

Her Majesty's Inspectorate of Constabulary



Inspection of Cumbria Constabulary

Professional Standards

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INSPECTION OF PROFESSIONAL STANDARDS 2005

A - INTRODUCTION AND METHODOLOGY

1. Introduction

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

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

2. Inspection scope

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

Professional Standards Department

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

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

Complaints and misconduct unit

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

Proactive unit

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

Intelligence cell

- 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.

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.

² Number of frameworks in the 2004/05 assessment

³ Also including British Transport Police and Ministry of Defence Police

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

Cumbria is the second largest county in England by area and with a population of just under half a million, remains one of the most sparsely populated. The county's largest settlements, Carlisle and Barrow-in-Furness, account for only 15% and 12% of the total population respectively, while only 19 others have a population of more than 2,500.

There are significant areas of isolated and rural community, and the county has one of the lowest visible minority ethnic populations in the country. Each year Cumbria, which incorporates the Lake District National Park, attracts over 23 million visitors from all over the world, 7 million of whom stay more than one day.

The style and approach to policing adopted by the Constabulary is reflective of the local environment and the county is divided into three operational areas; North, South and West. Each policing area is coterminous with two district council boundaries and has its own headquarters; Kendal in South Cumbria, Carlisle in North Cumbria and Workington in West Cumbria. Cumbria Constabulary's headquarters, Carleton Hall, is located near Penrith. The Constabulary employs more than 1,200 police officers, 120 special constables and 800 police staff. The chief officer group is based at Constabulary headquarters at Penrith.

The Constabulary's aim is **'to inspire trust and confidence in our policing services, so that the people of Cumbria feel safe, satisfied and reassured'**, and the Constabulary is working closely with partners, inspectorates and the public to achieve this.

Cumbria Constabulary has seen an increase in overall crime over the latest year to date comparison (April to October 2005) when compared to the same period in the previous year. Domestic burglary and vehicle crime has decreased over the same period, however robbery and violent crime have increased significantly. The detection rate in the Constabulary has improved overall with the notable exceptions of robbery and violent crime, which have deteriorated.

Professional Standards

The deputy chief constable has portfolio responsibility for the professional standards department, which is headed by a detective chief superintendent, who in turn is supported by two deputies of chief inspector rank.

One detective chief inspector has responsibility for the complaints and discipline section which includes:

- a complaints and discipline section consisting of a detective inspector, two permanent police staff investigators and one temporary police staff investigator, and:
- an ethical standards section consisting of one detective inspector, a detective sergeant and two detective constables.

A chief inspector heads the disclosure/vetting and general security section, which includes:

- a freedom of information (FIO) and data protection section – an FIO and data protection officer with an assistant and two auditors;
- the information assurance section – an information assurance officer and an assistant;
- a legal advisor (disclosure); and
- a vetting officer.

Also in place is an administration section consisting of an office manager, two permanent administrative assistants; a part-time administrative assistant and a temporary administrative assistant, supports the PS.

GRADING : FAIR

Findings

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

Strengths

- A strategic assessment in relation to vulnerability and corruption has been completed and forwarded to NCIS. It was assessed against the ACPO corruption prevention strategy. The department's capability to receive, analyse and develop information and intelligence relating to unethical and dishonest behaviour is managed using the Clue 2 intelligence management system. To date the department has handled 66 confidential intelligence sources with numerous other examples of open reporting from individuals who do not require or expect the protection of confidential reporting.
- The Force has identified its top three threats as: data security, leakage of information, professional and unethical behaviour. Intelligence suggests that leakage of police information (data security) is a cause for concern and is fundamental to issues associated with criminality, criminal association and unethical behaviour.
- The Constabulary has introduced an ethical standards section headed by a detective inspector and supported by a detective sergeant and two detective constables, whose role is primarily anti-corruption providing an intelligence and covert investigation capability, which it considers to be commensurate with the level of threat within the organisation. Skills in the department include financial investigation, intelligence development and informant handling. The ethical standards section has an intelligence requirement.
- The ethical standards section exchanges information with neighboring forces and has on occasions progressed inquiries on their behalf. The Force attends regional meetings at chief officer/head of department level and practitioner level.
- The principles of strict confidentiality afforded by the professional standards reporting policy has led to the development of an intelligence source register managed by level 3 trained source handlers and controllers within ethical standards. Ethical standards officers are trained in the management of intelligence and source protection and maintain intelligence on a confidential database. This system, which makes appropriate use of established tradecraft and sanitisation of source information, is gaining confidence with members and with Police Federation representatives.
- Responsiveness to the community is emphasised in the joint consultation strategy and policing plans. The associated action plan includes public consultation surveys, user satisfaction surveys, 'mystery shopper' reviews, focus groups, consultation with BME communities, establishment of independent advisory group(s) and a review of complaints processes. The citizen focus project has developed a model for improved neighbourhood level consultation and involvement, which will be piloted in

2005/06. A quality of service commitment action plan is in place and being monitored.

