

PROFESSIONAL STANDARDS AND HUMAN RESOURCES COMMITTEE
MINUTES OF THE MEETING HELD AT JUBILEE HOUSE, WYMONDHAM, NORFOLK
ON TUESDAY, 17 NOVEMBER 2009

Present:

Mr R Chapman (Substitute)
Mr P Hardy (Substitute)
Mrs L Jones
Mr J Perry-Warnes
Mr D Reeve
Mr T Tomkinson
Mr K Turner (Chairman)

In Attendance:

Supt B Cartwright	Head of Professional Standards Department, Norfolk Constabulary
Ms R Cerfontyne	IPCC Commissioner for the Central and East England Region
Mrs M Graveling	Head of HR Service Delivery, Norfolk Constabulary
ACC C Hall	Assistant Chief Constable (People), Norfolk Constabulary
Mrs J Hayes	Deputy Chief Executive, Norfolk Police Authority
DCC I Learmonth	Deputy Chief Constable, Norfolk Constabulary
T/Ch/Supt J Shiner	Director of HR, Norfolk Constabulary
Miss N Thatcher	Deputy Head of Legal Services, Norfolk Constabulary
Mrs K Walker	Deputy Head of Professional Standards Department, Norfolk Constabulary
Miss N Wotton	Committee Administrator, Norfolk Police Authority

1. Apologies for Absence

Apologies were received from Mrs F Anthony and Mrs V Jenkins. It was noted that Mr R Chapman and Mr P Hardy were attending the meeting as substitutes on this occasion.

Members were apprised that Mrs U Austin, Head of HR Workforce Efficiency, had recently left the Constabulary and the Chairman recorded his thanks on behalf of the Committee and wished her well for the future.

It was reported that Mrs J Simmons, Head of Learning and Development, was currently on sick leave. Members sent her their best wishes for a speedy recovery.

2. Declarations of interest

There were none.

3. To confirm the minutes of the meeting held on 19 August 2009

The minutes of the meeting held on 19 August 2009 were agreed to be a correct record and were signed by the Chairman.

With regard to the review of Ill Health Retirement and Injury on Duty Awards, it was noted that the report had been deferred to the February 2010 meeting, due to the

recent appointment of a new Occupational Health Manager, to allow them time to settle in to their new post.

4. **Matters of Urgent Business**

There were none.

5. **Learning and Development Update**

T/Ch/Supt Shiner updated Members that Mrs Ann Strutt was acting Head of Learning and Development whilst Joc Simmons was on sick leave.

Members were pleased to note that satisfaction rates regarding delivery of the training plan remained consistently high at between 96 – 97% during the period July to September 2009. It was reported that abstraction rates had reduced compared to previous quarters. In respect of the number of non-attendees on courses it was reported that there had been a reduced number of cancellations and that a new system had been put in place to challenge non-attendance. Members noted the number of courses which had been cancelled during the period and the reasons given for the cancellations.

The Committee noted the amended Internal Training Plan and Members were reminded that the Plan was a living document and was therefore subject to review and change over time. In response to a query from a Member, it was noted that plans were in place to ensure sufficient Officer availability and that they were appropriately trained for back filling during the London Olympics in 2012.

There followed a short discussion on how Performance Development Reviews (PDRs) were used to identify training needs and inform the training plan. It was noted that some training courses had not received any bids for places and it was reported that places would be filled if there was an operational need. In response to a query, Members were apprised that some training courses for Problem Solving (including use of the SARA Model) were compulsory and would link in with other training currently offered by the Constabulary.

RESOLVED:

- i) To note the contents of the report;
- ii) To approve the amended Internal Training Plan for 2009/10.

6. **Independent Police Complaints Commission (IPCC) Update from Rachel Cerfontyne, Commissioner for the Central and East England Region**

Ms Cerfontyne updated the Committee on the IPCC's increasing workload, planning for the coming year and the need to focus on efficiencies. It was reported that overall England and Wales had experienced an 8% increase in complaints, with the 3 main categories consistent with those in Norfolk. 41% of complaints were resolved locally; 90% were unsubstantiated and 29% of appeals were upheld.

With regard to appeals concerning the non recording of a complaint, it was noted that 46% were upheld. Members noted that caution was required when interpreting the figures, as the small numbers involved led to high percentages being identified.

Members noted that the Deputy Chief Constable and Head of the Professional Standards Department had met recently to discuss issues with the IPCC; and whilst the comparisons with other regional forces were useful, not all used the same methodology. The need for the standardisation of recording practices was discussed, which would allow for more meaningful comparisons with other forces over time. In addition, some discrepancies were highlighted between the IPCC and local data and it was agreed this would be further reviewed outside of the meeting to ensure further consistency.

Members noted that the IPCC undertook 100 independent investigations per year and that there had been a significant increase in the number of referrals received in 2009/10 so far.

