



Raising the standard

A thematic inspection of professional standards

Summary





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Preface

It is impossible to overstate the importance of professional standards activity to the effective functioning of the Police Service and the continued confidence and support of the public it serves. In 1999, in the Her Majesty's Inspectorate of Constabulary (HMIC) thematic report into police integrity, the then Chief Inspector rightly stated that:

“There can be no more important qualities for members of the Police Service than that they are honest and act with integrity. Without these basic attributes, the public can never be expected to trust the police and have the confidence in them that is necessary for a system of ‘policing by consent’.”

‘Professional standards’ now encompasses a very broad church of issues that directly or indirectly impact on the organisational health of the Service, and levels of public confidence and support. These issues include the handling of complaints against members of police forces, investigation of professional misconduct, tackling vulnerability to corruption, addressing competence of staff and stamping out discourteous or bullying behaviour, whether towards colleagues or the public.

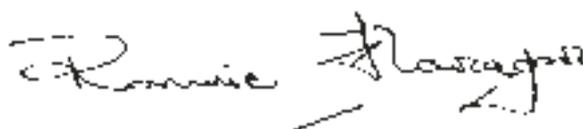
This comprehensive programme of inspections, carried out in every police force in England and Wales, is testimony to the importance with which HMIC regards the range of activity carried out under the generic heading of professional standards. Uniquely, virtually every member of HMIC staff was involved substantially in the programme’s implementation and its results will significantly inform lead staff officers’ interaction with all forces for the foreseeable future.

At a time of major change in policing and high-profile scrutiny of police professionalism, the recommendations within this report will contribute substantially to the sustainable improvement of police professional standards. It will be important that they are taken forward through a partnership approach with all the key stakeholders engaged in their implementation.

Encouragingly, the inspection and its findings were greatly influenced and enhanced through the active support and collaboration from those key stakeholder groups through representation on the inspection Reference Group. Members

included the Independent Police Complaints Commission (IPCC), the Association of Chief Police Officers, the Association of Police Authorities, the Home Office and staff associations. Members contributed both their individual and organisational expertise and knowledge, which informed and challenged the inspection team's provisional findings. For this, I wish to thank all involved and I look for such collaboration to continue throughout implementation.

My personal thanks are also extended to the thematic inspection team, regional HMIC colleagues who carried out the individual inspections, police authority members and IPCC representatives who participated or were interviewed, and members of forces at all ranks who provided such a comprehensive body of evidence and good practice.



Sir Ronnie Flanagan GBE MA
Her Majesty's Chief Inspector of Constabulary

Executive summary

1. The importance of achieving and maintaining high standards of professionalism and discipline within policing has been clearly acknowledged since the emergence of the modern Police Service in the 18th century. The honesty, integrity and professionalism of members of a police force are absolutely key determinants in how the public perceive them and consequently in the degree of confidence and support that is afforded. The British Police Service is built on the foundation stones of public consent and support and, without these, it simply cannot function effectively.
2. The handling by police forces of professional standards issues, and in particular complaints from the public, is one of the few areas within policing where Her Majesty's Inspectors of Constabulary are under a statutory direction to keep themselves informed as to the effectiveness of provision. Successive statutes have reinforced this direction and Her Majesty's Inspectorate of Constabulary (HMIC) has consistently taken its duty very seriously, making inspection of this function a standing element of its core inspection programme in every force.
3. The central importance of this issue was further emphasised by a number of high-profile scandals in the 1990s, and even more recently through the findings of three major reports emanating from two public inquiries, carried out by Sir William Morris and the Commission for Racial Equality, and a thorough review of police discipline procedures by William Taylor.
4. Against this rapidly changing landscape, HMIC resolved to reinforce the importance of the issue and ensure compliance with its statutory duty through a comprehensive programme of inspections of professional standards in every police force in England and Wales. This programme produced a report on the performance of every individual force, which was published as a supplementary report to HMIC's annual baseline assessment of forces for 2004/05. In addition, themes, good practice and issues of national importance have been collated in this thematic report.
5. While the inspection focused on the structures, activities and resourcing of professional standards departments (PSDs), the opportunity was grasped to look at the differences in scope and scale of these particular functions and to identify how related professional standards issues are addressed. For example, few PSDs have routine responsibility for overseeing grievance procedures or

becoming involved in employment tribunal cases, but there are issues in each relevant to the core PSD activities of complaints, misconduct, anti-corruption and organisational learning.