- A system is in place to monitor the compromise or curtailment of operations and measures are taken to investigate such occurrences. Area detective inspectors in intelligence functions submit 5 x 5 x 5 reports to the ethical standards section. The information is logged on a confidential database. Examples are Operation Granary and Operation Essay. Security breaches are reported to the information security officer.
- Each of the three BCUs and HQ has a source handling unit, which consists of dedicated and trained handlers and source co-ordinators. The detective inspector (intelligence) at each of these locations performs the role of controller. The authorising officer (AO) is based at HQ. Sources are managed on a PIMs computer system with restricted levels of access and users. A systems administrator based at HQ is responsible for the day-to-day administration of the system. There is a monthly audit conducted in each of the units by the relevant area DCI that is co-ordinated by HQ and signed off by the AO. A process exists in each unit for the maintenance of a confidential contact register that can be used for any persons not deemed suitable for CHIS applications that can then be used to support any later applications for CHIS use. The confidential contact register is audited by HQ. As part of Operation Enhance, ethical standards is performing an audit of CHIS/PIMS

Areas for improvement

- The National Intelligence Model (NIM) is not fully employed in the PSD although the Force is of the view that it is adopted to the extent needed to add value. Staff responsible for the intelligence function are also part of the ethical standards section and therefore also responsible for proactive work. Effective tasking and co-ordinating processes are not embedded although activity is reviewed and tasks allocated at office meetings.

RECOMMENDATION 1

The Force should implement a robust NIM process relative for the professional standards function in order to focus resources in line with the Force strategy on complaints and integrity and adopt NIM principals more comprehensively. This recommendation should be addressed within six months by the Force.

- The department does not have an intelligence analyst and as such it undertakes only limited intelligence assessment as oppose to more detailed analysis. The Force should examine the most appropriate way to provide a dedicated analytical capability for PSD. The absence of such a post significantly reduces the department's capacity for data analysis and proactivity.

- Currently no regular meetings are held with CPS or IPCC. The Force should develop a process of regular meetings to assess the quality of investigation and file preparation and to provide opportunities for continued improvement and organisational learning. In addition the risk of corruption should be discussed and assessed.
- Work has started on integrating the PSD and complaint trends into the Force's regular Performance Development Conference, chaired by the Chief Constable. Improving access to management and performance data relative to professional standards will enable PSD to fully add value to the performance regime.
- The department is in the process of undertaking a staff satisfaction survey, which targets police officers, police staff members and special constables. The resulting information should assist the Force to assess the quality of service provided to staff and how PSD interacts with colleagues involved in the complaints process.
- There is no mechanism currently in place to gauge customer satisfaction specific to the work of PSD. A suitable process should be employed by PSD to provide feedback from both external (public) and internal customers and used to identify future improvement and preventative opportunities. The findings should be published to increase public confidence. The introduction of a wider PSD consultation strategy would assist.

RECOMMENDATION 2

The PSD should progress work to gauge customer satisfaction and evaluate satisfaction levels. A process should be introduced to provide feedback from both external (public) and internal customers and used to identify future improvement and prevention opportunities. This recommendation should be addressed within six months by the Force.

- Substance misuse has been identified in the strategic assessment, however the development of tactics to build up intelligence and identify staff concerned with substance misuse is acknowledged as being problematic. Since 2002 the department has progressed seven drugs misuse operations, none of which resulted in discipline proceedings. In the absence of reliable intelligence sources, proportionate and necessary degrees of intrusion to enhance or diminish intelligence is not available, leaving the Constabulary with concerns that carry a relatively high risk to the integrity of the organisation. The Force should continue to raise awareness to the issue and to strengthen confidence internally in the reporting processes.

- The recently circulated national guidance on substance misuse was discussed at the latest regional heads of PSD meetings in Cheshire. It was agreed that forces within the north west region would collaborate to develop a consistent policy that would be adopted by all affected forces. The Force has in place a development group led by the personnel and development department (P&D). Representatives from each force PSD and P&D are to form a working group to enable local and regional consultation to formulate a policy for testing involving recruits identified, vulnerable/key posts and also intelligence led 'just cause' testing.
- The absence of a Force inspectorate restricts the Constabulary's ability to inspect, research and identify poor practices that may lead to corruption. Training should be provided to relevant personnel in respect of the dangers and signs of corruption or the means to deal with it.

