

Her Majesty's Inspectorate of Constabulary



Inspection of Derbyshire Constabulary

Professional Standards

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INSPECTION OF PROFESSIONAL STANDARDS 2005

A - INTRODUCTION AND METHODOLOGY

1. Introduction

'Professional standards' within the policing context has evolved significantly in recent years, following the HMIC thematic 'Police Integrity' (1999), the establishment of an ACPO Presidential Taskforce to tackle corruption and the introduction of the ACPO Professional Standards Committee. Since 2000, virtually every force in England and Wales has significantly expanded the activities of pre-existing Complaints and Discipline Departments to include an element addressing anti-corruption, including covert investigation. These larger units are generically known as Professional Standards Departments (PSDs).

The issue of complaints holds a unique importance for HMIC in that legislation¹ creates a responsibility on Her Majesty's Inspectors (HMIs) to 'keep themselves informed' as to the handling of complaints in forces. Traditionally this has involved inspection of individual forces on a rolling programme. The advent of HMIC's annual Baseline Assessment (from 2003/04), the establishment of the Independent Police Complaints Commission (IPCC) in 2004, and a series of public inquiries have changed the professional standards landscape significantly. In view of this, HMIC decided to carry out a simultaneous programme of inspection of professional standards in all 43 English and Welsh forces to provide a comprehensive picture of current performance and identify any issues of national importance.

2. Inspection scope

While this national programme of inspection of 'Professional Standards' has focused primarily on the operation of the PSDs, and their sub-sections, it has also examined issues of professional standards in the wider policing context, and therefore touched on other departments and areas of responsibility, for example Human Resources (HR). The core elements identified nationally for examination were:

Professional Standards Department

- The umbrella department within which all 'professional standards' activities are delivered, including the investigation of complaints and misconduct and proactive anti-corruption work.

Complaints and misconduct unit

- Responsible for reactive investigations into public complaints as well as internal conduct matters.

Proactive unit

- Responsible for the intelligence-led investigation of vulnerability to or allegations of corruption.

Intelligence cell

¹ Section 15(1) of the Police Reform Act 2002

- Responsible for:
 - Overall intelligence management
 - Analysis
 - Field Intelligence
 - Financial Investigation
 - Managing risks and grading threats

Handling of civil claims, security management and personnel vetting

- Individuals or units responsible for identifying risks to the integrity of the police service manifested within civil actions, civil claims, employment tribunals, breaches of security and infiltration of the service by inappropriate personnel.

Handling ‘Direction and Control’ Complaints

- Processes for handling complaints relating to:
 - operational policing policies (where there is no issue of conduct)
 - organisational decisions
 - general policing standards in the force
 - operational management decisions (where there is no issue of conduct)

Impact of unsatisfactory performance and grievance

- Relevant personnel within HR and operational departments, to establish that processes exist to identify any conduct issues or organisational lessons.

NB: The above list is not exhaustive nor does every force have each of these units or responsibilities as separate functions. The inspection sought to examine as many of the identified activities as are relevant to each force.

3. Methodology

Since 2003/04, HMIC’s core methodology for assessing force performance has been Baseline Assessment (BA), which consists of a self-assessment process supported by visits to forces for validation and quality assurance. BA assesses performance annually across 27² areas of policing via a framework of questions for each area. The mainstream BA process for 2004/05 was completed during spring 2005 and the results published in October 2005.

Professional Standards is one of the BA frameworks and would normally have been included in the mainstream BA activity. With the full programme of professional standards inspections scheduled for October and November 2005, however, the assessment of this framework was deferred to await their outcome.

The programme of inspections has been designed to:

- Provide a full inspection of professional standards in all England & Wales³ forces;
- Gather evidence for Baseline Assessment reports and grading of professional standards in all forces; and
- Identify key issues, trends and good practice that may have implications for professional standards on a national basis.

² Number of frameworks in the 2004/05 assessment

³ Also including British Transport Police and Ministry of Defence Police

The standard format for each inspection has included:

- The completion of self assessment questionnaires by all forces;
- Examination of documents;
- Visits to forces with group and individual interviews;
- Consultation with key stakeholders; and
- Final reports with grade.

