

# **Her Majesty's Inspectorate of Constabulary**



## **Inspection of North Yorkshire Police**

### **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 legislation<sup>1</sup> 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.

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<sup>1</sup> 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 27<sup>2</sup> 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 & Wales<sup>3</sup> 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.

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<sup>2</sup> Number of frameworks in the 2004/05 assessment

<sup>3</sup> 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](http://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

North Yorkshire Police is responsible for policing England's largest county covering 7,770 square kilometres from Selby in the south to Richmond in the north as well as the unitary authority of York. Two National Parks, the North York Moors and the Yorkshire Dales, cover a large area of North Yorkshire. It has 72 kilometres of coastline and shares its boundary with seven other police forces. The economy is based primarily on agriculture and tourism. Earnings are above the regional average and approximately 94% of the national figure, and house prices are above the national average.<sup>4</sup> It has a population of 759,183 and in terms of demography, North Yorkshire, compared to the national picture, has a lower than average number of young people and a higher than average number of people aged 75 or over. There are two cities in the Force area, York with a population of 181,131 and Ripon. The county's resident black and minority ethnic communities are currently estimated at 1.3% with Chinese, Indian and Pakistanis being the three largest groups, although there is a distinct Bangladeshi community located in York.

The Force headquarters is in the village of Newby Wiske, centrally positioned within the county and located within the Eastern basic command unit (BCU). The Force is structured around three BCUs, locally referred to as area command units (ACUs), and these territorial units are coterminous with a number of local government structures and Crime and Disorder Reduction Partnerships as follows:

- the Western Area, made up of three district authorities, Harrogate Borough, Craven and Richmondshire, with the area headquarters in Ripon;
- the Eastern Area, made up of three districts authorities, Hambleton, Scarborough and Ryedale with the area headquarters in Malton; and
- the Central Area made up of one unitary authority, the City of York and the district authority of Selby. The area headquarters is located in York.

The ACPO team is based at headquarters and comprises the Chief Constable, DCC, ACC (territorial policing), ACC (specialist support), director of finance and director of HR. Whilst some specialist resources are co-ordinated centrally, e.g. firearms, crime scene investigators and child protection, the focus is on front line area based staff delivering local solutions.

The DCC holds portfolio responsibility for professional standards and the complaints and professional standards department (C&PSD) is headed by a chief superintendent, supported by a deputy at chief inspector level. The department has a professional standards intelligence unit (PSIU) which is responsible for anti-corruption measures and covert professional standards operations. This unit consists of three members of staff led by a head of unit who reports directly to the head of C&PSD.

The C&PSD investigators consist of six police staff investigators, two sergeants and two inspectors who report to the deputy head of C&PSD. An office manager supports them with a deputy and two business support officers.

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<sup>4</sup> The national average for house prices for Jan-Mar 2005 in England and Wales is £183,486 the average house price for Jan-Mar 2005 in North Yorkshire is £190,539.

The head of the information compliance and vetting unit is also the Force vetting officer and is supported by a data protection officer, auditing officer, information security officer (vacant post at the time of Inspection) and two administration assistants.

<b>GRADING : GOOD</b>
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## Findings

**Intelligence** - *what the Force knows about the health of professional standards.*

### Strengths

- The Force has completed a comprehensive strategic intelligence assessment that incorporates an assessment of integrity and vulnerability to corruption. This has been submitted to NCIS (National Criminal Intelligence Service) and a control strategy is in place.
- A National Intelligence Model (NIM) compliant procedure exists and is utilised in respect of mainstream C&PSD tasking and co-ordinating, and a similar procedure also exists for PSIU tasking and co-ordinating.
- PSIU is able to manage and develop intelligence surrounding matters referred to it and also to undertake limited surveillance and proactive intelligence gathering, sufficient to make an assessment on 'next steps'. Further levels of covert activity are bought in as required and the Force has excellent working relationships with other forces in respect of this. Evidence exists of operations having taken place with Cleveland, West Yorkshire and even the Metropolitan Police.
- There is a good mix of interchangeable skills within the PSIU staff enabling them to deal with RIPA (Regulation of Investigatory Powers Act) applications and other areas of investigative work requiring specialist knowledge or expertise. Within the unit there are trained intelligence and source handling skills, evidence gathering skills, financial and detailed analytical skills, and covert techniques' skills and knowledge.
- The Force has made effective use of a number of measures including utilising 'message of the day' to raise knowledge of the work of the PSIU, and positively influence the Force culture in respect of reporting wrongdoing or other breaches of professional standards.
- In relation to direction and control complaints the policy in place since April 2004 has been updated in the light of recent Home Office guidance. As with all complaints an initial assessment is made by the head or deputy head of C&PSD to determine the most suitable means of investigation.
- The professional standards reporting policy has elicited a flow of intelligence and reports of perceived wrongdoing from named officers. The reports have occasionally been received from anonymous sources. Some 49% of the reports received are from North Yorkshire police officers.