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

Strengths

- The lead for all professional standards matters is provided by the DCC who monitors misconduct and public complaints on a monthly basis together with the director of PSD. The DCC gives a 'standards' talk on professional standards and integrity to new police officer intakes and attends relevant national and regional PSD conferences with the director of PSD.
- The Force has a complaints investigation and reduction strategy in place. Complaint investigators perform an area liaison role (ALO) and attend meetings on areas such as local equality steering groups. BCU commanders have agreed to release Inspectors for personal briefings/presentations. In this respect, training for inspectors in West Cumbria BCU has been completed and good feedback has been received.
- The PSD acknowledges that it leads for the Constabulary in encouraging personal responsibility to maintain high standards and by challenging the actions and attitudes of all staff. The PSD has a training and development strategy, which provides awareness and guidance in respect of investigating racially discriminatory behaviour. The PSD is involved in structured lessons to new employees through the induction programme which covers ethical standards, complaints and misconduct, data protection and information security. Student led workshops for inspectors examine 'everyday' examples how to proportionately and effectively manage/prevent a fall in standards. PSD is actively involved in inputs to probationer training modules and inspectors' personal development training and give talks/presentations to staff associations.
- Management information is provided to relevant people through liaison between PSD and BCUs, which includes performance information, feedback on trends, frequency of officers investigated and evidence of best practice. Complaints are examined to identify trends, problem officers or problem teams and concerns are addressed through supervisors, counseling or the PDR process. The maintenance of personal

and ethical standards is communicated by posters, leaflets and presentations given by the ethical standards section.

- Complaint investigations seek to learn lessons and identify best practice. A specific closure report has recently been devised and introduced to record lessons learnt and highlight improvement opportunities. There is also evidence of learning from regional trends and activity, for example work undertaken in readiness for the introduction of IPCC.
- The training department, in conjunction with PSD, has developed a Student Charter, which includes a code of conduct and guidance on the reporting of inappropriate behaviour in readiness for the commencement of the Initial Police Learning and Development Programme (IPLDP). Two members of PSD have attended training for impact assessment of policies and initial work has been completed.
- The department has a professional standards reporting policy, which adheres to the principles of strict confidentiality and distributes 'Safeguarding Integrity' leaflets and posters containing contact details and informing staff of the confidential reporting process and integrity issues.
- The Force follows IPCC guidance, allowing complaints to be made by telephone, through a third party, and by e-mail. It uses complaint leaflets, which cover languages other than English. The Force has quality assured its processes by using a 'mystery shopper' scheme in which staff behaviour and quality of service were highly rated. Some recommendations from the 'mystery shopper' exercise are being progressed by the ongoing citizen focus project.
- The PSD has developed a guide to complaints which has been included in the True Vision pack sent out to hard to reach groups as part of an ongoing pilot in North Cumbria aimed at making the complaints process more accessible. Further work is being done on the complaint process as part of best value review of user satisfaction.
- The suspension policy for police officers has recently been updated and includes a role for a liaison officer to maintain contact with the suspended officer and also notification to the Police Federation and occupational health unit. The Force has not found cause to suspend an officer during the last 18 months. Personnel and development and welfare services are automatically provided to all officers and staff subject of suspension and/or investigation. Local staff associations play an active role in supporting officers and staff, through the formal 'friend' scheme. Access is provided for all officers and staff to the Force medical officer services, confidential counselors and a retained consulting psychologist.
- The information security policy came into force in 2002 and has recently been reviewed by the information security officer who is based in PSD. The policy covers physical and intelligence assets and identifies specific roles and responsibilities. Other policies include e-mail and protective marking. The 'security matters' booklet has been updated and covers data protection, GPMS, FOI as well as information security. It is distributed to new recruits and at police staff induction days. Relevant information exchange takes place between security and ethical standards sections.

- In response to issues raised in the BBC documentary 'The Secret Policeman' the Force created a specific diversity unit and has introduced revised diversity and anti-bullying policies. External research has been commissioned to identify any race and diversity issues across Force and there has been increased support to the local BPA. The Force has implemented the national SEARCH assessment process, which embodies respect for race and diversity in selection processes and success criteria. It rigidly enforces automatic failure on R&D issues and has improved monitoring of recruits at the district training centre.
- A policy exists for secondary employment and business interests, which has been revised and reissued. A review process for such authorities has been introduced to add additional control and supervision of officers who have been given permission to undertake other work. The PDR process includes a section covering other duties.
- The legal services department deals with employment tribunals. If any potential conduct matters are identified during the course of a tribunal, a referral will be made to the PSD. In the last two years the Force has been subject of two employment tribunals and neither contained any potential conduct matters, which had not already been addressed. A memorandum of understanding exists for the sharing of information between employee relations, ethical standards, complaints and general security section. Any information discovered or received regarding the conduct of police officers, police staff members or other members of the Force, which may undermine or harm its reputation, is recorded and evaluated within a central depository of information within PSD.
- Staff dealing with civil actions and employment tribunals are aware of the need to identify trends if any exist. The number of civil actions and employment tribunals are relatively low and are reported to the PA on a quarterly basis. Reports include best practice/policy issues. Some problems have been identified in the way in which information has been stored, and work has been undertaken over the past 12 months to improve management information.
- All criminal files submitted by PSD are dealt with by the Crown Prosecution Service based in Northumbria. No concerns have been raised on the quality or standard of files. A service level agreement is in place and is followed in respect of file content and timeliness. The local CPS provides a regular report to the head of the criminal justice unit of reasons for failed Crown Court cases. This report is shared with training and PSD. Meetings are held quarterly with the DCC, director of PSD and Police Authority lead.
- A software patch management process is in place to ensure all patching of computer terminals is up to date to protect the Constabulary against viruses' etc. Monitoring of internet usage is in place and a procedure is being drawn up for structured monitoring use of e-mail.