It was reported that the IPCC had recently reissued the Statutory Guidance on Complaints for consultation, and that feedback had been received and was in the process of being incorporated into the guidance. It was noted that work was continuing to finalise the guidance in order to submit the document to the Home Office for approval by the 30 November 2009.

Ms Cerfontyne commended the Constabulary for including 'Lessons Learned' within its reports; and the need for sharing information and best practice throughout the Constabulary was noted. The Committee was also asked to consider possible themes for consideration in future; and how best to utilise the time available for IPCC input generally.

RESOLVED:

- i) To note the contents of the update;
- ii) That the Committee would consider possible themes for discussion for the next IPCC update and would keep the IPCC Commissioner, Rachel Cerfontyne, informed.

7. **Human Resources Update**

The Committee was updated that Police Officer strength was currently at 1665, against an establishment of 1660, which provided a variance of 0.31%. It was noted that the planned intakes for September, October and March had therefore been cancelled as a result.

Following a query from a Member, it was reported that Police Officer strength would reduce to 1644 by the end of the financial year, which was 1% below Officer establishment, to comply with the 2010/11 Financial Plan. The Committee was reminded that due to the current financial climate and ongoing recession, fewer Officers were leaving the Constabulary, therefore the figures and predictions quoted should be treated with caution.

The Chairman reminded Members of the significant staffing changes within the Constabulary over the past year. It was noted that as of 31 March 2008, Police

Officer strength was at 1568 and by the 30 September 2009, it had increased to 1666. There followed some discussion in this respect and the Committee requested additional information on police officer and staff recruitment, to enable comparisons and in particular the identification of trends over time.

In respect of the Staff establishment, the Committee noted that the Constabulary was running with 132 vacancies, against an establishment of 1272 posts. It was noted that the vacancies were being maintained to provide redeployment opportunities and it was reported that 20 staff were currently at risk, due to the force modernisation programme.

The Committee was informed that during 2008/09 57 PCSOs had trained to become Police Officers. With regard to this migration, it was noted that the Strategy had recently been updated to ensure that PCSOs only had to be in post for 18 months rather than 2 years, which would reduce the numbers leaving the Constabulary to join other forces. It was noted that PCSO strength was currently at 274 against an establishment of 281; and a further intake of PCSOs was scheduled for March 2010.

Members were apprised of the newly created pre-commencement access course being provided by City College, which was accredited by the Learning and Skills Council (LSC) and the NPIA. It was noted that successful completion of the 4 month course would allow the 16 candidates to go straight to the interview and assessment centre stage of the recruitment process. It was reported that the applicants ethnicity reflected those of the City College in general, which could have a positive impact upon VME recruitment in the future.

The Committee were pleased to note that Police Officer sickness was at currently 29 hours against a target of 35 hours, which was a significant improvement on previous years. Members were reassured that sickness due to Swine Flu was monitored on a daily basis and appropriate action taken with regard to any identified hot spots. It was reported that a working group had been set up to look into possible reasons for PCSO sickness levels increasing. Members were pleased to be updated that long term sickness over 28 days for both Officers and Staff had been reduced significantly this year.

Members noted the small number of grievances which had been lodged and it was reported that they were reviewed by the Senior Management Team on a fortnightly basis, however due to the small numbers it was stated that comprehensive data could not be provided.

The Committee was apprised of progress with regard to the Diversity Action Plan. It was noted that the target of 6.1% for VME and non VME recruitment had not been met this year despite significant work from the HR Department. In response to a query from a Member, it was noted that the Police Authority had set the target of 6.1% VME and non VME recruitment, which was reflective of the current demographics within Norfolk. There followed some discussion in general regarding the difficulties surrounding VME recruitment and the actions taken by the Constabulary in this respect.

RESOLVED:

- i) To note the contents of the report;

- ii) To request additional information on police officer and staff recruitment, to enable comparisons and the identification of trends over time.

8. **An Overview of the Management of Obligations under the Freedom of Information Act 2002 and the Data Protection Act 1998**

The Committee was reminded that the Data Protection and FOI Manager discharged the Chief Constable's legal obligations under both items of legislation. Members noted that the Constabulary was able to charge a fee of £10 for Subject Access requests, £75 (plus disbursements) for disclosures for the purpose of civil proceedings and £75 for detailed information for the insurance industry, in order to recover some of the costs incurred in providing the information.

Members noted that the Data Protection Unit advised the Constabulary of processes and policies to ensure that the use of personal data as part of Constabulary activities was compliant with the Data Protection Act. The detailed breakdown of compliance activities was noted, which included the provision and development of training to staff and the monitoring and auditing of information.

Members were apprised of the significant increase in the number of Freedom of Information requests made in recent years and in particular media requests. It was noted that there were weekly meetings between Professional Standards and the Corporate and Public Affairs Department to discuss requests as they arise. It was reported that the Constabulary was working to publish more information in order to reduce the number of information requests being received.