4. Baseline Assessment grading

HMIC applies a qualitative grading to the inspection of Professional Standards. These grades are:

- Excellent
- Good
- Fair
- Poor

In allocating individual force grades, HMIC assesses all the available evidence and identifies how well the force matches an agreed set of Specific Grading Criteria. To ensure fairness and transparency in the grading process, HMIC worked with key partners in the APA, IPCC, the Home Office and ACPO to develop and agree these Specific Grading Criteria for Professional Standards.

The criteria set out expectations for a “Good” force. Grades of Fair, Good and Excellent all represent acceptable performance levels but indicate the degree to which the force has met the grading criteria. An Excellent grade indicates ‘benchmark’ performance including significant implementation of good practice.

The full grading criteria are set out in HMIC’s website at:
www.inspectorates.homeoffice.gov.uk.

The key elements appear under four headings, namely:

- **Intelligence** - *what a force knows about the health of professional standards*
 - **Prevention** - *how the force tries to improve and prevent the abuse of standards*
 - **Enforcement** - *its effectiveness in dealing with emerging problems*
 - **Capacity and Capability** – *having the resources and skills to address reactive and proactive challenges (including timely and proportionate response to lapses in professional standards)*
- The remainder of this report is set out under these headings, for ease of reference to the evidence presented.

B - Force Report

Force Overview and Context

The county of Derbyshire is set in the heart of the country and covers a mixture of both urban and rural areas. These range from former mining communities in the north east, the industrialised city of Derby in the south, to the vast moorlands and countryside of the Peak District in the north west. The force covers a total of over 1,000 square miles, has a total population of 986,000 and has 420,100 households. The percentage of black and minority ethnic (BME) population of the county is lower than the national average, at just under 5%, the majority of whom are Asian. Of these, 78% live in Derby City where they make up 10% of the population. Derbyshire has a higher proportion of senior citizens than both the regional and national averages.

Force headquarters stands at the heart of the region, situated in a rural setting on the outskirts of Ripley. The chief officer team comprises of the Chief Constable, the deputy chief constable (DCC), two assistant chief constables (ACCs) and the Director of Finance and Administration. The DCC holds the portfolio for corporate development, information services and professional standards; one ACC is responsible for personnel, call handling, the Special Constabulary, learning and development and criminal justice; whilst the other holds the portfolio for operations. Policing is delivered from four territorial divisions covering the areas around Alfreton, Buxton, Chesterfield and Derby. The actual strength of the force is 2084 police officers, 1237 police staff, and 354 special constables.

Professional Standards

The DCC holds portfolio responsibility for Professional Standards (PS) within Derbyshire Constabulary. The Professional Standards Department (PSD) is based at Police Headquarters in Ripley and consists of a Superintendent Head of Department (HoD) and a detective chief inspector (DCI) with responsibility for the complaints section and the Anti Corruption Unit (ACU). A second DCI is currently conducting a departmental review; he had previously headed the ACU. There are a total of 47 members of staff in the department and these are split into 5 sections; Complaints, Anti-Corruption Unit (ACU), Data Protection, Force Security and Vetting and Criminal Records Unit. The complaints team consists of two inspectors and one sergeant all of whom are investigating officers (IOs). They work with three experienced police staff case officers. The anti corruption team consists of a detective inspector (DI), detective sergeant (DS) and two detective constables (DCs) who have good proactive and covert criminal investigative skills. Females represent 68% of the departmental strength and males 32%. Visible ethnicity accounts for 4.2% (3.1% Force) of the department. When comparing gender profiles for police staff and police officers, the breakdown is 33% female officers (20.6% force) and 66% male officers. Female police staff account for 80% of the police staff in the department (68.9% force) and males 20%.

