

Her Majesty's Inspectorate of Constabulary



Inspection of Durham 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.

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

Intelligence cell

- Responsible for:
 - Overall intelligence management
 - Analysis
 - Field Intelligence
 - Financial Investigation
 - Managing risks and grading threats

Handling of civil claims, security management and personnel vetting

- Individuals or units responsible for identifying risks to the integrity of the police service manifested within civil actions, civil claims, employment tribunals, breaches of security and infiltration of the service by inappropriate personnel.

Handling 'Direction and Control' Complaints

- Processes for handling complaints relating to:
 - operational policing policies (where there is no issue of conduct)
 - organisational decisions
 - general policing standards in the force
 - operational management decisions (where there is no issue of conduct)

Impact of unsatisfactory performance and grievance

- Relevant personnel within HR and operational departments, to establish that processes exist to identify any conduct issues or organisational lessons.

NB: The above list is not exhaustive nor does every force have each of these units or responsibilities as separate functions. The inspection sought to examine as many of the identified activities as are relevant to each force.

3. Methodology

Since 2003/04, HMIC's core methodology for assessing force performance has been Baseline Assessment (BA), which consists of a self-assessment process supported by visits to forces for validation and quality assurance. BA assesses performance annually across 27² areas of policing via a framework of questions for each area. The mainstream BA process for 2004/05 was completed during spring 2005 and the results published in October 2005.

Professional Standards is one of the BA frameworks and would normally have been included in the mainstream BA activity. With the full programme of professional standards inspections scheduled for October and November 2005, however, the assessment of this framework was deferred to await their outcome.

The programme of inspections has been designed to:

- Provide a full inspection of professional standards in all England & Wales³ forces;
- Gather evidence for Baseline Assessment reports and grading of professional standards in all forces; and
- Identify key issues, trends and good practice that may have implications for professional standards on a national basis.

² Number of frameworks in the 2004/05 assessment

³ Also including British Transport Police and Ministry of Defence Police

The standard format for each inspection has included:

- The completion of self assessment questionnaires by all forces;
- Examination of documents;
- Visits to forces with group and individual interviews;
- Consultation with key stakeholders; and
- Final reports with grade.

4. Baseline Assessment grading

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

- Excellent
- Good
- Fair
- Poor

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

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

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

The key elements appear under four headings, namely:

- **Intelligence** - *what a force knows about the health of professional standards*
- **Prevention** - *how the force tries to improve and prevent the abuse of standards*
- **Enforcement** - *its effectiveness in dealing with emerging problems*
- **Capacity and Capability** – *having the resources and skills to address reactive and proactive challenges (including timely and proportionate response to lapses in professional standards)*
- The remainder of this report is set out under these headings, for ease of reference to the evidence presented.

B - Force Report

Force Overview and Context

Durham Constabulary covers a predominantly rural area, with more than half of the residents living in communities of fewer than 10,000 people. The principal conurbations are Darlington and Durham City.

Durham remains a community-focused force, with a strong emphasis on partnership working. The vision is to be intelligence led, with a drive for excellence by empowering and supporting staff. Force culture is based around the Aiming for Excellence philosophy and is delivered via a StreetSafe strategy and active community teams.

Durham has maintained a good level of performance following the embedding of two restructured Basic Command Units (BCUs). Crime levels continue to fall. Levels of vehicle crime and domestic burglary have been the focus of 'professionalising the investigation process' training, for which Durham was a pilot force, and these areas have shown a significant reduction in crime levels over 2004/05.

Professional Standards

The deputy chief constable holds the portfolio with responsibility for the professional standards and legal services department within Durham Constabulary. A superintendent has the responsibility for head of department and is supported by a chief inspector as deputy.

The department has five main branches as follows:

Integrity Unit - Responsible for anti-corruption measures, unethical behaviour and dishonesty. The unit consists of two members of staff, the head of the unit is a police inspector (investigator) who reports directly to the head of department, and a sergeant (case officer/analyst).

