

Her Majesty's Inspectorate of Constabulary



Inspection of Norfolk 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

The force area of Norfolk Constabulary is an area of 2068 square miles with 145 kms of coastline with major ports at Great Yarmouth, King's Lynn and Wells. There are also 402kms of waterways and 10,189 kms of roads. Norfolk is a fairly sparsely populated rural county with around 811,000 residents and 352,000 households. Around 38% live in the three major built up areas of Norwich, Great Yarmouth and King's Lynn, and a further 18% in the market towns. Specific policing challenges are faced in relation of strategic energy installations both on land and in territorial waters, Norwich international airport and a league football club. The aforementioned waterways have in excess of 200 navigable kms, drawing thousands of holiday makers each year to Norfolk.

Force headquarters is situated at Wymondham, which is the operations and communication centre for the force. The chief officer group comprises the Chief Constable, deputy chief constable (DCC), an assistant chief constable (ACC) and assistant chief officer (ACO). Over the last year there has been considerable churn amongst the chief officer group with both the previous deputy and Chief Constables achieving promotion. Since then internal candidates have been successfully appointed to the deputy and assistant chief constable posts. An experienced deputy assistant commissioner from the Metropolitan Police has been temporary chief constable since the previous Chief Constable left in March 2005. This appointment was due to terminate in September 2005, however by mutual agreement the arrangement has been extended on a rolling contract. This has allowed a period of stability and given the force the opportunity to refocus on strategic issues.

Professional Standards

The ACC is the chief officer lead for professional standards (PS), for administrative purposes PSD is within the portfolio of the corporate support chief superintendent, with the superintendent head of PSD reporting directly to the ACC in operational matters. There are three members of the PSD SMT, in overall charge is the superintendent with information security, data protection and freedom of information reporting directly to him. The professional standards manager oversees a range of support functions including quality assurance and complaints reduction. The DCI supervises the vetting and analytical unit, intelligence cell and anti corruption and reactive investigations. Police inspectors head the two reactive teams with five police staff investigators between them. The anti corruption unit (ACU) is relatively small consisting of a detective inspector and two detective sergeants.

Findings

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

Strengths

- The activity within PSD is wholly governed by NIM processes, which is commensurate with Norfolk Constabulary as a whole. There is a strategic assessment and control strategy issued annually and revised half yearly. In addition there are monthly tactical assessments which drive the departmental level one activity. The detective chief inspector and analyst attend force level 2 tasking and co-ordinating which along with the source management unit provide streams of work and intelligence for PSD.
- Norfolk Constabulary are engaged with regional PSD intelligence work having contributed to the regional strategic assessment.
- PSD RIPA applications are hand delivered to the director of intelligence truncating the procedure to involve only those absolutely necessary. Authorities granted during the course of a recent pro-active PSD operation have been inspected by the surveillance commissioner and found to be satisfactory.
- The regional ACCAG meeting has recently resumed and has been hosted by Norfolk PSD. All investigators from the department attend these meetings providing them with an opportunity to share knowledge and experience with regional counterparts. Furthermore, they are involved in a separate regional anti corruption meeting.
- The PSD intelligence analyst meets colleagues from neighbouring PSDs on a monthly basis. This forum was maintained even whilst the ACCAG was suspended due to the introduction of the IPCC.
- The head of PSD attends the regional heads of PSD meeting with the five other regional forces. In addition to this Norfolk PSD recently attended the regional conference in Cambridge.

Areas for Improvement

- There is a regional PS strategic assessment, however this is a compilation of the strategic assessments of the six forces and requires further refinement to make the exercise distinctive and pertinent.

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

Strengths

- There is a protocol and system in place whereby officers and staff who are subject to findings under discipline procedures disclose them in court proceedings via MG6B. An inspector manages the system and has ensured that in addition to new entries being recorded there has been a full back record

conversion. The currency of data is regularly reviewed and spent entries expunged.

- Service confidence issues are addressed by PSD conducting ethical and vulnerability interviews with officers and staff who intelligence suggests are personally at risk or potentially posing a threat to the organisation. Staff associations and unions are fully consulted within this process.
- The pro-active investigations section are deployed in preventative measures when there is spare capacity in the unit.
- PSD has a dedicated complaints reduction officer. His work paradoxically involves increasing public awareness and accessibility, however the main thrust of the role is to identify specific trends and hotspots and put in place countermeasures or ensure that BCUs address the issues. A very visible and well-received manifestation of the work is a poster campaign designed to influence behaviour away from common complaints.
- Contemporary complaints and misconduct issues are disseminated around the force via 'The Integrity Times.' This publication is periodically distributed with wage slips and raises awareness of issues, which have created vulnerabilities for individuals and the organisation. This represents a valuable learning tool.
- There is good communication between PSD and the areas (BCUs). The head of PSD has access to the area commanders when needed and holds formal quarterly performance meetings with them to discuss complaint statistics, training and trends. Chief inspectors attend quarterly PSD briefings at headquarters.
- The high level PSD and HR Strategy Group sets direction and policy for PSD and is chaired by the ACC. One of its particular functions is to set policy according to identified threats and trends.
- External consultants have performed penetration tests against the force's IT systems and internet site. There has only been one case of a successful attack against the internet site and this was low level and easily countered.

