

Her Majesty's Inspectorate of Constabulary



Inspection of Warwickshire 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 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

Warwickshire is a small county in the West Midlands, with a population of just over 519,000. Its economy is heavily influenced by manufacturing, which is complemented by a rapidly growing service sector. Businesses have benefited from an improved transport infrastructure with good rail links and easy access to the motorway network. Average household incomes in Warwickshire are higher than regional and national averages – however, there are also significant pockets of deprivation across the county. The county's largest town is Nuneaton (population 78,000), followed by Rugby (61,000) and Leamington (45,000). Warwickshire's population is predominantly of the white ethnic group. There are, however, a significant number of Indian and black Caribbean groups – with Warwick, Nuneaton and Bedworth and Rugby districts being the most ethnically diverse. Local government is administered through Warwickshire County Council and five district or borough councils.

Force headquarters (HQ) is located on the outskirts of the town of Kenilworth, which forms part of the southern basic command unit (BCU). The force has two BCUs, the other being located in the north of the county. These BCUs are known locally as areas – each area being commanded by a chief superintendent and subdivided into sectors, which have coterminous boundaries with the local authority districts. The sectors have a clear remit to deliver an effective service to the communities they serve as well as contributing to the corporate goals of the force

The Association of Chief Police Officers' (ACPO) team is based at force HQ and comprises the Chief Constable, deputy chief constable (DCC), assistant chief constable (special operations) (ACC (SO)), assistant chief constable (territorial operations) (ACC (TO)) and the director of finance. The Chief Constable, John Burbeck, has been in post for four years. There is a new police authority (PA) chair, who has been a member of the PA for two years and has a wealth of experience in the public service.

In terms of resources, as at 31 March 2005 the force consisted of 1011 police officers, 590 police staff, 4 traffic wardens, 56 police community support officers (PCSOs) and 190 police special constables. The PA has agreed spending plans totalling £90.8 million in 2005/06, comprising £77.2 million in revenue and £13.6 million in capital. Revenue expenditure reflects the policing priorities and the capital expenditure reflects the continued investment in police station properties and in information technology (IT), with investments in single point of contact computing for criminal justice agencies.

Professional Standards

The ACC (SO) has portfolio responsibility for Professional Standards (PS). The Professional Standards Department (PSD) consists of a superintendent head of department, a chief inspector, complaints and misconduct and a detective inspector, pro-active unit (anti-corruption/ intelligence/information integrity unit - ACU). The department has an establishment of 20 members of staff with 66% allocated to the management of complaints and 33% to the ACU. The complaints and misconduct team (CMT) headed by the chief inspector, comprises one investigating officer (IO) of inspector rank, supported by three complaint investigator/case workers, one of whom

is a detective constable with the remainder being members of police staff. Dedicated administration staff support the department as a whole. The ACU comprises a detective sergeant and two detective constables, who are experienced detectives skilled in a number of pro-active intelligence and covert policing investigative techniques. The ACU is also supported by a dedicated administration member of police staff. The detective inspector, ACU, also line manages the information integrity staff whose responsibilities include data protection, information security, vetting and freedom of information.

GRADING : FAIR

Findings

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

Strengths

- Staff within the ACU are experienced and skilled detective officers who are trained to ACPO national standards in either serious and major crime investigation, intelligence gathering or covert policing techniques, eg, the detective inspector has attended the national ACPO SIO development programme.
- Despite limited resources, the ACU can evidence a number of significant crime investigations having been brought to a successful conclusion. eg, between 2002/03 and 2003/04, 5 members of the force (4 police officers and 1 police staff) were pro-actively investigated in relation to substance misuse and subsequently left the force through dismissal or voluntary resignation.