Complaints and Internal Investigations Branch - Consists of three police inspectors (investigators/case officers) who report directly to the chief inspector/ deputy head of department.

Legal Services Branch - Consists of a Force solicitor, a deputy Force solicitor and a legal executive with administration support from a co-ordinator and a clerical assistant. The Force solicitor answers directly to the head of department.

Information Compliance Unit - Made up of fifteen members of staff headed by the information compliance manager (also Force data protection officer). The unit is supported by an information security manager and a vetting officer. In addition there is an information officer, auditor, information assistant and a part-time information clerk. Also within the unit is a disclosure section, which consists of the disclosure officer, disclosure supervisor and six researchers.

Administration - Administration support is provided by an office manager, administration co-ordinator and two word processing clerks.

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| GRADING : FAIR |
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Findings

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

Strengths

- The Durham Constabulary professional standards strategic assessment highlights the issues identified at the national level. The control strategy focuses on:
 - **Integrity** - unauthorised disclosure of police information, criminal conduct, unethical behaviour; and
 - **Complaints** - other assaults, neglect or failure in duty, incivility, impoliteness and intolerance.
 - The department has a ten point plan in support of the strategic assessment. A departmental business plan is also in place.
- A strategic assessment of corruption has been developed along with suitable control measures in line with ACPO guidelines and forwarded to NCIS. The assessment is based on investigations, enquiries and intelligence received within the Constabulary together with intelligence received from neighbouring forces relating to national trends.
- The head of department has identified four key areas for development in order to raise standards and reduce the operational risks to the organisation. The areas are vetting and security, access, proactive integrity, and lessons learned.
- The Constabulary is aware of the issue of taint and has a mechanism of referral in place.
- All complaints are recorded showing ethnicity of both the complainant and the member of staff complained against. There are no readily identifiable trends to suggest any disproportionality.

Areas for Improvement

- The head of professional standards acknowledges the need to develop the use of intelligence in line with the NIM. There is a need to ensure appropriate analytical processes are in place. The department does not make use of problem / target profiles at the present time. It is proposed to introduce a weekly TCG meeting for reactive investigators.
- The head of professional standards acknowledges that the proactive capability of the department is limited. The position is not aided by one member of staff having responsibility for all analytical work within the department. The head of department is looking to increase the proactive capability through a realignment

of workloads. There is no surveillance capacity within the professional standards department (brought in from neighbouring force as necessary).

- There is no system of compulsory drugs testing for any member of staff (police officer or police staff) joining the organisation.
- The head of department has previously acknowledged the need to increase the access to, and confidence in, the complaints process by members of minority groups. Action is being taken through attendance at BCU ethnic monitoring groups, LGBT forums and in consultation with Constabulary support groups.

Recommendation 1

Her Majesty's Inspector of Constabulary recommends that the head of department reviews the analytical capability within the department in order to fully identify the potential risks to the organisation.

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

Strengths

- There is a clear and identifiable chief officer lead in the deputy chief constable (DCC) for all professional standards issues. This includes complaints and misconduct, integrity, direction and control, data protection and information security issues. The DCC is the chief officer lead for the Bichard project and chairs the information security review board. There is a move within the Constabulary towards a learning culture rather than a discipline culture.
- The chief officer team provides strong leadership in relation to promoting an ethical culture throughout the organisation with the Chief Constable chairing the Race and Diversity Programme Board. The Constabulary has recently re-issued a leaflet relating to integrity issues to all members of staff.
- The Constabulary is actively addressing issues identified through the Taylor and Morris enquiries.
- The Constabulary and the Police Authority have a philosophy of continuous improvement. Evidence of this was shown in the professional standards department through the commitment to liaison with the BCUs, the training of vulnerable members of staff, the response to lessons learned and engagement with the IPCC.
- The Police Authority takes an active involvement to the area of professional standards and is actively involved in holding the Constabulary to account as appropriate.
- A quarterly performance review is held by the chief officer to monitor performance of complaints and standards issues. The DCC reports to the Police Authority complaints and discipline committee and leads on actions from that forum. The

chief officer also chairs the information security review board, the PNC steering group and the newly formed Bichard implementation board.