The structure of professional standards

6. Professional standards is a complex area of policing that has evolved over many years. Individual forces have developed their PSDs and associated functions in very different ways, producing disparate structures and functional definitions and using different terminology. Despite the issue of guidance by the Association of Chief Police Officers (ACPO) in 2003, forces have largely retained their different approaches. While understandable, given the historical and political contexts, these differences present a threat to effectiveness, in particular in light of the impending transition to strategic police forces, which will require the efficient merger of different cultures and systems.
7. There is an urgent need for a standard template for the structure, functions and terminology used within the professional standards environment. It is pleasing that ACPO has already begun the process of updating their 2003 guidance and has indicated an intention to produce standard templates. However, it is important that all the relevant elements are examined in depth and that the resultant design is fit for purpose in the new policing landscape and is available at the earliest opportunity.
8. It is also vital that the standard template requires that the National Intelligence Model (NIM) intelligence-led approach is embedded across all professional standards functions. This will require dedicated and skilled resources to provide intelligence handling, analysis and appropriate evaluation. The work of PSDs must also be fully integrated into the core business processes of forces, and relationships with basic command units and other departments must be strong, formalised and sustained.
9. As ever, the importance of strong and active senior leadership, personal engagement, effective oversight and support cannot be overstated. This can be enhanced through such bodies as the force's professional standards committee, and perhaps, above all, through the identification and sharing of lessons learnt, both at local and national level.

Complaints and misconduct

10. A crucial factor in maintaining the high reputation of policing is the way in which the Service is seen to address complaints and

misconduct, as identified both by the general public and by the workforce. The profile of this aspect of police work has been raised significantly by the establishment of the Independent Police Complaints Commission (IPCC) and the Taylor Review of misconduct procedures.

11. Both developments have highlighted the need for a greater focus on: the accessibility of the system to all parties, not least to those from hard-to-reach groups and minority communities; greater consistency in the capture and recording of complaints; the need for proportionality of approach in responding to reported cases or incidents; and the importance of learning from lessons identified in all aspects of the scrutiny of professional standards to achieve sustainable service improvement. There is much good practice in evidence in all of these areas, although no forces are achieving excellence across the board.
12. In improving accessibility, there is a role for expanding the use of 'mystery shopper' approaches and confidential reporting lines. There is also an opportunity to target the areas of concern identified in the recent survey by the IPCC, which highlighted such issues as fear of consequences and lack of awareness of the processes. Marketing and publicity remain key to promote the work of PSDs, both within forces and externally, and to build trust and confidence among the public, particularly among minority or hard-to-reach groups.
13. There is an unacceptable level of disparity in recording practices, both of initial complaints generally and in the recording of the ethnicity of complainants, as required by statute. Building on the Service's experience of establishing a standard approach to crime recording, there is a strong case for applying a national recording standard for public complaints. The IPCC statutory guidance is a sound basis for progressing this, but HMIC would wish to see a greater level of detail regarding the standard expected and the proposed methods for ensuring and checking compliance.
14. Early and ongoing assessment of individual cases is an essential element in ensuring a proportionate response to their investigation and resolution. Local resolution provides an as yet under-used option that will help achieve early resolution in a large number of cases, which currently take a considerable time to reach a similar conclusion. Addressing unnecessary delays in progressing investigations or decision making will be equally important; HMIC is collaborating with the Crown Prosecution Service (CPS) Inspectorate to specifically examine the delays reportedly created by CPS processes.

