

CUMBRIA POLICE AUTHORITY

PERSONNEL COMMITTEE

Minutes of a Meeting of the Personnel Committee held on Thursday 6 October 2005 in Conference Room 2, Police Headquarters, Carleton Hall, Penrith commencing at 10.00am.

PRESENT

Mr R Watson (Chairman)

Mrs L Slavin

Mr J Woolley

Also Present:

Clerk & Chief Executive (Mr C R Alcock)

Acting Chief Constable (Mrs C Twigg)

Director of Personnel and Development (Mr G Noble)

Constabulary Training Manager (Mr P Train)(For Minute No. 22 only)

Deputy Clerk (Mr S Edwards)

PART I – ITEMS CONSIDERED IN THE PRESENCE OF THE PRESS AND PUBLIC

18. APOLOGIES FOR ABSENCE

Apologies for absence were received from Mrs M Johnson and Mr J Mallinson.

19. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED, that under Section 100A(4) of the Local Government Act 1972 (as amended) the public and press be excluded from the Meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in the Paragraphs indicated of Part 1 of Schedule 12A of the Act –

Item No	Item	Paragraph
11	Police Staff Discipline	1
12	Grievances	1
13	Workforce Modernisation – Update	1 & 11
14	Police Pension Regulations – Judicial	1

	Review Application	
15	Assisted training for Police Authority staff	1
16	Special Priority Payments Scheme	1

20. DISCLOSURE OF PERSONAL INTERESTS

There were no disclosures of any personal interests on any item on the Agenda.

21. MINUTES

RESOLVED, that the Minutes of the meeting of the Committee held on 7 July 2005 be confirmed as a correct record.

22. TRAINING FUNCTION BUSINESS PLAN

The Acting Chief Constable presented the Training Function Business Plan for 2005/06 which comprised of the Force Learning Strategy, the Capital Annual Learning Requirement 2005/06, the Costed Training Plan 2005/06 and the Training Function Service Improvement Plan.

The Business Plan for the Constabulary's Training Function was intended to ensure that the training delivered by the Training Unit supported and improved operational performance. The production of the Business Plan was a mandatory requirement of the Home Office and the required structure and content of the Business Plan was set out in Home Office Circular 53/2003. The Constabulary's Plan had been checked for compliance with the Circular.

The August 2004 HMIC inspection of training in Cumbria had, amongst others, made the following recommendations-

Recommendation 2

HM Inspector recommends that the Force develop a costed training plan aligned to the guidance given in relevant Home Office Circulars.

Recommendation 3

HM Inspector recommends that the Force and the Police Authority establish a formal mechanism to monitor the costed training plan on an ongoing basis. This should include the development of performance measures in relation to the delivery of the plan.

Recommendation 8

HM Inspector recommends that the Force develop a single improvement plan which captures all locally identified improvement actions as well as those which result from this or previous HMIC training reports. The improvement plan should also capture any improvement actions which have resulted from other relevant sources having an impact on training.

Recommendation 9

HM Inspector recommends that the Force and Police Authority develop a more robust means of monitoring the improvement plan.

Recommendations 2 and 8 had been addressed by the production of the various documents contained within the Training Function Business Plan. The first part of recommendations 3 and 9 had been addressed by submitting the Business Plan to the Constabulary's Resourcing and Standards Board (RSB). Ongoing monitoring of the Business Plan and Improvement Plan by the Force had been addressed by producing quarterly progress reports for the RSB.

The Business Plan was now being submitted to the Police Authority for approval, review and continued monitoring. This would address the second part of recommendations 3 and 9.

Members were advised that HMIC were looking to the Police Authority to provide a robust oversight of the Costed Training Plan and the other component parts of the Training Function Business Plan. The Service Improvement Plan would be submitted to all future meetings of the Committee to enable Members to monitor progress.

In response to a question from a Member the Training Manager advised that staffing within the Training Unit had been increased by one and a half staff which, when combined with a rearrangement of systems, meant that they were much better able to cope with workload demands.

Members noted with concern that there was insufficient resourcing available to enable the production of the 2006/07 Costed Training Plan in time to inform the budget setting process. The Training Manager advised that this related to the inability of the Finance Department to provide monthly updates. Work was being undertaken to see whether it was possible to outsource this activity so that in future it would be possible to input to the budget process.

It was noted that the Constabulary would continue to provide different forms of training delivery as a result of the geography of the County and the resources available. However, this would now be co-ordinated and quality controlled centrally, which would address concerns raised by HMIC.

The Chairman thanked the Training Manager for attending the meeting and responding to Members questions.