Areas for Improvement

- The importance of the Government Protective Marking Scheme (GPMS) is understood and in many areas the coding has been applied. However, the general principles are not widely understood or disseminated and implementation across the full range of documents and systems is not expected to be completed in the short term.

Recommendation 1

Her Majesty's Inspector of Constabulary recommends that the force develops and publishes a timed action plan for the full introduction of GPMS across all business areas.

- The force has taken legal advice that recommends limited restrictions on officers and staff taking business interests. A new policy will mean that all applications will need to pass through PSD.

Recommendation 2

Her Majesty's Inspector of Constabulary recommends that the force evaluates the impending policy for monitoring of business interests six months after implementation to ensure fitness for purpose.

Enforcement – *its effectiveness in dealing with emerging problems*

Strengths

- There is a PSD performance value chain in the management of public complaints. Stringent and voluntary targets are imposed which reflect the legacy of the old 120 day measurement. PSD aims at 90 days, with a 60 day review to ensure this target is met. The supervisors conduct a 50 day review to minimise cases needing a review. All incoming complaints are screened by the QA manager before allocation. Team inspectors update the PSD DCI on all enquiries on a weekly basis. The PSD superintendent personally signs off every investigation.
- Norfolk Constabulary is forging a strong relationship with the IPCC, particularly the regional commissioner who attends meetings with the ACC and PSD. The IPCC are also routinely given advance warning of emerging issues, which demonstrates the force's appreciation of the IPCC as a beneficial agent to PS. The IPCC has not independently led any investigations in force, they have managed three and supervised ten. Eight out of these thirteen were voluntary referrals, the other five being mandatory referrals within the legislation.
- The force has adopted an approach of perspective and proportionality in investigations. The basic question they ask is "what would be the likely outcome if this allegation were proved?" This has greatly reduced the amount of time, effort and resources expended on cases likely to result in minor sanctions. The head of PSD defines this as "emphasis on resolution rather than process" and shows clear appreciation of the Taylor Report.
- At the conclusion of a public complaint investigation, all parties are provided with a closing report outlining the findings of the investigation. This is in order to propagate transparency and confidence in the system.
- Norfolk had the benefit of leading the work on IPCC implementation as their former Chief Constable led for ACPO on IPCC development. In consequence they developed a training package for BCU supervisors, which was presented to IPCC casework staff. The training included work on local resolution of complaints and, as a result, the Force's local resolution rate was approaching 50% at the time of inspection.

- Suspension from duty is based upon public interest and whether to do otherwise would hamper an investigation. At the time of the inspection four people were suspended from duty. Each suspension application is made by PSD to the ACC. If suspended, a person is subject to a formal 28 day review, but effectively the decision is reviewed on a daily basis as the case progresses. Staff associations and unions are consulted during these decision processes. The force prefer to use restrictive duties to enable people under investigation to benefit from the support networks offered by the force. Since April 2004 nine officers, one special constable, one PCSO and one member of police staff have been suspended.
- Direction and control complaints are managed through a distinct process. If they relate to policing activity on an area, the area secretary (who is trained to deal with such complaints) informs the PSD QA manager and resolves the matter locally as long as a complaint is not evident. Other direction and control complaints are dealt with by the PSD managers, who maintain a central register and ensure organisational learning is captured.
- There is a confidential reporting line into PSD as well as an untraceable encrypted e-mail route with a strictly limited number of people being able to read the messages.
- Norfolk Constabulary has its own in house lawyers who handle civil claims and employment tribunals. The legal department has appropriate latitude and discretion to manage civil claims and devolved authority to settle some issues. They are closely tied to the rest of PSD in their decision making and refer claims that reveal public complaints. Furthermore, there is a robust stance against vexatious and speculative litigation with minor claims defended on principal to prevent the constabulary becoming a soft target. Since April 2004 the force has been the recipient of 14 civil actions.
- Legal services operate a lessons learned system on all case files. Risks identified from this are fed back to the constabulary risk manager. A good example of this is low level damage caused through use of police vehicles. To reduce this an incentivisation programme has been introduced on areas with a devolved fleet budget meeting the first £1000 of any claim. At the year end surplus on this budget can be vired by the area.
- In the event of a serious PS issue arising there is an “all hands meeting” which is tantamount to a gold group drawing together all the relevant disciplines on PSD and the wider management team. This was recently convened for a ‘serious injury’ police road traffic collision on the A47 trunk road.
- Since April 2004 there have been no internal misconduct cases of a racially discriminatory nature. However, there have been 17 such public complaints. Three of these cases are still live, six locally resolved, two not substantiated and six granted dispensations. This appears to be good performance.

