

Her Majesty's Inspectorate of Constabulary



Inspection of West Midlands 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 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

Force Overview and Context

West Midlands Police is the second largest police force in the country (police officer establishment) behind London's Metropolitan Police Service. It covers an area of 384 square miles and serves a population of almost 2.6 million people (1,049,186 households). The region sits at the very heart of the country and covers the three major cities of Birmingham, Coventry and Wolverhampton. It also includes the busy and thriving districts of Sandwell, Walsall, Solihull and Dudley. The majority of the area is densely populated but there are some rural areas around Solihull.

The region's economy is presently diverse and much of its heavy industries date back to the Industrial Revolution. More recently, the city of Birmingham has been rejuvenated and now has a cosmopolitan commercial and shopping area, which is among the largest in Europe. This is complemented by a wide range of social amenities such as the National Exhibition Centre, National Indoor Arena, theatres, art galleries, many large conference facilities and a thriving nightlife centred around Birmingham city centre. West Midlands hosts three Premiership football clubs and many first and second division teams.

The region is well served by rail and road links. An average of 170,000 people travel through the region daily on the M6, M5 and M42 motorways, making this one of the busiest networks in Europe. Part of the Birmingham Northern Relief Road, the country's first motorway toll road, should help to relieve traffic congestion in the area. Birmingham International airport is situated a few miles from the city at Elmdon.

The population of the West Midlands is very diverse. At approximately 18%, the percentage of the population that are black and minority ethnic (BME) is significantly above the national average, and 10% of the population were born outside the UK. The average earnings and house prices for the region are lower than the national averages.

The force comprises 8,154 (full-time equivalent – FTE) police officers, 3,142 (FTE) police staff, 66 (FTE) traffic wardens, 959 members of the Special Constabulary and 110 police community support officers (PCSOs) joining during 2004/05.

Force headquarters is located at Lloyd House, in the heart of Birmingham city centre. The chief officer group is located here. The chief officer group consists of:

Chief Constable – Paul Scott-Lee

Deputy chief constable – Chris Sims

Assistant chief constable (crime) – Stuart Hyde

Assistant chief constable (criminal justice (CJ) and information and communications technology (ICT)) – David Shaw

Assistant chief constable (operations) – Anil Patani

Assistant chief constable (intelligence) – Nick Tofiluk

Director of personnel – David Williams

Director of finance – Derek Smith

Force solicitor – John Kilbey

The police authority (PA) comprises 17 members (three magistrates, nine councillors and five independent). The authority has recently appointed Councillor Diana Holl-Allen as Chair, and the Reverend Derek Webley and Councillor Yvonne Mosquito as Vice Chairmen. The working relationship between the PA and the Chief Constable is described as 'very good'.

There are seven crime and disorder reduction partnerships (CDRPs) in the force area with the Birmingham City partnership covering nine operational command units (OCUs).

Policing in the West Midlands area is delivered by a strong ethos of local service delivery and accountability at 21 OCUs each of which is headed by a chief superintendent. Each OCU is then further divided into sectors, each of which is headed by an inspector.

Professional Standards

The deputy chief constable (DCC) has designated portfolio responsibility for Professional Standards (PS). The Professional Standards Department (PSD) consists of a chief superintendent head of department, a superintendent complaints and misconduct and a superintendent anti-corruption/intelligence. The department has an establishment of 66 staff members with 66% allocated to the investigation/management of complaints and misconduct and 33% to the anti-corruption unit. The complaints and misconduct unit (CMU) is divided into two teams, each headed by a detective chief inspector (DCI), which comprises investigating officers (IOs) of detective inspector rank, supported by a number of detective sergeants and police staff case officers. Dedicated administration staff support each team. A third DCI (complaints and misconduct) has dedicated responsibility for both special projects and strategy development (ie, implementation of NIM into the complaints and misconduct unit). The anti-corruption unit (ACU) consists of 22 members of staff, in the main police officers, who are experienced detectives with a range of pro-active intelligence and covert policing investigative skills. A dedicated analyst works within the ACU. The ACU staff report to a DCI (proactive operations).

GRADING : GOOD

Findings

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

Strengths

- The force has fully integrated the use of the NIM process within the ACU. In demonstrating a commitment to prioritising ACU resources, the force can evidence a number of significant crime investigations having been brought to a successful conclusion, eg, recent arrest, conviction and imprisonment (four year term) of a serving police officer for corruption related offences. A number of control strategies have been developed to further counter such threats ie, development of drugs misuse policy.

