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## **Report of the Police and Crime Commissioner to the Chair and Members of the Cleveland Police and Crime Panel 21 July 2016**

### **Post-Litigation Strategic Direction**

#### **1. Purpose of the Report:**

- 1.1 To update members on the Strategic Direction issued by the Commissioner following on from recent Employment Tribunal litigation and progress in relation to the matters it contains.

#### **2. Recommendation**

- i. That Members:
- a) Note the content of this report;
  - b) Receive the presentation that accompanies it in relation to the *Everyone Matters* programme.

#### **3. Background**

- 3.1 On 15 December 2015 I set out a decision containing my overall strategic direction arising from an Employment Tribunal judgment, the Tribunal having made findings against Cleveland Police of discrimination and victimisation based upon the race of a particular police officer.
- 3.2 My Strategic Direction was in relation to a matter of significant public interest and I therefore set it out in a Decision Record and published it on my website in accordance with the law. It is available at <http://www.cleveland.pcc.police.uk/Decisions/2015/Decisions-of-the-PCC-December-2015.aspx>

- 3.3 The purpose of my Strategic Direction was to set out my expectations of Cleveland Police, certain courses of action which I expected to see progressed and the matters upon which I would hold the Chief Constable to account arising from the issues in the case.
- 3.4 My overall aim, which is an objective I share with the Chief Constable, is for Cleveland Police to take all necessary courses of action to respond to the particular issues in the case, but equally importantly to take all necessary steps to:
  - 3.4.1 Build confidence in Cleveland Police in terms of legitimacy, standards and ethics; and
  - 3.4.2 Ensure that the Force becomes and remains an employer of choice for all who wish to pursue a policing career, and that the Force aspires to more closely reflect the diversity of the communities it serves.
- 3.5 With these aims in mind I am now pleased to update Members on progress in relation to the specific matters set out in my Strategic Direction, including the matters upon which I continue to hold the Chief Constable to account.
  - 3.5.1 At the time of issuing my Strategic Direction, it had been agreed with the Chief Constable that the Force would not lodge an appeal against the findings of the Employment Tribunal. I can confirm that no such appeal was lodged.
  - 3.5.2 I also took steps to seek reassurance that the particular officer had access to welfare support and such support as he may require in order to facilitate his return to duty; I also wrote a letter of apology to the officer myself as set out in my Decision Record.
  - 3.5.3 I am aware that welfare support has also been made available to other personnel involved in the case.
  - 3.5.4 I have received a full briefing, as set out in my Decision Record, in relation to other legal cases involving allegations of discrimination. It is obviously not appropriate to set out further details in this report, but at my request my Chief Executive meets regularly with the T/Deputy Chief Constable (the Chief Officer with responsibility for legal matters, as well as Professional Standards) and discusses current and emerging legal issues. My Chief Executive has regularly reinforced my belief that the use of alternative dispute resolution techniques, such as mediation, has potential to reach more effective and lasting solutions to allegations of workplace malpractice.
  - 3.5.5 The T/Deputy Chief Constable also provides briefings to me, via my Chief Executive, in relation to the conduct issues identified from the

Employment Tribunal judgment. Those matters were referred to the Independent Police Complaints Commission who determined that the IPCC should investigate them independently. I understand that progress in the investigation has been slow – but in the interests of fairness to the officers concerned it is not my intention to influence that process in any way. I remain of the view set out in my Decision Record that those matters should be thoroughly and fairly investigated.

3.5.6 I am also aware that significant work is underway to reform approaches to the handling of complaints and professional standards matters. These measures include:

- a. An ongoing review by the Deputy Chief Constable of the appropriate management and leadership structure for the Department,
- b. Developing proposals for a full review of the Department (which may be undertaken by the Business Transformation Unit or externally). The Deputy Chief Constable and my Chief Executive will be co-sponsors of the review. In the meantime, preparatory work includes engaging with the College of Policing and external forces to identify and implement best practice.
- c. The design of a role profile for a senior Police Staff role, to lead on standards, ethics, equality and diversity. The role would form part of the leadership of the Professional Standards function and would contribute at Command Team level within the Force leadership structure.
- d. I have launched recruitment for a Standards & Scrutiny Manager within the Office of the Police & Crime Commissioner. This senior role, as well as being responsible for my programme of scrutiny, will lead on the delivery of new systems for handling of public complaints. A copy of the role profile and advertisement for the role is attached at Appendix "A".
- e. As Members may be aware, Police & Crime Commissioners will (subject to legislation which has yet to come into force) shortly have the power to play a greater role in the handling of complaints against the police. I intend to take advantage of these new powers to bring a fresh approach to the handling of complaints against the police. This will build upon the excellent work of the Complaints Resolution team, responsible for a system informally known as 'complaints triage' under which members of the public who wish to complain are contacted immediately and if possible, a service recovery solution (such as an early apology) is offered, in many cases resolving the complaint without it entering into the regulated police

complaints process, or being 'locally resolved' under the formal process.

#### **4. Everyone Matters**

- 4.1 Amongst the most important measures in my Strategic Direction is my support for the Chief Constable in the design and delivery of an ambitious programme of organisation development, to ensure that the Force as an employer and as a service provider, values diversity, is inclusive and where necessary takes steps to identify and eliminate unlawful discrimination in all its forms. This programme has taken shape and has been launched under the Everyone Matters banner earlier in 2016.
- 4.2 I view the Everyone Matters programme as key to the forward progress of Cleveland Police as an organisation.
- 4.3 Members will recall the emphasis placed upon the programme by Chief Constable Spittal in the course of his application for appointment to the role of Chief Officer for the Force and in his responses to Members during the confirmation process.
- 4.4 In view of the importance of the programme, I have arranged for Members to receive a full presentation on the Everyone Matters programme, which I commend to Members as a key element of my update to the Panel in relation to my Strategic Direction.

Barry Coppinger  
Police and Crime Commissioner for Cleveland