15. Another essential element of achieving proportionality will involve a greater use of risk-based decision making. A combination of early assessment and consideration of likely outcomes should allow more rapid decisions based on less comprehensive case files, therefore requiring less resource-intensive investigations. Clearly, any risk-based approach must have appropriate checks and balances supported by good management and oversight, to ensure a healthy transparency.
16. There is a need for complaints and misconduct training for PSD staff, and indeed for line management, to be improved, and, with the likely changes to the discipline codes resulting from the Taylor Review, the case for a nationally accredited training package is strengthening.

Anti-corruption

17. Since the establishment of the ACPO presidential task force on police corruption, in 1999, the Service has developed highly professional and effective anti-corruption investigation teams in virtually every force. These units are overwhelmingly organised under NIM principles, usually with dedicated analytical capacity and access to covert and other intelligence-gathering capabilities.
18. The compilation of a national strategic threat assessment, carried out for the Service by the National Criminal Intelligence Service (NCIS) in 2004/05, made a significant contribution to the targeting of force and unit activity. The major threats identified in respect of professional standards were information leakage, in particular using intelligence or information for personal gain or passing it on to associates; infiltration of the organisation, which is an increasing threat in the ever-widening 'police family'; and substance misuse, with its associated risks of coercion and targeting for blackmail.
19. Only 29 forces contributed in 2004/05, and so the exercise was not repeated by NCIS in 2005/06. However, the same issues remain the key threats to professional standards and should form the core of local threat assessments. It is vital both nationally and locally that all forces undertake their local threat assessments and that their findings are willingly and readily submitted for national collation and analysis.
20. In view of the threats, it is vital that all forces review their operational security arrangements, to ensure integrity and confidentiality of sensitive information. It is also important that a similarly thorough review is undertaken of the arrangements for

staff vetting and identification of potential staff vulnerabilities, including the creation of a clear policy on substance misuse. These activities represent key measures in preventing and identifying corruption or vulnerability.

21. Inevitably, many of the anti-corruption investigations require highly specialised skills and equipment. It is important that all staff deployed in these investigations are appropriately trained, and HMIC recommends that such training should meet national standards and be accredited accordingly. In addition, the decisions to deploy covert equipment or tactics must be subject to extremely careful consideration and comply fully with all the relevant legislation.

Other professional standards processes

22. While not universally included in the remit of PSDs, the importance of at least monitoring unsatisfactory performance procedures, employment tribunals (ETs), grievances and civil actions should not be underestimated. The same is true of the use of 'stop and account' and complaints relating to employment equality issues. Analysis of these processes can provide a useful insight into the 'health' of an organisation and will support organisational learning and thereby the prevention of repeated mistakes or problems.
23. The inconsistency in scope of PSDs leaves responsibility for, and therefore usually transparency of, these procedures outside PSDs. It is important that every force ensures that there are strong links between all the departments or units involved in these procedures to ensure appropriate organisational learning, both at local and national level.

Police staff

24. It may seem to some observers rather unusual that within one organisation two very different systems operate to investigate wrongdoing by staff. In many forces, PSD staff do not possess the necessary skills to manage the police staff misconduct procedure effectively. Often the PSD and human resources departments deal with different parts of the police staff discipline process, and this can lead to delay and confusion. This matter was highlighted in the HMIC thematic report *Modernising the Police Service* in 2004, and yet the necessary changes have not yet been made.
25. The issues and drivers for change highlighted above all require a concerted effort to ensure progress towards a more consistent and fair system for police staff. To achieve the change required will be a major challenge for the Service, police authorities and the Home

Office. Police staff trade unions must not be left out of the consultation and investigative process, and police staff should not be interviewed inappropriately, through the use of techniques that some say are oppressive and disproportionate.

26. Outcomes and sanctions are in need of alignment, and although work is ongoing nationally to achieve this by amending police regulations, a sustained effort is needed to bring systems for police officers closer to those of the private sector and police staff.