### Areas for Improvement

- Whilst it is acknowledged that the tasking meetings are generally NIM compliant and drive the department's activity, no formal minutes are recorded.
- The Force has a confidential reporting line in place for staff to report issues of concern in relation to professional standards. However, this line has yet to be

used and the Force is looking to re-launch it in the near future. Evidence does exist though of matters being reported quite openly and informally on a regular basis.

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

**Strengths**

- A C&PSD strategy has been produced with a focus upon six key areas: ethical recording; local resolution; reduction of investigation times; learning lessons; prevent corruption ensure integrity; and communication and consultation.
- The strategy is based on the 'Who, What, Where, When, Why and How' guidance, with a clear focus on learning lessons and continuous improvement. The strategy is available, accessible and easily readable on the Intranet and there are clear links to the Force's policing vision, NY Thrust.
- There is effective chief officer leadership, and regular meetings to discuss professional standards issues are held between the DCC, the head of C&PSD, the head of HR and legal services unit. The chief superintendent status of the head of department reflects the importance the Force attaches to professional standards issues.
- Meetings between head of C&PSD and head of HR, plus director of HR, occur every six weeks. There is regular contact and co-operation in relation to professional standards related investigations and future measures, for example, the e-mail misuse and new business interests' policies.
- Policies and strategies owned by the department are reviewed annually and subject to amendment in the light of analysis of intelligence, feedback, environmental changes, legislative and regulatory changes and corporate need. The annual review includes legal compliance and diversity impact checks.
- From the wide range of interviews conducted during the Inspection, evidence was found of there being substantial improvements in conducting C&PSD business within the last twelve months.
- The Force has an open and accessible system for making complaints. Complaints are accepted in person at a police station or complainant's home, by phone, by fax, by e-mail to 'Complaints' e-mail address and by post. The Force Intranet site contains clear information to assist potential complainants in this regard.
- The Force has a healthy and co-operative working relationship with the Police Federation resulting in the minimisation of delays and obstructions to the investigative process. Consultation mechanisms around strategy, suspension policies etc are also good.
- The Force has a healthy working relationship with UNISON and has recently negotiated an effective interview policy for police staff who are subject to complaints of a non-criminal nature. This amended procedure accords with

the IPCC and the Advisory, Conciliation and Arbitration Service (ACAS) model.

- The Force ethos of 'Lessons learned' underpins professional standards activity and is clearly embedded at all levels. Opportunities to influence future behaviour are constantly sought and lessons learned are promulgated throughout the organisation regularly through a number of means including 'message of the day', use of the Intranet and specific briefings.
- The strategic risk assessment (SRA) conducted by the Force covers misuse of information technology, information security and corrupt practice. The head of C&PSD acts as the focal point to ensure rigorous assessment, resourcing and investigative excellence is achieved.
- Whilst not included in the SRA, the Force has recognised the impending development of alcohol and substance misuse measures and has included these within its control strategy. All systems and resources necessary, including a draft policy, have been negotiated. The Force currently awaits the publication of national guidance prior to implementation.
- In relation to physical security the Force has effective processes and procedures in place. The PSIU have covert, secure non-police premises that have effective security arrangements and stand alone IT systems.
- C&PSD staff give regular inputs to recruits and new managers around factors leading to potential corrupt activity.

#### **Areas for Improvement**

- The Force has plans to expand the information security officer role to include vetting issues and to become more proactive in identifying risks and responding to identified threats. This role is currently vacant following the very recent departure of the previous post holder, and the Force is currently recruiting a replacement.
- The national vetting implementation plan is approved by the cabinet team and is being introduced incrementally. A number of issues, including accommodation problems, are currently being resolved. The Force has, however, begun the core work and is on target to meet the end of year deadline. There is recognition of the need to accelerate progress in this key area.
- There are limitations in the Centurion system, used for recording and monitoring complaints, in measuring the six strands of diversity. This is, in part, due to the design of the input form. However, the head of department does carefully scrutinise each form and is able to identify any issues arising in relation to diversity.
- A key area for development for the Force is the introduction of a more intrusive system to monitor and check the content of e-mails. The Force also has plans to introduce an internet misuse/frequency of use monitoring system in the near future.

