - should the OPCC fail to ensure that it processes and stores data in line with legislation it risks heavy financial penalties, adverse publicity and potential litigation.
- 4.4 HR / Equality - the new legislation has increased the rights of individuals to have their information processed fairly and where necessary removed.
- 4.5 I.T – the OPCC website has been updated to ensure that it complies with legislation.