



CULTURE CHANGE CHALLENGES AND OPPORTUNITIES



CONFERENCE SUMMARIES

8th ACPO Professional Standards Conference

Tuesday 26th & Wednesday 27th June 2007

TAYLOR - WORKING TOGETHER TO MAKE CHANGE HAPPEN!

PURPOSE OF CONFERENCE

- Working with our partners to promote a greater understanding of the key strategic issues, which will affect the Professional Standards function.
- To identify key pieces of work to progress.
- To give practical advice and guidance.

INTRODUCTION

Approximately 200 delegates representing law enforcement agencies, the police forces of England & Wales and related organisations, attended the conference to discuss key issues relating to Professional Standards. Related organisations included ACAS, IPCC, ACPOS, Civil Nuclear Constabulary, Police Federation of England & Wales, Home Office, PSNI, CPS, BTP, HMIC, GMPA, SOCA, Police Superintendents Association, HM Revenue & Customs, Scottish Drug Crime Enforcement Agency.

The conference took the form of individual speakers using presentations whilst delegate participation took the form of conferencing system known as [10,000 volts](#). This system allows anonymous contributions to be made to each presentation. Conference was supported by a number of 'fringe group' meetings organised along the key themes of Culture Changes, Challenge and Opportunities.

10,000 Volts Conference System

A discussion system developed by Professor Jonathan Crego at the request of the Chair of the British Association of Chief Police Officers Crime Committee (Crego, 2002). It is a flexible and dynamic means of debriefing (and pre-briefing), which facilitates both open discussion and the generation of ideas. Laptop computers are used by the delegates to input contributions to the debate, the process is in effect, an electronic focus group, where each delegate is able to type his or her thoughts and experiences into a computer, while simultaneously sharing these same thoughts and experiences with all the other delegates present. There is no record of which delegate used a specific computer, thus all the comments generated are non-source attributable. This anonymity removes any existing hierarchies, does not make any individual stand out prominently or receive unwanted attention, removes pressure to deny weaknesses or problems, and facilitates the discussion of sensitive topics.

Source: <http://www.liv.ac.uk/psychology/ccir/10KV.html>, June 29th 2007

Structure of Report

- Chapter 1 summarises the conference with the closing remarks made by Mr. West, the ACPO Professional Standards Committee Chair.
- Chapter 2 summarises the Conference sessions, namely Taylor- the new police misconduct procedure, Fringe Groups and Taint, Threats and Vetting Issues.
- Chapter 3 summarises Day 1 Conference Elements and Q&A to Panel.
- Chapter 4 summarises the Fringe Groups
- Chapter 5 summarises the Day 2 Conference Elements, Interactive Exercise and Q& to Panel.
- Chapter 6 summarises the Conference Themes

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CHAPTER 1

CONFERENCE SUMMARY

&

FINAL ADDRESS

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CONFERENCE SUMMARY

The conference theme of Culture Change, Challenges and Opportunities pervaded through the content of each speaker. Communication through the electronic conferencing system evidenced a group awareness of the requirement for a substantial shift in the approach to complaints, discipline and the serious threat posed by information leakage. Whilst no formal actions were made, there was widespread recognition of the difficulties and constraints faced within individual forces, a common theme in the response of delegates was a real need to consider a single approach that ensured consistency in policies, practice and decision making.

The 'Taylor Report': Represents a significant opportunity to ensure a modernisation of police service thinking in respect of public complaint and internal discipline resolution. Whilst central PSD will control policy and recording, the majority of matters will be locally managed with an emphasis on training and development to reduce the incidence of mistakes.

Stakeholders: Have shown a willingness to cooperate and understand the needs of each other. Each stakeholder has made concessions and expects each other to adhere to the common code. There is a willingness to accept misconduct is often borne out of mistake rather than intent, such willingness affords an opportunity to develop staff and retain expensive assets within the service.

Consistency: Throughout all themes and stakeholders, there was agreement that a root cause of problem was the lack of consistency amongst law enforcement agencies.

Training: 'Taylor' demands the development of staff through training to improve public confidence and reduce disciplinary issues. There is a lack of investment in securing the best people for training roles.

Mistrust: Borne out of historical experience there is some degree of mistrust amongst the police service stakeholders whose role leads them to suspect and challenge. Culture change is required to eliminate or reduce police suspicion of political targets within the IPCC, staff association mistrust of management, and management concerns of staff association objectivity,

Judicial Determination & Arbitration: The emphasis has to be on avoiding judicial involvement. This can be achieved through strong, legally reviewed policies and a willingness to drive forward training and development of personnel and management. Judicial determination should be a last resort and may indicate failure.

