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**Enquiries to: Mrs J Head**

**Telephone: 01768 217734**

**Our reference: JH/EIP**

**Date: 1 November 2023**

## **AGENDA**

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

**CUMBRIA POLICE, FIRE & CRIME COMMISSIONER'S ETHICS AND INTEGRITY PANEL**

A Meeting of the Ethics and Integrity Panel will take place on **Thursday 8 February 2024** at **10.30 am** in **Conference Room 2**, Police Headquarters, Carleton Hall, Penrith.

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

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

### **PANEL MEMBERSHIP**

Mr Andrew Dodd

Ms Meg Masters

Mr Ben Phillips

Mr Alan Rankin (Chair)

Mrs Alison Ramsey

Mr Alex Rocke

Ms Jane Scattergood

Mr Shaun Thomson

# 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

Number	Agenda Item	Allocated Time
4.	<b>NOTES OF THE PREVIOUS MEETING &amp; ACTION SHEET</b> To confirm the restricted notes of the meeting of the Ethics and Integrity Panel held on 9 November 2023 (copy enclosed).	
5.	<b>CORPORATE UPDATE</b> To receive a briefing from DCFO Brian Steadman and the OPFCC Chief Executive Gill Shearer	10 minutes
6.	<b>INFORMATION MANAGEMENT COMPLIANCE</b> To receive and note a report by Cumbria Fire and Rescue Service on their compliance with Data Protection Legislation (copy enclosed) – <i>To be presented by Mark Clements.</i>	10 minutes
7.	<b>DISCLOSURE AND BARRING SERVICE CHECKS</b> (i) To receive a report on the Fire Service's progress with DBS checks on all firefighters and staff (ii) Feedback from the DBS dip sample session	15 minutes

8.	<p><b>OPFCC COMPLAINTS AND QSI</b>          To receive a report on complaints and quality of service issues received by the OPFCC relating to Fire - <i>OPFCC Governance Manager</i></p>	5 minutes
9.	<p><b>ON-CALL RECRUITMENT</b>          Verbal update on the recruitment process and mapping process Timeline - <i>HR Talent and Resourcing Manager, Kristine Ward</i></p>	5 minutes
10.	<p><b>ETHICS AND INTEGRITY PANEL ANNUAL REPORT 2023</b>          To consider and agree the Panel's annual work programme and meeting dates for 2024 - <i>OPFCC Governance Manager</i></p>	5 minutes

## Agenda Item No 04

# ETHICS AND INTEGRITY PANEL

Notes of a meeting of the Ethics and Integrity Panel held on  
Thursday 9 November 2023 in Conference Room 2, Police Headquarters, Penrith at 11.00 am

### **PRESENT**

Mr Alan Rankin (Chair)  
Mr Andrew Dodd  
Mr Michael Duff  
Ms Meg Masters  
Mr Ben Phillips  
Mr Alex Rocke  
Ms Jane Scattergood  
Mr Shaun Thomson

### **Also present:**

Assistant Chief Fire Officer Brian Massie  
Head of People and Talent – Kristine Ward  
Resourcing, Talent and Wellbeing Lead – Orland Wright  
HR Manager – Jemma Taylor

OPFCC Chief Executive – Gill Shearer  
OPFCC Governance Manager - Joanne Head

The Chair welcomed everyone to the first meeting of the Panel in relation to Cumbria Fire and Rescue Service and everyone introduced themselves.

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

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

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

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

### **3. URGENT BUSINESS**

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

### **4. CORPORATE UPDATE**

The OPFCC Governance Manager provided an update on the work of the Office of the Police, Fire and Crime Commissioner would be carrying out in the coming months. The recent Panel

recruitment had received an overwhelming response and the OPFCC were working their way through the applications. At the end of the year the Commissioner and OPFCC would be starting to work on the 2024/25 budget and would be looking to consult with the communities of Cumbria regarding potential Council Tax precepts.

ACFO Massie advised that the recent National HMICFRS Culture and Values report had highlighted some issues within the fire service sector and proposed 35 recommendations. Cumbria Fire and Rescue Service had developed an action plan to enable the service to address the recommendations that were relevant to CFRS. Some of these included DBS check processes, a confidential reporting line and further work was also being done with line managers and staff.

The Panel members advised that should the Fire Service wish the Panel to review some areas and provide an independent viewpoint this could be added to future work programmes.

**AGREED;** that, the updates be noted.

## **5. ON-CALL RECRUITMENT**

The Head of People and Talent presented a report which detailed the work being carried out by Cumbria Fire and Rescue Service in relation to their on-call recruitment campaign. Predominantly rural fire and rescue service was provided by on-call firefighters who lived within the local community. It was recognised that recruitment and retention of on-call firefighters was a problem across the UK.

The Resourcing, Talent and Wellbeing Lead explained that women were an underrepresented group within the fire service, for both full time and on-call firefighters and therefore use of the national marketing tools which had females on posters were being used. They were also offering open days and developing virtual sessions to enable potential candidates to speak with female firefighters. The service was also able to support individuals with disabilities or neurodiversity issues such as ADHD or dyslexia.

The Fire Service were looking at the makeup of different communities within the county to enable them to tailor their recruitment campaigns appropriately to encourage members of the public to volunteer.

A member asked what the current retention rate was and whether the balance of work, life, caring or family responsibilities were an issue for people leaving. The Head of People and Talent advised that at present they did not have this specific information at this time although it is one of the essential reporting requirements of the new HR system. One criterion was to live within 5 minutes of a fire station which often precluded people from being eligible to apply. Consideration has previously been given to extending the timeframe however this would have the potential to increase the delay in responding to a fire and therefore the service decided against this. Dependent upon the future availability of on-call stations, the service may look at this again as part of a future CRMP process.

One member asked whether consideration had been given to working with local employers on the need for on-call fire fighters. The Head of People and Talent explained that the service were currently running on-Call Appreciation events at every On-Call Station over the next 3 months. Invitations have been sent to families or employers to join sessions which discuss the role, they thanked the firefighters and crews; and also recognised the commitment and support from families and local employers. Certificates were given out in a presentation which formally recognises and thanks them for the support they provide to the service and their local communities.

Having looked at the recruitment pack, panel members raised concerns that applicants had to provide their availability to carry out the on-call role in great detail. They felt that potential candidates may be put off when having to provide such detail, particularly those with family or caring responsibilities. It was suggested that rather than having the form within the recruitment pack that following receipt of an application, the recruitment team have a conversation with the individual to understand their availability. This may encourage more applications to this essential role, particularly females who were often primary carers. A member also suggested looking at university and colleges as often when students completed their courses they remained within the county.

A member asked whether or not potential applicants were deterred within rural communities who were aware of issues within their local fire station. The Head of People and Talent advised that they did not currently map this against the stations which they struggled to recruit and retain but that this would be something they would look at going forward. However the stations where they are currently struggling to recruit is not the stations where they have had casework. There are a number of factors which affect the recruitment and retention of on-call firefighters including the demographics of the local area and local employment. Manchester were currently doing work in relation to this and Cumbria would link in with them. Mapping of every station in the county regarding grievances, discipline, sickness and recruitment issues in a cultural dashboard is a future ambition of the service.

The Resourcing, Talent and Wellbeing Lead advised that within her portfolio was wellbeing. A piece of culture work was being carried out, identifying and meeting with groups to show that the service was inclusive and promote positive experiences. Work was also being carried out to look at the fire estate to ensure facilities were being provided, although it was recognised that investment within the estate was required.

**Agreed;**       that,  
                  (i)       the report be noted;  
                  (ii)      an update on the recruitment process and the mapping process to the February 2024 meeting

## 6. MISCONDUCT

The HR Manager guided members through a report which detailed an overview of the different misconduct cases which had been dealt with over the preceding twelve months. The average time from opening to closing cases were between one to three months. There had been two lengthy investigation cases which had taken longer to conclude.

