

Her Majesty's Inspectorate of Constabulary



Inspection of Devon and Cornwall 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.

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

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

- 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.

² Number of frameworks in the 2004/05 assessment

³ Also including British Transport Police and Ministry of Defence Police

4. Baseline Assessment grading

HMIC applies a qualitative grading to the inspection of Professional Standards. These grades are:

- Excellent
- Good
- Fair
- Poor

In allocating individual force grades, HMIC assesses all the available evidence and identifies how well the force matches an agreed set of Specific Grading Criteria. To ensure fairness and transparency in the grading process, HMIC worked with key partners in the APA, IPCC, the Home Office and ACPO to develop and agree these Specific Grading Criteria for Professional Standards.

The criteria set out expectations for a “Good” force. Grades of Fair, Good and Excellent all represent acceptable performance levels but indicate the degree to which the force has met the grading criteria. An Excellent grade indicates ‘benchmark’ performance including significant implementation of good practice.

The full grading criteria are set out in HMIC’s website at:
www.inspectorates.homeoffice.gov.uk.

The key elements appear under four headings, namely:

- **Intelligence** - *what a force knows about the health of professional standards*
- **Prevention** - *how the force tries to improve and prevent the abuse of standards*
- **Enforcement** - *its effectiveness in dealing with emerging problems*
- **Capacity and Capability** – *having the resources and skills to address reactive and proactive challenges (including timely and proportionate response to lapses in professional standards)*

The remainder of this report is set out under these headings, for ease of reference to the evidence presented.

B – FORCE REPORT

1. Force Overview and Context

Devon and Cornwall Constabulary serves the counties of Devon and Cornwall and the Isles of Scilly and is the largest territorial police force in England. Situated in the south-west of England the counties cover an area of 3,960 square miles and have a coastline of over 550 miles. The challenges of policing such an area are diverse and complex. In an area where one might expect to find an affluent population, there are areas of significant social deprivation, especially in the west of Cornwall, where unemployment is significant.

The counties include areas of significant population such as Torbay, Exeter, Truro and Plymouth. Plymouth has a population of over 254,000, plus an additional population of approximately 353,000 people who commute into the city for work and leisure. By contrast the force also polices areas of rural sparsity and important heritage sites, such as Dartmoor, Bodmin Moor, the Isles of Scilly and the coastline. The total population of the force area is approximately 1.5 million, and there is a minority ethnic population of approximately 18,400, representing 1.2% of the total. The resident population was swelled by 11.3 million visitors to the force area during the year (Tourism Board, 2003).

The force command team (FCT) consists of the Chief Constable, a Deputy Chief Constable (DCC) and three assistant chief constables (ACCs) holding the portfolios of operations, operational support and personnel. A Director of Finance and administration completes the team. The force revenue budget for 2004/05 was £233.2 million. Staffing levels at 31 March 2004 were 3,311 police officers, 1,925 full-time equivalent police staff, 602 special constables, 51 police community support officers (PCSOs) and 102 traffic wardens.

Professional Standards

The DCC holds portfolio responsibility for Professional Standards (PS). The Professional Standards Department (PSD) is led by a Superintendent, Head of Department, with a Chief Inspector Complaints Reduction & Operations and a Detective Chief Inspector Special Cases Unit (anti-corruption/intelligence). The department taken as a whole consists of 30 full-time equivalent staff members, split twenty complaints, eight anti corruption, with the Head of Department (Commander) and his deputy; this includes administration and analyst support.

The three complaints investigation teams based in the two counties and Plymouth consist of a blend of experienced sworn police investigating officers (IOs) and police staff assistant investigating officers (AIO), plus administrative support. The anti-corruption team consists of five police officers with good proactive and covert criminal investigative skills. The department has its own analytical support. Force vetting is a recently created post, which currently sits outside the PSD as does security/data protection which is placed within Strategic Development. Force legal advisors also sit outside the department and report directly to the DCC.