- The professional standards department positively engages with partners and stakeholders including the IPCC, Police Authority, staff and support associations. Relationships are also strong between the department and BCUs where there is clear evidence of good communication and training on key issues. In excess of 70% of complaints are locally resolved, which illustrates a clear understanding of responsibilities to the process.
- The Constabulary model for '*Aiming for Excellence*' has been relaunched. The strategy communicates the standards expected of staff throughout the organisation.
- An 'early warning' system is in place in respect of any member of staff subject to three complaints/misconduct investigations within a twelve month period.
- The professional standards department is taking a proactive approach to informing inspectors throughout the organisation of the issues relating to public complaints through the use of attachments to the department. This helps reinforce issues such as the use of local resolution.
- Improvement has been made in respect of the lessons learned process. The completion of the 'lessons learned form' is now mandatory with issues highlighted to staff. There remains however, a need to ensure that formal processes are in place to ensure issues inform policy and generate the appropriate action.
- An information compliance unit was introduced within the professional standards arena in April 2005. The unit comprises three dedicated sections, information, information security and disclosure.
- The Constabulary has increased its focus in respect of vetting and information security. A draft vetting policy is in place, which brings together national security vetting and Durham Constabulary vetting. The draft policy is in line with the requirements of the ACPO national vetting policy for the police community. The Constabulary is encouraged to ensure the policy, which builds on processes already in place, is fully implemented at the earliest opportunity.
- The Constabulary has been subject to an audit in respect of community security policy with a compliance of over 74%.
- Physical security at police premises is addressed through the headquarters and BCU site security groups.
- Training has been provided to all staff in respect of new complaints procedures. In addition, a leaflet outlining the changes was issued to every member of staff and the professional standards department has a dedicated website aimed at informing and educating staff.

Areas for Improvement

- There is no formal professional standards meeting structure to ensure the wider issues relating to professional standards are co-ordinated and driven. Such a structure could act as the mechanism for the strategic management of the

Constabulary's values and professional standards. A more co-ordinated approach would enhance the drive towards improved customer services.

- Interventions based on lessons learned are dealt with on an individual basis. There remains a need to ensure an holistic approach is taken based on areas such as identified trends and hot spots.
- The Constabulary has acknowledged that an area for development is to increase the overall capability of first line supervisors and line managers to have a positive impact on professional standards issues. This needs to be continually reinforced at chief officer level where there is a need to give a clear indication of the important role of first line supervision.
- The Constabulary publishes a professional standards newsletter 'Purple Peril' on an ad hoc basis. There is a need to ensure the document is published on a regular and timely basis and that it relates to both police officers and police staff. The name of the document is questioned by some members of staff.
- The Constabulary is aware of any significant increase in the number of complaints over a given period, however, there is a need for further consideration to be given to identifying the causation factors and ensuring appropriate action is taken to ensure repeat situations do not arise.

Recommendation 2

Her Majesty's Inspector of Constabulary recommends that the Constabulary introduce a professional standards group to ensure the wider professional standards issues are co-ordinated at a strategic level.

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

Strengths

- Police Authority involvement and oversight is comprehensive. In addition, there is clear evidence of strategic leadership directing public complaints, civil claims, misconduct cases and complaints relating to direction and control issues.
- The professional standards department is audited by the Police Authority on a quarterly basis. The Authority conduct 'dip sampling' of cases as appropriate.
- Whilst the corporate development department collates and monitors direction and control complaints processes are in place to ensure the professional standards department maintains an appropriate overview in order to ensure public complaint or misconduct issues are addressed. In addition the corporate development department feeds issues identified from direction and control complaints into the policy advisory group for consideration and action.
- Procedures are in place to ensure staff grievances are assessed for potential misconduct issues at an early stage, with appropriate guidance given by the professional standards department. On conclusion, all grievances are analysed in order to ensure 'lessons are learned' for the benefit of the whole organisation.