GRADING : FAIR

Findings

Intelligence - *what a force knows about the health of professional standards*

Strengths

- The force has adopted the principles of the national intelligence model (NIM) process which is integrated throughout the ACU of the PSD. As part of this process, a control strategy has been produced and fortnightly tasking and co-ordinating meetings are held. These meetings enable resources to be focused on the key threats to the organisation.
- Staff within the ACU are experienced detective officers. The unit's detective inspector is a trained senior investigating officer (SIO) and covert human intelligence source (CHIS) controller. Other members of staff are trained in covert techniques, advanced source management, intelligence handling and are Tier 3 investigative interviewers. Additionally, the detective sergeant is experienced in dealing with vulnerable victims and witnesses.
- A strategic assessment of the force's vulnerability to corruption was completed in April 2005. The three main risks to the organisation are information leakage, drugs misuse and vetting. The assessment has been forwarded to the National Criminal Intelligence Service (NCIS). The force is currently developing a substance and misuse policy which will ensure that drug testing will be carried out on potential recruits (those in sensitive posts and for intelligence purposes). This will help to address one of the main risks identified.
- The force director of intelligence is responsible for overseeing all applications made under the Regulation of Investigative Powers Act (RIPA) and consequently a 'sterile corridor' between those officers collecting and acting on intelligence and the granting of such authority is maintained.

Areas for Improvement

- Despite the fact that information leakage is identified as one of the main risks to the force, there is currently an inability to audit a key computer system to ensure lawful and appropriate use. The force is however aware of this problem and the introduction of a new system early in April 2006 will rectify the situation. (see later for reference to vetting)
- There is no system in place for the referral of discontinued prosecutions to the PSD. The introduction of such a system could potentially provide a source of intelligence by identifying patterns of unethical behaviour amongst officers and staff.

Prevention - *how the force tries to improve and prevent the abuse of standards*

Strengths

- The DCC has portfolio responsibility for PS matters. He takes an active lead and holds frequent meetings with the HoD to discuss cases, trends and matters concerning the strategic direction of the PSD. In addition to these meetings, regular meetings are also held with the force solicitor where civil claims, particularly those with the potential to cause damage to the reputation of the force, are discussed and direction given.
- In order to enhance the accessibility of the complaints system, the force has provided a direct link from its web site and has additionally adopted the 'True Vision' reporting pack to allow third party reporting of complaints by BME members of the community. To facilitate a professional and proportionate response to any complaints made, the PSD has produced a guide to complaint handling and also provides training for sergeants and inspectors in dealing with complaints.
- Relationships between the PSD and staff associations and support groups are good, with the department being seen as helpful and approachable. This approachability is probably best evidenced by the significant rise in referrals to the ACU which the force attributes to the willingness of members staff to raise their concerns.
- The HoD produces the force security strategy, which forms part of the force strategic plan and deals with security issues relating to IT, data protection and personnel vetting. The force security manager and information security officer (ISO) are both sited in the PSD in compliance with the ACPO community security policy (CSP).
- A security management structure exists in force, which is overseen by the strategic risk management group, chaired by the ACC (support). Underneath this is the force security committee chaired by the HoD, which comprises senior police managers from each division and a headquarters representative. Headquarters has its own security committee, chaired by the security manager. Security is a standing item on all divisional health and safety meetings, these being attended by either the security manager or ISO. The Force has a security incident reporting system, which is used to inform all meetings of trends and serious incidents. The tool is used to manage the resolution of the incident rather than any crime or disciplinary issues which may be exposed by the incident.

Areas for Improvement

- Lessons learned from complaints are promulgated by the PSD in a number of ways e.g. weekly orders and briefings by the HoD at operational commanders meetings. A matrix is used as a means of monitoring that such lessons are circulated both to individuals, and the wider organisation, and this is considered good practice. However, the force is not maximising the opportunities to capture, collate and promulgate all such lessons. The force previously produced a newsletter called 'Raising Standards' which was considered a good means of pulling together and circulating lessons learnt. This has now been discontinued due to capacity and funding issues. Customer surveys also present a good

opportunity for organisational learning especially with regard to the way in which the force handles complaints. Such surveys are not presently conducted.

Recommendation 1

Her Majesty's Inspector of Constabulary recommends that the force introduces a system for collating lessons learnt in a place, e.g. departmental website or publication, that is easily accessible to the organisation.

