

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



## **Inspection of Cleveland Police**

### **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 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**

The Cleveland Police area covers approximately 595 square kilometres and has a population of over 554,000. The resident black and minority ethnic population was estimated to be 1.9% of the total population in the 2001 census.

On 8 February 2005, the Force employed 1,691 police officers, 874 police staff and 79 police community support officers (PCSOs) and there were 88 special constables. The Force is committed to maintaining police officer numbers. Police officers will be redeployed, where appropriate, to front line duties and the police family will be broadened to include more PCSOs and special constables as well as community safety accreditation schemes.

The Cleveland Police area is divided into four policing basic command units (BCUs), known locally as districts. There are four unitary local authorities (Hartlepool, Redcar and Cleveland, Stockton and Middlesbrough) within the Force area and their boundaries are coterminous with the boundaries of its BCUs.

This year has seen financial close of the Force's 'Action Stations' project. This is a private finance initiative (PFI) which will provide a state of the art central custody suite and district headquarters in Middlesbrough, new district headquarters in Langbaugh and new police offices in South Bank and Redcar. The project will not only increase cell capacity and improve working practices; it will provide better access for the public and promote community policing. The first facilities will be available at the end of 2006, with the new Middlesbrough district headquarters expected to be completed by the end of January 2007.

The annual revenue budget for the Force (2005/06) is set at £114.8 million. Financial management within Cleveland Police is highly devolved with budgets devolved to the most appropriate level.

The Force is responsible for policing a predominantly urban, densely populated area, closely resembling metropolitan authorities in socioeconomic characteristics and policing needs. All four territorial districts have large areas of socioeconomic deprivation; 38 of the 92 wards in the Force area are in the top 10% of the most socially deprived wards in the country (2004 data).

Two prisons are situated within the Force area, HMP Kirklevington and HMP Holme House. The former prepares long-term detainees for release back into the community, whilst the latter, built to Category A standard, acts as a local holding establishment for over 800 inmates.

The Cleveland area is a major production centre for the chemical industry which results in the large scale transportation by road, rail and sea of hazardous substances. The chemical industry remains a key economic factor and presents the Force, other emergency services and partners with a significant major incident risk.

The Force's rural areas border the North Yorkshire Moors, offering great beauty and scope for leisure activities. The industrial heart of the area has a strong infrastructure that is well served by the transport network, including an international airport. The area supports many leisure facilities including premier league and first division football. Each of the four districts host town centres offering quality shopping

by day and a lively night-time economy. The coastline includes the highest sea cliffs in England and part of the Captain Cook heritage trail.

The Force has been working with the Home Office Police Standards Unit (PSU) since Spring 2004. Together they have devised and implemented Operation Delivery, a comprehensive action plan to focus upon crime reduction and crime investigation within Cleveland. This work is ongoing and is having a positive impact in both areas.

### **Professional Standards**

The DCC holds portfolio responsibility for professional standards and a superintendent heads the professional standards department (PSD).

The department has a complaints and conduct unit responsible for the investigation of complaints against police, the recording and quality assuring of direction and control complaints and the investigations of conduct issues. The unit consists of two Inspectors, four sergeants and two police staff investigators.

The integrity unit is responsible for anti-corruption measures and covert professional standards operations. This unit consists of an inspector, a sergeant and three constables, one of whom performs the role of intelligence analyst and performance analyst.

PSD is supported by an officer manager (sergeant) and two full-time equivalent administration posts (one post is held by two people who job share).

The data control officer has four staff that undertakes data control and freedom of information. The Force disclosure team, currently managed by the criminal justice department is being transferred to PSD and the data control officer will assume responsibility for the public information unit which will comprise all roles which have a legal or voluntary agreement to provide information to the public. There is also a full time information security officer who reports direct to the head of PSD.