- Staff within the ACU are experienced and skilled detective officers who are trained to ACPO national standards in either serious and major crime investigation, intelligence gathering or covert policing techniques. The force is leading a regional initiative to train appropriate staff in the investigation of complaints relating to racial discrimination.
- The force has conducted a strategic risk assessment of integrity and vulnerability to corruption covering the period 2004/05. Trends identified include information leakage and drug abuse by staff and criminal associations. In addition, the assessment also identified a disproportionate number of referrals made to the ACU concerning black and minority ethnic (BME) staff within the force. In partnership with stakeholders (ie, Black Police Association (BPA)) work is currently in progress to achieve better analysis and understanding of this particular threat. The strategic assessment document has been forwarded to the National Crime Intelligence Service (NCIS).

Areas for Improvement

- The analyst deployed within the ACU works in isolation from the rest of the PSD and in the main is engaged in preparing tactical intelligence products leaving little time for strategic analysis. The head of department has identified this gap and at the time of inspection, was awaiting formal appointment of a second analyst to the PSD.
- The application of NIM within the complaints and misconduct area of business though in the early stages of development, is being driven by the appointment of a dedicated DCI whose responsibility is to ensure full NIM compliance in the short to medium term. A draft strategic assessment document (mirroring the template applied by the ACU) was at the time of inspection, in development. An information officer whose role is to collate and analyse complaints and misconduct data is assisting in this process.

Note: The force is working closely with West Yorkshire Police (member of most similar force group), who have recently adopted and implemented the NIM process into the management of complaints and misconduct business process.

- There was little evidence of a systematic approach being adopted to ensure organisational learning generated, for example, from complaints is robustly captured, implemented, tracked and evaluated. HMIC does however, acknowledge that the force has an evolving strategy in place to overcome this issue, e.g., ongoing evaluation of complaint files at point of closure using a template to identify good practice and lessons learnt. Identified issues are also being cascaded to the force via training events, ie, custody officer/assistants courses.
- The configuration of the 'Centurion' complaints case management system (used nationally by all forces) is perceived to be hampering the force's efforts to accurately evaluate and analyse the data recorded for emerging trends, though work to overcome this is currently being explored by the force with the system provider.

Recommendation 1

Her Majesty's Inspector of Constabulary recommends that whilst awaiting developments with Centurion, the force should in the short term, explore alternative IT solutions to ensure lessons learnt are captured, analysed and appropriately actioned.

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

Strength

- The DCC has designated portfolio responsibility for PS and is active at both local and national level with regard to driving PS issues. To ensure strategic oversight and direction, the DCC chairs the Standards Key Advisory group (SKAG), Force Security board and the Trust and Confidence board. The SKAG advises the force on professional standards and drives the implementation of policy and strategy relating to integrity issues. Members of this group include the head of PSD and staff association representatives.
- Following the ACPO PS policy, the force has long established internal reporting channels in place, which include the provision of a confidential reporting line. Whilst evidence suggests that the reporting line, linked directly to and only accessed by staff within the PSD ACU, is under used, evidence to the contrary indicates that confidence to report internal wrongdoing by staff is high. This is demonstrated by the number of referrals made directly to the ACU without the protection of anonymity and the reinforcement of this view by both force staff associations and support groups. Having considered the Commission for Racial Equality (CRE) Investigation into the Police Service in England and Wales recommendations, the force is awaiting further ACPO views on the adoption of a national scheme to outsource the confidential reporting line arrangements to an independent service provider.
- The force utilises nationally developed and agreed template forms and the Centurion complaints case management system to record all complaints against police whatever the source. The forms and Centurion are designed to facilitate the recording of a complainants personal profile eg, race and gender where known. The ethnicity profile of those officers and staff subject to complaints is monitored and features in performance reports. Referrals made to the ACU also capture the ethnicity profile of both reporters and those subject of reports, thereby allowing for the early identification of issues concerning disproportionality (as evidenced above – Intelligence – Strength).

Areas for Improvement

- The force is fully committed to providing a citizen focussed service placing emphasis on community engagement to improve service provision, promote reassurance and inspire public confidence in the police. This ethos is clearly mirrored within the PSD with regard to the provision of an open and accessible system for making complaints being in place, ie, complaints can be made in person, by telephone, email, fax or via a third party as outlined on the force

website. However, a more cohesive and structured approach is necessary to ensure all members of the community are provided with such opportunities for access.

Recommendation 2

HMIC acknowledges that the PSD has recently engaged with the IAGREP to secure independent oversight, wider scrutiny and in general to develop better links with the BME community. However, Her Majesty's Inspector of Constabulary recommends that the force should widen this engagement across all of its communities to further break down barriers and increase public confidence in the complaints system. Engagement to improve accessibility could be made through a joint initiative with the IPCC and other stakeholders, ie, the force key individual network, which covers all six strands of diversity, to introduce 'gateway' complaint reporting organisations across the force area.