Areas for improvement

- Although input is provided to new employees and to some managers, the Force should consider avenues of communication to reach all staff. It is important to

ensure all officers and police staff are reminded of the need to maintain high ethical standards.

- Although the Force has arrangements in place for confidential reporting, numbers are very low and staff and managers are not fully aware of procedures. The Force should take the opportunity through talks, circulars and input to courses to proactively market the confidential reporting line to raise awareness.
- In addition the Force should commence the movement towards fully independent arrangements by introducing an independent reporting system, such as 'SafeCall'. It is important that staff are aware of the existence of accessible confidential systems to report allegations of unethical or dishonest behaviour.

RECOMMENDATION 3

In accordance with a recommendation set out in the Commission for Racial Equality (CRE) Formal Investigation into the Police Service in England and Wales, the Force should move towards fully independent arrangements for confidential reporting. The use of confidential reporting for racism should be encouraged and full protection for the service user should be provided. Moves to this system should be carried out immediately.

- The resources and standards board chaired by the DCC could be extended (or a separate group commenced) and attended by key and senior staff in the organisation. Its remit should include a focus on organisational learning which should include experiences linked to misconduct, complaints, direction and control, grievance, exit interviews, employment tribunals, and civil actions. The process should be designed to increase staff and public confidence in policies and procedures and therefore encourage reporting. Through this forum the DCC and head of PSD will be able to influence and direct Force policy and strategy to inspire, promote and support an ethical culture.
- Within the PSD team meetings there is clear evidence that, internally, staff have influenced changes such as the design and distribution of a complaints leaflet, providing information to officers, the introduction of an abbreviated file system, the establishment of ethical interviews/service confidence procedures and the updating RIPA authority procedures. However in the absence of a structured process for capturing or seeking feedback from internal customers, the department is working in isolation and not capitalizing on the potential improvements or potential Force-wide efficiency gains.
- The Constabulary does not have in place an independent advisory group (IAG) although it does recognise this as an opportunity for improvement. Consideration is being given to the most appropriate mechanism to ensure that any IAG put in place

is representative of the community served by the Force. The Force should pursue and introduce the most appropriate approach with some urgency.

- The Force should continue to improve and instill a culture of continuous learning by constantly reviewing and amending policy and working practices in line with local and national trends. Following the review of two high profile cases by the Chief Constable an action plan has been developed from lessons to be learnt. Any lessons should be circulated and an explanation provided to staff regarding the reasons for any change in process or policy. A number of policies are currently being developed.
- The provision of specific management information relating to professional standards to BCUs is being reviewed and should form part of the 'bigger picture' when assessing performance at a local level. This will provide the organisation with both 'health' and performance information at corporate and BCU level.
- The Force should ensure that legal services/PSD circular (Cautionary Tales) is reintroduced as a priority (the latest edition was some 10 months prior to the inspection). The circular should be developed into a joint publication involving inputs from professional standards, P&D and legal services and have agreed and regular publication dates. The identification of 'champions' who have made a significant contribution to enhancing standards should be celebrated.
- Use of closure reports has recently been introduced at the end of complaints investigations and lessons learned should be communicated in Cautionary Tales, by Force orders or direct to the policy holder. In order to maximise opportunities for learning, the PSD should develop and introduce a structured communication strategy to appropriately inform the Force and partners of issues or problems/themes etc.
- A security audit of rural stations has been recently conducted in relation to GPMS implementation as well as security of information assets. The review is being carried out under the name Operation Enhance. The emerging findings should be clearly documented in an action plan and allocated to key managers for implementation. The action plan should have documented milestones, completion dates and performance indicators with clearly defined lines of accountability. The action plan should be driven by the group general security committee, as should the newly agreed security strategy.
- Anti-corruption considerations could be more adequately profiled in Force policies and procedures and given a higher status. Data security is highlighted as a threat to the organisation and is a sensitive area of vulnerability. Audit trails on persons accessing information systems within the Constabulary have been deemed by the Force as currently inadequate. Research in-Force suggests that management of access levels to confidential and sensitive data is not properly reviewed which often leaves staff with the ability to access computer systems when their role does not require access. In this regard more can be done to strengthen the focus on anti-corruption. The lack of an effective audit trail hinders the capability to counter the unauthorised disclosure of information and may impact negatively on intelligence led operations.