Vetting: The police service faces serious threat from poor management of information and intelligence. The application and interpretation of vetting is inconsistent amongst forces, criminal organisations are deliberately targeting police information as a currency to achieve serious criminality. This is an area that requires considerable attention to identify opportunities for change.

Conclusion: There is a strong desire amongst all stakeholders to work with 'Taylor' and accept the seismic change required. Weak supervision and poor training were identified as potential barriers. Consistency was a major concern for policies, vetting and training and represents a real challenge to system integrity and confidence.

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Paul West, Chief Constable of West Mercia Constabulary

From this conference we have pulled out a small portion that represent the theme of culture change, challenges and opportunities.

Culture Change

We know that we are heading for major change in the area of complaints, discipline and internal investigation. We must understand how far each force has progressed towards the 'Taylor Report'; some will be comfortable with the impact of 'Taylor' whilst others will not be. How far have you and your Force progressed work in preparation for the Taylor Reforms?

Challenges

How confident are we that our supervisors and line managers are suitably skilled to: - Enable Taylor reforms aspirations to become reality; and understand the personal and professional vulnerabilities of their staff being able to identify signs of possible compromise. In addition, how good is your Force at identifying corruption and proactively preventing and detecting it?

Opportunities

To what extent will you use the knowledge that you have gained in the last two days to better inform the key stakeholders in your Force? And HMIC are likely to seize the opportunity to assess readiness for the future in 2008 rather than merely re-visit the world as it was in 2005.

CHAPTER 2

CONFERENCE SESSIONS

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CONFERENCE SESSIONS: DAY 1

TAYLOR REPORT: THE BEGINNING NOT THE END

Speaker: William Taylor. The Elmey Partnership.

Since 1829 the police service has managed police discipline and misconduct through a legalistic crime model that has given little regard to the nature of the matter being investigated. The model has been responsible for problems relating to delays, proportionality, bureaucracy, effectiveness and confusion. In 2002 the Lancet Report sought to improve the effectiveness of the complaint process by tackling the desire for the perfect investigation that hindered the effectiveness of a system by creating unreasonable expectations and disproportionate investigations. To improve the complaints and discipline processes it is necessary take a seismic shift in managing conduct, this new process discussed in the 'Taylor Report', provides opportunities to influence original conduct, harness organisational pride and make the distinction between poor performance and poor personal conduct. All stakeholders have signed up to the new approach that makes fundamental changes to our processes and improves the effectiveness of the complaints system, meets the desire for thoroughness, removes unachievable expectations and sets the threshold of satisfaction for stakeholders. This seismic shift is not something that makes small changes, it is wholly different and opportunities will be lost if we do not recognise this.

Discussion Points of Interest, Criticism, Difficulties and Constraints, Actions Required

- ❑ CPS should engage with police forces nationally with regard to 'taint'. The operational role of police officers with misconduct findings is hampered by the lack of an offender rehabilitation process.
- ❑ Taylor may not be the 'soft option' that is perceived by some. It offers the opportunity for timely and proportionate management intervention within a structured and more accountable process.
- ❑ The police service needs to engage more effectively with the judiciary, issues concerning disclosure appear to be disproportionate and require written warnings to be disclosed. Disclosure rules may require a full review.
- ❑ Should disclosure to CPS only be necessary in cases of 'gross misconduct' or do individual cases require a test of relevancy? How do the courts discover a witness's discipline record from other organisations?
- ❑ Are HMIC adequately resourced with experienced staff able to conduct effective inspections within a process so heavily influenced by stakeholders?
- ❑ The new complaints system is a result of agreement and concessions between key partners. Should these inspections now pass to those collective stakeholders?
- ❑ Will the IPCC take on board 'proportionality within the appeals process? The practice of allowing appeals outside the scope of original complaints suggests the IPCC are seeking to demonstrate their independence.
- ❑ The IPCC may be ahead of the game with regard to Taylor, their fundamental purpose is to learn lessons and not attribute blame, thus matching the seismic change now required of the police service.
- ❑ The IPCC must rework their guidance and development of caseworkers. There is concern that the reducing of supervisory levels supports the view of weakness in the consistency of decision making, fairness and auditing.
- ❑ The new processes will improve timeliness of investigations and reduce the requirement for Reg. 9 notices; this should reduce mistrust of the discipline and complaints system.

