

Her Majesty's Inspectorate of Constabulary



Inspection of Essex Police

Professional Standards

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CONTENTS

A – INTRODUCTION AND METHODOLOGY

1. Introduction
2. Inspection scope
3. Methodology
4. Baseline grading

B – FORCE REPORT

1. Force Overview and Context
2. Findings
 - **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)*

C – GLOSSARY

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.

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

Intelligence cell

- 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

1. Force Overview and Context

Essex has a population of just over 1.6m of whom some 3.2% are from minority ethnic groups. Average earnings for full-time workers in Essex are slightly higher than across the eastern region and slightly lower than the UK average. Over the next ten years significant changes are forecast for Essex, including the regeneration of the Thames and Haven gateways and expansion of Stansted Airport, which is tied to extensive improvements in the road and rail networks in North West Essex. Furthermore, Central Government has announced major new housing developments along the M11 and the Thames corridors. These are likely to impact heavily on the provision of policing services in the near future.

The Force HQ is located in the town of Chelmsford. The chief officer team is based there and comprises the Chief Constable, Deputy Chief Constable (DCC), Assistant Chief Constable (ACC) crime, ACC operations, ACC personnel and the Director of Finance and Administration (DFA). The posts of ACC (personnel) and DFA were until recently combined as the Assistant Chief Officer Support (ACOS). However, due to an increased focus on developing the workforce and the need for enhanced chief officer team resilience the post was divided.

Essex has a county council, two unitary authorities and 12 borough or district councils served by nine BCUs, which are predominantly coterminous with local authority areas (some serving more than one district). Stansted Airport forms the tenth BCU.

Professional Standards

ACC operations holds portfolio responsibility for professional standards (PS). The professional standards department (PSD) is led by a Superintendent Head of Department, a Detective Chief Inspector operations who has responsibility for complaints and a Detective Chief Inspector support who has responsibility for anti-corruption and intelligence.

The department consists of 33 staff members of whom 25 are investigators. The investigative staff are split 88% complaints and 12% anti-corruption. The complaints team consists of detective officers, four of whom are investigating officers (IOs). They are supported by police staff assistant investigating officers (AIOs). The anti-corruption and intelligence unit consists of one detective constable and an analyst. These staff report to a detective inspector who has responsibility for PSD intelligence.

Force vetting, data protection and legal services do not sit within PSD.

2. Findings

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

Strengths

- The Force PSD strategic assessment of risks to integrity and corruption has identified leakage of information, substance misuse and criminal association as the top three threats to the organisation. A copy of the assessment has been forwarded to NCIS.
- Recognising the long term requirement to resource anti-corruption work, Essex carried out a feasibility study in March 2005 for a regional anti-corruption command. The report suggested forces in the region could contribute resources to provide such a function. The idea is relevant and timely given the current focus on force restructuring.
- A special cases unit is located within the professional standards intelligence unit (PSIU). It is headed by an experienced detective inspector and is responsible for the investigation of Force critical, complex and highly sensitive cases such as those involving allegations of racist behaviour. The unit has had a number of notable successes such as the conviction and imprisonment of an officer for a large scale expenses fraud and the imprisonment of another officer for perverting the course of justice.
- For investigations requiring additional or specialist resources, PSD has successfully called on other forces to provide support. These arrangements are reciprocated by Essex.
- A new policy, endorsed by the Surveillance Commissioner, has been introduced removing the responsibility for signing surveillance authorities from the head of department. Surveillance authorities are now dealt with outside the PSD structure allowing for greater transparency.

AFIs

- The National Intelligence Model (NIM) has been integrated into PSIU processes but not the remainder of PSD. A number of NIM products have been produced and utilised within the department but require further refinement.

Recommendation 1

Her Majesty's Inspector of Constabulary recommends that NIM should be extended to cover all activities within PSD, not just intelligence and anti-corruption work.

- The PSIU has a significant and comprehensive programme of work involving the development of systems, structures and processes. When complete this work will lead to a more effective and efficient intelligence and anti-corruption function. A target date has been set of March 2006 for implementation of all actions.
- Demonstrating a commitment to continuous improvement, the Force recently invited Suffolk Police PSD to conduct a review of the PSIU. A number of recommendations were made that now form part of the PSIU programme of work.
- Essex has contributed to a regional PS threat assessment. It is, however, a compilation of the strategic assessments of the six forces and requires further refinement to make the exercise distinct and pertinent.
- The volume of intelligence submitted to the PSIU is low. Despite advertising on intranet screensavers and the well publicised 'bad apple' poster campaign, the internally operated confidential reporting telephone line to PSD is little used. For this reason consideration is being given to further marketing as well as the use of other options such as confidential email.
- Information received into the PSIU is not assessed using a matrix system.
- Although substance misuse has been identified as a threat to the organisation the Force does not have a policy for the drug testing of police officers or staff. Work has been undertaken to produce one and it should be in place by end of 2005.
- PSD does not use gateway organisations for third party reporting of complaints. The advice of IPCC has been sought with the intention of identifying organisations and providing them with training.