- Although the information security policy covers physical and intelligence assets it does not cover data protection. Security policies covering e-mail and protective marking are to be finalised later this year.
- Criminal/suspect association features as an area of concern within corruption operations, i.e. 'Operation Eden'. Intelligence indicates however that currently this area is confined to a very small number of officers. Although the Force has very limited proactive capability in respect of intelligence and covert investigation, it should put in place specific objectives and standards for the investigation of corruption.

RECOMMENDATION 4

The PSD should ensure that a robust system is installed to facilitate the security of data through the proper application of comprehensive integrity checks, clear audit trails and management activity. This recommendation should be addressed within six months by the Force.

- Although the Force fully participates in regional meetings of PSDs, it does not have in place any formal protocols for sharing of information. The Force may be missing opportunities for organisational learning.
- A new vetting officer has recently been appointed. At this time there is no vetting policy in place although work has commenced to make the Force compliant with ACPO national vetting strategy. In this regard the Force accepts that there is a gap that needs to be addressed. In order for the vetting officer to be effective it is essential that a vetting policy be implemented as a priority.

RECOMMENDATION 5

The PSD should continue to drive the development of the vetting policy to finalisation and retain a clear oversight role of its management and delivery. This recommendation should be addressed within six months.

- The ownership of the recruitment vetting process recently changed from the P&D department to PSD. Currently, the P&D prepare a package in respect of potential employees based on checks conducted on PNC, CMIS and the crime information system, which is scrutinised by PSD. It includes a recommendation as to whether an appointment is appropriate. At present there is no re-vetting of employees except into high risk posts. A vetting working group has defined roles for higher levels of vetting, on which the Force intend to consult further before implementation can be

commenced. Increased vetting for CAPU staff is being considered (under the remit of the detective superintendent (support) and part of the national guidance on safeguarding children. Vetting issues are included in the departmental plan.

- Due to the low level of civil claims made there is no formal reporting mechanism in respect of management information on civil claims although feedback is provided to key staff on a case-by-case basis. If there are lessons that can be learned from individual civil claims, then feedback will be given if appropriate. The Force should be in a position to collect and analyse both positive and negative information from any dispute that it is confronted with. This should include near miss issues and circumstances which generate a grievance.
- No formal process exists to identify conduct matters arising out of the grievance procedure, although there is evidence of grievance matters, e.g. 'report of bullying' being referred to PSD for investigation. Issues, which are resolved prior to formal grievance procedures being activated could provide valuable intelligence on the health of professional standards and inform policy accordingly.
- Currently communication with staff associations/Unison is on an 'as required' basis, although specific consultation has taken place on such issues as the introduction of IPCC and the 'mystery shopper' exercise. No formal or regular meeting arrangement exists to discuss PSD developments, organisational learning or ongoing integrity issues. Open and constructive relationship with staff associations and staff support groups is essential and such meetings should be developed and scheduled.

Enforcement - its effectiveness in dealing with emerging problems.

Strengths

- The lead for all professional standards matters is provided by the DCC who approves and oversees the departmental plan and monitors misconduct and public complaints on a monthly basis together with the director of PSD. The DCC also attends and presents reports to the Police Authority's professional services committee, which includes complaints data, trends etc.
- The PSD plan takes account of issues and strategies at a local and national level, which impact on the health of professional standards within the organisation. There is clear direction to ensure staff are aware of the difference between discipline and competence. IT provides a monitoring and scrutiny function of activity to access performance. A gap analysis has been conducted in view of the recommendations of the Morris Inquiry and Taylor Review. Actions are incorporated into an action plan.
- The Force has in place fair and transparent systems for receiving, investigating and resolving both complaints against police and direction and control complaints. Also effective systems are in place for civil actions, complaints of racially discriminatory behaviour involving discriminatory behaviour under the six strands of diversity and of a domestic violence nature.
- A fairness at work (grievance resolution) policy is in place which provides a fair and

consistent procedure to be used by officers, special constables and members of police staff when they raise issues and concerns as to the way they perceive they have been treated by management or colleagues. The aim of the policy is to resolve grievances quickly and effectively at the lowest possible management level.