Following each misconduct case, the service now produced a 'lessons learned' document which enabled the HR team in conjunction with managers who were involved to capture any key areas for development. Feedback could also be communicated to the key members of staff involved in a process, such as the need for managers to have good record keeping to enable a robust audit trail.

Prior to 1 April 2023 HR support had been provided by Cumbria County Council. The dedicated HR team within the Cumbria Fire and Rescue Service were able to form closer working relationships with manager and staff, offering support and guidance. To support managers to deal with misconduct cases the HR team were planning a number of training sessions including fact finding, investigating misconduct issues and holding hearings. The NFCC was developing and consulting on a toolkit on managing behaviours which was hoped to be launched in 2024. A confidential reporting line with Crime Stoppers had been set up for employees wanted to report issues and remain anonymous.

**Agreed;** that,  
(i) the report be noted;  
(ii) an update on the NFCC toolkit be provided; and  
(iii) an update on the training sessions being provided to managers and staff.

## 7. MISCONDUCT DIP SAMPLE SESSION

Prior to the meeting the Panel members had carried out a dip sample of the misconduct cases which had been dealt with over the past 12 months. A member asked whether managers received training on dealing with misconduct issues prior to taking up the post. The HR Manager advised that this had been recognised and that going forward anyone who passed a promotion board would be provided with dedicated training, which would include HR issues. It was also proposed to provide training for employees prior to and post promotion with a robust induction process.

The NFCC were looking to launch a supervisory development programme to develop leadership skills for supervisory managers and general management skills. A member asked whether or not this would include mediation skills to enable managers to resolve some of the issues they were dealing with. The HR Manager advised that they were looking to implement this in the future.

Of the cases reviewed by the Panel seven of which were around behaviour. They were pleased to see within the cases the lessons learnt document which illustrated how the service was

learning from each case. They would be carrying out a dip sample session in six months' time and were keen to see how the dedicated HR support was assisting managers and staff with misconduct matters.

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

#### **8. PANEL TERMS OF REFERENCE**

The OPFCC Governance Manager presented updated terms of reference for the Panel. These illustrated the inclusion of Cumbria Fire and Rescue Service and the work which the Panel were doing for Cumbria Constabulary, Cumbria Fire and Rescue Service and the OPFCC.

**AGREED:** that, the updated terms of reference be approved.

#### **9. 2024 ANNUAL WORK PROGRAMME AND MEETING DATES**

The OPFCC Governance Manager provided the Panel with the 2024 work programme. This would be further developed during 2024 with more areas of work being identified.

**AGREED:** that, the 2024 work programme and meeting dates be agreed.

#### **10. CASE SAMPLE PROTOCOL**

The OPFCC Governance Manager presented an updated case sample protocol. This identified the procedures adopted by agreement with Cumbria Fire and Rescue Service.

**AGREED:** that, the updated Case Sample Protocol be approved.

**Meeting ended at 12:20 pm**

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

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





## CFRS Information Management Compliance

**Date : 8<sup>th</sup> February 2024**

**Agenda Item : 06**

**Originating Officer : Mark Clement**

### **1 Executive Summary**

- 1.1 As a public authority, Cumbria Fire and Rescue Service (CFRS) is required to comply with the requirements of the Freedom of Information Act 2000 and respond to information requests within the statutory timescale. It is also required to process personal data lawfully and respond to 'subject access requests' within the statutory timescales specified within the Data Protection Act 2018. This report provides an update on the levels of compliance achieved by the Service in respect of responses provided to freedom of information and subject access requests.

### **2 Recommendation**

- 2.1 That the members of the panel note the report,

### **3 Introduction**

- 3.1 As a public authority, CFRS is required to comply with the requirements of the Freedom of Information Act 2000. These requirements include the right of an individual to ask whether specified information is held by the Service and, if that is the case, to be provided with that information, subject to the applicability of relevant exemptions. With limited exceptions, the Act requires that a response to a request is provided within 20 working days of a request being received.
- 3.2 CFRS is also obliged to ensure that it complies with the requirements of the Data Protection Act 2018. These requirements include a provision for an applicant to request access to personal data which may be held about them. A response to a 'subject access request, as the right of access is commonly known as, is required to be provided within 1 calendar month, although this can be extended in limited circumstances by a further 2 months.
- 3.3 The Information Commissioner has indicated that an acceptable level of compliance for public authorities to meet, for both freedom of information and subject access requests, is 90% of requests closed within the statutory timescales.



- 3.4 Within CFRS the Deputy Chief Fire Officer acts as the Senior Information Risk Owner (SIRO). All FOI and SAR requests are processed by an Information Governance Officer and signed off by the SIRO.
- 3.5 Currently all Information Security services, such as penetration testing or Server security are delivered through Cumberland Council as part of the Service Level Agreement.
- 3.6 Recently in recognition of the level of work required to ensure Information Management is delivered effectively within Service, CFRS have appointed an Information Governance Officer.

## **4 Issues for consideration**

### **Freedom of Information Requests**

- 4.1 Due to Local Government Reform (LGR) it is only possible to give a detailed breakdown FOIs post April 1<sup>st</sup> 2023.
- 4.2 Historically (Pre April 2023) all FOI requests were processed by Cumbria County Council, and those that related to functions that were historically delivered by the Council such as Finance, IT or Estates were responded to, often without the Services knowledge.
- 4.3 In the first nine months of the 2023/24 financial year, CFRS has received 72 FOI requests, and of those it has met the 20 day deadline on 75% of occasions. Of those incidents when we have missed the target, this has largely been due to the inability of Cumberland or Westmorland Councils to provide us with historic information.
- 4.4 The FOIs have covered a wide range of subjects, however we have received several about our fleet, Lithium ion battery fires and requests for sensitive contract information.
- 4.5 On a number of occasions we have taken advice from the Information Commissioners Office (ICO) and refused to release information.
- 4.6 In two cases, the refusal to release information was challenged, however when reviewed the decision making was found to be accurate.
- 4.7 Neither of these two cases has been appealed although in every communication we do highlight the individuals right to complain to the ICO.

### **Subject Access Requests**

- 4.8 Since April 2023, the Service has received three SARs.
- 4.9 The first subject access request was responded to within the two month deadline. The extension was applied due to this being our first one and an uncertainty about the process.
- 4.10 The further two SARs were responded to within one month.
- 4.11 As the year has gone on learning from these SARs has led the Service to introduce a

standard form on our website. This ensures that all relevant information is collected. We have also acquired redaction software to ensure that we comply with our statutory requirements when information is released.

### **Planning Requests**

- 4.12 CFRS is a statutory consultee on planning applications that go through the two new local authorities.
- 4.13 The time required to respond to a planning application is 14 days, and in the first three quarters of the year CFRS achieved this on 95% of occasions.

## **5 Other Considerations**

- 5.1 Pre April 2023, the majority of Information Management functions were delivered by Cumbria County Council
- 5.2 Whilst a number of different officers within Service have received varying levels of training, the Service is aware of the need to embed consistent systems and processes that allow it to meet all its statutory responsibilities under Freedom of Information and GDPR.
- 5.3 Following the SIRO receiving role specific training it was agreed to engage data governance specialists to carry out a root and branch audit of the Service. This review is currently ongoing, and one of the outputs from the review will be an action plan to take forward any identified areas for improvement.
- 5.4 At the same time as the review is being carried out, the Fire Standards Board has issued a data management standard that CFRS is expected to consider in the delivery of its business. The review will take into account these expectations, and as a result the action plan will ensure that the Service meets both its statutory requirements and any sector specific ones. Once the review has been completed, amendments will be made to the Service online training packages.
- 5.5 The Home Office has recently commissioned IBM to carry out a Cyber Self assessment exercise of all fire and rescue services in recognition of the increased level of Cyber threat within the UK. An initial tranche of 20 fire and rescue services within the UK were assessed, including their control rooms, and a comprehensive report produced. CFRS is working in partnership with the IT security team at Cumberland Council to carry out our own assessment and implement any findings.