**Enforcement** - *its effectiveness in dealing with emerging problems.*

**Strengths**

- Evidence exists of effective management of complaints, including the timeliness issues around files and cases. This is achieved by effective use of the reader/receive/allocator role of the head or deputy head of C&PSD.
- The deputy head of C&PSD monitors the progress of files with investigation teams on a regular basis. Essential elements of a file, including policy logs and timeliness, are checked. The Lancet principles are adhered to.
- The timeliness of investigation completion has improved significantly from an average investigation time of 117 days at the end of 2003/04, to an average investigation time of 73 days at the end of 2004/05. The first quarter of 2005/06 shows a continuing improvement with an average investigation time of 46 days, and 94% of all investigations being completed in the original ACPO target time of 120 days.
- Local resolutions (LR) are a real strength in the Force with 76% of complaints being managed in this way. This exceeds the IPCC current target figure of 50%. Every LR is seen and assessed by the head or deputy head of department in order to monitor effectiveness, quality assure the outcomes and to identify training needs. The finalisation letters are sent to the complainant by C&PSD, only when the head/deputy is satisfied with the process. The system is tight and there is no potential for area staff to circumvent the system.
- The LR process and the outcomes are complainants' driven to ensure no undue pressure is put on them to accept anything less than what is agreed at the outset. This is achieved through the use of contracts to negotiate desired outcomes. There have currently been no appeals against LRs since the system was introduced.
- The way in which the Force deals with LRs is manageable through the low numbers that are received (209 in 2003/04). PSD is able to monitor the workload and quality of investigators. However, C&PSD is staffed adequately to allow it to deal with all misconduct enquiries and external Force enquiries that do not feature in traditional workload measures.
- Currently LRs are principally managed and investigated from C&PSD but the Force is in the process of transferring the workload back to areas as familiarity and expertise develops.
- The perception of the LR process within area command units (ACUs) is good. Despite this the LR process will be re-launched in early October 2005 in order to further progress good performance.
- For the policing of demonstrations of Menwith Hill, US Air Force Base, there are arrangements for dealing jointly with the Ministry of Defence Police where appropriate in respect of complaints arising from such events.
- There is a consistency of focus upon resolution of disciplinary issues in accordance with the principles of subsidiarity (lowest appropriate level) and in compliance with the Taylor report recommendations.

- The introduction and use of superintendents' verbal warnings provides flexibility in dealing with low level misconduct and performance issues, and provides an effective link to the performance development review (PDR) process.
- The Force has a suspension policy that has been consulted upon and communicated throughout the organisation. It is readily available on the Force Intranet and contains guidance and advice to those involved in the process.
- Training has been provided for senior officers and Police Authority (PA) members involved in misconduct panels and was recently delivered by senior counsel. This is regularly updated. PA members also receive training specific to their role within the complaints process.
- Good working relationships exist between the Force, the IPCC and the Police Authority. Regular meetings are held between the three, and IPCC commissioners attend PA meetings as observers.
- The PA has a positive relationship with the C&PSD and takes a proactive oversight role in the monitoring of professional standards issues. Opportunities to influence factors resulting in the reduction of complaints and civil claims are sought and effectively performance managed.
- The PA has processes and procedures in place to deal with complaints against ACPO level officers. They have taken the pragmatic view that this includes the entitlement for the complainant and the chief officer to have recourse to the LR system. The private section of the PA committee meetings is used for these types of complaint.
- Since May 2004 civil actions have been dealt with by the Force's legal services unit. Chief officers are kept informed of all high profile cases. All payments are scrutinised by the director of finance and payments up to £5,000 are authorised by the head of legal services, up to £10,000 by the head of professional standards and over £10,000 by a chief officer. The Force complies with all provisions of the Civil Court Practice book. All claims are initially assessed and kept under review by the head of legal services. Feedback regarding lessons learned from civil actions and other cases is disseminated on a case specific basis and considered at a risk management group when necessary.

### **Areas for Improvement**

- The legal services unit (LSU), having initially been brought under C&PSD, has now moved to governance and risk management to take a broader role in dealing with the legal requirements of the Force and partnerships. There are strong links between C&PSD, human resources and LSU, albeit they would benefit from being established on a more formal basis, in light of the recent department change for LSU.
- Agreement has been reached with the head of corporate development department (CDD) to undertake a customer satisfaction survey with previous complainants, and also to include some general questions in relation to complaints issues in the Force public attitude surveys schedule.

**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**

- C&PSD, in line with the Chief Constable's commitment to this area, is pursuing a policy of education and involvement of front line supervisors, supported by regular feedback which highlights good performance of individual sergeants and inspectors in dealing quickly and effectively with complaints from members of the public.
- Relevant targeted training is provided for staff members including the senior investigating officer (SIO), training for investigating officers and specialist intelligence, analysis and investigative courses for PSIU staff. The Chief Constable has designated appropriate powers and duties as prescribed by the Police Reform Act (S.38) to police staff investigators.
- Effective guidance on dealing with complaints is provided to all staff and is available on the Force Intranet. C&PSD staff regularly deliver training inputs to a range of courses including newly promoted staff.
- Restorative conferences are used as a means of resolving complaints where appropriate. One example, involving a complaint by a member of the travelling community has resulted in a representative for them now attending the area race and diversity action group (RADAG).
- The head of C&PSD has attended Central and Western RADAGs in order to discuss complaints issues. This will be extended to cover the whole Force area with the inclusion of Eastern ACU in the near future.
- The C&PSD management team has acknowledged that the investigation team and the PSIU team do not have a diverse profile, and has endeavoured to encourage female and black and minority ethnic officers and staff to apply for secondment to C&PSD. This has been promoted through the use of e-mail and 'message of the day' overtly sponsored by the Chief Constable.

### **Areas for Improvement**

- When interviewed, the PA members recognised the links with the RADAGs as a part of core business and indicated their intention to become involved in the feedback process in their capacity as members of the PA complaints committee.

## 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
liP	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
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