- A process is in place to ensure early assessment of complaints and efforts are made to ensure proportionality of investigations. This approach has been developed partly as a result of the Chief Constable's action plan following a number of high profile cases in the Force. All complaints, reports and allegations are screened to ensure a proportionate response. 'Terms of reference' are set and lines of enquiry with agreed timescales and review dates built in. The director of PSD has reviewed the processes for investigation, which has resulted in a more streamlined approach, for example, the development of abbreviated files and increase in written responses from officers under investigation. The practice of conducting 'ethical interviews' has been introduced.
- The Force works to the IPCC time guidelines. Timescales for investigations are agreed, set at the beginning of each investigation and monitored throughout. This is supported by the 'bring forward' system on Centurion that provides standardised review points in every investigation. Performance data on complaints are discussed at monthly management meetings. In addition the DI (complaints) holds weekly update meetings with investigators, however there are no specific records kept to demonstrate evidence of intervention. Cases are allocated dependent on ongoing workload, ability and where possible in line with geographic/ALO roles.
- Timescales for investigation comply with national performance indicator standards for local resolution and local investigation (40 and 120 days respectively). There are structured systems in place to keep complainants and staff informed on case progress (at least every 28 days). The director of PSD or his deputy see all files and also perform an appropriate monitoring role. An SLA has been agreed for submission of files to the CPS.
- ALOs provide quarterly reports with information to areas on complaints, trends and best practice. Lessons learned are disseminated through the PSD best practice folder via appropriate mediums.
- Measures exist to ensure equality of treatment in respect of the six strands of diversity and human rights. The head of department monitors all activity, in particular the proportions of investigations/complaints that are conducted against BME staff. Where disproportionality is identified measures are in place to address this. The director of PSD reports activity quarterly to the Police Authority, which includes data on race and diversity.
- The P&D department maintains communication with relevant staff included in both discipline and grievance procedures. Although sanctions are not published relevant outcomes (anonymised) are published through Force orders to reiterate that unacceptable behaviour is not tolerated. Application of these policies is through a small number of specialist officers and staff who are all aware of the contents and requirements of the documents. The PSD has produced a strategic assessment of people issues from a variety of internal intelligence sources. That piece of work is

currently being refreshed and formatted around the six strands of diversity for the information and attention of the confidence and equality board.

- The DCC undertakes the suspension of officers and staff in accordance with agreed procedures contained within police regulations and the police staff disciplinary policy. Suspensions are reviewed at least monthly or at any time if the circumstances which warranted the suspension change. Support for officers/staff subject of suspension is available from the occupational health department, Police Federation, Unison and the command unit liaison officer. Suspended staff are kept informed of progress via a nominated friend. Where a suspension is lifted a case conference/inclusion meeting takes place to discuss opportunities to reintegrate the officer back into the workplace. It should be noted that in the previous 18 months there have been no suspensions.
- The chief officer lead has a good level of awareness of matters such as the IPCC statutory guidance, recommendations emerging from the CRE, Morris and Taylor reviews of police discipline. The DCC has attended regional and national events connected with PSD and the introduction of the IPCC. There is a good knowledge of personnel issues, police discipline, police regulations and the emerging issues out of Taylor et al. The DCC is responsible for training needs analysis (TNA) of chief officer posts, Chief Constable's review and action plan. The DCC has met with Cumbria's IPCC Commissioner and chairs the newly formed confidence and equality board. She was instrumental in restructuring the Constabulary's approach to race and diversity matters with the introduction of a diversity unit within P&D.
- The ethical standards section has given relevant presentations to BPA and staff associations. At the Appleby gypsy and traveller fair, the PSD actively worked with the BCU and the Force diversity officer to promote the police complaints system.
- A resources and standards board is chaired by the DCC. The strategic oversight group (gold group) is made up of the director of PSD, the director of HR and the director of legal services.
- The director of PSD is able to contribute and influence Force strategy via the strategic board structure. He is also a 'member' of the senior officer forum, which meets twice yearly to 'blue sky' and shape strategy. The director of PSD also holds monthly meetings with the two sections within PSD to discuss performance, strategy and other issues.
- All applications for RIPA authority are submitted through the director of PSD to the detective superintendent (operations) who is the principal authorising officer under RIPA. Applications are secured and logged in the central registry for RIPA authorities but without any intelligence/detail. They are inspected annually by OSC. There is a robust level of accountability and scrutiny of applications.
- The Force has an open relationship with Police Authority on all matters of complaints. The Police Authority has adopted the APA Good Practice Guidance to Monitoring and Oversight of Complaints against the Police and can readily obtain the information required for effective oversight.

- The Police Authority is involved in direction and control development work and is invited to initiative presentations, e.g. 'mystery shopper'. The Authority has influenced change in processes such as the style of quarterly report and in the development of the dip sampling process. The director of PSD has regular informal meetings with the chair of PA PSD committee to review the complaints process.

Areas for improvement

- The capacity of the proactive team, which also conducts a dual intelligence cell role, is limited. In light of emerging new policies and the identification of the top threats identified in the vulnerability to corruption assessment, i.e. data security, leakage of information and professional and unethical behaviour, proactive capacity in the unit should be reviewed. In addition in-Force intelligence suggests that leakage of police information (data security) is a cause for concern and fundamental to issues associated with criminality, criminal association and unethical behaviour. The PSD should ensure capacity could effectively handle current and projected demand and that sufficient resources with appropriate skills are in place to research and mount meaningful proactive and covert investigations.
- Currently there are no protocols in place with other forces regarding corruption and misconduct investigations. In this regard the Force should reflect on the benefits of defined protocols to add to the resilience of the department and have agreements in place to quickly draw on additional resources when necessary.