## **6 Conclusion**

- 6.1 In the first nine months of 2023/24 CFRS has responded to a variety of requests for information. Our level of compliance for both SARs and Planning requests meets the legislative requirements..

- 6.2 We have had some issues in responding to FOIs largely due to the time taken to access historic data held by the unitary authorities, however we expect this to reduce over time as more data is stored locally and more services come inhouse as we disaggregate from the Service Level Agreements (SLA's).
- 6,3 CFRS recognises the importance of Information Management and is using input from subject matter experts to help us develop in this area.

Mark Clement

Head of Safety and Assurance, [Mark.clement@cumbriafire.gov.uk](mailto:Mark.clement@cumbriafire.gov.uk)

# Ethics and Integrity Panel



**Peter McCall**  
POLICE, FIRE & CRIME  
COMMISSIONER

## Title: CFRS DBS

**Date: 8<sup>th</sup> February 2024**

**Agenda Item No: 07**

**Originating Officer: Kristine Ward – Head of People and Talent**

**CC: Helen Clark and Jemma Taylor – HR Manager**

### Executive Summary:

On 6<sup>th</sup> July 2023, the National Fire Chief's Council (NFCC) successfully passed a new piece of legislation regarding the inclusion of Fire and Rescue Authorities in the Rehabilitation of Offenders Act 1974 (Exceptions).

All who work or volunteer for a Fire and Rescue Authority will be eligible for a Standard DBS check. Depending on activities undertaken, the frequency of those activities, and a risk assessment undertaken by CFRS, there was some discretion for employees to be eligible for Enhanced levels of DBS checks (with or without Barred List checks).

This report details the approach CFRS have taken to implement the new legislation.

### 1. Introduction & Background

For any new recruits satisfactory DBS clearance has been built into the recruitment process as a pre-employment check.

For any existing long-standing staff, CFRS have chosen to adopt a supportive and steady roll out in the introduction of DBS. The project has been rolled out in two main phases.

#### Phase One:

- Regular communication has gone out to staff in our electronic 'Weekly Update' bulletin
- Identification of which posts within CFRS establishment to establish which meet the criteria of requiring an 'enhanced' DBS versus a 'standard' check
- Virtual drop-in sessions were made available to staff at different times of the day / early evening to accommodate shift patterns via MS Teams. HR colleagues led the sessions in order for staff and managers to discuss DBS and raise any queries or concerns
- FAQs were developed and published via CFRS website as an online guidance tool
- Amnesty period was in force from 28 August 2023 – 25 September 2023. Staff were asked to complete a secure MS form in confidence which was submitted directly to HR

highlighting anything they felt might appear on a DBS check to encourage open and honest lines of communication. Hard copies of the form were available for staff who did not complete the MS Forms copy.

- The HR Team have been responsible for loading details into the HR Connect System (our chosen provider) due to the volume a staggered approach was taken initially prioritising management levels in order to test the system and understand queries before filtering down the chain of command
- As of 19 January 2024, all existing staff have now been loaded onto the HR Connect system to instigate the start of a DBS check

#### Phase Two

- Employees need to complete their DBS via an online system. ID checks can be done either via an online verification process or via a manual line manager check.
- Employees will start to receive their completed DBS certificates to their home address once they have completed the online checking process. They are required to show this to their line manager and their line manager then completes a verification form
- HR will maintain up to date statistics on completion rates, any issues etc
- Should a DBS check be returned with a positive disclosure the line manager is required to meet with the employee and complete a risk assessment. The risk assessment then needs final sign off at an appropriate level
- Process for chase up and refusers (for those staff who may wish to decline engaging with the DBS Process). Please refer to section 3 below for more detailed information

## 2. Current Statistics

(\*\* Please note this information is correct as at 29.1.2024)

605 checks started.

126 checks completed.

12 verification forms received (managers complete a verification form when they have seen the person's DBS check)

## 3. Risk assessment

A risk assessment was developed for managers to complete with staff should a positive disclosure feature on a DBS check. The risk assessment was adapted from a toolkit developed by the National Fire Chiefs Council and adapted to best suit Cumbria.

Feedback following on the risk assessment was welcomed from the Ethics and Integrity Panel. As a result, amendments have been made and a proposed revised risk assessment is to be used.

## 3. Phase 2 / Next steps for chase up and refusers

Feedback was sought from the Ethics and Integrity Panel as to a proposed approach for managing refusers. Considering the supportive measures taken at stage one it was recommended that a simplified 4 step process is adopted as follows:

- one chase up e-mail with read receipt or recorded delivery letter giving the employee a deadline for completion
- If the employee does not comply there is one mtg with line manager supported by HR to discuss any concerns / offer help etc
- If the employee still refuses proceed to potential dismissal mtg with appropriate Principal Officer
- Right of appeal

This has been discussed with Trade Union colleagues at our informal joint consultative group. No objections were raised. Next steps will be for the above to be confirmed as part of CFRS and communicated with Trade Unions and staff



# Ethics and Integrity Panel



**Peter McCall**  
POLICE, FIRE & CRIME  
COMMISSIONER

## Title: CFRS DBS

**Date: 8<sup>th</sup> February 2024**

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All who work or volunteer for a Fire and Rescue Authority will be eligible for a Standard DBS check. Depending on activities undertaken, the frequency of those activities, and a risk assessment undertaken by CFRS, there was some discretion for employees to be eligible for Enhanced levels of DBS checks (with or without Barred List checks).

This report details the approach CFRS have taken to implement the new legislation.

### 1. Introduction & Background

For any new recruits satisfactory DBS clearance has been built into the recruitment process as a pre-employment check.

For any existing long-standing staff, CFRS have chosen to adopt a supportive and steady roll out in the introduction of DBS. The project has been rolled out in two main phases.

#### Phase One:

- Regular communication has gone out to staff in our electronic 'Weekly Update' bulletin
- Identification of which posts within CFRS establishment to establish which meet the criteria of requiring an 'enhanced' DBS versus a 'standard' check
- Virtual drop-in sessions were made available to staff at different times of the day / early evening to accommodate shift patterns via MS Teams. HR colleagues led the sessions in order for staff and managers to discuss DBS and raise any queries or concerns
- FAQs were developed and published via CFRS website as an online guidance tool
- Amnesty period was in force from 28 August 2023 – 25 September 2023. Staff were asked to complete a secure MS form in confidence which was submitted directly to HR

highlighting anything they felt might appear on a DBS check to encourage open and honest lines of communication. Hard copies of the form were available for staff who did not complete the MS Forms copy.

- The HR Team have been responsible for loading details into the HR Connect System (our chosen provider) due to the volume a staggered approach was taken initially prioritising management levels in order to test the system and understand queries before filtering down the chain of command
- As of 19 January 2024, all existing staff have now been loaded onto the HR Connect system to instigate the start of a DBS check

#### Phase Two

- Employees need to complete their DBS via an online system. ID checks can be done either via an online verification process or via a manual line manager check.
- Employees will start to receive their completed DBS certificates to their home address once they have completed the online checking process. They are required to show this to their line manager and their line manager then completes a verification form
- HR will maintain up to date statistics on completion rates, any issues etc
- Should a DBS check be returned with a positive disclosure the line manager is required to meet with the employee and complete a risk assessment. The risk assessment then needs final sign off at an appropriate level
- Process for chase up and refusers (for those staff who may wish to decline engaging with the DBS Process). Please refer to section 3 below for more detailed information

## 2. Current Statistics

(\*\* Please note this information is correct as at 29.1.2024)

605 checks started.

126 checks completed.

