

# **Her Majesty's Inspectorate of Constabulary**



## **Inspection of Leicestershire Constabulary**

### **Professional Standards**

**JANUARY 2006**

ISBN 1-84473-821-3

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First Published 2005

# CONTENTS

## A – INTRODUCTION AND METHODOLOGY

1. Introduction
2. Inspection scope
3. Methodology
4. Baseline grading

## B – FORCE REPORT

1. Force Overview and Context
2. Findings
  - **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)*

## C – GLOSSARY

# 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 legislation<sup>1</sup> 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.

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<sup>1</sup> 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 27<sup>2</sup> 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 & Wales<sup>3</sup> 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.

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<sup>2</sup> Number of frameworks in the 2004/05 assessment

<sup>3</sup> 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](http://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**

Leicestershire Constabulary polices the county of Leicestershire as well as the unitary authority of Rutland. Local government is administered through Leicestershire County Council along with the two unitary authorities of Rutland County Council and Leicester City Council. There are also seven district and borough councils. In total the population is just under a million.

The county's economy is varied, with manufacturing and wholesale/retail trade accounting for about 40% of jobs. Other significant employment includes business activities and the public service sector. Unemployment is higher than the regional and national average in the city while the county has lower than average levels. Leicestershire has good transport links, is connected to the motorway network, London is just over an hour away by train and Nottingham East Midlands Airport (which is in Leicestershire) services European and worldwide destinations. More than 30 million tourists visit the city and county annually. The principal conurbation is Leicester, where more than a third of the population is from the black and minority ethnic community. In total, more than a quarter of the city's population is of Asian/British Asian origin, the largest such community in England and Wales. Leicester was ranked in the bottom 10% of the Government Index of Local Deprivation. By contrast, Rutland has a large number of very small settlements and low population density and a high standard of living.

The executive team is based at Headquarters (HQ), located on the outskirts of Leicester. The team comprises the Chief Constable, the Deputy Chief Constable (DCC), the Assistant Chief Constable (ACC) (crime), the Assistant Chief Constable (operations) and Directors of Finance and Human Resources. The Chief Constable, Matt Baggott, has been in post for three years.

The force has four distinct basic command units (BCUs), areas, which provide local operational policing. In terms of resources, as of 31 May 2005, the force comprised 2,299 police officers, 173 special constables, 1,259 police staff and 165 community volunteers.

### **Professional Standards**

The DCC holds portfolio responsibility for Professional Standards (PS), the Professional Standards Department (PSD) consists of a chief superintendent head of department (HoD) and a superintendent, who is head of complaints and proactive operations (the integrity unit). The department consists of 33 staff members who are split into the following sections, complaints; integrity unit; data protection; administration unit; civil claims and (unusually) health and safety. The complaints team consists of 3 inspectors, a detective sergeant, a detective constable and a police staff investigator. This team reports to a chief inspector. The integrity unit consists of a detective sergeant and 3 detective constables and they report to a detective inspector.

## GRADING : FAIR

### Findings

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

#### Strengths

- Staff within the integrity unit are highly skilled and experienced. Skills available include financial investigation; source handling; covert investigations; intelligence handling and advanced interviewing; all staff have good IT skills.
- A strategic assessment of the force's vulnerability to corruption was completed in April 2005. The three main risks to the organisation are information leakage, drugs dealing and misuse and domestic violence. The assessment has been forwarded to the National Criminal Intelligence Service (NCIS). The force is currently developing a substance misuse policy and has liaised with the Police Federation in this respect. The implementation of this policy will ensure that drug testing is carried out on potential recruits and will facilitate 'with cause' drugs testing on serving members of staff, this will help to address one of the main risks identified.

#### Areas For Improvement

- Whilst the Integrity Unit has adopted some of the principles of the National Intelligence Model (NIM), this is not yet fully embedded within the unit. Fortnightly tactical tasking and co-ordinating meetings do take place and these are intelligence led. However, there is no control strategy in being and the additional support of an analyst and intelligence cell is acknowledged as being necessary to fully support the NIM process. The adoption of NIM by the complaints unit is even less well developed. However, a prioritisation process for complaints is in place and the force is intent on developing the use of the NIM within the unit over time.

#### Recommendation 1

**Her Majesty's Inspector of Constabulary recommends that the force implements a robust NIM process throughout the PSD, in order to ensure that resources are focused on departmental priorities in line with the force professional standards strategic assessment.**

- The integrity unit has its own stand-alone computer, Clue2 for the storage of intelligence, however there is currently no weeding policy in being for this. The absence of such a policy could result in the retention of intelligence for longer than is appropriate and the force should therefore address this.

