

NOT PROTECTIVELY MARKED

**CUMBRIA POLICE AUTHORITY
PROFESSIONAL STANDARDS COMMITTEE**

Minutes of a Meeting of the Professional Standards Committee held at 10.00 a.m. on Wednesday 20 July 2005 at Police Headquarters, Carleton Hall, Penrith.

PRESENT

Mr A Barry
Mr R Cole
Mr C Moth

Mr J Nicholson
Mr R Watson

Also Present:

Clerk & Chief Executive
Head of Professional Standards Department
DI Robinson, Professional Standards Department
Administration Manager

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

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Mrs S E Donnelly and Mrs L Slavin.

2. ELECTION OF CHAIR

RESOLVED, that Mr C S Moth be appointed Chair of the Professional Standards Committee for the ensuing year.

Mr C S Moth in the Chair.

3. EXCLUSION OF PRESS AND PUBLIC

RESOLVED, that under Section 100A(4) of the Local Government Act 1972 the Press and Public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act.

Item No.

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| 10 | Sampling of Cases, |
| 11 | Complaint Against Senior Officers - Update |
| 12 | Newly-Entered Complaints against Two Senior Officers |

There were no members of the Press or Public present.

4. DISCLOSURES OF PERSONAL INTERESTS

Mr R Cole disclosed a personal interest in Agenda Item No. 12.

5. MINUTES

Item 41 (Chief Constable's Review Report-Action Plan-Update). The Head of Professional Standards Department informed Members that he had brought samples of the decision making framework to the meeting for scrutiny by Members.

Members raised a query regarding the date for submission of the Chief Constable's Review Action Plan, Annual Report. It was suggested that this should be submitted to the next meeting of the Professional Standards Committee which was to be held in November.

Item 43 (Sample of Cases). A report which reviewed the Dip Sampling of Cases procedure would now be submitted to the November meeting of the Committee.

RESOLVED, that the Minutes of the Meeting of the Committee held on 4 May 2005, as circulated with the Agenda for the meeting, be confirmed as a correct record and signed by the Chair.

6. COMPLAINTS BY THE PUBLIC

The Head of Professional Standards presented a report previously circulated with the agenda papers. He informed Members that the Independent Police Complaints Commission (IPCC) will collate all statistics on deaths during or following police contact which had previously been carried out by the Home Office.

Members were informed that there were currently no Officers under suspension within the Constabulary and that the one Officer who was on restricted duties whilst under investigation for perjury had returned to operational duties and had been given a written warning. As a result of this case a guidance had been put in place regarding the treatment of witnesses.

Whilst discussing section 3 of the report, entitled 'Trends', the Head of Professional Standards explained, for the benefit of new Members of the Committee, how one case could create several complaints which would have a marked effect on the figures reported to the Committee.

The Mystery Shopper research had been concluded and a presentation to show the findings was to be arranged in the near future. The results were good on the whole although there were still issues to be addressed.

Members were pleased to note the reduction in the figures for the West BCU in the area breakdown.

The Head of Professional Standards informed Members that there had been one complaint of discriminatory behaviour during the quarter and that the complaint related to a traffic investigation.

RESOLVED, that the contents of the report be noted.

7. HANDLING COMPLAINTS MADE AGAINST SENIOR OFFICERS

The Clerk and Chief Executive presented a report appended to which was a copy of the 3rd draft of the Guidance on Handling Complaints Made Against Senior Officers. He informed Members that the guidance had been amended, with the help of Officers of the Constabulary, and that the coloured sections in the document indicated the amended areas. Members discussed the changes which had been made within the Guidance and thanked the Clerk & Chief Executive for his work in the production of this document.

RESOLVED that

- (i) the report be noted, and
- (ii) the Guidance on Handling Complaints Made Against Senior Officers, 3rd Draft, be approved.

8. HOME OFFICE GUIDANCE ON COMPLAINTS RE. DIRECTION & CONTROL OF A POLICE FORCE BY A CHIEF OFFICER.

The Clerk and Chief Executive presented a report which sought to inform Members of the guidance contained within the Home Office Circular 19/2005 dated 2005 which set out the format for new, formal, local and written procedures it required chief officers to have in place by 1 June 2005. The circular was obtained through the Association of Police Authorities (APA) and was not received until 20 May 2005. He informed Members that the Chief Constable had indicated that the required guidance would be prepared and confirmed that Authority staff were being consulted by the Constabulary regarding the development of suitable administrative arrangements to effect the procedures.