1 risk assessment completed (risk assessments are required where there is a positive disclosure on the check)

12 verification forms received (managers complete a verification form when they have seen the person's DBS check)

## 3. Risk assessment

A risk assessment was developed for managers to complete with staff should a positive disclosure feature on a DBS check. The risk assessment was adapted from a toolkit developed by the National Fire Chiefs Council and adapted to best suit Cumbria.

Feedback following the one completed risk assessment (to date, we are aware that there are more to follow) was welcomed from the Ethics and Integrity Panel. As a result, amendments have been made and a proposed revised risk assessment is available at Appendix A

### **3. Phase 2 / Next steps for chase up and refusers**

Feedback was sought from the Ethics and Integrity Panel as to a proposed approach for managing refusers. Considering the supportive measures taken at stage one it was recommended that a simplified 4 step process is adopted as follows:

- one chase up e-mail with read receipt or recorded delivery letter giving the employee a deadline for completion
- If the employee does not comply there is one mtg with line manager supported by HR to discuss any concerns / offer help etc
- If the employee still refuses proceed to potential dismissal mtg with appropriate Principal Officer
- Right of appeal

This has been discussed with Trade Union colleagues at our informal join consultative group. No objections were raised. Next steps will be for the above to be confirmed as part of CFRS and communicated with Trade Unions and staff



## Positive Disclosure (DBS) Risk Assessment – Template

The NFCC Positive Disclosure Risk Assessment Guidance should be read in conjunction with completing this template.

<b>Name of Individual:</b>		<b>Date of Birth:</b>	
<b>Address:</b>			
<b>Post Held or Post Applied for:</b>		<b>Service Area:</b>	
<b>Line Manager completing Risk Assessment:</b>			

### Assessment of risk

The Disclosure and Barring Service (DBS) barred lists are designed to prevent unsuitable people from entering the workforce – it is an offence to employ a person to do work with children or vulnerable adults if they have been barred from doing so.

Does this person appear on the DBS barred list, yes or no? If the answer is **yes**, then the appointment is automatically unlawful, and the person **must not** be appointed to the post.

You **do not** need to complete the Decision Record Sheet for external applicants.

**You may wish to continue for internal applicants to support decision making about suitability for different or adapted roles to demonstrate our commitment in relation to the Rehabilitation of Offenders.**

This risk assessment is based on the principles of OASys but adapted for our audience. OASys is an actuarial risk and needs assessment tool used by the prison and probation services in England and Wales. Fire and Rescue Services are committed to the rehabilitation of offenders, as such, the OASys was considered to support this approach.

**The scoring for this risk matrix gives a re-offending score based on risk factors. Please contact the HR Team for support with completion of this form**

Risk Factors	Score 0 for Green	Score 1 for Amber	Score 2 for Red	Please add comments in this section	Total Score
<p><b>A. Criminal History:</b> An individual's criminal history is extremely important.</p> <ul style="list-style-type: none"> <li>• Offence(s) have been carried out in the last two years (Score 2)</li> <li>• Previous convictions unspent (Score 1)</li> <li>• 1-2 Previous convictions (score 1)</li> <li>• 3 + Previous convictions (score 2)</li> </ul>	No	Yes	Yes		
<p><b>B. Were the offence(s) first disclosed by the individual?</b> Failure to disclose a relevant offence without a satisfactory reason, may be a breach of contract and render any employment offer void. If the individual is an employee, consider the potential for disciplinary action.</p>	Yes	N/A	No		
<p><b>C. Burglary:</b> Individuals with burglary offences are more likely to re-offend than other types of offences. <b>Does the offence(s) – caution or conviction include burglary?</b> Including 'Aggravated Burglary' and 'Attempted Burglary'.</p>	No	N/A	Yes		
<p><b>D. Sexual Offences:</b> <b>Does the offence (conviction or caution) involve a sexual or sexually motivated offence?</b></p>	No	N/A	Yes		
<p><b>E. Age of first offence (conviction or caution)?</b> The risk of reoffending is higher for those aged 10-17 years of age at their first offence, this is evidenced by <a href="#">'The Start of a Criminal Career'</a>.</p>	24+ years	18-23 years	10-17 years		

Risk Factors	Score 0 for Green	Score 1 for Amber	Score 2 for Red	Please add comments in this section	Total Score
<p><b>F. Has the individual previously breached a court order?</b></p> <p>Breach of previous Court Orders increase the risk. Such as, breaches of:</p> <ul style="list-style-type: none"> <li>• Conditional discharge</li> <li>• Bail</li> <li>• Licence</li> <li>• Failure to comply with any Order</li> </ul>	No	N/A	Yes		
<p><b>G. Criminal Versatility:</b></p> <p><a href="#">OASys research</a> evidence suggests that generic offenders are more prolific and more likely to re-offend than offenders who specialise in one type of offences. Use the categories below to differentiate groups of offences:</p> <ul style="list-style-type: none"> <li>• Violence against the person</li> <li>• Sexual offences</li> <li>• Burglary</li> <li>• Robbery</li> <li>• Theft and handling</li> <li>• Fraud and forgery</li> <li>• Criminal damage</li> <li>• Drug offences</li> <li>• Other indictable offences (serious enough to be dealt with at Crown Court – excluding motor)</li> <li>• Indictable Motoring Offences</li> <li>• Other summary offences (can only be dealt with at Magistrates Court) – excluding motor. This includes Public order offences (threatening behaviour), harassment, drunk and disorderly</li> </ul>	0 offences	1-4 offences	5+ offences		

Risk Factors	Score 0 for Green	Score 1 for Amber	Score 2 for Red	Please add comments in this section	Total Score
<ul style="list-style-type: none"> <li>Summary motoring offences</li> </ul>					
<p><b>H. Is the role holder public facing or a person in a position of trust?</b></p>	No	N/A	Yes		
<p><b>I. Did the offence include any of the following?</b> When certain factors are present, it increases the likelihood of further incidents of serious harm:</p> <ul style="list-style-type: none"> <li>Carrying or using an offensive weapon</li> <li>Any violence, threat of violence or coercion</li> <li>Excessive use of violence or sadistic violence</li> <li>Arson</li> <li>Physical damage to property (but not caused when committing another offence, for example burglary or theft)</li> <li>Sexual element to offending (such as disclosing private sexual images without consent)</li> </ul>	No	N/A	Yes		

Risk Factors	Score 0 for Green	Score 1 for Amber	Score 2 for Red	Please add comments in this section	Total Score
<p><b>J. Do offences form part of an established pattern?</b>            These might not be the same category of offence, but could stem from same motivation, such as:</p> <ul style="list-style-type: none"> <li>• Burglary or break ins</li> <li>• Theft</li> <li>• Fraud (financial)</li> <li>• Drug or Alcohol related (drug or drink driving, drunk and disorderly or assault under the influence of drugs or alcohol)</li> </ul>	No (No pattern evident)	N/A	Yes (A pattern is demonstrated)		
<p><b>K. Are there any concerns in regard to the individual's motivations for working with children or vulnerable adults?</b>            In accordance with local authority safer recruitment practice and guidance.</p>	No	N/A	Yes		
<p><b>L. Is there any evidence in regard to any inability to manage conflict, cope with challenging behaviour?</b></p>	No	N/A	Yes		
<p><b>Risk Factors - Total Category Scores:</b>            Grand Total (0-24 from all categories in blue box):</p>					

Employee Signature & Date	
Line Manager Signature & Date	



## Assessment Results

Using the Total Score, identify the scale of risk and consider the following:

### 0 - 4 Low Risk

1. If **low risk** and nothing highlighted in question (I - Factors which indicate increase in likelihood of further incidents of serious harm) – Okay to employ or continue in post. Exclude, suspend, or redeploy (pending internal investigation) if the individual has committed sexual offence(s) or offence(s) against a child or vulnerable adult.
2. If **low risk** but offence(s) have been highlighted in question (I - Factors which indicate increase in likelihood of further incidents of serious harm), consider the factors highlighted in (A - Criminal History) and the nature of employment or role. Exclude suspend or redeploy (pending internal investigation) if the individual has committed sexual offence(s) or offence(s) against a child or vulnerable adult.