## Recommendation 2

**Her Majesty's Inspector of Constabulary recommends that the force introduces a weeding policy for intelligence held by the integrity unit.**

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

### Strengths

- The DCC provides high profile leadership and strategic direction in relation to the professional standards of the force. He is actively involved in decision making in relation to investigations that are potentially more serious or have implications for the organisation and has regular meetings with senior PSD management to discuss suspension/restriction reviews; trends; issues of note and civil claims. At a strategic level the DCC chairs the Integrity Programme Board, a high level group focusing on a strategic approach to organisational integrity.
- The professional standards strategy of the force is headed by the motto '*learning, not blame, but honesty and integrity is non-negotiable*' and this is manifested in a culture concerned with learning lessons in order to improve rather than punishment. At the conclusion of all investigations the IO (investigating officer) identifies any learning outcomes in relation to officers' performance or organisational response using the forces Service Delivery Standards as a benchmark. Lessons learnt are then fed back to the individual officer(s) or the organisation usually through the relevant head of department/policy lead but on occasions intranet or newsletter articles are also produced.
- The DCC has a high profile national role in his position as chair of the ACPO Complaints and Discipline Group. This group deals with national issues impacting on the investigative area of professional standards work. He is also Vice Chair of the ACPO Professional Standards Committee, represents ACPO on various pertinent groups e.g. the IPCC Advisory Board and as such is clearly involved in delivery of the professional standards agenda at a national level.
- The force accepts complaints through all established reporting channels e.g. reports in person, by telephone, fax and by third parties. However, in order to enhance the accessibility of the complaints system to the public, the force web site has recently been developed to enable complaints to be made by e-mail.
- The Force has had a Concern Alert (confidential) reporting line in place since 2000 and has recently moved to an externally operated system. This new system has been widely marketed to raise awareness and confidence amongst staff. Staff associations and support networks were also active participants in the decision making around the preferred supplier of this service and HMI considers this to be good means of raising staff confidence in such systems. Monitoring to assess the use and effectiveness of the system is now taking place and is to be fed into the ACPO professional standards complaints and discipline group which is evaluating the force's experience of external confidential reporting lines.

- The force complaint form is designed to capture information, not only about the ethnicity of the complainant (which is usual practice) but also about any other diverse culture or lifestyle of the complainant, which is relevant to the complaint. This has the potential to allow the force to monitor whether there is any disproportionality in the delivery of its services. The relationship between alleged discrimination and public confidence is well understood by the force and all cases of alleged discrimination are voluntarily referred to the IPCC.
- As a result of their monitoring of the ethnic background of officers subject of complaint, the force established that there is a disproportionate number of complaints against officers from black and minority ethnic (BME) backgrounds. As a consequence of this they have engaged the Government Office for the East Midlands (GOEM) to provide an independent review of complaints against these officers. Whilst the outcome of this review is awaited the involvement of an independent body to review this sensitive issue is nonetheless considered good practice.

### Areas for Improvement

- The force has an information security group (ISG), which is chaired by the HoD; this group brings together key personnel with responsibility for the security of the forces crucial assets. Despite this however, the force does not currently have an overall security strategy covering physical security, IT intelligence assets, personnel vetting and data protection. The force is aware of this gap and the ISG has been tasked with addressing it.

### Recommendation 3

**Her Majesty's Inspector of Constabulary recommends that the force implements a security strategy covering physical security, IT intelligence assets, personnel vetting and data protection as expeditiously as possible.**

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

#### Strengths

- As highlighted the DCC is the strategic lead for PSD and as such provides high level leadership and direction in relation to complaints, misconduct and civil actions that are potentially more serious or have implications for the organisation. The DCC supported by the HoD sets the strategic direction for the department and this clearly includes taking a proactive approach to raising standards and facilitating continuous improvement, some examples of this approach include:
  - training inputs provided by IO's to custody officers, probationer constables, special constables, police community support officers (PCSOs) and police staff on induction;
  - the allocation of Area liaison responsibility to IO's. Such responsibility requires that they provide training as necessary and attend meetings on Area to address professional standards issues and deal with matters of concern; and