- Whilst the force is satisfied with the amount of intelligence coming into the ACU by other means, it should recognise that all members of staff may not be sufficiently confident to openly report wrongdoings by colleagues. The force should also be cognisant of the findings of the Commission for Racial Equality (CRE) findings that recommend a move towards fully independent arrangements for confidential reporting.

Recommendation 2

Her Majesty's Inspector of Constabulary recommends that, in accordance with a recommendation set out in the CRE Formal Investigation into the Police Service in England and Wales, the force moves towards fully independent arrangements for confidential reporting.

- Until recently over 50% of all complaint forms submitted to the PSD failed to identify the ethnic origin of the complainant. The force has now started to address this and improvements are now being achieved. Notwithstanding this, the force currently has no system to capture the other strands of diversity (with the exception of gender) and therefore any disproportionality in the delivery of its services is difficult to determine. The force may wish to seek ways to address this.
- The force has adopted the national ACPO vetting policy. A vetting unit has been established and is sited within the PSD. The unit undertakes recruitment and non police personnel vetting in full. However, whilst management vetting of vulnerable posts is being planned, the introduction of a suitable financial vetting package has prevented its implementation.

Recommendation 3

Her Majesty's Inspector of Constabulary recommends that the force introduces management vetting for vulnerable posts within the organisation.

- The force has a business interest's policy, which is managed by the personnel department. However there is no process for ongoing review or monitoring of such interests e.g. through the performance development review (PDR) process. This is particularly relevant as a number of recent misconduct cases relate to business interests.

Recommendation 4

Her Majesty's Inspector of Constabulary recommends that the force implements a process for the ongoing review of business interests.

- IOs are cognisant of the requirement to update complainants and staff with regard to the progress of their investigations and there is an obvious commitment to the provision of comprehensive and meaningful information. However, there is some inconsistency around compliance with the IPCC guidelines of providing such updates every 28 days. Each IO has his/her own method for triggering updates and the force may consider that a uniform trigger system, operated by departmental administration staff, may improve matters.

Recommendation 5

Her Majesty's Inspector of Constabulary recommends that the force implements a corporate system to prompt IOs to update complainants and staff at 28 day intervals and ensure that such updates are sent in accordance with IPCC guidelines.

Enforcement - *its effectiveness in dealing with emerging problems*

Strengths

- The DCC is the strategic lead for PSD and as such, holds regular meetings with the HoD to discuss cases, trends and matters concerning the strategic direction of the PSD. The HoD produces an annual business plan which provides strategic direction for the department in support of the force 3- year strategic plan. Departmental priorities are developed in consultation with divisional commanders and department heads thereby ensuring high level buy in respect of the direction of the department.
- The HoD is actively involved in ensuring that force standards are well embedded in the minds of staff through training inputs personally delivered to probationer constables, newly promoted sergeants and inspectors.
- The PSD manages a referred officer scheme. This scheme identifies and allows for early intervention of officers that have had more than three complaints in the

last 12 months. Once referred, his/her divisional commander will interview the officer and an action plan is then put into place.