### 5 - 9 Medium Risk

3. If **medium risk** action is required. For an existing employee, consider actions to mitigate any potential risks to members of the public, the employee or applicant, and the organisation. These actions should follow your disciplinary processes or withdrawal of offer of employment for new applicants. Consider whether there has been a breakdown of trust for non-disclosure. Exclude or suspend (pending internal investigation) if the individual has committed sexual offence(s) or offence(s) against a child or vulnerable adult.

### 10 - 24 High Risk

4. If **high risk** action is required immediately. For an existing employee consider actions to mitigate any potential risks to members of the public, the employee or applicant, and the organisation. These actions should follow your disciplinary processes or withdrawal of offer of employment for new applicants. Consider whether there has been a breakdown of trust for non-disclosure. Exclude or suspend (pending internal investigation) if the individual has committed sexual offence(s) or offence(s) against a child or vulnerable adult.

### 'Soft Information' Disclosed

If 'soft information' is disclosed on an Enhanced DBS Form, or a statutory agency (for example the Police or Local Authority Designated Officer (LADO)) note the following actions:

- For an individual who has no other offending history, and this does not include factors listed in question (I - Factors which indicate increase in likelihood of further incidents of serious harm) – **treat as low risk as per assessment result 1.**
- For an individual who has identified other offending history but does not include factors listed in question (I - Factors which indicate increase in likelihood of further incidents of serious harm) consider the factors highlighted in (A - Criminal History) and the nature of employment or role, which would increase risk action accordingly.
- If this information does include factors listed in question (I - Factors which indicate increase in likelihood of further incidents of serious harm), but no other offending history treat as per **assessment result 2.**
- If this information does include factors listed in question (I - Factors which indicate increase in likelihood of further incidents of serious harm) and other offending history treat as per **assessment result 4.**

## Decision Record Sheet

Low Risk:	Medium Risk:	High Risk:
Total score recorded:	Total score recorded:	Total score recorded:
<b>Recommended Outcome Recorded (To be retained with both Safeguarding and HR systems)</b>		
<b>Action Decided:</b>		
<b>Report Summary:</b>		
<b>Human Resources Support</b>		<b>Date:</b>
<b>Signature:</b>		

<b>Printed Name:</b>		
<b>Head of Safety &amp; Assurance</b>		
<b>Signature:</b>		<b>Date:</b>
<b>Printed Name:</b>		
<b>Head of People &amp; Talent</b>		
<b>Signature:</b>		<b>Date:</b>
<b>Printed Name:</b>		
<p>Note: If the above post holders of Signatory are not available, consider a Principal Officer, equivalent to ACO level or above as a signatory.</p>		

# Ethics and Integrity Panel



## Title: OPFCC QSI's and Complaints

**Date:** 26 January 2024

**Agenda Item No:** 08

**Originating Officer:** Joanne Head

**CC:**

### Executive Summary:

The Police, Fire and Crime Commissioner (Commissioner) has a responsibility in relation to conduct and complaints. The introduction of the Policing and Crime Act 2017 enabled the Commissioner to take responsibility for fire service provision and as the employer responsibility to ensure that complaints are dealt with appropriately. The Commissioner is the appropriate authority for complaints and conduct matters relating to the Chief Fire Officer only. The Chief Fire Officer is the appropriate authority for any complaints regarding fire employees.

Members of the public will contact the OPFCC regarding a broad range of issues, some of which relate to Cumbria Fire and Rescue Service. These are dealt with as Quality of Service Issues (QSI's).

### Recommendation:

That, the Panel notes the current position in relation to complaints received by the Office of the Police, Fire & Crime Commissioner.

## 1. Introduction & Background

- 1.1 The Office of the Police, Fire & Crime Commissioner (OPFCC) receives telephone calls and emails from members of the public which do not constitute a complaint but are regarding quality of service issues. A system has been developed with Cumbria Fire and Rescue Service to pass on the issues to the Deputy Chief Fire Officer. The issues are then raised at a local level with the OPFCC being kept updated as to progress and advised of either a final solution which has been agreed or a final response which the Commissioner will then send to the author.
- 1.2 Where a complaint is received relating to an employee of Cumbria Fire and Rescue Service, these are forwarded to the Fire Service to deal with.

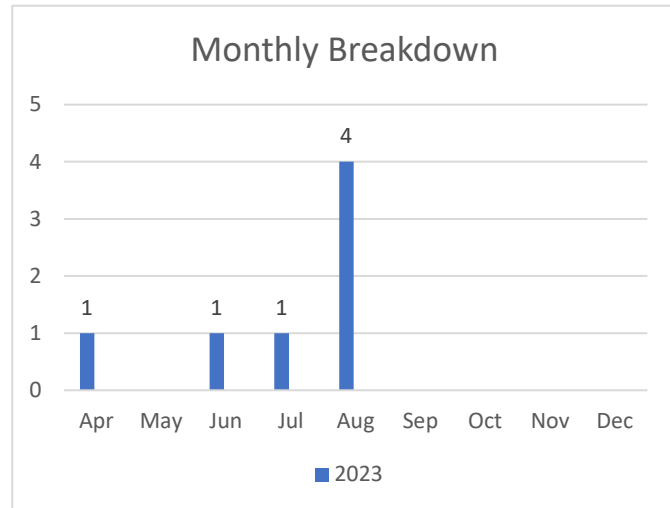
## 2. Issues for Consideration

### QSI's received by the OPFCC

- 2.1 The below chart details the number of QSI's which have been received by the OPFCC from 1 April 2023 up to 31 December 2023.

2.2 When contact is received regarding Cumbria Fire and Rescue Service (CFRS), the Governance Officer liaises with the Deputy Chief Fire Officer to discuss the correspondence received and determine the most appropriate action. Following further information received from CFRS the Commissioner will write to each individual. As can be seen currently there has been a small amount of contact received, broken down as follows:

1. Fire resources – 3 QSIs were received
  - a. Request for an increase in overnight firefighters
  - b. Query regarding purchasing of nearby property for parking
  - c. Query regarding relocation/closure of local fire station
2. Miscellaneous/General – 3 QSIs were received
  - a. MP writing on behalf of a constituent
  - b. Warm Spots CFRS Partnership Fire Safety in the home advice
3. Fire Consultation – 2 QSIs were received
  - a. Questions regarding demographic information
  - b. Environmental challenges



### 2.3 Chief Fire Officer Complaints

The Commissioner is the appropriate authority for complaints and conduct matters relating to the Chief Fire Officer. Members of the public may write to complain about the Chief Fire Officer when in fact they are unhappy about the way in which fire services are provided or regarding a policy or procedure rather than his personal conduct. Between 1 April and 31 December 2023 the OPFCC did not receive any complaints regarding either of the Chief Fire Officers during the year.

## 3. Implications

- 3.1 Financial - with the added statutory responsibility for undertaking complaint reviews there is an additional cost for the independent review officer. This is seen as value for money as they are only paid for the work that they carry out, there are no ancillary costs as there would be if they were an employed member of staff.
- 3.2 Legal – none identified.
- 3.3 Risk - None identified, beyond that to Cumbria Fire and Rescue Service or the OPFCC's reputation if it does not deal with the issues raised appropriately and proportionately according to the merits of the individual case.
- 3.4 HR / Equality - none specifically identified.



Peter McCall

POLICE, FIRE & CRIME  
COMMISSIONER

# Ethics & Integrity Panel

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2023 ANNUAL REPORT

Cumbria Office of the Police, Fire and Crime Commissioner

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## Foreword from the Panel Chair

Welcome to the 2023 Ethics and Integrity Panel Annual Report.