RESOLVED, that

- (1) That the Training Function Business Plan 2005/06 be approved:

- (2) The update report of progress against the Improvement Plan be approved:
- (3) The Improvement Plan be submitted to future meetings to enable the Committee to continue to review progress.

(Note: The Training Manager left the meeting at this point)

23. PERSONNEL DATA REPORTS

(a) Personnel Data Report, Second Quarter 2005/06

The Acting Chief Constable presented a statistical report compiled from HMIC and Personnel Department data reporting on various measurable aspects of the personnel function. Areas of particular importance highlighted for the Committee were –

- The first two intakes of new recruits for 2005/06 were appointed during the reporting period and a total of 27 new officers had been appointed:
- Female officers in Cumbria remained well above national average and 48.15% of the officers appointed in the reporting period were female:
- Five new Police Community Support Officers (PCSOs) had been appointed during the quarter to replace PCSO's appointed as Police Officers. At the end of September 2005 the total number of PCSO's in Cumbria stood at 19:
- Since the implementation of the Police Officer Extension of Service Scheme, interest had continued to increase with an additional four officers successful in their applications during 2005/06.
- The Constabulary was well positioned to meet the Home Office target of 144 Special Constables by 31 March 2006.

RESOLVED, that the report be received.

(b) Sickness Absence Report, 1 April 2005 to 30 June 2005

The Acting Chief Constable presented the Force Sickness Absence report for the period 1 April to 30 June 2005. The Committee were advised that from April 2005 all Forces had been required by the Home Office to alter the way they recorded sickness in order to ensure accurate comparisons could be made between Forces. The reports submitted to the Committee reflected the new system which now recorded actual rostered hours and rostered shifts lost. Regrettably NSPIS HR did not allow the Constabulary to record absence in a way that made these figures available and the Occupational Health Unit was required to establish a parallel method of absence recording to meet the Home Office requirements.

Figures included within the report were very positive and if they continued the Constabulary would be amongst the best performing Forces nationally and under its targets.

Members welcomed the report.

RESOLVED, that the report be received.

24. THE FUTURE OF CENTREX FOUNDATION TRAINING CENTRES

The Deputy Clerk presented a report by the Clerk/Chief Executive which updated Members on the future of the Centrex Foundation Training Centres, including Bruche at Warrington. The Acting Chief Constable informed the Committee that the Constabulary would not have access to Bruche after 1 April 2006 and the Constabulary had put in place appropriate arrangements to ensure that it was able to deliver the necessary training within Cumbria.

RESOLVED, that the report be noted.

25. CATERING FACILITIES AT POLICE HEADQUARTERS

The Acting Chief Constable advised Members that the necessary works had been undertaken and new equipment had been installed. Hot meals were once again available from the Headquarters Canteen.

RESOLVED, that the report be noted.

26. INDEPENDENT CUSTODY VISITING SCHEME

The Deputy Clerk presented a report by the Clerk and Chief Executive that dealt with four elements of the Independent Custody Visiting Scheme which fell within the purview of the Committee. These were –

- The outcome of the recent recruitment exercise, which had seen the appointment and training of 12 new Custody Visitors. The Committee were advised as to the current vacancies still outstanding throughout the County.
- The introduction of a Long Service Award for Custody Visitors who had completed six years service with the Scheme;
- A proposal that all Custody Visitors be asked to sign an Anti-Discrimination Code of Conduct in line with Members, Officers and others appointed to Authority positions;
- The Committee was asked to consider the introduction of an additional paragraph to the section of the Custody Visiting Scheme dealing with Visitor appointments, confirmations, disciplinary and appeals procedures, to the effect that –

“The Police Authority reserves the right at any time to remove from the Scheme any Custody Visitor whose conduct or

behaviour towards other Custody Visitors, Detainees, Police Staff, Officers of the Authority, members of the Public or any other third party is reasonably considered inappropriate or unlawful or otherwise likely to bring the Authority or its Scheme into disrepute.”

RESOLVED, that

- (1) The outcome of the recruitment process be noted;
- (2) A Long Service Award be introduced for Independent Custody Visitors serving the maximum six years within the Scheme;
- (3) The Anti-Discrimination Code of Conduct for Independent Custody Visitors as circulated with the report for the meeting, be adopted;
- (4) The Independent Custody Visiting Scheme Appointment and Appeals Procedure be amended as set out in the report.

27. ESTABLISHMENT OF A POLICE AUTHORITY ADMINISTRATIVE EXCELLENCE AWARD

The Deputy Clerk presented a report by the Clerk and Chief Executive which updated Members with regard to progress on the introduction of a Police Authority Administrative Excellence Award.

RESOLVED, that the report be noted.