2. Findings

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

Strengths

- The DCC has overall responsibility for the PSD and the Special Cases Unit (SCU). He meets weekly with the Head of Department to discuss strategic issues impacting on the Force. Regular monthly meetings are also held between the DCC and staff from the SCU to discuss all the cases being investigated by the unit and ensure a clear strategy for investigation implemented. Where such investigations involve intrusive techniques the DCC will countersign all policy decisions.
- The SCU which is located at a police station in the Plymouth area has introduced a range of NIM products including the Strategic Intelligence Assessment and resultant Control Strategy together with regular tasking mechanisms and covert policing arrangements which are kept separate to the intelligence cell. The processes are available on a flow chart designed by the analyst which clearly shows NIM compliance and which HMIC views as a model of good practice.
- The SCU evidently enjoys high levels of trust and confidence throughout the organisation fostered by its proactive approach, marketing and the excellent relationships built between staff on the unit and key stakeholders throughout the force area. The result of this confidence is the high levels of reporting to the department both direct and confidentially although the former seems the preferred method. The unit has been well led over the past few years and there is a high level of energy, professionalism and proactivity apparent at all levels.
- A relatively recent proactive innovation is the quarterly calls to the Gay Police Association (GPA) representative. These calls are made on an informal basis but permit any occurrences of homophobic behaviour which have been picked up but not reported to be fed into the system and if necessary actioned. The GPA has welcomed this initiative and there is scope to broaden this beyond diversity advisors who are also contacted to other support groups.
- Source protection is paramount and confidential reporters both internal and external are allowed to negotiate a 'contract of trust', which will include methods of contact and regularity of update on progress.
- There is a good spread of skills and expertise within the SCU including specialist knowledge in areas such as diversity, surveillance, Freedom of Information Act, and intelligence handling training, together with more generalist CID training. Bespoke training such as anti-corruption training and test purchase training has also been made widely available. Certain officers also have specialist skills such as interview advisor, Holmes II disclosure, drugs testing, IOCA reading and

optical evidence gathering. Police staff are trained in analytical work, Force systems and I2 software. The technical officer has also undertaken a vehicle crime course. There is an induction process for those entering the unit which includes a personal pack.

AFIs

- During the assessment gaps were identified in a variety of potential organisational learning mechanisms and whilst elements of good practice were found these were ad hoc and uncoordinated. There remains a need to formalise methods of gathering and disseminating organisational learning. An example might include the process whereby direction and control issues are supposed to be collated and entries made on the continuous learning database. The file of this type of complaint was thin indicating lack of collation from BCUs and there were no entries available for inspection on the database. This is an area of vulnerability for the Force and the Police Authority who are charged with maintaining effective oversight.
- During the assessment it became clear that staff would wish to see and benefit from more detailed information to assist in their understanding of lessons learned, eg, 'more detail as to why people are losing their jobs'. Case studies should be circulated which clearly identify the conduct which has led to dismissal in serious cases and might include detail around those who have chosen to leave the organisation, rather than face discipline proceedings, following investigation.

Recommendation 1

Her Majesty's Inspector of Constabulary recommends the Force implements a central co-ordinating method whereby organisational learning from complaints and misconduct investigations, direction and control complaints, grievance, employment tribunals and civil actions are collated, analysed and lessons learned disseminated force-wide through various means.

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

Strengths

- The Chief Constable and her command team have clearly articulated the Force Vision, Mission and Values (VMV) in a road show where they have presented to the widest possible audience of managers. The values articulate five aspirational strands and expectations of staff. Under the strand 'straightforward' there is an expectation that staff will be honest, trustworthy, respectful and transparent in their actions. The DCC has led in the development of this strand and supporting work.
- The DCC chairs the regional ACPO Complaints & Discipline sub-committee and regularly attends the Police Authority Complaints Monitoring Group meetings to discuss performance issues. This active level of engagement provides effective oversight of this important area of business and early recognition of any emerging threats or risks.