Areas for Improvement

- The force has not yet fully integrated the national intelligence model (NIM) within the ACU. Whilst tasking and co-ordination meetings are held on a regular basis, there was no evidence of the process directing resources to achieve prioritised objectives. This situation is compounded by the lack of any dedicated analytical support within both the PSD and ACU in particular.
- HMIC acknowledges that the development of a force strategic assessment relating to PS and the force's vulnerability to corruption is embryonic and subject to continued improvement. The annual strategic assessment had been submitted to NCIS, however, the resulting control strategy as formulated was limited in content and did not fully articulate associated control measures linked to identified threats.
- Monthly reviews of all complaint cases are carried out to ensure timeliness and progress. However, there was no clear evidence of NIM principles being applied across the complaints and misconduct area of business, which includes the management of civil claims and complaints relating to the direction and control of the force.

Recommendation 1

Her Majesty's Inspector of Constabulary recommends that the force should commission a review of all PSD business processes for compliance against NIM principles. In particular, the force should also consider with high priority the appointment of a dedicated analyst to the PSD to produce the intelligence products necessary, at both strategic and tactical level to achieve NIM compliance and drive business development.

- Lessons learnt and good practices identified are being captured and disseminated eg, notification to BCU commanders, inputs at training events and publication in force orders. However, there was little evidence of a systematic approach being applied to ensure organisational learning identified is robustly recorded, implemented, tracked and evaluated throughout the force. In addition where issues are identified at force level the delay in amending policy is hampering the change process, eg, service confidence policy took 18 months to implement.

Recommendation 2

Her Majesty's Inspector of Constabulary recommends that the formulation of a force PS strategy should be prioritised to ensure that organisational learning is robustly managed and that it drives service delivery, business development and the continuous improvement of standards.

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

Strength

- At the time of inspection the ACC (SO) had recently been given portfolio responsibility for professional standards. The DCC had previously held this role since his appointment to the force in April 2005. The DCC prior to his transfer took an active role in driving PS issues, which has been continued by the ACC who also has previous PSD portfolio experience. To ensure strategic oversight and direction chief officers chair a number of formal and informal force group meetings designed to engage all stakeholders in maintaining standards and values, eg, monthly force performance board, weekly meeting with the PSD head of department, attendance at the Police Authority PS sub-committee.
- In line with ACPO PS policy, the force has established internal reporting channels; these include the provision of a confidential reporting line. Staff associations and support groups have confidence in the system.
- Compared to other forces nationally and against the ratio of officers and staff, the force experiences a high proportion of substantiated complaints. In order to better

understand the causes for this trend and set a strategy to improve standards, the force has commissioned an evaluation, due to report in March 2006, by the John Grieve Centre for Policing and Community Safety. HMIC welcomes this initiative.

- The force has been very pro-active in implementing security measures to protect its assets and ensuring compliance with the ACPO Community Security policy. The Force Information Management group chaired by the DCC monitors all issues of security at strategic level against the force Information Security policy. Fully compliant with the ACPO vetting policy, including management vetting, the force on behalf of all UK police forces, is to shortly undertake the vetting of Vivista IT system police contractors who maintain case and custody systems. The force vetting unit is also developing a national database of approved IT contractors for use by all forces.

Areas for Improvement

- In recent years there has been a lack of consistency in terms of the lead chief officer for PS issues within the force. This has hampered the strategic development of the PSD and relationships with the Police Authority.

Recommendation 3

HMIC understands the current priority of the force in addressing its future and the need for it to engage with the process as a major participant. However, Her Majesty's Inspector of Constabulary recommends that the force should seek to ensure that a considerable period of stability is facilitated in this business area if it is to effectively address the identified areas for improvement within this report.

- The force is committed to the provision of an open and accessible system for making complaints, ie, complaints can be made in person, by telephone, email, fax or via a third party as outlined on the force website. In addition the force website includes a dedicated link for complaints to be made directly on-line to the PSD. However, a more cohesive and structured approach is necessary to ensure all members of the community are provided such opportunities for access.