PART II – ITEMS CONSIDERED IN THE ABSENCE OF THE PRESS AND PUBLIC

28. POLICE STAFF DISCIPLINE

The Acting Chief Constable presented a report which informed Members of police staff disciplinary activity between 14 June and 14 September 2005.

RESOLVED, that the report be noted.

29. GRIEVANCES

The Acting Chief Constable presented a report which showed the number of grievances lodged in the year to date and compared this with those lodged in the previous two financial years. Included within the report was a breakdown of those lodging grievances in terms of sex and race, and whether police officers or support staff.

RESOLVED, that the report be noted.

30. WORKFORCE MODERNISATION - UPDATE

The Acting Chief Constable advised Members that she was part of the National ACPO Business Area looking at Workforce Modernisation, an area of activity which could be summarised as the Government switching its attention from inputs to outputs.

She provided Members with a brief update on the various aspects of the Workforce Modernisation Programme.

RESOLVED, that the report be received.

31. SPECIAL PRIORITY PAYMENT SCHEME, 2005

The Acting Chief Constable advised that this was the last of the three year cycle of Special Priority Payments (SPP's) though due to ongoing work on rewarding skills and experience it was likely that there would be a further scheme in 2006.

The Constabulary had tried to produce a scheme that rewarded those police officers working a seven day shift pattern. Unfortunately the Home Office had initially been slow to approve the scheme as submitted and had ultimately rejected it as their Counsel had advised that it was unlawful to place an upper limit on service as it was deemed to be discriminatory. The Constabulary had therefore been required to rewrite the scheme, in consultation with the Home Office.

A copy of the revised scheme was tabled at the meeting.

RESOLVED, that the report be received.

32. POLICE PENSION REGULATIONS – JUDICIAL REVIEW APPLICATION

The Acting Chief Constable presented a report concerning the decision of the Chief Constable to request the Clerk & Chief Executive to exercise his delegated power under the Authority's Scheme of Delegation to authorise the Constabulary's Director of Legal Services to act directly on the Authority's behalf in certain Judicial Review proceedings. This request arose from the outcome of a Police Pensions Regulations case dealt with under delegated powers by the Chief Constable. (A request made subject to receiving favourable expert medical evidence and legal advice from Counsel). The Acting Chief Constable explained the background to this matter and the reasons for the Chief Constable exercising his delegated powers.

The Scheme of Delegation allowed for the Clerk & Chief Executive to authorise the Constabulary's Director of Legal Services to issue, conduct and settle claims by or against the Authority, including the instruction of Counsel, on a case-by-case basis.

In this case, whilst the Clerk & Chief Executive advised Members that he was content to exercise his delegated powers as set out above in most instances, on its particular circumstances he believed it appropriate for the relevant Committee to be appraised of the full position before indicating whether they were content for him to authorise the Director of Legal Services to act directly in this matter for the Authority.

Having considered the matter, Members indicated their unanimous support for the Chief Executive, under delegated powers, so authorising the Director of Legal Services to act on the Authority's behalf, subject to prior receipt of a favourable Counsel's opinion and the expert medical evidence referred to above.

RESOLVED, that

- (1) The Chief Constable's wish to authorise proceedings be noted: and
- (2) The Committee supports the Clerk & Chief Executive authorising the Director of Legal Services to act on behalf of the Authority in this matter, subject to receiving favourable prior advice from Counsel and supporting medical evidence.

33. ASSISTED TRAINING FOR POLICE AUTHORITY STAFF.

The Clerk & Chief Executive presented a report the purpose of which was to seek the Committee's approval for financial assistance for a member of the Police Authority's staff undertaking a course of part time study.

The report provided Members with details of the course, the cost of undertaking the course, the policy position and sources of funding.

RESOLVED, that the Authority meet the full cost of fees for the course to be undertaken.

The Meeting ended at 12 noon.

**CUMBRIA POLICE AUTHORITY
PERSONNEL COMMITTEE**

Minutes of a Meeting of the Personnel Committee held at 2.00 pm on Thursday 6th October 2005 in Conference Room 2, Police Headquarters, Penrith.

PRESENT

Mr R Watson (Chair)

Mrs M Johnson
Mrs L Slavin

Mr J Woolley

Also Present:

2 Independent Custody Visitors
Mrs L L Shaw, Police Authority Lead Member - Custody Visiting Scheme
Clerk & Chief Executive
Administration Manager (note taker)

**PART I – ITEMS CONSIDERED IN THE PRESENCE OF THE PRESS AND
PUBLIC**

The Chair of the Committee welcomed everyone present, explained the procedures to be followed during the meeting, and advised that Mrs L L Shaw, who was Lead Member of the Authority for its Independent Custody Visiting Scheme, would be acting as adviser to Members of the Committee on matters concerning the purposes and organisation of the scheme.

35. APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr J Mallinson.

36. Exclusion of the Press and Public

RESOLVED, that under Section 100A(4) of the Local Government Act 1972 (as amended) the public and press be excluded from the Meeting for Agenda item No. 4 (Independent Custody Visiting Scheme – Disciplinary Matters) on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act.

37. DISCLOSURE OF PERSONAL INTERESTS

Mrs L Slavin declared that she had met one of the Custody Visitors through the operation of the Authority's Custody Visitor Scheme. No objection was taken by

either of the Visitors to her involvement and the Clerk & Chief Executive advised that this would not in all the circumstances normally represent a prejudicial interest.

PART II – ITEMS CONSIDERED IN THE ABSENCE OF THE PRESS AND PUBLIC

38. INDEPENDENT CUSTODY VISITING SCHEME – DISCIPLINARY MATTERS

The Clerk & Chief Executive presented a report previously circulated in advance of the meeting both to all Members and to the two Custody Visitors attending. Attached to it as Appendix was a similarly-circulated document, producing extracts from correspondence received from both the Custody Visitors present, and responses from the Authority, over a period going back four years.

In addition, the Clerk distributed to all present copies of further, relevant and more recent documents, including a letter received on 6 September 2005. He made reference in more detail to the contents of the various documents supplied as self explanatory. He asked Members to consider all of these and their implications; as well as the position and personal situation of each of the two Visitors, including their own representations; fully and fairly before reaching any decision.

The balancing rights and entitlements of the two Custody Visitors; of the Authority itself as an accountable public body in which the public should have confidence; and of Authority staff themselves in relation to their own proper treatment, were all important factors which the Committee were asked to weigh carefully when assessing the precise significance of this material.

The seniority and long service of each of the Visitors were matters of special significance to which the Committee was specifically asked by the Clerk & Chief Executive to give particular attention and credit when arriving at their decisions.

The Committee was therefore asked, separately and in each case, to review:

- (i) the contents of communications, letters and minutes exhibited; plus any other relevant material available and put forward at the hearing by any party attending; and
- (ii) in each individual case, the effect of that review of material upon the Committee's assessment of that person's fitness to hold office under the scheme or to be a volunteer visitor, according to the Authority's stated criteria; and
- (iii) in each individual case, the separate representations of that person about those reviewed issues applying to them; and
- (iv) in each individual case, whether (and if so what) action is appropriate to be taken as a result of this supervisory review and the separate representations received; with reasons given through the Chair for those decisions.

NOT PROTECTIVELY MARKED

The Chair of the meeting, on the conclusion of the Clerk & Chief Executive's submission, asked if the two Custody Visitors present wished to make any comment in reply; which they both did at length, individually and in person.

Members raised various points arising from their representations with each of the Custody Visitors in turn, to which they duly responded, after which Members retired at 3.30pm to another room, to consider at length all the submissions which had been made by the respective parties. (The two Custody Visitors, the Clerk & Chief Executive and the Lead Member remaining in the Committee room).

At 3.50pm approximately, the Police Authority Lead Member was asked to rejoin the Committee in its retiring room in order to advise on various points of ICV practice. Upon her return, the Clerk & Chief Executive was then likewise requested to attend upon the Committee with a view to advising on a possible alternative to action the Committee appeared otherwise minded to take presently, as a result of its findings. The Clerk & Chief Executive duly returned from there to the Committee room at 4.05pm approximately, in order to advise the two Custody Visitors of that possible alternative which the committee had indicated to him, and to broach with them its potential acceptability.

At approximately 4.15pm, before the Committee had returned to the room or announced its decision, the two Custody Visitors indicated they were leaving the building. The Clerk & Chief Executive confirmed to them that they would be notified in writing of the Committee's final decision and its reasons during the following week.

In the absence of the two Custody Visitors, the Committee

RESOLVED, that:

1. It had found evidence of conduct separately involving each of the two Custody Visitors which was of an unacceptable nature; and
2. the behaviour found did in each case breach standards reasonably expected by the Authority of persons acting on its behalf; and
3. these findings did have an effect on their view of each individual Visitor's individual fitness to hold office under the scheme; and
4. each of the Visitors was to be written to separately by the Clerk and required to resign forthwith from the office they held with the local ICV panel of the Authority's scheme and also their position as a Visitor, failing which they would be dismissed; and
5. the Visitors were each to be notified that the above findings were subject to their individual right of appeal.

The Meeting ended at 4.30 pm.