RECOMMENDATION 6

The proactive capacity and capability in the intelligence unit should be reviewed in order to ensure the Force could effectively handle projected demand and that sufficient resources with appropriate skills are in place to effectively deal with intelligence and mount meaningful proactive and covert investigations. This recommendation should be addressed within nine months by the Force.

- The gold group meeting chaired by the DCC is not scheduled or diaried and is only held when it is considered necessary. In order to enhance scrutiny and accountability within the professional standards function, this important meeting should have a documented schedule, a published agenda and be appropriately minuted to facilitate transparency of decision-making.
- Although a current departmental plan for PSD is in existence it has not been widely consulted on or communicated internally. Additionally, it does not contain specific improvement targets, making it difficult for management to assess whether progress is being made towards achieving the published objectives and intended improvements. The objectives themselves should be more SMARTS based.

- The Force does not have a local resolution policy. It should develop and introduce a policy relevant to its structure and policing arrangements. The policy should be principally based on the Home Office and IPCC guidance in respect of local resolution and clearly outline the level of supervision authorised to record and deal with an initial complaint; the aim being to encourage local action, when appropriate. The policy should be proactively marketed in the force and with relevant partners.
- Levels of overall complaints dealt with by Local Resolution should be improved. For the reporting period (1 April 2004 – 31 July 2005) the figure indicated by the Force was 57%.
- The PSD should reflect on the low level of Local Resolution undertaken in BCU's currently running at 35%. The PSD should endeavor to focus on increasing the number of local resolutions at BCU level. This approach will strengthen the principal of resolving local issues through local solutions. Effective monitoring and appropriate training should continue to be improved.
- The PSD should develop and introduce a policy for ethical interviews, which should provide clear directives and procedures to address unresolved allegations against individual members of staff when all other investigative methods have been utilised or rejected as being inappropriate. It should take the form of a framework for dealing with minor allegations, which do not constitute serious misconduct or criminal proceedings. It should not be read in isolation, but be considered together with service confidence procedures.
- Accessibility to the complaints process for hard to reach groups should continue to be improved. The Force has acknowledged that this is an area of business that should be developed and is conducting a pilot in North Cumbria BCU aimed at improving accessibility, which includes accessibility for members of the public who do not speak English. The pilot should be monitored and an assessment made at an appropriate stage as to the impact made on those targeted groups.
- The Force should evaluate the training initiative recently completed for inspectors in West Cumbria and roll it out to inspectors in the remaining two BCUs. In addition the PSD should deliver suitable training for inspectors, sergeants and police staff managers through management training courses planned for 2006.
- Although e-mail accessibility to the complaints process is in place via the Force website, the Force acknowledges that more development is needed particularly in relation to third party reporting.
- Although the Force has experienced low numbers of disciplinary hearings in recent times, it should review levels of awareness and knowledge of ACCs, chief superintendents and superintendents who may be charged with sitting on discipline tribunals or administering local resolutions. The Force should ensure their skill levels are up to date and that consistency of outcomes can be demonstrated. If required appropriate training should be delivered.

- The Force has no policy on sanction guidance. Only one discipline panel has been held in last 18 months. The Force should draw on the experience of other forces to ensure that sanctions, when initiated are proportionate.
- Meetings between the Police Federation, Superintendents' Association and unions should be more frequent and provide an opportunity for PSD to 'test' its own performance and attitudes in the department. Information suggests that the confidential reporting line is not used and confidence/trust needs to be built within the Force, which could be promoted through regular meetings.
- A policy in relation to the compulsory testing of police officers for alcohol and substance abuse is currently being developed in order to meet the requirements of Government legislation. The proposed policy does not at present include police staff members. The Force is encouraged to actively involve trade unions in a consultation exercise in readiness for the inclusion of all staff within the policy.
- Although consideration is made of the six strands of diversity, the Force should ensure that a more formalised and documented process is implemented to cover initial assessment of the complaint from initial receipt through to it being finalised. This will provide agreed standards linked to a monitoring function and ensure equal treatment is afforded to all complainants. This should include third party reporting.
- The process of dip sampling by the Police Authority is under review. Currently dip sampling involves the force taking files, selected at random by chair of the PA PSD committee, to meetings for sampling by committee members. It is felt that this process can be improved and sampling will take place within PSD offices against a checklist (being devised). The Authority and Force should ensure agreed protocols are developed in line with the developing process for dip sampling.