Recommendation 4

Her Majesty's Inspector of Constabulary recommends that the force embarks on a strategy to increase community engagement, the objective being to improve openness and accessibility to the complaints system. This could be made through a joint initiative with the IPCC and other stakeholders e.g., force IAG, to introduce 'gateway' complaint reporting organisations across the force area.

- The force has considered the Commission for Racial Equality (CRE) Investigation into the Police Service in England and Wales recommendations concerning the establishment of an independent confidential reporting line, however, due to financial constraint, the force currently has no plans to outsource the existing arrangements.
- The ethnicity profile of complainants and those subject of complaints is recorded both within the CMT and ACU. However, the PSD does not undertake any formal monitoring or analysis of either group to identify trends, particularly those linked to disproportionality. This is despite an acknowledgement by the ACU that there appears to be a disproportionate number of referrals concerning BME officers. The force does not record any information that fully reflects all six strands of diversity.

Recommendation 5

Her Majesty’s Inspector of Constabulary recommends that the force introduce a system to record, monitor and analyse personal profile information relating to complainants and those subject to them representing all six strands of diversity, to ensure that disproportionality in the delivery of services is identified and actioned.

- The force has, in the last three months, introduced the concept of ‘Complaints Champions’. Champions are in the main police officers of inspector rank, located in each of the BCUs and force operations departments. Their role is to act as a conduit between the PSD and their BCU/department to improve the local resolution of complaints, identify trends, ensure organisational learning is disseminated and that standards are continuously improved.
- The latest strategic assessment for the force highlighted the disclosure and compromise of information as being an ongoing threat. A recent investigation by the ACU (Operation Reading) serves to graphically demonstrate this view. However, with the exception of intelligence-led face to face auditing with staff into their use of force IT systems by the ACU, there was little or no evidence of any systematic approach to auditing being undertaken.

Recommendation 6

Her Majesty’s Inspector of Constabulary recommends that the force enhances its ability to carry out pro-active auditing and monitoring of all its IT systems and databases not only to protect force assets but also to ensure service delivery to the public is not compromised.

Enforcement – its effectiveness in dealing with emerging problems

Strengths

- The force has an established policy relating to the suspension from and restrictions of duty for all staff. Suspension reviews are carried out every 28 days or where a change in circumstances triggers a separate review. The welfare of staff subject to suspension or restriction is fully documented in policy and is undertaken by the officer or staff member's BCU or department. Staff associations express confidence in the process particularly with the level of force support offered to staff subject to suspension.
- Complaints relating to the direction and control of the force are captured and recorded centrally by the PSD in line with IPCC requirements. Action taken outside of PSD is also subject of auditing and monitoring to ensure finalisation is achieved to the satisfaction of all.
- The force and the IPCC enjoy a good working relationship, which at ACPO level has significantly improved with the appointment of the new DCC in April 2005.
- Working relationships with the police authority and the head of PSD are described as excellent. The police authority have open access to the PSD and conduct regular visits to dip sample closed complaint files to assess timeliness and equality of investigations. Previously the relationship with ACPO and the Police Authority was professional but distant. This situation has now improved with the appointment of the new DCC who regularly meets with the police authority PS sub committee on a quarterly basis.
- The consistency and fairness of Misconduct panel sanction outcomes is considered by stakeholders to be good. A number of superintendents recently attended training for misconduct panel members, delivered by Leicestershire Constabulary PSD.

Areas for Improvement

- The head of PSD is an experienced officer who has been in post for some considerable time. Subsequently he has built up a high level of knowledge in the management and investigation of complaints and misconduct which has provided the force and PSD staff with both effective leadership and direction. However, there are a number of strategic PS issues that the force has been slow to respond to, eg, the PSD had no business or strategic plan in place detailing or directing development activity, though it is acknowledged that this is an intended objective for early 2006.

Recommendation 7

Her Majesty's Inspector of Constabulary recommends that the head of PSD is relieved of the requirements to carry a workload himself in order to allow him to engage in driving the department from a more strategic perspective.