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

Strengths

- Investigating officers have been allocated geographical areas of the Force, each covering a number of BCUs. Several IOs have attended BCU management team meetings within their allocated areas and held surgeries to increase the awareness of PSD and answer any specific questions on complaints.

- Many BCUs have local resolution champions with whom PSD are able to liaise deal with emerging trends. This also enables more effective communication between PSD and BCUs.
- Complaints can be made via a number of means including telephone, email and more recently by text messaging. The Force website also includes a link to the IPCC site.
- All investigators have been trained in the use of the King formula in connection with the investigation of complaints with potential racial or discriminatory elements. Files examined during the inspection demonstrated regular and effective use of this investigative tool.
- For some investigations PSD has called on specialist advice from external organisations such as independent advisory groups and the Essex Disability Council as well as internal staff support groups.
- NEXUS, the Essex Police LGBT support group, has been complimentary about the improvement in relationships with PSD. NEXUS was consulted by PSD during a recent investigation into alleged homophobic behaviour by a number of officers.
- The Force has recently introduced a lessons learnt sheet for complaint and misconduct files. Lessons learnt from civil cases are fed back to the officers involved as well as their line managers.

AFIs

- Lessons learnt from complaints, misconduct, civil cases, grievances and direction and control issues are not captured in a systematic way. Having recognised this, the Force has introduced a standards management committee chaired by ACC operations. Membership includes Head of PSD, Head of Personnel and Training and the Police Federation. An opportunity exists to make this group more influential and meaningful by extending membership to the lead PA member, Unison and staff support groups such as the BPA and NEXUS.
- Although systems are in place to monitor ethnicity, the Force is aware that there is more work to do in order to identify the ethnicity of a greater proportion of complainants to enable effective monitoring.
- A new post of contact and quality assurance manager has been introduced to improve quality of service and provide a single point of contact with complainants. The manager has recently started dip sampling one in five complaint files and surveyed complainants in order gauge customer satisfaction. This work needs

developing and use should be made of the PSD analyst who has the skills to assist with identifying trends and providing analysis.

Enforcement - *its effectiveness in dealing with emerging problems*

Strengths

- The proportion of complaints locally resolved currently sits at 51% with the majority dealt with at BCU level by local managers. This figure has been achieved through the training of PSD IOs and AIOs, local LR champions and BCU inspectors and sergeants and is supported by a well written and comprehensive guide to local resolution.
- The PA holds quarterly meetings in the form of the Professional Standards and Complaints Panel (PSCP). Data is presented to the PA during these meetings and the panel reviews trends in complaints, misconduct, ETs, civil actions and grievances. Members are briefed regarding sensitive or confidential complaints.
- The Force has a detailed policy on the suspension of police officers. The decision to suspend is taken by a senior officer of at least chief officer rank. The Police Federation is consulted prior to any such decisions and suspensions are reviewed every 28 days.
- Essex PSD has led on delivering regional training for superintendents who could be called to sit as panel members at discipline hearings. The IPCC and PA have also contributed to these sessions.
- A PA member will attend PSD prior to every PSCP to examine a sample of closed complaint and misconduct files.
- A number of staff from within PSD have received 'mystery shopper' training to test routine policing activities. This will be a useful resource that should be deployed through TCG processes.
- Staff within the vetting unit have won an award from the Criminal Records Bureau for best improved force in relation to processing vetting checks.

AFIs

- Data protection, freedom of information and the IT security function currently sit outside PSD and the location of a new post of vetting manager has yet to be decided. A number of staff interviewed from all of these functions described the current structure as fragmented with some staff having little or no contact with PSD.

Recommendation 2

Her Majesty's Inspector of Constabulary recommends a review to identify an appropriate structure with effective systems and processes ensuring all security of information functions are closely linked.

- Staff from PSD deliver presentations to probationer, sergeants and inspectors development courses, special constables and command teams. The Force recognises the need to capture officers of middle and long service who do not fall within these groups. Many interviewed during the assessment were unclear as to who is the Force champion for PSD.
- A sanctions guidance document is in draft and will soon be adopted. This will ensure continued consistency on the level of penalties issued at hearings.
- Lines of communication between PSD, the Police Federation and the Superintendents Association are well established. The Head of PSD has scheduled meetings with the Chair of the Federation. Involvement of Unison to the same degree would develop relationships and lead to a better understanding of issues around police staff misconduct.