## GRADING : GOOD

### Findings

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

#### Strengths

- The Force has completed two comprehensive strategic assessments in respect of vulnerability to corruption. These have been submitted to NCIS and a control strategy is in place.
- The inspection confirmed that the integrity unit operates with a dedicated analyst who is clearly very knowledgeable and highly competent within the area of research and intelligence development. The introduction of a new IT software package, 'Xanalyst' has enhanced the capability of the analyst to interrogate Force systems and provide additional, more comprehensive data.
- The integrity unit has conducted some high profile activity within the Force that has highlighted its existence, the results of which were reported openly. The impact of this activity has resulted in the profile of the unit being raised and the number of integrity based referrals reducing significantly. Though the unit remains very active within this aspect of its responsibilities.
- Cleveland Police has effective partnership arrangements with other forces and when necessary covert activity can be supported on a mutual aid basis from 'partners'. Evidence was provided of operations with Northumbria Police.
- There is evidence of a comprehensive skills mix within the staff working in the professional standards department. Staff within the integrity unit are 'head hunted' for the inherent skills they bring to the unit and generally are officers in their latter years of service. This practice assists in mitigating against potential problems that may occur with reintegration to mainstream duties.
- The inspection confirmed that there are comprehensive systems in place to assess and analyse all incoming public complaints and civil claims. An experienced office manager examines public complaints and determines an appropriate and proportionate method of investigation in line with agreed criteria and IPCC guidelines. Civil claims are handled within the legal services department by the Force solicitor. Evidence was provided that a systematic approach to identifying any conduct issues arising from a civil claim is in existence.
- In order to increase and retain 'corporate memory' a more robust and systematic approach to recording investigation outcomes, in particular where advice has been given to staff, is 'in place'. The Centurion IT system is used to record such outcomes.

## Areas for Improvement

- Whilst the integrity unit can be deemed to be NIM compliant, there is an acknowledgement that the other sections of the department currently are not. NIM principles are, however, applied across the remaining sections of the PSD. HMI contends that the 'whole' department could become fully NIM compliant with minimal development effort.
- The Force makes use of a number of mechanisms to raise the knowledge levels of the work being undertaken by the professional standards department (including the integrity unit). Despite these efforts, feedback received suggests that the department and its work is still viewed with suspicion by some staff which HMI accepts could be beneficial (some development potential may exist to further reassure Force employees).

### Recommendation 1

**HMI contends that the department, as a whole, could become fully NIM compliant with minimal development effort and recommends that it should become so as a matter of priority.**

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

## Strengths

- Having identified gaps in the vetting checks made on initial applications for appointment to the Force, the integrity unit has clarified the understanding of all involved within the process and it now conducts in-depth investigations into all potential appointees to the regular Force, Special Constabulary and PCSOs. This approach has identified a number of individual applicants who potentially could have posed a threat to the integrity of the organisation. The Integrity unit is used proactively to follow up these enquiries. The force is now satisfied that it has a robust approach to vetting applicants seeking appointment within the organisation. (HMI contends that this approach could amount to good practice following evaluation.)
- The inspection confirmed strong leadership from both the DCC, who is the ACPO lead, and head of the PSD. There are regular meetings to discuss professional standards issues involving the DCC, head of PSD, head of legal services and head of HR, together with the chair of the Police Authority's complaints overview panel. The quality and scope of the data provided has improved considerably with high emphasis on lessons learnt and prevention.
- The PSD has an overarching strategic plan that links to the Force corporate policing strategy. The document includes a time-bound action plan to further improve the effectiveness and understanding of professional standards within the Force.
- The Force has an open and accessible system for making complaints. These can be accepted in person, at a police station, at the complainant's home, by

telephone, fax or by email. The Force internet site contains comprehensive information and guidance for members of the public wishing to make a complaint.