- With the introduction of the IPCC the level of resources within the PSD was increased. However, despite the increase in establishment to meet fresh challenges, the PSD is currently under resourced as a result of abstractions e.g., Inspector (IO) is currently acting chief inspector with no replacement. As a result workloads are high, with little or no resilience in the system to maintain or improve timeliness targets for case completion. Currently timeliness targets are deteriorating.

Recommendation 8

Her Majesty's Inspector of Constabulary recommends that the force should review the allocation of resources to the PSD and additionally examine opportunities for working more efficiently to tackle the issue of timeliness.

- Upon receipt of a complaint, local resolution or allegation of misconduct, the head of PSD personally manages the assessment and decision making process before allocating the file to the appropriate investigating officer. HMIC was content that early decisions concerning the test of proportionality were being robustly applied based on experience and professional judgement; however, it was disappointing to find that such decisions were not generally documented and that this was compounded by the lack of force guidance or policy. In addition, with the exception of serious investigations which do follow ACPO/IPCC principles and ACU investigations there was no audit trail of ongoing decisions taken or rationale for them, being recorded by IOs.

Recommendation 9

Her Majesty's Inspector of Constabulary recommends that the force develops a decision making model / template or policy to guide and direct investigating officers to better document their decision-making and rationale to ensure an open and proportionate response is applied to all PSD investigations.

- The conclusions and recommendations contained within the Morris, Taylor and CRE reports are being overseen and considered by the force confidence and equality strategy group. The force is currently working towards their implementation whilst awaiting further national guidance. However, there was no direct evidence of the head/deputy of PSD having any involvement in the future development of the force's response.
- Use by the force of the Unsatisfactory Performance Procedures (UPP) to manage under performing post probationary police officers is poor. It has only been used in part once since its introduction. Human resources managers are located within each BCU and force operation departments, whom with their BCU commanders and departmental heads, work closely with the PSD to manage identified performance issues. However, evidence suggests that UPP was little used due to a general lack of awareness and understanding amongst supervisors and

managers. In addition the process was believed to be cumbersome and over bureaucratic.

Recommendation 10

Her Majesty's Inspector of Constabulary recommends that the force reviews its use of UPP. The force should also introduce an UPP awareness-training programme to ensure that all police officer and police staff supervisors/managers are knowledgeable in its provisions and availability for use as a management tool.

Capacity and Capability

Strength

- The capability and associated skills of the head of PSD and his staff to ethically and professionally manage, and investigate complaints, misconduct and allegations of corruption is of the highest standard.

Areas for Improvement

- Warwickshire Police is a small county force; as a result the capacity of the PSD to maintain an appropriate response to the increasing levels of complaints and the continuing challenge to tackling corruption is a real one. The level of resource constraints and the inability of the force to manage the investigation of complaints within a reasonable timeframe clearly demonstrate this.
- The diversion of the head of PSD into tactical case management is to the detriment of the strategic development of the department. Taken together, with the lack of analytical capacity, this is significantly undermining the capability of the force to evolve from a traditional complaints and discipline department to one of a professional standards department that has at its core the ethos of organisational learning.

Glossary

ACC	Assistant Chief Constable
ACPO	Association of Chief Police Officers
ACU	anti-corruption unit
BA	baseline assessment
BCU	basic command unit
BME	black and minority ethnic
DCC	deputy chief constable
HMI	Her Majesty's Inspector
HMIC	Her Majesty's Inspectorate of Constabulary
HQ	headquarters
IAG	independent advisory group – a body advising a force or BCU on race and diversity issues
IO	investigating officer
IPCC	Independent Police Complaints Commission
MSF	most similar forces – a way of grouping forces to which each police force can be compared that has similar social and demographic characteristics
NCIS	National Criminal Intelligence Service
NIM	National Intelligence Model
PA	police authority
PCSO	police community support officer
PDR	performance development review
PS	professional standards

- PSD professional standards department
- 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'
- UPP unsatisfactory performance procedure