- In 2004, a number of 'complaint champions' of inspector rank, located within OCUs, were introduced to facilitate changes to complaint processes brought about by the introduction of the IPCC. Where 'champions' remain in place there have been tangible benefits in terms of improved service delivery to those making complaints and those made subject of them. However, in a small number of OCUs, the benefits gained appear to have been lost. The force has recognised this gap and recently embarked on a marketing strategy, involving visits to all OCUs, to emphasise the continuing value of this initiative.
- The Force security board, chaired by the DCC, oversees force security issues. The force security manager though located within the PSD, reports directly to the board and the DCC on matters including force compliance with the ACPO national vetting policy. Compliance with the Data Protection Act and other issues relating to information security, ie, protection of force IT systems, are the responsibility of the Performance Review department. HMIC was not convinced that the current structures were sufficiently co-ordinated to ensure that the security of the force assets could at all times be maintained with consistency, eg, the national vetting policy has been implemented, however, management vetting of specialist posts has been devolved to OCU human resources staff.

Recommendation 3

Her Majesty's Inspector of Constabulary recommends that the force considers rationalising or restructuring the responsibility for all force security matters to the PSD to ensure a co-ordinated approach to this crucial issue.

Enforcement – its effectiveness in dealing with emerging problems

Strengths

- The head of PSD has led on a review of PSD objectives to place organisational learning and citizen focus high on the agenda for the both the department and the force. To aid this process the head of PSD has also engaged the force IAGREP to agree terms of reference for securing independent oversight and scrutiny of investigations, eg, where allegations of racial discrimination and/or proportionality may become an issue.
- A recent review of the systems and processes within the PSD that govern the management of complaints against the police and misconduct captured from civil claims, has resulted in a number of changes being made to enhance service delivery. In particular, restructuring of the administration and investigation teams and devolvement of decision making to IOs, has increased and improved the early assessment of complaints and associated considerations regarding proportionality in terms of the level of investigation required. This new approach also allows for the early capture of emerging issues to be identified and acted upon without the need for a protracted investigation which may result in the same outcome, ie, revisiting an opportunity to resolve a complaint through the local resolution process by conducting a limited investigation. The force has been proactive in developing this approach, working in partnership with the IPCC to ensure that all legislative requirements are met, whilst at the sametime ensuring that the level of service expected by the public is not compromised, eg, joint PSD/IPCC presentation to D3 OCU staff of changes to local resolution procedures.
- With the introduction of the IPCC the level of resources within the PSD was significantly increased. The recent reorganisation of both the complaints and misconduct administration and investigative team has also improved efficiency. The ACU is resourced to ensure an appropriate level of response to allegations of corruption and associated threats to the force can be deployed, eg, the ACU has a covert surveillance capacity, which can also provide support to other forces when requested.
- The force has an established policy, recently reviewed with the human resources department, relating to the suspension from and restrictions of duty for all staff. To ensure swift reintegration into the workplace, where applicable, the policy highlights the need for robust welfare support and regular reviews. Reviews are carried out personally by the DCC on a quarterly basis or when triggered to do so by a change in circumstances. Staff associations are consulted in the ongoing process and have confidence in the consistency of decisions.
- To demonstrate a consistent approach to sanction outcomes, decided upon by discipline panels, the force has prepared and published guidance to all of its ACCs and chief superintendents likely to sit as panel members. ACCs have also recently received panel training, an exercise to be repeated for all chief superintendents in the West Midlands force and region, using PSD regional collaboration arrangements. Working with the PA, the force is also preparing for the introduction of independent panel members to hear IPCC supervised and managed complaint case discipline hearings.

- Through the SKAG process, the PSD has briefed the force on the proposed options for revising police discipline arrangements as outlined in the Taylor report (Lancet principles). However, the force is awaiting additional national guidance before implementing any changes to existing policy. The SKAG has also been briefed on the National Race Equality Programme for Professional Standards (excluding grievance and unsatisfactory performance) recommendations. Implementation of these recommendations is in various stages of progress, ie, Internal Hate Crime policy - at the time of inspection, was being prepared in partnership with the force diversity unit.
- Following some difficulties in the first year of inception, overall relations between the IPCC and the force are now established on a satisfactory and constructive basis. The Commissioner meets the DCC as the ACPO PS lead officer regularly, and also meets with other ACPO officers as necessary in respect of issues relevant to their portfolios, ie, on mental health or community tension issues. The force has been pro-active in engaging and referring both mandatory and voluntary issues to the IPCC as soon as they have been identified.
- To capture, analyse and learn from complaints concerning 'direction and control' of the force, a Quality of Service (QOS) database was established in April 2004 with the introduction of the IPCC. The system allows for real-time recording, monitoring and finalisation of complaints where service delivery has fallen short of public expectations. HMIC considers the system to be good practice. To enable more robust scrutiny and the link to continuous improvement of PS, the force intends to fully transfer the responsibility for the QOS database from performance review to that of the PSD in early 2006.
- Unsatisfactory Performance Procedures (UPP) to manage poor performing post probationary police officers, are used within the force. There were examples cited of cases going to the third stages with officers either resigning or being dismissed from the service. However, the majority were dealt with effectively at the lower stages of intervention. UPP is managed at OCU/departmental level by human resource (HR) managers with oversight from the force HR department to ensure consistency. HR works closely with the PSD to apply UPP, where poor performance of an individual officer, rather than misconduct has been identified during an investigation.