Welfare and support of staff

27. The disciplined nature of the Service demands high standards and, rightly, makes it ever-easier for members of the public, or indeed colleagues, to lodge complaints or allegations of misconduct. The Service and police authorities have a duty of care to all their staff involved in this process, whether they are the subject of a complaint or a witness to the alleged misconduct.
28. There are at present four different procedures for providing those who are the subject of a complaint with a 'friend', to provide advice and support, depending on whether the accused is a chief officer, superintendent, federated rank or police staff member. Unsurprisingly, the Police Federation, which represents the greatest numbers of accused officers, has the most comprehensive friending structures at force level. Friends for superintendents and chief officers are drawn from nationally maintained panel lists. However, for police staff it very much depends on whether they are members of a trade union.
29. HMIC commends the support given by friends throughout the differing procedures, but, in an era of an increasingly 'mixed-economy', modernised workforce, the proportion of police staff is increasing, and their roles leave them increasingly vulnerable to complaint. It seems only right that the respective procedures, the funding of training, the provision of friends and the availability of support across the workforce should be the subject of holistic consideration, to achieve fairer access to this important service.
30. As well as considering staff within forces, it is important to recognise that at any given time in excess of 1,700 police officers of all ranks are seconded away from their forces, in some cases away from the UK altogether. It is all too easy for home forces to lose track of their seconded staff and for the relevant staff to therefore lack appropriate advice and support when they are the subject of a complaint or other suspicion or allegation. At present, the Police

Advisory Board for England and Wales is progressing formulation of standard terms and conditions and a template approach for seconded officers, to ensure consistency and visibility. HMIC commends this approach and fully supports the template approach.

31. Lastly, but by no means least when considering staff welfare, are those officers and police staff who work within PSDs and have the unenviable task of dealing with allegations against their friends and colleagues. It is important that managers and chief officers recognise the inherent pressures and give full consideration to issues of tenure, rotation and reintegration packages when PSD staff return to mainstream roles.

Learning the lessons

32. A vital measure of the health of any organisation is its capacity to learn lessons from previous events, good or bad, and feed these into continuous improvements in service delivery. While there is evidence in most PSDs of a desire to capture organisational learning, this is hampered more widely by the lack of national consistency and of any national forum for learning the lessons.
33. Pleasingly, there are examples of very good practice in individual forces, but often learning is not sufficiently structured and there are gaps in capture, in particular in respect of potential lessons from ETs and civil cases.
34. In addition to learning lessons from incidents, the analysis of performance and management information is crucial to any structured improvement process. In the case of professional standards, while there has traditionally been a plethora of data categories captured nationally, few have proved highly relevant to performance improvement in the key service delivery areas, and, in any case, the disparity in recording approaches and practices has rendered any comparison largely invalid.
35. The IPCC has taken over responsibility from the Home Office for collection and publication of professional standards data. Together with ACPO, the IPCC will be seeking to identify a more helpful basket of measures. This work needs to be progressed quickly to provide consistent, valid and relevant comparative capability.

Oversight and inspection

36. While the roles of police authorities and the IPCC in this regard were not subject to formal inspection, it is possible from the information gathered to identify the areas where good practice is obvious and relationships and activities add value to the processes being

scrutinised. ACPO, the Association of Police Authorities (APA) and the IPCC are all engaged in parallel work to revise or replace existing guidance to their members or staff on professional standards. HMIC is happy to be contributing to each revision process and supporting a collaborative and mutually consultative approach.