I have had the pleasure of being Chair of the Ethics and Integrity Panel since 2016. This will be my last annual report as I step down from the role in February 2024. The Panel's purpose has always been to promote and influence high standards of ethical performance in all aspects of policing in Cumbria and the work carried out by the Police and Crime Commissioner's office (OPCC). It achieves this by investigating, dip sampling, constructively challenging and reviewing a broad range of aspects of policy, process and performance, through the lens of ethics and integrity. We are entirely independent of the Office of the Police, Fire and Crime Commissioner and Cumbria Constabulary. From 1 April 2023 the remit of the Panel expanded to include Cumbria Fire and Rescue Service and we are now developing a work programme to include this area of business.

Over the last 12 months we have continued to see challenge and change for the people of Cumbria. This can be attributed to many reasons, not least us still dealing with legacy issues from the pandemic; the increasing challenges of the cost-of-living crisis, and of course societal issues and political instability that affect us all in both the UK and abroad. The Panel have been hugely impressed by the resilience, commitment, focus and determination to serve our county; constantly striving to offer the fire and the policing service that the public require. This is a great credit to the organisations and their officers and staff.

I am delighted that during 2023 we have recruited additional members to the panel, and along with more members who will join in 2024, this has broadened and deepened our capability, insight and importantly, our diversity. Whilst the Panel membership is from a diverse range of backgrounds and experience, we have two things in common. We and our families live in the county and are committed to seeing the area thrive and we all share the strong desire to ensure that Cumbria Constabulary and Cumbria Fire and Rescue Service continues to deliver high quality services to the public, while maintaining Cumbria as the safe and secure place to live that it currently is.

The Chief Constable, Chief Fire Officer, Commissioner and their teams fully support us in our work and are open to challenge, feedback and suggestions for improvement. In itself, this is an indicator of a strong, open, transparent and ethical culture.

While 2023 has been an incredibly challenging year, we have enhanced our work programme, and have adapted to look at a number of thematic areas. The information in this, and our other quarterly reports, helps to promote a wider understanding and awareness of performance and ethical approach of both Fire and the Constabulary.

We hope that you find the report useful and informative and on a personal level I would like to thank all colleagues I have worked with over the last 9 years in developing, evolving and growing the role of the panel, and our work.

*Alan Rankin*

**Ethics and Integrity Panel Chair**

## The Police and Crime Commissioner, Peter McCall



2023 has been a year of change for not only my office but for the Ethics and Integrity Panel. From 1 April 2023 I took on Fire Governance and the Panel are now encompassing this area of business into their annual work programme. I am incredibly grateful for the commitment, professionalism, independent and pragmatic approach taken by the Ethics and Integrity panel in their work. They provide effective and sensible challenge which enables my office, the Constabulary and Fire to take stock and indeed to change practice where necessary in order

to improve the service we are all here to deliver to the public of Cumbria.

The ability of the panel to evolve and undertake in-depth scrutiny of specific areas provides not only myself but also the communities of Cumbria with additional assurance. It seeks to achieve this by acting as a critical friend in the work it oversees.

Whilst we are blessed with highly professional, dedicated and committed police officers, staff, firefighters and fire staff we must always be ready to examine performance to ensure that each organisation maintains the highest possible standards, when often faced with difficult and challenging circumstances.

I look forward to working with the Panel in 2024.

*Peter McCall*

**Police, Fire and Crime Commissioner for Cumbria**

## The Chief Constable, Rob Carden



As a Constabulary we consistently strive to provide members of the public with an outstanding police service to keep Cumbria safe.

The ongoing transformation of the force has delivered significant improvements in performance and service delivery to communities across Cumbria over the last 12

months; the breadth of these improvements covers a range of areas including call handling, response to calls, crime data integrity, standards of investigation, outcome rates, proactivity and crime prevention. However, in order to build public confidence in policing, it is imperative that our police officers and staff continue to demonstrate the highest ethical and moral standards.

The important work of the Panel provides us with the independent scrutiny to ensure that we demonstrate the highest standards of ethical performance and continue to respect a national model of policing based on the principle of 'policing by consent'.

*Rob Carden*

**Chief Constable, Cumbria Constabulary**

## About the Ethics and Integrity Panel

The Ethics and Integrity Panel challenge, encourage, support and promote and influence high standards of professional work and ethics within Cumbria Constabulary, Cumbria Fire and Rescue Service and the Office of the Police and Crime Commissioner (OPFCC); ensuring that these are effective in all organisations. This report provides an overview of the work that the Panel has carried out during 2023.

The Panel meets privately on a quarterly basis to enable open and frank discussions. The agenda and reports are published on the Commissioner's website following each meeting, with only sensitive or confidential information being excluded. Reports are provided by the Panel to the Commissioner's public meeting to provide information about the Constabulary, Fire Service and OPFCC's performance in areas that relate to ethics and integrity. The purpose of this is to promote openness, transparency and public confidence.

A programme of work is developed and agreed on an annual basis enabling the Panel to fulfill its terms of reference and scrutiny role. Where necessary the Panel will also provide scrutiny for areas identified during HMICFRS inspections to enable the implementation of recommendations to be monitored. In addition, they have critical and important thematic issues referred to them by both Cumbria Constabulary, Cumbria Fire and Rescue Service and the Office of the Police, Fire and Crime Commissioner. This enabled the Police, Fire and Crime Commissioner and the Chief Officers to be provided with independent reassurance.

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

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

The membership of the Panel in 2023 was:

Andrew Dodd	Mike Duff
Alan Rankin	Alex Rocke
Megan Masters	Ben Phillips
Jane Scattergood	Shaun Thomson

# Work of the Panel During 2023

## Code of Ethics and Code of Conduct

The Panel's role is to ensure that both the Constabulary, Fire Service and the Police, Fire and Crime Commissioner have embedded within their organisations the respective **Code of Ethics** and **Code of Conduct**.

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



Similarly, the Commissioner upon re-election in May 2021 swore an oath to act with integrity and signed a Code of Conduct and Ethics. It sets out how the Commissioner has agreed to abide by the seven standards of conduct recognised as the Nolan Principles. This Ethical Framework allows transparency in all areas of the work of the Police and Crime Commissioner. These principles encompass the Commissioner's work locally and whilst representing Cumbria in regional and national forums.

Equally importantly, all the OPFCC members of staff adhere to a **Staff Code of Conduct** which is based upon the model Code of Conduct for Local Government Employees and incorporates the principles arising from the Nolan Report, providing a framework for all employees in terms of official conduct

During 2023 the Panel did not identify any complaints received from either members of staff or the Commissioner regarding conduct or integrity. During 2024 the panel will also ensure that the Code of Ethics is embedded within Cumbria Fire and Rescue Service.

## Public Complaints



At their quarterly meetings the Panel received performance data from the Constabulary on the number of complaints received, how these have been managed and whether they were within the required timescales. From these reports there were areas which had again seen an increase in complaints being received, these being impolite language, unprofessional attitude, lack of impartiality, overbearing or harassing behaviours. The Panel undertook to specifically review some of these complaints to see if there were any trends or concerns.

During 2023 the Panel carried out two dip sample sessions within the Constabulary's Professional Standards Department (PSD) in which they reviewed a total of 62 files. They carried out the dip samples directly via the Centurion system enabling members to view all information, actions and outcomes on the live system. Panel members spoke directly with case workers regarding any issues or concerns.

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

- The importance of linking intelligence reports and information received within the Professional Standards Department to the Comms Centre to inform any future incidents.
- Ensuring that complaint handling is clear and understood by both the complainant and the complaint handler; and information is sent to the correct identified correspondence address.
- Having robust property procedures in place to reduce the number of lost or damaged property claims.
- Some excellent case work was identified, with good work carried out by local policing teams to deal with complaints and social issues. Responses were often clear and explained fully the issues and outcome to the complaint.
- Officers not using body worn video when dealing with incidents or members of the public continued to be an issue, or the footage is not marked and retained. Although the situation has improved significantly over recent years. Some complaints could have been dealt with quicker and more effectively if this independent evidence had been available.