- The Constabulary suspension policy ensures that all cases in which a member of staff is suspended (police officers and police staff) are reviewed both within the department and by the chief officer lead on a regular basis to assess the appropriateness of the suspension and the state of the investigation.
- The Constabulary has seen an increase in the number of complaints resolved on a local basis (72%).
- The proactive side of the professional standards department is assisted by the culture of openness that exists within the organisation with staff willing to report wrong doing. The culture is such that many staff would be willing to report issues of alleged misconduct in person to members of the department.
- The Constabulary has appropriate processes in place to identify potential misconduct issues from civil claims.
- Staff performance development reviews (PDRs) are reviewed on a corporate basis and processes are in place to ensure appropriate action is taken in relation to those members of staff whose performance has been assessed as falling below the required standard.

Areas for Improvement

- HMIC is concerned that the practice of recording complaints as 'miscellaneous' is not in accordance with the spirit of the IPCC legislation and may be open to abuse. The Constabulary has previously acknowledged an under recording of complaints in respect of incivility and neglect of duty. Action was taken to address this and it may be appropriate to reinforce the ethos of the IPCC and the need to formally record all complaints however minor.
- The head of department needs to ensure that the full range of tactical options are available when investigating corruption/integrity issues including, financial profiling, ethical interviews, integrity testing and the consideration of a service confidence policy. There remains a need to benchmark the Constabulary against forces regarded as operating good practice in this field.
- A confidential reporting line/PO box are in place, however, both are proving ineffective and alternative methods of reporting, including third party reporting, need to be considered.

Recommendation 3

Her Majesty's Inspector of Constabulary recommends that the Constabulary reviews the practice of recording complaints as 'miscellaneous' in order to ensure that all complaints are recorded in accordance with IPCC guidelines.

Recommendation 4

Her Majesty's Inspector of Constabulary recommends that the head of professional standards benchmarks the Constabulary against forces regarded as operating good practice, and reviews the use of tactical options available when investigating corruption/integrity issues including, financial profiling, ethical interviews and integrity testing.

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 leadership and engagement being shown by the head of department has been well received by staff and is ensuring positive support and recognition to professional standards issues.
- There is evidence of good interaction between all departments in relation to professional standards issues. There are informal arrangements bringing together the professional standards department, the HR and training department and corporate development around professional standards issues. There remains however, the need for a more structured approach in respect of the co-ordination of the wider professional standards issues.
- Positive relationships exist between the professional standards department and the staff and support associations. The open and professional working relationship that exists ensures there is effective communication and dialogue.
- Relations between the Constabulary and the IPCC are good. Contact is in the form of regular meetings and then on a case by case basis.
- Policies relating to professional standards have been rewritten in order to comply with human rights, race relations and freedom of information legislation. A number of these policies are still in draft form and need to be finalised at the earliest opportunity.

Areas for Improvement

- The professional standards and legal services department has recently been reconfigured. The department comprises: complaints and internal investigations branch; integrity unit; legal services branch; information compliance unit; and administration branch. The head of department has commenced a review of establishment and terms of reference compared to similar forces with a view to becoming more proactive. In addition, the resources in the legal services branch are assessed as insufficient to meet current demand.

- Whilst the head of department is willing to undertake investigations on behalf of other forces, the potential impact on the Constabulary would need careful consideration and management.
- There is a need to ensure that the assessment of all issues relating to professional standards takes cognisance of all six strands of diversity.
- Additional accommodation is planned which will enhance the facilities within the department including appropriate interview facilities. The facilities presently used for interview do not allow for confidentiality and are not fit for purpose.
- The conducting of interviews by one member of staff working alone is not good practice and should be reviewed.
- There is a need ensure that all staff within the professional standards department receive the necessary training in order to allow them to carry out their roles effectively. The head of department has instigated a training programme to address identified areas of weakness.
- There is a need to consider the reintegration of professional standards staff, both proactive and reactive, back into mainstream policing.

GLOSSARY

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| 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 |

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|------|---|
| 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 |

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|--------|---|
| 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 |