- The force takes a proactive approach towards the investigation of allegations of racism against police officers. In such cases an examination of stop/search, fixed penalty and HORT/1 records is conducted. The aim of this is to identify any disproportionality in the delivery of service by the officer subject of complaint. In conducting such investigations, IOs also take account of the IPCC guidelines for the investigation of allegations of racially discriminatory behaviour. This ensures a consistent and professional approach to these matters.
- PSD staff attend at section officers' meetings across the force to drive Local Resolution (LR) as a quality of service initiative. This is supported by guidance produced by PSD and circulated to all first and second line supervisors.
- All complaints received by the PSD are reviewed at chief inspector level and graded A, B or C in accordance with the seriousness of the allegation. Complaints graded as category 'C' (minor in nature) are dealt with by means of a limited investigation. This ensures a proportionate response and allows resources to be appropriately focused on more serious allegations.
- The force has a suspension policy, which provides a framework for consistency in the process. Suspensions are formally reviewed by the DCC on a monthly basis to ensure that they are still necessary and staff associations are consulted around proportionality issues.
- The Police Federation is given notification of the impending arrest or suspension of their members; this allows for appropriate welfare arrangements to be put into place in an expeditious manner. Importantly however, safeguards are built into this process to ensure the integrity of the investigation is maintained.
- In order to ensure consistency and fairness in respect of the outcomes of disciplinary hearings, all chief officers, most superintending ranks and seven independent members have been trained as panel members.
- The PA professional standards committee meets on a quarterly basis and is attended by the DCC and HoD. Comprehensive performance data, together with information on trends, lessons learnt and issues of concern, is supplied via an information pack. This allows for robust monitoring by the committee.
- Relationships between the force and the PA are described as 'very good'. The chair of the Authorities' professional standards committee meets monthly with the HoD and is complimentary about the leadership and direction of the department. The HoD has provided PS awareness training to committee members and the Association of Police Authorities (APA) good practice guide to monitoring of complaints has been adopted.
- A good professional relationship between the force and the IPCC is evident. Quarterly reports on performance are provided to the regional Commissioner, who is satisfied with the quality and timeliness of the investigations conducted by the force. The Commissioner is also satisfied that the force is willing to learn from complaints, citing an example of a review of firearms policy and procedures at

her request and also the expeditious dissemination of the lessons learnt from a death following police contact.

- Good relationships with the Crown Prosecution Service (CPS) are evident. Underpinning this relationship is a protocol with Nottinghamshire CPS, which aims to ensure that CPS advice is received by the force within 28 days in criminal matters, this protocol is proving largely effective.

Areas for Improvement

- Unsatisfactory performance procedures (UPP) are not used to their fullest extent and consequently there is concern that individuals are inappropriately exposed to misconduct matters as a result. It is apparent that there is little training for supervisors in use of UPP.

Recommendation 6

Her Majesty's Inspector of Constabulary recommends that the force reviews the use of UPP including the level of training provided to supervisors and managers.

- When a member of staff is suspended from duty their division is responsible for making welfare arrangements in consultation with the personnel department. In some cases, on a risk-assessed basis, case conferences are held and this is good practice. In all cases a liaison officer is appointed from the respective division. It is evident however that no record of welfare arrangements formally put in place or actions taken is kept. Such records could help to safeguard both the suspended person and the organisation. The force may therefore wish to address this issue.
- The force has developed a database to enable direction and control complaints to be forwarded directly to the PSD for recording purposes. However, HMI found a lack of knowledge amongst members of staff outside the PSD concerning the definition of a direction and control complaint or how to deal with them. One of the consequences of a corporate lack of knowledge in this area is that these issues are not captured and opportunities for organisational learning are therefore being missed.

Recommendation 7

Her Majesty's Inspector of Constabulary recommends that force better publicises guidance on direction and control complaints and reviews the level of training provided to supervisors and managers in handling them.

Capacity and Capability – *(Having the resources and skills available to address the reactive and proactive challenge and providing a timely and proportionate response to lapses in professional standards)*

Strengths

- The reactive side of the PSD is adequately resourced with sufficient trained staff to handle investigations in a timely manner. Whilst staff are undoubtedly busy, caseloads are nonetheless manageable. The department has a good balance of police officers and experienced police staff, all of whom have considerable previous policing experience. Appropriate training is provided and experienced staff mentor new members of the team.
- The PSD has developed its own standard operating procedures (SOP) manual, which provides a comprehensive guide to policy and practice for all members of staff. The chief inspector (complaints) conducts monthly one-to-one meetings with IOs to review their caseload. Each case is discussed to determine the progress of the investigation, timeliness and to establish issues of concern. These reviews are designed to ensure a timely, focused and proportionate response to complaints.
- Each division has nominated an inspector to oversee complaints. These officers are provided with one-to-one training in order for them to champion the raising of PS, investigation and the resolution of public complaints across their division.
- In order to deal with grievance cases, the force has introduced a dispute resolution procedure. Twenty-four members of staff have been trained as mentors in this process and despite its recent introduction, many successes have already been achieved. The process is used to mediate between members of staff who are in dispute and can be used e.g. in minor cases of bullying. The introduction of this practice is a proportionate response to matters, which in some cases may have led to misconduct investigations.
- Appropriate welfare arrangements exist for officers within the ACU, with mandatory referral arrangements to the force welfare officer being in place. An exit strategy is also in place and this provides for the re-integration of officers from the ACU in to 'normal' policing at the end of their posting.
- PSD staff have received training in relation to the Race Relations Amendment Act. In addition to this IOs have also received training from the force diversity manager on race issues and community concerns. This training has been provided as an addition to the force diversity-training programme to enhance the capability of staff within the department.