During the year it was noted the significant increase in the number of complaint and misconduct cases which staff and officers were dealing with. A Review of PSD has been commissioned and will be carried out during the early part of 2024, which the Panel welcomed.

## Quality of Service Issues



The Office of the Police, Fire and Crime Commissioner received 675 letters, emails and telephone calls from members of the public who wished to raise issues or dissatisfaction with the Commissioner, highlighting issues that were concerning local communities. Many of these related to operational policing and the OPFCC liaised with the Chief Constable's Staff office to provide information or a solution for the individual. The types of issues raised are varied and detailed below are some of the categories:

- The Police Service Dissatisfaction in relation to the standard of service provided or received.
- Crime – drug dealing, rural crime and ongoing 'in progress' ASB neighbour issues.
- Fox Hunting
- Anti-Social Behaviour
- Miscellaneous – how crime figures are recorded, DBS check process and CCTV cameras.

Many of the solutions were provided by the Constabulary in conjunction with local policing teams, local focus hubs and partner agencies, including local educational establishments, to see to identify the underlying causes of crime or behaviours and seek to support and deter individuals from going on to make further adverse live choices. The information gathered is used to look at how assistance or changes can be provided not only locally but throughout Cumbria. The Commissioner also uses the information to implement local initiatives to make a difference to local communities. Some of these included Safety of Women at Night (SWAN), Safer Streets Projects in Whitehaven and Workington, and funding for local projects through the 'Property Fund'.

After the 1<sup>st</sup> April 2023 when the Commissioner took on the responsibility for Fire governance, the OPFCC received eight contacts from the public which related to:

- Fire Resources (buildings and fire fighters)
- Miscellaneous/general issues
- Fire Consultation

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

## Complaint Reviews



From 1 February 2020 the Office of the Police, Fire and Crime Commissioner (OPFCC) has carried out **Public Complaint Review** outcomes of when requested by the complainant. During 2023 the OPFCC received 41 review requests, which 11 (32%) of those carried out were upheld. The Panel dip sampled a number of reviews and felt that they had been dealt with appropriately and within a timely manner. Where a review had been upheld and recommendations made, the Constabulary had carried out further work providing the complainant and OPFCC with their findings and outcome. Identified learning from the upheld reviews was collated and disseminated within local teams and more widely across the force.

The OPFCC does not carry out this function in relation to complaints made to Cumbria Fire and Rescue Service. During 2024 the Panel will be looking at complaints received by Fire as part of their annual work programme.

## Misconduct Police Officer & Police Staff



The Panel received information on a quarterly basis relating to **Police Officer and Police Staff Misconduct** from the Constabulary's Professional Standards Department. This enables the Panel to monitor performance in relation to these areas of business and consider any patterns or trends across the whole organisation.

As part of their work programme the Panel have reviewed misconduct files twice during 2022. During the session the Panel reviewed all completed files, providing views and recommendations for any improvement in the way information was provided, how cases were handled or the public perception of the handling of such cases. Nearly half of the cases related to officers' conduct when they were 'off-duty'. The Panel were pleased to note that the quality of the files was being maintained and that actions were being fully recorded within each case.

## Misconduct – Fire Employees



The Panel carried out their first dip sample session of **Fire Employee Misconduct** cases in October, reviewing 10 cases which had been dealt with during previous 12 months. Prior to the Commissioner undertaking Fire governance, conduct cases had been dealt with by the County Council's HR department. These were now being dealt with by dedicated HR staff within Cumbria Fire and Rescue Service. Improvements could be seen in how files were dealt with and details of actions or sanctions being imposed and followed up. The Panel were particularly pleased to see that following the conclusion of each misconduct case it was internally reviewed to ascertain where improvements could be made in future cases or within the service.

## Grievances



On a six-monthly basis the Panel have reviewed **Grievances** being processed by the Constabulary. Although the Constabulary's HR Department dealt with all grievances, they link in with the Anti-Corruption Unit to ensure matters were cross referenced. In April and October 2023, the Panel reviewed a total of 6 finalised cases and discussed each one in turn with the HR Manager. Generally, the grievances were regarding policies and procedures or action taken against an individual. For any officer or member of staff leaving the organisation the Panel were keen that detailed conversations were held with individuals to help understand the issues and make improvements to officer and staff employment. The Panel had assisted the Constabulary in reviewing the draft management of change process. The Panel's 2024 work programme will include reporting by Cumbria Fire and Rescue Service of their grievance cases and dip sample sessions.

## Civil Claims



On behalf of the Police, Fire and Crime Commissioner the Panel also monitor **Civil Claims** being processed by the Constabulary's Legal Department. They received information about the types of claims being made, the stage the proceedings had reached and about the claims that had been resolved. As part of this oversight the Panel seek assurance that any trends are being identified and how the organisation has learnt from particular cases; disseminating such information throughout the organisation to avoid future risks and claims. There had been an increase in the number of Employment Tribunals some of which had been upheld; and in the number of public liability cases being lodged. Learning had been identified and implemented across the force and the Panel will monitor this as part of their dip sample and report process.

## Young in Service Officers



The Panel continued to monitor **Young in Service Officers** following their recruitment process as part of Operation Uplift from 2020 to 2023. Due to the large proportion of officers with less than 3-6 years' service being on front line duties the Panel sought assurance that these officers were being supported, had a designated tutor constable and a reasonable workload. The summary findings were:

- Officers' young in service carry around 10% more workload than officers from other groups. However, the average workload by officer number was higher for the group with 3-6 years-service (this is due to the fact there are less officers in the 3–6-year group than the young-in-service group).
- Complaints - Male officers received more complaints (allegations) than female officers mostly in the 3-6 years' service group.
- Officers with more than 3 years-service are more likely to be assaulted than those who are young-in-service

## Recruitment – Fire Fighters



In November 2023 the Panel had reviewed the '**On-Call' Recruitment** process being carried out by Cumbria Fire and Rescue Service. It was important that the campaigns were tailored to the different communities across Cumbria. The Fire Service were offering open days and developing virtual sessions to enable potential candidates to speak with firefighters, particularly female firefighters to attract more females into the role. Members provided feedback on the recruitment packs particularly in relation to potential candidates having to provide availability and offered suggestions on different groups to approach. This area of work will continue to be reviewed during their 2024 work programme.

## Police Officer & Staff Wellbeing



During 2023 the Panel monitored **Officer and Staff Wellbeing and Sickness**. During the second half of the year force absence rates had reduced from 4% at the same point in 2022 to 2.8% at the end of September 2023. Tutor constables were recruited to support the new officers when they were working within the policing teams and more were being recruited with the aim of having 2 tutor constables per policing team.

In November 2023 the total headcount for the Constabulary was 1,393 with additional funding for a further 29 officers being realised in 2024-25. Further recruitment of Police Community Support Officers (PCSO) was planned in March 2024 to increase numbers as at the end of 2023 there were only 48 across the county. The Panel would be monitoring this process as part of the 2024 work programme.



## Information Management



During 2023 the Panel received six monthly reports on how the Constabulary and Office of the Police, Fire and Crime Commissioner were complying with their statutory duties in relation processing and managing data. This included Freedom of Information Requests, Subject Access Requests and data processing. Both organisations continued to see a year-on-year increase in the number of requests being received. The reports also identified whether any data breaches had occurred and how these were dealt with, including whether or not they had been reported to the Information Commissioner's Office and the subsequent outcomes. In November 2023 the Panel were updated on a data breach which had occurred, the actions taken and that processes and procedures had been updated and strengthened following the breach.