- There is evidence of a co-operative working relationship existing between the Force and staff associations, trade unions and representative groups. Effective consultation mechanisms are in place; these include a regular 'Pulse' meeting chaired by the DCC where issues of concern can be discussed. There is evidence of joint initiatives when areas of concern in terms of complaints or conduct issues have been addressed.
- Ample evidence was provided in terms of 'learning lessons' from matters referred and investigated by the PSD. Key strategic 'Gold' groups are in existence including Information Security (ISB), custody group and Force executive. It is intended to develop groups that consider firearms and driver standards issues. The head of PSD sits on the majority of these groups. There is evidence of effective analysis of reported security incidents and custody 'near miss' incidents via an IT solution.
- The control strategy for 2005 identifies four main areas of risk: these being intelligence and information leakage, drug misuse, miscellaneous criminal dishonesty and racist behaviour. This information has been used to inform the workforce with the PSD on target to reach 85% of all staff by the end of February 2006. The identified organisational risks are also used to inform 'key' groups as probationers, supervisors and tutors.
- The Force has adopted the 'Kent' model for 'at risk officers' to self-nominate and seek support from the organisation where they themselves assess that they may pose a risk to the integrity of the organisation. This proactive scanning policy embraces such issues as, for example, alcohol abuse and domestic violence.
- The Force has assessed that it has a disproportionate number of investigations that involve BME staff both proactively and reactively. The issues subject of investigation are varied in terms of public complaints, conduct issues and criminal allegations. This has been raised in the BPA forum and at national level in terms of PSD conference. There are no obvious trends and the head of PSD is satisfied that all proactive targeting is proportionate to the available intelligence. Dialogue with 'key' staff groups in this regard is considered to be effective.
- The inspection confirmed that there is a system in place for monitoring ethnicity and the other strands of diversity of complainants. The DCC insists on a personal briefing for any complaints that may have a racial aspect.
- Ample evidence was provided to confirm that PSD investigations are proportionate in their scope.
- A security strategy is in existence which covers the key areas of information security, data protection and personal vetting, all of which currently sit within the PSD remit (also see Areas for Improvement) regarding plans to introduce a public information unit).
- The information security officer confirmed that there is auditing of internet usage and that access can be suspended where inappropriate use is confirmed. Auditing also extends to emails and attachments where key word searches are conducted. There is a systematic approach to the suspension of staff access to IT

systems where breaches are discovered. All breaches are subject to strategic review at the Force ISB.

- At present in 51% of recorded cases, the ethnicity of the complainant is 'unknown'. The Force reports that this high level is due in part to the large percentage of solicitor assisted complaints where on first reporting it is unable to determine the complainant's ethnicity. A system has been introduced where the ethnicity of the complainant is determined and recorded prior to the complaint being finalised.

### **Areas for Improvement**

- Whilst effective working relationships were reported with internal representative bodies, feedback confirmed that suspicion about the PSD remains, and members, particularly those from under represented groups, were unlikely to apply for PSD positions believing the department to be 'a closed shop'.
- The Force plans to introduce a public information unit (PIU) and discussions are underway as to the likely future positioning of the aforementioned functions. There is a possibility that some may fall within the remit of legal services. HMI urges that clarity in this area be provided as quickly as possible to minimise apparent staff concerns.
- The Force operates a confidential reporting line via an '0800' number, however feedback received confirmed that staff generally have no confidence in this system which has not received any calls. Prior to its financial problems, the Force had researched the option of introducing a wholly independent confidential reporting line. HMI contends that when finances allow this independent option should again be considered.
- There are limitations in the Centurion IT system used for recording and monitoring complaints in measuring the six strands of diversity this is in part due to the design of the input form. This is a national issue and therefore not solely applicable to Cleveland.
- In relation to physical security, the Force has effective processes and procedures in place. The integrity unit currently operates from covert secure, non-police premises, however, these are now shared with the major crime unit, and whilst security arrangements are effective, HMI contends that the physical location of the integrity unit should be reassessed.