- Having learned lessons from previous breaches of systems the Force has introduced efficient means of auditing across a range of IT systems to monitor access and identify those who are using systems inappropriately.
- An external consultant has recently been engaged to conduct an independent audit of IT systems from a security standpoint. The auditor, who was drawn from an accredited list, found the Force to be 'fully compliant' or 'partially compliant' in 28 of areas addressed, and 'non-compliant' in just five, these relating more to site security rather than systems. A business case has been submitted prioritising work to be commenced as a result.
- The department has excellent links with the Force training department and is actively engaged in training staff at various levels throughout the organisation, including training on a range of courses and input to a range of management meetings. These inputs include one-to-one sessions with newly promoted supervisors to explain processes and offer support and guidance (See also AFIs).
- The head of the SCU has conducted wide ranging research in the preparation of the drugs testing policy which is now in its final stages of negotiation prior to implementation. This research was not confined to police agencies but included a range other organisations including those such as the London Underground and the military. The 'with cause' testing policy is in a good state and should be ready to go live soon. It is intended that the work completed in this respect will be shared at regional level as possible best practice.

AFIs

- The Force could be vulnerable due to the lack of effective monitoring of the ethnicity of complainants. Out of a total of approximately 400 complainants 187 had their ethnicity recorded as 'unknown'. The reasons for this failure are yet to be formally identified but relate in part to the increase in telephonic reporting and the subsequent lack of effective follow-up.

Recommendation 2

Her Majesty's Inspector of Constabulary recommends the Force ascertains the reasons why the ethnicity of complainants is not routinely being recorded and takes steps to fulfil this statutory obligation.

- The highly NIM compliant processes and methodologies adopted in the SCU are not apparent in the complaints investigation side of the PSD. There is scope to provide greater analytical capability, tactical assessments and problem profiles in relation to areas, teams and individuals who are cause for concern. This will assist in the prioritisation, proportionality and in the timeliness of investigations.
- The internal 'confidential reporting line' is considered by the Force to be adequate for its needs. This is as a result of the high levels of internal reporting already apparent by other methods. The Force is therefore resistant to the idea that investment in an external confidential reporting line is necessary. However, the introduction of such an avenue for reporting issues of concern is a recommendation of the Commission for Racial Equality and should be actively

explored and perhaps conducted as a pilot before it can be discounted without a more robust academic rationale.

- Excellent use is also made of leaflets, posters, screen savers etc. as preventative measures. These are clearly impactful but staff interviewed during focus groups and elsewhere indicated they saw them as insulting, demeaning and questioning their integrity. These campaigns need to be supported by information which indicates clearly to staff why they are needed. A good example is the use of posters to reduce browsing and the threat of information leakage. With improved marketing, it is hoped staff would understand why they were being targeted.

Enforcement - *its effectiveness in dealing with emerging problems*

Strengths

- There is regular chief officer engagement with the department and effective oversight of complaint trends and performance. This is supplemented by quarterly engagement by the Police Authority monitoring group who meet with the Head of Department and have unfettered access to files. The Chair of the PA also sits on the complaints sub committee, which sends out a strong message as to the weight attached to this area of business. The PA is briefed on cases of interest and notified immediately in relation to any critical incidents.
- The PA report good liaison with key stakeholders including the IPCC with regular meetings taking place between the authority and the Commissioner who maintains oversight of the force. PA members have also been invited to meetings between DCC and IPCC.
- In general terms all staff associations including Police Federation, Superintendents Association, Unison and the GMB and internal support groups reported good relations with the department. They commented upon highly experienced staff, good levels of confidence in the team and an element of approachability which helped to create trust and confidence.
- One officer in the department has received additional training in diversity and collates details of issues involving 'diverse communities' and supervises all enquiries. This ensures that a consistent approach is employed to all such investigations.
- Vetting previously an area of weakness, has now been placed high on the Force security agenda and following the appointment of a competent and credible retired senior police officer is now being developed so that processes are being reviewed, refined and made far more robust. Improvements include the proactive use now being made of the Special Cases Unit I2 database in relation to issues such as recruit applications and a policy of conducting vetting 'integrity' interviews where there is a need to probe further (See also AFIs).
- Good progress has been made in relation to local resolution of complaints against police. In the period under review some 55% of complaints were locally

resolved, with a low rate of appeals. In addition, the force has developed its training of staff in restorative justice to include PSD staff. Examples were cited where this technique had been used to good effect in the local resolution of complaints.