## Violence Against Women and Girls



In February and August, the Panel were provided with updates on the work being carried out by the Constabulary to deliver an array of services in response to offences such as domestic abuse, sexual crime and patterns of behaviour. Increased reporting had been realised during the year and was attributed to the work and training of officers to better understand victims needs. A Street Safe tool had provided the public with the opportunity to engage with the police on issues which affected them; and the 'Call it Out' Survey had received 3,000 responses identifying hotspots where police patrols needed to be diverted to. The Panel had been keen to learn of the work being done to encourage ethnic or sectarian religious communities to report incidents, being advised that leaflets had been translated into different languages and a multi-cultural conference had been held on 3 October.

## Race Action Plan



Following the National Police Chief's Council (NPCC) identifying five key areas to change internal cultures and inclusivity towards communities the Constabulary had carried out an internal and external consultation process. HMICFRS as part of their cultural audit process had found the force to have an inclusive culture. The Panel were briefed twice during the year on how the Constabulary were progressing this work and how this work would be benchmarked to enable performance and success to be measured. There was a requirement to produce evidence on what the force were doing and why a decision had been made not to do some elements. The actions were included with the live force improvement plan enabling audits of work to be carried out. The force had taken a decision to look at BAME and work with those groups rather than simply focussing on just black communities. The Constabulary were looking at stakeholder and community mapping to identify opportunities to reach wider audiences. A full update and monitoring of the implementation plan would be carried out by the Panel in February 2024.

## Property Store



In 2022 the Panel had raised concerns about the number of civil claims being received in relation to lost or damaged property which had been held by the police. A review of all property stores had been carried out with a number of new storage and working practices being implemented. A significant step forward of inventory management had been realised with bar coding of all property locations to enable accurate accounting and auditing of property. The Panel would continue to monitor this work through reports and any reduction in civil claims being made.

## Right Care, Right Person



From January 2024, the Constabulary were looking to take a new approach when dealing with vulnerable people who had health or social care needs to ensure that the right person with the right skills, training and expertise met their needs; and where the force did not have a legal responsibility to deal with the matter. This approach would include signposting callers to contact the appropriate agency especially if the responsibility for a duty of care lay with another organisation. Collaborative work with partner organisations had been developed with testing of the designed toolkit taking place at the end of 2023 in preparation for the launch.

## Digital Policing



In August 2023 the Panel had been briefed about a project to develop digital policing skills within the workforce using an evidence-based approach. Funding had been secured from the NPCC Science Technology and Research (STAR) fund which was being used to training officers in what digital information could be retrieved from different technology such as doorbell cameras and home routers. Over 500 Domestic Abuse cases had been reviewed to understand what improvements could be made for future investigations. To assist officers a number of guides, short videos and crib sheets were being developed. The members had been keen to ensure that ongoing digital care for victims and witnesses was provided. As part of the toolkit officers would be advised of 'digital hygiene' procedures which could be provided to help with online security and safety. Making victims more resilient, protected and potentially reduce future crimes.

## Thematic Sessions

Since its inception, the Panel has delivered a significant programme of work on a planned, dynamic and responsive basis. Detailed below and overleaf are some of the areas the Panel reviewed during 2023:



In early 2023 the Panel sought assurance that the Constabulary were carrying out rigorous **vetting of new officers and staff** being employed, particularly with the pressures of meeting the Operation Uplift target by the end of March 2023. Two vetting dip sample sessions took place during the year the first in February and then a following up session in August 2023. The Panel had found that robust checks had been carried out and where necessary applicants had not been progressed where they did not meet the strict criteria.



The Panel were provided with a demonstration on a new **CCTV System** which the Constabulary were considering. The new system would replace an aging system and provide significantly enhanced capabilities to assist officers and staff in the detention and solving of criminal offences. Further work and training programmes were to be developed during the year to enable the system to be purchased and implemented. The Panel stressed the importance of ensuring the public were aware of the advancements and that it did not have facial recognition capabilities to address and allay any fears or speculation.



Following the findings from the Commission on Race and ethnic Disparities (CRED) report the government undertook to develop a new framework to monitor the use of police powers including **Custody Detention Scrutiny**. As the Panel already carried out monitoring of Stop and Search and Use of Force it was felt appropriate that the Panel should provide the review function for custody detention. The Panel carried out dip samples of custody detention and received performance reports. They raised concerns on the average time of detention disparity between white males and Asian males. It was understood that this was due to time taken for interpreters to attend police stations particularly for police interviews.



During 2023 the Panel undertook quarterly reviews of **Stop and Search** and **Use of Force**, enabling the implementation of HMICFRS recommendations to be monitored. The Panel carry out reviews of incidents via body worn video and completed forms, reviewing 48 separate incidents, which included incidents where the use of **TASER** had also been a factor. In early 2023 the Panel found that although the incidents themselves were being carried out well the completion of the required forms was not. This had also been recognised by the Constabulary had introducing annual refresher training as part of the 3-day personal safety training package and include communication and de-escalation training. The Constabulary were using Stop and Search as a key tool by the proactive policing teams to help prevent and detect crimes.



The use of **Body Worn Video** continued to feature within the monitoring work of the Panel. Noticeably when reviewing Stop and Search or Use of Force incidents the first 30 seconds of footage had no sound when activated by the officer. The Panel felt that this timeframe was often when an officer was introducing themselves and provided a good context of the interaction. The matter had been raised at a national level and in September 2023 the Panel were notified that National Police Chief's Council (NPCC) had agreed a standardised national approach to pre-vent buffering on all Cumbria BWV recordings which would rectify the issue raised by the Panel.

## Panel Member Recruitment

During 2023 three separate recruitment campaigns were carried out to allow for succession planning as some of the Panel members retired at the end of 2023 and into the first six months of 2024. It will also allow the Panel to increase their workload as the OPFCC expands its remit in relation to Cumbria Fire and Rescue Service.

As a result of these campaigns four new members were appointed in 2023 with a further three being appointed to commence their roles in early 2024. A programme of Induction training and support from existing Panel members has enabled the newly appointed members to understand their roles and the work of the Panel.

The Panel Chair retires from the Panel in February 2024 and a process to appoint a new Panel Chair was carried out in January 2024.

## Conclusion

The Panel continues to develop their role, expanding into other areas of business to assist not only the Constabulary and Fire but enable the Police, Fire and Crime Commissioner to have further and more detailed oversight. They have shown their ability to respond to emerging and changing situations; adapt to understand the issues; work with the Constabulary, Fire and OPFCC to carry out work in addition to that scheduled within their work programme; and provide reassurance to these organisations and the public.

Recommendations and guidance given by the Panel continues to be welcomed; resulting in a number of positive changes and developments to processes and procedures. The Panel's 2024 work programme will continue to ensure that the Panel remain an independent body in their oversight of Cumbria Constabulary, Cumbria Fire and Rescue Service and the Office of the Police, Fire and Crime Commissioner.

# Ethics and Integrity Panel



## Title: Ethics and Integrity Panel 2023 Annual Report

**Date: 29 January 2024**

**Agenda Item No: 10**

**Originating Officer: Joanne Head, OPFCC Governance Manager**

**CC:**

### **Executive Summary:**

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

### **Recommendation:**

That the Panel;

1. Consider the draft 2023 Annual Report; and
2. Provide feedback to inform the final version to be presented to the Police, Fire and Crime Commissioner a; and the Joint Audit Committee in May 2024.

## **1. Introduction & Background**

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

## **2. Issues for Consideration**

2.1 A draft Annual Report has been prepared highlighting the work of the Ethics and Integrity Panel during 2023. The report illustrates the areas of business reviewed by the Panel; their findings and where the Panel have made proposals or suggestions to improve business practices and procedures.

## **3. Supplementary information**

Appendix 1 – 2023 Ethics and Integrity Panel Annual Report