Areas for Improvement

- The PSD does not have an analyst within the department and whilst analytical support is sometimes available from other departments, these arrangements are not sufficient. The lack of analytical support is most acutely felt in the ACU, where officers are often used to conduct work more appropriately dealt with by a trained analyst. The result of this is that intelligence is not always acted on as expeditiously as possible. Other examples of where the lack of an analyst has proven detrimental are evident but perhaps most notable is the preparation of tactical assessments by the HoD.

Recommendation 8

Her Majesty's Inspector of Constabulary recommends that the force reviews the provision of analytical support to the PSD.

- Presently, misconduct allegations against police staff are investigated by officers appointed by the personnel department. There is however, a lack of consistency in the manner in which these investigations are carried out, often due to the inexperience of investigators in dealing with these matters. Unison has raised concerns about how some investigations are conducted and for their part the personnel department have identified that there are potential efficiency gains to be made by training a small pool of staff that are more regularly used. Some other forces have police staff investigators as part of the PSD and these arrangements have potentially led to both efficiency gains and consistency of investigation.

Recommendation 9

Her Majesty's Inspector of Constabulary recommends that the force reviews its arrangements for the investigation of misconduct allegations made against police staff.

- Misconduct interviews of police officers and police staff are currently conducted in custody suites. This is both embarrassing and intimidating for members of staff who are subject of these interviews. The PSD does have portable tape recording equipment at its disposal but cites a lack of suitable soundproofed accommodation as the reason for not using this. An alternative to the current arrangements could be provided through the use of facilities used for the interview of vulnerable witnesses and the force intends to explore the use of this option.

Recommendation 10

Her Majesty's Inspector of Constabulary recommends that the force reviews its arrangements for the interviewing of police officers and police staff for misconduct matters and cease to conduct these in custody suites other than in exceptional circumstances.

- Every division has a nominated complaints inspector (see above) and whilst HMIC considers that this is a good initiative, It was apparent there was some lack of knowledge of the presence and role of such staff at present and the force may wish to address this.

Glossary

ACC	Assistant Chief Constable
ACPO	Association of Chief Police Officers
ACU	anti-corruption unit
BA	baseline assessment
BCU	basic command unit
BME	black and minority ethnic
CHIS	covert human intelligence source
CPS	Crown Prosecution Service
DCC	deputy chief constable
FTE	full-time equivalent
HMI	Her Majesty's Inspector
HMIC	Her Majesty's Inspectorate of Constabulary
HoD	head of department
HQ	headquarters
HR	human resources
IAG	independent advisory group – a body advising a force or BCU on race and diversity issues
IO	investigating officer
IPCC	Independent Police Complaints Commission
LR	local resolution
MSF	most similar forces – a way of grouping forces to which each police force can be compared that has similar social and demographic characteristics

NCIS	National Criminal Intelligence Service
NIM	National Intelligence Model
PA	police authority
PDR	performance development review
PNC	Police National Computer
PS	professional standards
PSD	professional standards department
RDS	Research, Development and Statistics
RES	race equality scheme
RIPA	Regulation of Investigatory Powers Act, 2000
SPI(s)	statutory performance indicators (SPIs) are used to monitor key aspects of police performance and form a critical component of performance assessments. SPIs are set each year following consultation with partners in line with powers under the Local Government Act 1999. SPIs are also known as 'best value performance indicators'
UPP	unsatisfactory performance procedure