RESOLVED, that the report be noted.

9. DIRECTION AND CONTROL COMPLAINTS

The Head of Professional Standards presented a report, a copy of which had been circulated with the agenda papers. It contained examples of complaints received and sought to clarify the meaning of 'direction and control' complaints to Members, together with an indication of what would be required to establish a local procedure as required in the Home Office Guidance recently received.

The Best Value Review of user satisfaction had identified the fact that no joined up approach to the recording and dealing with complaints received existed throughout the Constabulary and in order to establish a local procedure the Professional Standards Department had agreed to lead on the work with relevant stakeholders which included the Police Authority. They undertook to produce a policy with guidance and educate key staff by 31 December 2005.

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The Head of Professional Standards Department informed Members that a meeting had been arranged with Constabulary and Authority administrative staff who would normally deal with complaints.

Members discussed the contents of the report and the Home Office Guidance and noted that the Chief Constable and the Police Authority were required to agree on the arrangements for the local procedure. It was agreed that the Head of Professional Standards Department and the Clerk & Chief Executive should liaise on the production of the procedure and that further reports be submitted to the Committee.

RESOLVED, that

- (i) the contents of the report be noted, and
- (ii) further reports be submitted to the Committee.

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

10. SAMPLING OF CASES

The Chair informed Members that there were no files for dip sampling at the meeting. Recommendations will be made to the next meeting of the Committee regarding the revision and improvement of the dip sampling procedure.

The Head of the Professional Standards Department submitted examples of the decision making framework which was used in serious cases. He explained that the framework had been developed during the Chief Constable's Review and also how it had been developed. He presented two files for inspection by Members, one of which contained an impact assessment.

RESOLVED, that the Head of the Professional Standards Department, on behalf on the Chief Constable, submit a report reviewing and suggesting improvements to the dip sampling procedures to the next meeting of the Professional Standards Committee

11. DEATH DURING POLICE CONTACT

The Head of Professional Standards Department distributed a report to Members which set out the circumstances surrounding a recent death during police contact. Members discussed the contents of the report and at the conclusion of the item returned the documents to the Head of Professional Standards Department.

RESOLVED, that the contents of the report be noted.

(Note: The Head of Professional Standards Department and DI Robinson left the meeting)

12. COMPLAINT AGAINST SENIOR OFFICERS - UPDATE

The Clerk & Chief Executive presented a report which had been circulated to Members only. He explained the background to the case in full and discussed various points with Members who decided that their original decision should remain unchanged.

RESOLVED, that the Committee should continue to defer any further action or decision on the complaints, pending the outcome of the hearing of a similar complaint by the Investigatory Powers Tribunal on the basis their linked circumstances are effectively '*sub iudice*'.

(Mr R Cole having disclosed a personal interest in the next item, left the meeting)

12. NEWLY-ENTERED COMPLAINTS AGAINST TWO SENIOR OFFICERS

The Clerk & Chief Executive presented a report which had been circulated with the agenda to Members only. He outlined the circumstances of the complaints against the two senior officers and in their discussions Members agreed that they should decline to record the complaints because they were 'direction and control' issues. Members agreed that the complaint regarding a more junior officer should be referred back to the Chief Constable to be dealt with via his Professional Standards Department.

During discussion of this item Members expressed their concern on a particular point in the report asked that the Clerk & Chief Executive inform the Chief Constable.

RESOLVED, that

- (i) the Authority decline to record the complaints against the two senior officers because the complaints fell within the definition of 'direction and control';
- (ii) the complaint regarding a more junior officer be referred to the Chief Constable to be dealt with via Professional Standards Department;
- (iii) the Clerk & Chief Executive write to the complainant informing him of the Committee's decision, and
- (iv) the Clerk & Chief Executive make the Chief Constable aware of the concerns of the Members.

(Note: Mr R Cole rejoined the meeting on the conclusion of discussions relating to item 12).

13. ANY OTHER BUSINESS

The Association of Police Authorities (APA) and The Independent Police Complaints Commission (IPCC) had jointly held a North-West Regional meeting in York on Friday 8 July 2005 which the Chair of the Committee, a Member and the Clerk & Chief Executive had attended.

It was agreed by all who attended that the meeting had been useful, although the opportunity to talk with the IPCC Commissioners who were present had been very limited.

The Meeting ended at 12.30 p.m.