- the implementation of a referred officer scheme. This scheme identifies officers that have had more than 3 complaints in the last 12 months and 'flags' them to their Area Commander for his/her intervention.
- To further reinforce the police code of conduct the force has published a standard of behaviour statement and has a policy in respect of appearance standards for police officers and a gifts, gratuities and discounts policy. A hospitality register is also maintained and this is examined at regular intervals by the DCC.
- All complaints received by the PSD are reviewed at Chief Inspector level and graded A, B or C in accordance with the seriousness of the allegation. Complaints graded as category 'C' (minor in nature) are dealt with by means of a limited investigation. This ensures a proportionate response and allows resources to be appropriately focused on more serious allegations.
- Complaint cases are subject of on going review by the Chief Inspector (complaints), this is achieved through monthly meetings with all IO's to discuss workload, investigative issues and timeliness.
- The force has introduced a standard letter, which is sent by the head of complaints to complainants who have declined to have their complaint dealt with by means of local resolution. The letter explains that local resolution is still assessed as being the most suitable means of dealing with their complaint and encourages the complainant to re-engage in the process. The letter is aimed at ensuring that, where appropriate, complaints are dealt with in as proportionate and timely manner as possible.
- The force has a suspension policy, which provides a framework for consistency in the process. Suspensions are formally reviewed by the DCC on a monthly basis to ensure that they are still necessary. The HoD and his deputy also meet regularly with the chairman of the Police Federation Joint Branch Board and this provides an opportunity for consultation around proportionality issues. The Chief Inspector (complaints) acts as the point of contact for people wishing to visit suspended officers and advice is given on best practice. The Force recognises the need to ensure regular contact is maintained with suspended officers.
- The Police Federation is given notification of the impending arrest or suspension of their members, this allows for appropriate welfare arrangements to be put into place in an expeditious manner. Importantly however, safeguards are built into this process to ensure the integrity of the investigation is maintained.
- Training is provided to all misconduct panel members including independent panel members from the Police Authority. To underpin this training, the metropolitan police service sanction guidance has been endorsed by the DCC and circulated to panel chairs, this ensures the fullest consideration of all circumstances and attendant factors and ensures consistency.
- The Chief Inspector (complaints) acts as the gatekeeper for direction and control complaints and assesses all letters received by the PSD to determine if direction and control issues are evident. Furthermore, he dip samples letters received by Areas and departments to establish if direction and control matters have been properly identified and dealt with. The PSD website provides advice to staff on how to deal with these complaints and all complainants are contacted and advised of outcomes.

- There is undoubtedly a positive relationship between the force and the IPCC. The regional IPCC Commissioner has stated that she has developed a 'relationship of openness and trust with the force' and this relationship is enhanced by the policy of the force to record all complaints made, this being in the interests of both transparency and public confidence. At a strategic level the DCC regularly engages with the IPCC both locally by holding quarterly meetings with the Regional Commissioner and nationally in his capacity as ACPO lead for complaints and discipline matters. This willingness to engage is translated down to the tactical level also with good engagement between PSD staff and IPCC investigators e.g. in September 2005, the force hosted a regional 'Panel Training Day' where IPCC investigators sat in as observers.
- The Police Authority website enables public complaints to be sent directly to them by e-mail. In a further initiative to promote public confidence, the Police Authority has recently begun to send out customer satisfaction surveys to complainants upon closure of the investigation. Results from these surveys are fed back to the PSD to enable organisational learning to take place.

#### **Areas for Improvement**

- Police staff internal misconduct is the responsibility of the HR department and they own policy in this respect. However, whilst guidance on disciplinary procedures for police staff does exist there is no police staff suspension policy currently in being. The force is aware of the need to implement such a policy, which will enhance transparency and consistency in the process. A policy is currently in the process of development.

#### **Recommendation 4**

**Her Majesty's Inspector of Constabulary recommends that the force implements a suspension policy for police staff as expeditiously as possible.**

- The DCC and HoD (or his deputy) attends the quarterly meeting of the police authority complaints and discipline committee and whilst relationships appeared healthy, there is limited contact between the committee chairman and the force outside of the meeting. It is apparent that there are opportunities for further examination of completed files by the Police Authority and the force and authority are urged to review the current position ensuring that such files are readily available for examination under agreed protocols.

### **Recommendation 5**

**Her Majesty's Inspector of Constabulary recommends that the force and Police Authority seek further opportunities for the examination of completed files by the Police Authority, and that such files are readily available for examination under agreed protocols.**

- Although Unsatisfactory Performance Procedures (UPP) are occasionally used they are not used to their fullest extent, there is a lack of confidence by supervisors in the use of these procedures and it is apparent that little training is provided to increase this confidence.