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

Strengths

- The structure of the department reflects ACPO PSD guidance. Staff are deployed within a structure consisting principally of a complaints and discipline section and an ethical standards section. A chief inspector heads the disclosure/vetting and general security section, which includes freedom of information (FIO) and data protection section. In addition there is an information assurance section.
- The Force has supported the work of PSD by approving growth bids over the recent years. It has introduced an ethical standards section, a security, vetting and disclosure section, increases in staff in complaints posts, and has implemented IPCC guidelines. The Force considers that the current decision-making board structure is sufficient for scrutiny. Each board is chaired by a chief officer and all are empowered to change/make policy and strategy. The DCC chairs two of these boards and the director of PSD attends three of them.

- The department has a training and development strategy. Although a relatively new development, the programme affirms the department's commitment to the development of its entire staff. Investigating officers have undertaken the national SIO programme and have source management accreditation. Relevant external training is considered when no facilities exist in-house. Internal training is provided through accredited trainers within the Constabulary. Circulated minutes of meetings to staff provide further guidance and encourage understanding of the role of other relevant departments such as legal services and P&D. Short-term attachments are provided to other specialised departments.
- The selection process for filling vacancies within PSD is the same as selection for any other post within the Constabulary using ICF criteria and an open competitive selection process set out in Force policy. However, the DCC retains the 'right' to appoint in order to ensure appropriate skills are achieved and maintained for the investigation of corruption.
- The HPDS, secondments and attachments have formed part of the Constabulary's career development function for a number of years. Arrangements for formal mentoring have been approved and are to be introduced in early 2006. PSD officers are provided with specific tutorial support for OSPRE examinations.
- The legal services department is authorised to settle civil claims made against the Chief Constable. Where a claim is made against the Police Authority, the director of legal services is authorised by the Police Authority clerk on a case-by-case basis to conduct and settle claims. He is authorised to accept responsibility other than when combined costs and damages exceed £25,000. Insurance for public liability and employer liability is in place with £25,000 excess per claim. The 'Woolf' Reforms have been incorporated in 'business as usual'. Claims are effectively managed on a file maintenance system. Civil claims are investigated by legal services staff and are generally defended if there is more than a 50% chance of success. Management information on civil claims is available for feedback to the Force and the PA.
- Legal services consult with PSD upon receipt of civil claims to ascertain if the force is already engaged in an investigation. The Force has processes in place to fully comply with the Police Reform Act and agreed protocols between legal services and PSD as to actions to be pursued in respect of conduct and discipline matters and disclosure. All civil claims are kept under regular review to assess whether or not any conduct matters are disclosed later in the civil proceedings.

Areas for Improvement

- The DIs, DCI and DC Superintendent have all attended the SIO programme. The department has a training strategy, however there is some lag between training being delivered and identified. Members of the department have received diversity training to the same level of all members of the Constabulary. The Force should review the levels of knowledge and awareness of 'diversity issues' of staff within PSD and ensure they have the appropriate levels of expertise to deal effectively and work proactively to deal with this important area of PSD work.
- At present, there are no policies or practices in relation to the reintegration of staff to mainstream policing, however, this has been recognised and is due to be

progressed. The Force should continue to progress this development, which could include considerations around maximum tenure and a succession policy for PSD staff. Such a policy should include 'ongoing' support mechanisms for those returning to operational policing and any difficulties experienced by officers should be captured to inform future strategies.

- All staff within PSD have a current ICF based PDR. The Force has set a minimum tenure of two years within the department however there is no maximum tenure. The Force would benefit from a more structured plan for staff turnover to enable the spread of good practice to the Force by people leaving the department and returning to operational roles. This would also assist in breaking down the myths or perceptions that people may have and enhance job filling opportunities.
- The PSD should ensure that staff benefit from the national initiative for professionalising the investigative process (PIP) and update specific training on the investigation of allegations of racially discriminatory behaviour and in race and diversity in line with the Race Relations Amendment Act and employment equality regulations. In this respect when possible appropriate priority should be given PSD staff training.
- The rolling programme of visits to PSD should be formalised in discussion with the P&D department and training department. Relevant training input should continue as a priority for appropriate ranks and managers, taking account of an agreed local resolution policy.
- Although cases are monitored through Centurion software and the DI (Complaints) holds weekly update meetings with investigators, meetings are currently not minuted. Consideration should be made to minuting meetings in order to enhance transparency of decision-making and provide a suitable audit trail.
- Currently there is no mechanism to easily disseminate information about civil claims other than the regular reporting information provided to the PA. The current method of recording civil claim files on the computer system does not allow for easy identification of civil claims to particular areas/departments or types of civil claims made. The information can be provided on a manual basis. Work is to be undertaken to see whether this can be improved.
- There is currently no separate policy on the service of Regulation 9 notices but national guidance is followed and they are dealt with under Police (Conduct) Regulations 2004 and written notice is provided in accordance with the regulations.
- The PSD should assess the benefits of having a specific resource in place to develop PSD related policies, drive associated consultation and take account of legal requirements such as race and diversity and DDA etc. Currently the PSD does not have the capacity to undertake this function.

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