- During the assessment process HMIC discovered good reporting/recording arrangements including public access by reporting complaints against police via the internet. This could be achieved by logging onto the force web site from which there was easy navigation to the PSD web page complete with reporting icon. Visits to police stations, however, did not reveal the same level of publicity with literature being available but out of view and there may be scope for more effective marketing in this respect.
- During the eight month interregnum, the acting Head of Department has made contact with a range of minority group support networks across the two counties and Isles of Scilly and has established a network of third party reporting lines for members of these communities. There may be scope to further develop this good work using their good offices to promote one strategic IAG for the Force.

AFIs

- Training in the past in relation to tribunals has been initiated by the Police Federation. Events have included mock hearings based around case studies from real life events. There may be merit in providing training events either regionally or locally and buying in the services of a Queen's Counsel, an approach used elsewhere. If a regional event were to be brokered the cost could be mitigated. This has been found to be beneficial in other forces and should be explored to support current senior ranks who have yet to undertake this type of training.

Recommendation 3

Her Majesty's Inspector of Constabulary recommends the Force should explore opportunities either locally or from a regional perspective to ensure senior staff within the organisation have received appropriate training in the conduct of discipline tribunals.

- The Police Authority maintains effective oversight of professional standards matters and has unqualified access to completed case files. However, the Force may wish to assist by ensuring that files relating to discrimination in any of the six strands are given priority for oversight and examination.
- Corporate methods for recording and monitoring low level discipline issues should be improved. Discussions with staff and supervisors found various methods of recording instances of such behaviour and of sanctions applied.
- There is a need to ensure that corporate memory is maintained and that if appropriate, similar sanctions are applied across the Force area. Some other forces have found value in a guidance sheet giving sanitised detail of offences and sanctions together with mitigating or aggravating factors which have affected the severity of the sanction imposed. Whilst recognising each case should be judged on its merits, the Force may wish to use this type of guidance.

- Comment was passed in a number of interviews regarding the disparity that has been evident between police staff and police officer sanctions and the need to demonstrate fairness. Discussions with senior HR staff revealed that there are in fact a range of sanctions which may be applied which fall short of dismissal and which are more allied to the range of sanctions available for police officers; but there is little evidence of these being applied. Given the desire to merge and match where possible, police and police staff discipline arrangements, the Force should actively explore means of drawing these sanctions together.
- The use of unsatisfactory performance procedure (UPP) within the Force, as elsewhere in the country, is limited. The limiting factors seem to be a lack of confidence, training, awareness and infrastructure to support the process. There are examples where these measures have been used to positive effect but this type of management intervention remains a largely unused tool. Experience should be shared and confidence in the process amongst supervisors should be boosted.

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 current department has high levels of experience and knowledge in terms of complaints investigation and management in both proactive and reactive work. Staff within the department enjoy the trust and confidence of support groups and staff associations and current resources are adequate to meet demands.
- A recent initiative, which has proved its worth, is the now routine searches against the 'I2 database' within the SCU relating to applicants for the service. This proactive work has already identified individuals who should either be rejected as unsuitable, or be subject to further scrutiny before their applications are finalised.
- The proactive SCU have developed good relationships with the range of support networks across the Force area. These informal and formal links are helpful in establishing trust amongst those who might otherwise not have the confidence to report misconduct or unprofessional behaviour.
- Staff from the department are proactive in holding regular meetings at BCU level with senior management teams and personnel managers to consider officers who are of concern and also to consider support, welfare and complaints reduction issues.