The way forward

37. This programme of inspections took place at a time of unprecedented change and volatility within policing generally and professional standards in particular. There is a great deal of work under way at national level, both as a result of the inspection findings and emerging from recent public inquiries and targeted reviews.
38. ACPO is looking afresh at the overall structures and objectives within professional standards and a working group is progressing standardised definitions and templates for PSDs, in the context of a restructured Service and applying the principles of 'protective services'. The IPCC is looking to embed and assess the impact of its statutory guidance and the in-built performance standards. The APA is rewriting its guidance to authorities to encourage a consistency of approach and a greater overall engagement with professional standards in forces. And HMIC is working with the Service to redefine the definition of good practice within the specific grading criteria for baseline assessment of forces' individual and comparative performance.
39. It is absolutely vital that all this activity achieves a synergy rather than duplicating effort, pulling in different directions or leaving gaps in delivery. It is only in so doing that the Service can hope for a sustainable improvement in effectiveness and, to achieve such synergy, there is a need for a dedicated forum with full stakeholder membership to oversee and inform the progress of the various strands of activity.
40. 'Professional standards' is about more than simply a process for handling public complaints or allegations of misconduct. It goes to the very heart of police service delivery and is fundamental to the continued confidence of the public and their support in core business delivery. It is too important to every aspect of policing to allow the focus upon it to become lost or swept away within the overall volatility of the policing landscape. This report and its recommendations can play an important role in maintaining that focus on professional standards but it will be the demonstrable continued commitment of all elements of its governance structure that will decide its future success.

Recommendations and suggestions

Recommendations

Recommendation 1

The Association of Chief Police Officers (ACPO) should lead a project to establish and promulgate a standard template for the structure, functions and terminology used within professional standards, having regard to, and in anticipation of, the restructuring of the Service into strategic police forces.

Recommendation 2

All forces should embed the National Intelligence Model across every aspect of professional standards and have direct and robust links between professional standards departments and the core business processes of the force.

Recommendation 3

Chief officers¹ should establish methods of testing processes, systems and staff, for example by using mystery shoppers, to ensure that they are able to record and process complaints against the police in a timely and efficient manner.

Recommendation 4

Chief officers should review policy in relation to disciplinary sanctions and subsequent payment of competency-related threshold payments (CRTPs) and special priority payments (SPPs). They should ensure that the principles espoused in the Taylor Review are reflected in this policy and that disciplinary sanctions and the payment of CRTPs and SPPs are kept entirely separate.

¹ The term 'chief officers' includes Chief Constables and Commissioners.

Recommendation 5

Strategic threat assessments, at both local and national levels, should be completed by all forces in accordance with the timescales and reporting periods set by the National Criminal Intelligence Service (NCIS) (or by NCIS's replacement, the Serious Organised Crime Agency). Assessments should draw on intelligence from, and subsequently inform, all the business areas within the professional standards environment, including complaints, civil actions, claims against the force, security issues and vetting.

Recommendation 6

Subject to the findings from the pilot, Centrex,² in agreement with the ACPO PSC (ACPO's Counter-Corruption Advisory Group), should develop a nationally accredited course for anti-corruption staff to cover the skills areas specific to the role.

Recommendation 7

ACPO and the Home Office should ensure that there is a coordinated approach to the ongoing research into the disproportionate number of investigations conducted into officers from black and ethnic minority backgrounds.

Recommendation 8

Forces should cease to use executive authorities and – depending on the circumstances – either utilise the existing Regulation of Investigatory Powers Act 2000 (RIPA) legislation to authorise surveillance methods or use lawful business monitoring methods.

Recommendation 9

Forces should apply the full effect of the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 to all monitoring or recording of transmissions on telecommunication systems used wholly or partly for Police Service business, unless authority for such action is granted by RIPA.

² Centrex – the Central Police Training and Development Authority.

Recommendation 10

Chief officers should review their operational security arrangements to guarantee that measures are in place to ensure the integrity and confidentiality of sensitive information and that operational security is thoroughly maintained.

Recommendation 11

Chief officers should carry out an analysis of current vetting structures within their force and, where gaps exist, move towards being fully compliant with ACPO's vetting policy no later than April 2007.

Recommendation 12

The Home Office should determine a nationally agreed grievance procedure.³

Recommendation 13

Chief officers should review all forms used in misconduct proceedings and unsatisfactory performance procedures to ensure that they are fit for purpose, contain all the necessary information, and comply with employment legislation and police regulations.