The complexity of the Freedom Of Information and Data Protection Acts were discussed, and it was noted that it was a highly specialised area of work, and Members noted the need to ensure that staff were kept apprised of any developments in legislation. In addition, Members were reassured that controls were in place to ensure adequate cover in event of staff sickness or absence.

With regard to the Constabulary's Publication Scheme, it was noted that the scheme would shortly be reviewed by the Information Commissioner to ensure compliance with new and current legislation.

The Committee were reminded that the Authority also received FOI requests direct and benefitted from support and assistance from the Constabulary, as necessary, in this respect. It was reported that information had to be provided at all times, unless an exemption could be applied. The Committee took the opportunity to thank the Professional Standards Department for their ongoing help and support in this area.

RESOLVED:

To note the contents of the report.

9. **Overview of Complaints and Discipline Statistics**

In presenting the statistics relating to 1 April to 30 September 2009, Supt Cartwright reported that there had been an increase of 15.7% in the number of complaints recorded, compared to the previous year. It was noted that cases continued to be

completed within the 90 day Force target and the 120 day national target, with all cases completed in an average of 40 days. Members were apprised that the increase in complaints had been reflected regionally with neighbouring forces reporting similar trends. It was noted that Norfolk Constabulary had the lowest number of complaints per thousand officers of all regional forces with 101, and that Bedfordshire and Essex were the highest with 122 per thousand officers.

The Committee was apprised that Neglect of Duty, Other Assault and Incivility, continued to be the three main categories of complaint and each of those areas had increased compared with the previous year by 59% (49), 17% (6) and 54% (26) respectively. It was noted that complaints of Discriminatory Behaviour had decreased by 10%.

It was reported that those Officers who had attracted a higher than average number of complaints had been targeted with additional training. DCC Learmonth stated that he had attended several of these Master Classes. It was noted that 'Lessons Learned' were also a useful part of the training, which had been well received by the attendees. Members noted the ongoing work to change the culture within the Constabulary and the need to provide a quality service to all.

DCC Learmonth provided some context surrounding the number of complaints received for the Committee. It was noted that from the 1 January to 30 June 2009 there had been 23889 crimes reported, compared to 26,237 in the same period the previous year. Members were apprised that a total of 353 complaints had been received, 126 of which had been investigated and only 5 had been substantiated, which was a very low percentage. It was reported that the number of Stop and Searches had increased during the year, however the number of complaints in this respect had reduced; and it was stated that further work was being undertaken.

Members noted that 47.5% of complaints had been Locally Resolved. The Committee noted that the changes in Regulations in December 2008 had shown a national decline in Local Resolution rates, following the introduction of proportionate investigations. It was noted that further training would be provided to continue to address the Local Resolution process with first and front line management; and this would also be enhanced by the new Sergeants and Inspectors core training which included Departmental input on Local Resolution processes.

In respect of the number of complaints received regarding Direction and Control, the Committee noted that there had been an increase of 17.7% when compared with the same period last year. It was reported that the main category of complaint was Operational Management Decision, followed by Operational Policing Policies and General Policing Standards.

The Committee noted that there had been an increase in the number of appeals recorded this quarter, with 47 recorded compared to 31 in the same period the previous year.

RESOLVED:

- i) To note the contents of the report;

- ii) That the Head of Professional Standards and Fiona Anthony would liaise on a regular basis with a view to providing reassurance to the Committee in respect of the handling of complaints from Children and Young People.

10. **Any other items of business**

There were none.

11. **Exclusion of the Press and Public**

RESOLVED:

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

12. **Exempt Items for Decision**

There were none.

13. **Consideration of individual Complaints and Discipline matters for the period 1 July to 30 September 2009**

Members received a comprehensive briefing on specific cases including details regarding internal investigations and suspended police staff/misconduct hearings.

RESOLVED:

- i) To note the contents of the report;
- ii) To request that the total number of employees currently suspended be included in future reports, for clarity.

14. **Overview of the Civil Claims and Employment Tribunal Statistics for the period 1 July to 30 September 2009**

The Deputy Head of Legal Services reported that 29 public liability claims had been received in the quarter, compared to 17 in the same period in 2008 and commented on the reasons for the increase. In relation to the 8 closed files, Members were informed that 2 had been settled and that no cases went to trial. The remaining 6 closed files were not pursued, discontinued or stayed. A brief discussion ensued in relation to the outstanding claims quote nature thereof.

It was noted that there had been 2 employer's liability claims received in the period, and that 2 files had been closed. It was noted that, as at 16 October 2009, 9 employer's liability claims were outstanding.

In relation to employment tribunal claims, it was noted that 1 claim had been received from a police officer during the quarter and that 1 claim had been settled.

In addition, Members noted that the number of outstanding employment tribunal claims as at 16 October 2009 was 9.

RESOLVED:

To note the contents of the report.

15. **Date of next meeting**

Wednesday, 10 February 2010 at 10.00 a.m.

(The meeting closed at 12.25 pm.)

CHAIRMAN