Areas for Improvement

- Little training is provided to supervisors in the application of unsatisfactory performance procedure (UPP). There is evidence that early attempts to informally deal with unsatisfactory performance are either successful or if not further remedial action is abandoned. This is attributed to the process being

perceived as being unwieldy and actually exacerbating poor performance through labelling.

- So far in 2005 there have been five cases that have progressed to employment tribunal. In the previous two years there were none. Two of these cases were unresolved grievance procedures (GPs). There is an appreciation that supervisors do not deal with GP often enough to practice the methods they have been trained in. The management of emerging GPs is hampered by a database that acts as a recording system but does not alert HR that a new procedure has been started. Whilst there are first contact officers, there are no dedicated grievance handlers. Supervisors are given a guidebook on the process and all have access to the policy via the Intranet, but in essence there is no support system for supervisors.

Recommendation 3

Her Majesty's Inspector of Constabulary recommends that the force finds ways of enhancing the capabilities of their first line supervisors to ensure a more proactive response to UPPs and fairness at work issues.

Recommendation 4

Her Majesty's Inspector of Constabulary recommends that the force updates their grievance / fairness at work monitoring procedures to ensure that management information is captured corporately at an early stage.

Recommendation 5

Her Majesty's Inspector of Constabulary recommends that the force conducts an assessment to consider the merits of the introduction of a cadre of dedicated and trained grievance handlers.

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

- There is good evidence that all staff in PSD are able to contribute and influence the strategic direction of PS. PDRs contain objectives that focus staff development on the wider aims and objectives of the department. This was

especially evident on the prevention side of the business with genuine innovation being noted in complaints reduction, prevention and discipline and misconduct disclosures.

- There is a comprehensive suite of documents and policies covering all areas of PS. These extend from high level policies and NIM strategic documents to specific guidance in such areas as sanctions and direction and control. PS activity is governed by a PSD plan that will run until April 2006.
- There is a HR professional on the PSD SMT. This staff member adds a new dimension to handling the multiple facets of PS and clearly indicates the force's intention to move away from strict complaints and discipline to a more holistic approach. Specifically this enables cross functional appraisal of cases incorporating occupational health, HR and misconduct perspectives.
- PSD is subject to rigorous oversight and scrutiny by Norfolk Police Authority. The main forum for this is the PS and HR Committee, which is attended by the ACC and the head of PSD. The police authority is briefed on specific cases and dip sample files regularly to keep abreast of emerging issues. Both Norfolk Constabulary and Norfolk Police Authority acknowledge a close but challenging relationship in PS.
- PSD have compiled their first public questionnaire on PS. This was distributed in the week of the inspection so results were not available. However, this shows clear customer focus and commitment to organisational learning.
- PSD are focused on customer service and accessibility, in pursuance of this they have arranged that elementary complaint reports can be made to post office counter staff. This third party reporting scheme is due to be extended to Citizens Advice Bureaux.
- There is a network of agreements and protocols both formal and informal, which offer external support to PSD. Primarily the regional mutual aid protocol draws together all Norfolk Constabulary's neighbours to provide pre-determined assistance. However, the force has identified certain bodies such as NCS and Essex Police who provide specialist assistance in covert work, technical support and surveillance. SPOC work for financial investigations is all out-sourced even further afield.

Areas For Improvement

- Security checks, management and development vetting are carried out in force, with numerous posts attracting higher levels of clearance. In the past vetting has been carried out by HR for recruitment and special branch in post specific cases. A dedicated vetting unit is due to start work in the very near future to provide co-ordinated across the board vetting. There is an appreciation that this unit may expose sensitivities when retrospective vetting is applied to current post holders.
- PSD have access to the Police Authority's independent advisory group. The head of PSD is keenly aware of the benefits of such a body but acknowledges they have yet to establish a genuinely fruitful relationship, however he is determined to succeed.

- Selection to PSD operates on an open field expression of interest basis with applicants being handpicked according to skills and experience. PSD staff are not subject to tenure in post. Whilst this ensures that suitable people are posted to the department the process does appear to lack transparency which could affect client confidence.

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
DCC	deputy chief constable
HMIC	Her Majesty's Inspectorate of Constabulary
HR	human resources
IPCC	Independent Police Complaints Commission
NCIS	National Criminal Intelligence Service
NIM	National Intelligence Model
PCSO	police community support officer
PS	professional standards
PSD	professional standards department
RIPA	Regulation of Investigatory Powers Act, 2000
QA	quality assurance
SPOC	single point of contact
UPP	unsatisfactory performance procedure