### **Recommendation 2**

**HMI recommends that when finances allow the Force should reconsider its approach to the introduction of a wholly independent telephone line option for the confidential reporting of conduct issues.**

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

## Strengths

- Evidence exists of effective management of complaints under the auspices of an experienced office manager whose role also includes oversight of the timeliness of investigations. He enjoys open access to the head of PSD and can discuss problems and issues readily.
- The office manager, in consultation with the head of PSD and reactive team leaders, monitors the progress of files on a regular basis (meetings are held every three weeks, though sensitive investigations are reviewed more frequently). All essential elements of 'live' investigations including policy logs and timeliness are checked and proportionality, in terms of 'Lancet' principles, are adhered to. In addition, the DCC receives a monthly personal briefing on all integrity investigations.
- The Force is one of a small number of 'pilots' nationally which is assessing officer expectations in respect of local resolution (LR) procedures. It is working with the University of London. Early learning has already resulted in the creation of a document provided to staff, subject of LR, that explains what the process involves and the reason it is being applied. Once evaluated this could amount to national good practice.
- Following a shift in policy and a clearer provision of training and support, the majority of local resolutions (60% - to the end of September 2005) are now being handled within the operational service units (operational districts and HQ departments). This exceeds the IPCC current target figure of 50%.
- Following a death in custody investigation, a protocol, dealing with assaults on NHS staff and risk assessments on suspects, has been developed. This was considered to be good practice and it has also been adopted by NHS trusts outside the Force area. This could amount to national good practice following evaluation.
- The inspection confirmed that relevant procedures are in place to deal with complaints made against police staff members of the Force. Such matters are investigated by the human resource (HR) department, unless the complaint also involves a police officer, in which case the PSD assumes primacy. The head of PSD and the head of HR have regular, though informal, contact when such complaints arise.
- Upon the conclusion of a complaint investigation a 'quality questionnaire' is issued to complainants and Force personnel who have been subject of the investigation to obtain their views in terms of how the matter has been handled. Where adverse feedback is provided, the head of PSD makes personal contact with the writer to discuss the issues raised. All such investigation files are reviewed personally by the DCC. This approach could amount to good practice once evaluated.
- The Force has a suspension policy that has been consulted upon and communicated across the organisation. The Force views suspension as the final option and the numbers of personnel subject to the policy is very low (at the time of the inspection one police officer and one member of police staff).

- Good working relationships exist between the Force, the IPCC and the Police Authority (PA). The IPCC representative responsible for Cleveland has an open invitation to all meetings of the PA complaint overview panel.
- The PA has a positive relationship with the PSD and takes a proactive oversight role in the monitoring of professional standards issues. Opportunities to influence factors that may result in the reduction of complaints and civil claims are sought actively, with performance being managed accordingly.
- The Force is committed to ensuring that PA panel members have the appropriate levels of skill and knowledge to enable them to carry out their scrutiny responsibility. A number training inputs have been provided and the head of PSD continues to develop the understanding and knowledge levels of the Police Authority's complaints panel
- In his formal inspection of the Force in 2003, HMI commented about the legal services department and whether it was providing value for money. This inspection has confirmed that the legal services department has been realigned and that value for money is being delivered. Effective working relationships between the head of legal services and the head of PSD have been confirmed.

**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**

- In line with departmental learning and with a view to reducing the numbers of IPCC dispensations from the requirement to investigate where the complainant fails to co-operate, the head of department has introduced a trial with one of the proactive investigation teams, whereby 28 day letters are no longer being sent to such complainants. The effect is being monitored and dependent upon outcome could amount to good practice once fully evaluated. Early indications suggest that this initiative is speeding up investigation time.
- A further development is that the PSD undertakes proportionate investigations, in some cases where the complainant does not co-operate and issues an investigation report. This has reduced the overall number of dispensation applications. This approach was developed after consultation with the IPCC.
- Since June 2000, all new probationers joining the Force have received a training input into the work of the integrity unit. A professional standards reporting booklet has been issued generally and details the confidential reporting mechanisms available to staff.
- The head of PSD makes a concerted effort to secure attachments of operational supervisors and potential supervisors to the department to increase their knowledge and confidence in dealing with complaints. A consequence of this proactive approach has been an increase in the number of people wishing to join the PSD.