Recommendation 14

The Police Superintendents' Association of England and Wales should, in collaboration with police forces, explore the option of introducing a cadre of retired superintendents whose services could be employed on a retainer basis as friends.

Recommendation 15

Centrex should clarify its policies and procedures concerning seconded members and work to improve the information provided before induction and increase the level of awareness among staff of their personal and professional responsibilities following appointment.

³ This was also a recommendation in the Commission for Racial Equality formal investigation into the Police Service of England and Wales, March 2005 (recommendation 80).

Recommendation 16

The Home Office should review the legislation relating to officers on secondment to achieve transparency, clarity and consistency. Secondments should be subject to central registration and recording.

Recommendation 17

The Independent Police Complaints Commission (IPCC) should, in consultation with ACPO, the Home Office, the Association of Police Authorities (APA) and key stakeholders, agree a national standard for the recording of complaints and a programme of implementation and monitoring of compliance, without adding unnecessary layers of bureaucracy or other impediments to improving police performance.

Recommendation 18

ACPO should work in partnership with the IPCC, the APA, HMIC and other stakeholders in the design and implementation of a robust and transparent performance framework which is subject to routine internal and external oversight and monitoring.

Recommendation 19

ACPO, APA, IPCC, the Home Office and HMIC, as the key stakeholders in the implementation of this thematic's recommendations, should establish a dedicated implementation group to regularly review the progress of recommended action and address any barriers to implementation.

Suggestions

Suggestion A

It is suggested that, in the revised ACPO PSD guidance, the role of a professional standards committee is defined to enable forces to ensure that their own strategic groups address professional standards issues appropriately. It is further suggested that all forces develop professional standards subgroups at basic command unit (BCU) level to improve communication between BCUs and PSDs.

Suggestion B

ACPO should include consideration of appropriate levels of resourcing for PSDs in the work it has already started on structures and terminology (see recommendation 1).

Suggestion C

There is the potential for ACPO to identify a national standard package, or perhaps for Centrex or the National Policing Improvement Agency (NPIA) to fill this void, or to use the experience of the training provider to develop a national programme delivered regionally to professional standards practitioners, superintendents and ACPO. The case for training is even more imperative in the light of potential changes to the discipline code, which are likely to be implemented in 2007.

Suggestion D

Chief officers should review audit arrangements currently in place in respect of IT systems and put in place measures to ensure that all internal systems are both capable of audit and audited in order to prevent unauthorised access and information leakage.

In addition, a member of the ACPO team should be a suitably qualified professional chief information officer, taking responsibility for information management and information and communications technology, which includes data quality, information security, data protection and freedom of information.

Suggestion E

In view of the forthcoming force restructuring, before any further police funds are spent purchasing vetting databases that may prove to be incompatible, the ACPO PSC should carry out a review of vetting databases. Any review should take into account the feasibility of a national product.

Suggestion F

In view of the recent legislation and the threat posed to the Service by drug misuse, forces should now be treating the area of drug testing as a professional standards priority. They should have fully human-rights compliant and integrated policies in place no later than January 2007.

Suggestion G

All forces should have a service confidence policy in place by January 2007.

Suggestion H

Centrex should make better use of the management information available from records of the unsatisfactory performance and misconduct processes.

Suggestion I

The Police Advisory Board for England and Wales (PABEW) should ensure that the secondment template recognises the increasing and diverse secondments available and ensures that:

- secondees are appropriately supported during the secondment;
- there is a named central contact within each seconding-out force;
- each seconding-in unit has a central role, with responsibility for management of secondees; and
- the secondment template agreement is completed between the two organisations and the secondee prior to commencement of the secondment (subject to exigencies of urgent demand).

Suggestion J

Stakeholders, including the APA, the IPCC, HMIC and NPIA, should devise a nationally accredited training package for members, chairs and officers of police authority professional standards panels, to ensure that they are fully equipped to deal with the complex issues surrounding professional standards and related issues such as civil litigation.







This summary is available in alternative languages and formats on request.

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