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

- Chief Inspector operations (C/Insp Ops) acts as a gatekeeper for all complaints and misconduct cases received within the department. Investigating officers participate in monthly performance meetings with C/Insp Ops during which cases are examined and investigation tactics discussed.
- A readily identifiable strength of PSD is its internal training and development programme. New staff joining the department receive a comprehensive induction pack which includes an explanation of the systems and processes it uses.
- The Force has led the introduction of a bespoke PSD senior investigating officers course and delivered training to officers from other PSDs within the region. Assistant investigators within Essex have attended in an in-house course and staff interviewed considered the training to be relevant and informative.

- Other training for PSD staff includes investigating race complaints and deaths in custody. Police staff within PSD have attended defensive skills training to increase their awareness of use of force issues in relation to complaints. Guest speakers at PSD training days have included NEXUS as well as specialists covering topics such as employment law, hi-tech crime and technical support.
- Although there are no officers or staff from a visible ethnic minority, men and women are equally represented within PSD. The department held a display during an investigators open day designed to attract underrepresented groups to specialist departments and teams. There are promising signs of the department becoming a more attractive place to work with far more staff applying for advertised posts.
- A professional and productive relationship exists between PSD and the IPCC. The IPCC Commissioner attends PSCP meetings and the caseworker has been to PSD management meetings.

AFIs

- By far the most significant issue identified during this assessment was a lack of continuity of leadership at chief officer level and Head of Department. This issue, along with continued uncertainty, was flagged by many interviewed as a concern.
- The portfolio of PSD changed from the DCC to ACC Operations in early 2005 for what was going to be a temporary period. PSD has had three heads of department in less than 18 months and there is still uncertainty as to who will be holding the post long term. PSD staff are well motivated and during interviews they all demonstrated the will and ability to deliver improvements. Several positive and constructive changes have been made during the past year but there is still work to do and this will require strong leadership to deliver the necessary improvements.
- An additional indicator of how a lack of continuity is affecting the function is the reduction in informal contact between PSD and the PA. Steps need to be taken to reverse this situation.

Recommendation 3

Her Majesty's Inspector of Constabulary recommends the Force refocuses on professional standards and takes steps to ensure continuity at chief officer and head of department levels.

- As highlighted earlier in this assessment, PSD does not have a dedicated proactive capability. A decision needs to be taken as to the level of resources required for the proactive areas of business. As the volume of intelligence into the PSIU increases, more tasks and packages will be produced. This also

underlines the importance of having an effective TCG process in place as recommended earlier.

Recommendation 4

Her Majesty's Inspector of Constabulary recommends the Force reviews the levels of resources within PSD with the aim of providing greater proactive capability.

- PSD is aware of the importance of timeliness for not only complainants but also officers or staff being investigated. Although the Force is making good use of written responses, there are many other processes that affect the speed at which investigations can be progressed. A comprehensive review should identify areas where improvements can be made.

Recommendation 5

Her Majesty's Inspector of Constabulary recommends the Force conducts a process review of professional standards investigations, to identify potential blocks with a view to speeding up investigations.

Glossary

ACC	assistant chief constable
ACCAG	ACPO Counter-Corruption Advisory Group
ACPO	Association of Chief Police Officers
ACPO PSC	ACPO Professional Standards Committee
BA	baseline assessment
BCU	basic command unit
BME	black and minority ethnic
CHIS	covert human intelligence source
CID	criminal investigation department
CPS	Crown Prosecution Service
DCC	deputy chief constable
DSU	dedicated source unit
ESU	ethical standards unit
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
IiP	Investors in People
IPCC	Independent Police Complaints Commission
LR	local resolution
MMR	monthly management review
MSF	most similar forces – a way of grouping forces to which each police force can be compared that has similar social and demographic characteristics
NCDG	National Complaints and Discipline Group
NCIS	National Criminal Intelligence Service
NIM	National Intelligence Model
PA	police authority
PCSO	police community support officer
PDR	performance development review
PNC	Police National Computer
PPAF	Police Performance Assessment Framework
PS	professional standards
PSD	Professional standards department
PSIU	Professional standards intelligence unit
RDS	Research, Development and Statistics
RES	race equality scheme
RIPA	Regulation of Investigatory Powers Act, 2000
QA	quality assurance
SGC	specific grading criteria
SLA	service level agreement

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'
SPOC	single point of contact
TCG	tasking and co-ordination group
UPP	unsatisfactory performance procedure