## Areas for Improvement

- The Force experiences a significant number of complaints which are 'solicitor assisted'. Two firms in particular contribute to the majority of these complaints. The head of PSD has engaged directly with these firms in an effort to negotiate process improvement for dealing with complaints and reduce the demands being placed upon the Force. Changes to legal aid and a requirement that a civil claim can only ensue following the recording of a complaint against police are likely to have an impact in increasing the number of complaints being recorded. (Whilst this aspect is a national issue, the proactive approach adopted in terms of direct intervention with solicitors could amount to good practice once fully evaluated).
- Following the financial difficulties experienced by the Force at the beginning of 2004, the number of reactive investigation teams was reduced from three to two. It is apparent that the two existing teams are carrying very high caseloads (approximately 40 each). HMI would expect that as the financial position improves, active consideration be given to reinstating the third proactive team.
- HMI was concerned to learn that the head of PSD routinely provides duty superintendent cover in terms of firearms and public order duties. He is firmly of the opinion that a conflict of interest could arise were the head of PSD to be drawn into a contentious incident. HMI recommends that the head of PSD should not perform duties in terms of Force operational 'on call' superintendent.

### **Recommendation 3**

**HMI recommends that the head of PSD should not perform duties in terms of Force 'on call' operational superintendent.**

- District based IAGs have only recently been introduced across the Force area. Whilst there is ample evidence to confirm that PSD has used the services available from the Force level IAG, it needs to develop its relationships at District level through the new groups.
- The inspection confirmed that other than 'on the job' training no specific input is provided to new members of staff before they join the PSD. To some extent this problem is exacerbated in that none of the staff currently serving within the department have yet been subject of e-PDR, though reassurances were provided that the professional development of personnel working within the department is catered for. The strong view of staff is that a national PSD training course should be formulated and delivered to staff before they join the department (national issue). Such a course has been considered and is being developed by the regional heads of PSD group.

## **GLOSSARY**

ACC	Assistant chief constable
ACCAG	ACPO Counter-Corruption Advisory Group
ACPO	Association of Chief Police Officers
ACPO PSC	ACPO Professional Standards Committee
BA	Baseline assessment
BCU	Basic command unit
BME	black and minority ethnic
CHIS	Covert human intelligence source
CID	Criminal investigation department
CPS	Crown Prosecution Service
DCC	Deputy chief constable
DSU	Dedicated source unit
ESU	Ethical standards unit
FTE	full-time equivalent
HMI	Her Majesty's Inspector
HMIC	Her Majesty's Inspectorate of Constabulary
HoD	head of department
HQ	Headquarters
HR	Human resources
IAG	Independent advisory group – a body advising a force or BCU on race and diversity issues
IiP	Investors in People
IPCC	Independent Police Complaints Commission
LR	local resolution
MMR	Monthly management review
MSF	most similar forces – a way of grouping forces to which each police force can be compared that has similar social and demographic characteristics
NCDG	National Complaints and Discipline Group
NCIS	National Criminal Intelligence Service
NIM	National Intelligence Model
PA	Police authority
PCSO	Police community support officer
PDR	Performance development review
PNC	Police National Computer
PPAF	Police Performance Assessment Framework
PS	Professional standards
PSD	Professional standards department
RDS	Research, Development and Statistics
RES	race equality scheme
RIPA	Regulation of Investigatory Powers Act, 2000
QA	Quality assurance
SGC	Specific grading criteria
SLA	Service level agreement



SPI(s)	Statutory performance indicators (SPIs) are used to monitor key aspects of police performance and form a critical component of performance assessments. SPIs are set each year following consultation with partners in line with powers under the Local Government Act 1999. SPIs are also known as 'best value performance indicators'
SPOC	Single point of contact
TCG	Tasking and co-ordination group
UPP	Unsatisfactory performance procedure