Areas for Improvement

- All IOs within the CMU are empowered and briefed to make decisions concerning the early assessment of complaints and the level of investigation necessary to resolve them by applying the test of proportionality. The head of department and his deputies in the CMU and ACU maintain oversight of these decisions. Whilst HMIC was content, having examined a number of random files, that this process was being applied, it was disappointing to find it being done so in isolation without any policy guidance in place to advise IOs as to the documentation of their rationale for justification.

Recommendation 4

Her Majesty's Inspector of Constabulary recommends that the force develops a decision making model / framework or policy to guide and direct IOs to better document their decision making in order to ensure an open and proportionate response is applied to all PSD investigations.

- The force has a very good working relationship with the Police Authority whose role through the PS and quality committee (PSQC) is to provide oversight and ensure public confidence in police complaints is maintained. PA members have links to individual OCUs to provide consistency. Following recent restructuring, the PA recognise that a more intrusive approach is required if they are to achieve the level of oversight expected of them eg, currently no formal dip-sampling of files takes place. The force is working with the PA to provide more meaningful data to better identify and analyse emerging trends.

Recommendation 5

Though the force does carry out regular customer service surveys as part of the 'Feeling the Difference' initiative, they do not focus specifically on professional standards issues or the experiences of complainants who come into contact with the PSD. Her Majesty's Inspector of Constabulary recommends that both the force and PA consider conducting such surveys to identify the needs and expectations of customers and to gauge public confidence in the overall complaints system as delivered by West Midlands Police. Such survey results could also be valuable to the force by driving revisions to policy, procedures and business processes.

- Since April 2004, complaints made against members of police staff have been subject of IPCC oversight and subsequently PSD investigation. Staff associations representing police staff were complimentary regarding the professionalism and quality of investigation carried out into their members by the PSD. However, at force level, concerns were raised regarding the consistency of sanction outcomes and the disparity between police officers and police staff. Evidence was cited of a police staff member being given a written warning that remained on their file for three years whilst a written warning given to a police officer in a similar finding lasts just twelve months.

Recommendation 6

Her Majesty's Inspector of Constabulary recommends that the force reviews locally negotiated police staff contract agreements concerning disciplinary arrangements, to ensure that all-available sanction options are applied in a fair, equitable and proportionate manner.

Capacity and Capability

Strengths

- The force is the second largest police force in the country behind London's Metropolitan Police Service. As a result the force is capable of resourcing most major anti-corruption operations on a stand-alone basis. However, on rare occasions the force has called upon other forces to supply specialist covert resources, which are facilitated in the main following informal regional collaborative agreements.
- The PSD is well resourced to meet the challenges post the introduction of the IPCC . The workforce across the PSD is diverse, with a balance of experienced and skilled police officers and police staff at all levels, to handle both reactive and proactive investigations. A suite of performance indicators have also been established for 2005/06 e.g., increase the number of local resolutions completed by the force – target 50%.
- To increase timeliness the head of PSD and his deputy have been delegated by the Chief Constable to act as the 'appropriate authority' for decision making concerning criminal allegations made against both police officers and staff. In addition the PSD and the West Midlands CPS have agreed a local pilot project for referral of specified cases direct from the head of PSD to the CPS in order to reduce time spent in forwarding and receiving files submitted for advice.

Area for Improvement

None identified.

Glossary

ACC	Assistant Chief Constable
ACPO	Association of Chief Police Officers
ACU	anti-corruption unit
BA	baseline assessment
BME	black and minority ethnic
CPS	Crown Prosecution Service
CMU	complaints and misconduct unit
DCC	deputy chief constable
FTE	full-time equivalent
HMI	Her Majesty's Inspector
HMIC	Her Majesty's Inspectorate of Constabulary
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
OCU	operational command unit

PA	police authority
PCSO	police community support officer
PS	professional standards
PSD	professional standards department
RES	race equality scheme
RIPA	Regulation of Investigatory Powers Act, 2000
QA	quality assurance
UPP	unsatisfactory performance procedure