### **Recommendation 6**

**Her Majesty's Inspector of Constabulary recommends that the force reviews the use of UPP, including the level of training provided to supervisors and managers.**

- Local resolutions completed on Area or in HQ departments are quality checked by the chief inspector (complaints) and where appropriate, feedback provided to the officer who conducted the process. Guidance is also available in the supervisors' handbook and on the Intranet. There is however no training provided in respect of complaint handling in general or the use of local resolution in particular and the force may wish to review this as a means of increasing the proportion of complaints dealt with by local resolution.

**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**

- Previously the force had adopted a policy of appointing IOs to the PSD on promotion, however the force has recognised that this did not necessarily ensure that the department had the necessary skills base to meet its demands. The force has therefore made a conscious decision to appoint staff following a proper assessment process and recent appointees have been appointed following such process. Currently there is a good skills base within the department, underpinning this is the departmental superintendent and chief inspector, who are both trained senior investigating officers (SIOs). At full establishment there are sufficient investigators to meet reactive demands; unfortunately at the time of the inspection two IO vacancies existed, this contributing to a heavy workload for the remaining IOs. It is understood however that this situation is soon to be rectified.

- The skills and abilities of members of PSD staff has been recognised on a number of occasions through the awarding of the Chief Constables Certificate for outstanding work.
- In order to provide a better service to Areas and departments in terms of out of hours assistance and advice, duty hours of IOs has been extended to cover evenings and Saturdays.
- IOs have received a two-day externally provided diversity course, with specific input on the investigative process and also equality impact assessment training, such training has raised their awareness of race and diversity issues. The PCA guidance on the investigation of racially discriminatory behaviour (now adopted by IPCC) has been adopted by the PSD.
- Appropriate welfare arrangements are in being for officers within the integrity unit, with mandatory referral arrangements to the force occupational health unit being in place.

### **Areas for Improvement**

- The vetting function within the force is currently under resourced; one consequence of this is that there is no programme of management vetting in being. The force is however aware of this gap having carried out a self-assessment against the ACPO vetting policy (annex 29). A business case for extra staff has been produced.

#### **Recommendation 7**

**Her Majesty's Inspector of Constabulary recommends that the force reviews the capability of the vetting function to ensure sufficient capacity is available to conduct vetting in accordance with ACPO policy.**

- The number of staff within the Integrity Unit is somewhat limited and because of this some anti corruption operations do call for additional expertise. This requires calling on other forces for assistance particularly in the area of covert operations. There is however good evidence of these collaborative arrangements working well. The force does nonetheless acknowledge that the NIM process requires additional support in respect of its analytical and intelligence capability and whilst the force is proud of the 'healthy referral culture' that exists, the addition of these resources would allow for greater pro-activity around areas of vulnerability.

#### **Recommendation 8**

**Her Majesty's Inspector of Constabulary recommends that the force reviews the analytical and intelligence handling capability of the integrity unit.**

- The integrity unit has enjoyed a low turnover of staff and there has also been a high level of interest for advertised posts within the unit. However, there is no exit strategy in being for integrity unit staff and whilst the force does not anticipate re-entry of any of the units current staff back into routine policing, this eventuality should not be discounted.

## Glossary

ACC	Assistant Chief Constable
ACCAG	ACPO Counter-Corruption Advisory Group
ACPO	Association of Chief Police Officers
ACPO PSC	ACPO Professional Standards Committee
ACU	anti-corruption unit
BA	baseline assessment
BCU	basic command unit
BME	black and minority ethnic
CHIS	covert human intelligence source
CID	criminal investigation department
CMU	complaints and misconduct unit
CPS	Crown Prosecution Service
DCC	deputy chief constable
HMI	Her Majesty's Inspector
HMIC	Her Majesty's Inspectorate of Constabulary
HoD	head of department
HQ	headquarters
HR	human resources
liP	Investors in People
IO	investigating officer
IPCC	Independent Police Complaints Commission

LR	local resolution
MMR	monthly management review
NCIS	National Criminal Intelligence Service
NIM	National Intelligence Model
OCU	operational command unit
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
SGC	specific grading criteria
SLA	service level agreement
TCG	tasking and co-ordination group
UPP	unsatisfactory performance procedure