AFIs

- The PSD has been managed by an acting rank for eight of the last twelve months. The new substantive appointee is a credible and experienced officer who has the potential to lead the department through changes emanating from introduction of the IPCC, and other external drivers which will see evolution within the PSD and its widening to incorporate civil staff. It may be appropriate to review structures and staffing levels to ensure there is appropriate resilience to accommodate these changes and to afford greater levels of resilience, engagement and management of critical incidents. The Force may wish to enhance the rank of the HoD making it commensurate with other like sized forces around the country, emphasising not only the importance of the post but its key position within the organisation.
- Whilst there are acknowledged excellent levels of experience within the department it is important to ensure sufficient turnover at various levels to maintain an energetic and vibrant unit which reflects the workforce it supports. One means to achieve this would be to encourage short-term attachments from line supervisors, particularly those from minority groups. This would send a powerful message and encourage members from these groups to apply for future vacancies.
- In the past appointments to the SCU have been made by 'executive appointment'. Whilst these posts are eminently sensitive and care has to be taken in selecting the right candidate, it is out of step with other selection procedures. Provided the appropriate selection and vetting is conducted these posts should be advertised openly and transparent processes adopted to ensure the best candidates are selected.

Recommendation 4

Her Majesty's Inspector of Constabulary recommends the Force should ensure all selection processes even for sensitive posts such as those within the special cases unit are open and transparent. Appropriate levels of vetting and robust selection processes should ensure the best persons are recruited for these key posts.

- Vetting operations within Devon and Cornwall have been given greater impetus following the employment of a vetting manager. This strategic post has the potential to drive forward vetting at a number of levels within the organisation. There remains a need to formalise the current disparate vetting operations conducted throughout the Force by bringing these functions under one central department to ensure appropriate and corporate standards are maintained. A business case has been submitted which HMIC would support.
- During the assessment process some gaps became apparent in the systems, structures and communications between the human resource department and the PSD. The opportunity now presents with the appointment of a new Director of HR and the new Head of Department to build bridges and consolidate processes so they are robust and effective for all staff.
- Whilst NIM products and ethos were evident within the SCU proactive arm of the department and have been for some time, little such evidence was available in

the reactive complaints and misconduct side of the business area. A move towards compliance with the NIM would enable improved business management and provide an auditable risk based approach to complaints management and investigation. Amongst other benefits, this would be likely to improve timeliness and proportionality of investigations, a development sought by some staff and a key principle espoused by the IPCC.

Recommendation 5

Her Majesty's Inspector of Constabulary recommends the Force introduce compliance with NIM principles within all aspects of its Professional Standards Department. Following the success experienced within the Special Cases Unit this model should be extended to the reactive complaints and misconduct unit and in the longer-term civil claims and direction and control complaints.

- Support groups reported that whilst there was improved trust and confidence in relation to reporting unprofessional behaviour from within the organisation, there was still a reluctance to engage with the force amongst some minority community groups within the two counties and Isles of Scilly. The force should engage with internal support groups and maximise the opportunities presented by the engagement fostered by the outgoing HoD in respect of external third party reporting in order to do all it can to build trust and confidence among its harder to reach communities.

^[1] Section 15(1) of the Police Reform Act 2002

^[2] Number of frameworks in the 2004/05 assessment

^[3] Also including British Transport Police

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
GPA	Gay Police Association
HMI	Her Majesty's Inspector
HMIC	Her Majesty's Inspectorate of Constabulary
HoD	head of department
HQ	headquarters
HR	human resources
I2	analytical tool
IAG	independent advisory group – a body advising a force or BCU on race and diversity issues
IiP	Investors in People
IOCA	Interception of Communication Act
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
SCU	Special cases unit (proactive)
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
VMV	Vision, Mission and Values