RESOLVING DISPUTES WITHOUT JUDICIAL DETERMINATION: AN ACAS PERSPECTIVE

Speaker: Malcolm Boswell, Area Director, Advisory Conciliation and Arbitration Service (ACAS)

ACAS comprises lawyers, heads of unions and heads of employers; it has played an active part in supporting the development of the new discipline process that endeavours to adopt the core ACAS principle of 'Management not Discipline'. People are your biggest asset and represent investment, how are you going to be certain that if you exit someone that their replacement will be better? The ACAS ethos is to have confidence in your recruitment process and recognise that it will be foolish to dispose of that asset unless as a last resort. You should aim to preserve your valuable assets by helping people to improve and considering a proportionate reaction to the issue. In the outside world the only thing that is investigated is that incident, in the police service the investigation goes much deeper and is often disproportionate to the outcome. Rather than encourage an early resolution, the current process leads to an escalation of problems that result in stressful procedures and lost management time. ACAS recognised from the very start that the police service is in a unique position and the new system reflects that and the singular nature of policing. To prevent disputes and the need to seek judicial determination, you should ensure that employees know what is expected of them; only then can you consider taking action against them. You must ensure consistency and avoid formalising issues.

Discussion Points of Interest, Criticism, Difficulties and Constraints, Actions Required

- ❑ Ongoing training in the handling of discipline and grievance procedures is essential and must be provided to all personnel.
- ❑ Supervisors are particularly crucial to the process and must receive effective communication from HR and PSD units to ensure a consistent approach.
- ❑ Training should be inclusive of all stakeholders if it is to break down current barriers and pre-conceived opinion.
- ❑ A national standard of training would support consistency and the change process by removing concerns that other stakeholders have differing agendas.
- ❑ Police officers are familiar with court processes and the standards of evidence required, they will expect the same level of proof be applied to alleged conduct matters.
- ❑ Irrespective of asset cost, the police service is mindful of public confidence and must tackle matters such as dishonesty and serious negligence.
- ❑ Consideration should be given to a resolution mediation process that enables resolution in a more timely and cost reduced way. Such a process could benefit both human costs and trust/confidence in the system by ensuring proportionate response and sanctions with an emphasis on learning.
- ❑ Local management of complaints is the way forward. HR units should focus on recruitment and HR issues whilst PSD's should provide a central source of guidance and support. PSD's will deal with fewer cases whilst providing the skilled decision makers and investigators of more serious matters.
- ❑ Too many formal investigations are conducted and our seismic shift should reduce this and provide resolution at the lowest possible level.
- ❑ The Taylor system will harmonise the discipline processes for police staff and police officers by demonstrating a consistent approach to the resolution of discipline and grievances.

CHALLENGES AND OPPORTUNITES FOR THE IPCC**Speaker: Nick Hardwick, Chair, IPCC**

The next three years present us with key challenges and opportunities to shift the focus of the complaints system to learning the lessons and putting things right rather than seeking to assign blame. Investigations are too often about the police officer and not whether we are getting to where the complainant wants. Often the complainant really wants to know what happened, yet because there is a remote chance of discipline or court action we are over cautious about declaring that information which could resolve a complaint at an early stage. Disproportionate investigations result in a delay in providing explanations to complainants, we must shift the emphasis from resolving police discipline to providing the complainant with information that resolves the complaint. We now have an opportunity to adopt a culture change that allows better use of resources and an opportunity to focus investigations on the serious matters such as corruption. We can improve processes and reduce the safeguards that place too many resources into the simple process of recording and resolving less serious matters. The IPCC recognise weaknesses in our investigation processes and are working with Bill Taylor to improve and focus on a search for the truth. How far can you let go? The police service must allow local managers to make decisions, you may not like their decisions but if it is a reasonable decision then you must be prepared to support it. We must learn the lessons from complaints, move away from rhetoric to reality, learn from major cases and support learning at a local level.

Discussion Points of Interest, Criticism, Difficulties and Constraints, Actions Required

- ❑ One of the challenges is to recognise police mistakes and think imaginatively on methods to improve standards and allow staff to be more honest, less adversarial and trust the new process that seeks to learn rather than punish.
- ❑ We should adopt the 'Can I have a word processes by changing the emphasis on substantiation. Staff associations may resist this approach but matters can be referred back to local level as not warranting formal discipline or sanction, thus supporting local informal intervention and learning.
- ❑ Manage expectations at an early stage, experience shows that the IPCC ill support early decisions.
- ❑ A small core of complainants will not accept early resolution and will seek a formal discipline result. This can be resisted and an appropriate result can be achieved from adherence to the new system. The stakeholder approach will support such action and not seek to place a 'head on a plate'.
- ❑ Complainants do want to know what went wrong and have we learnt lessons, they do not necessarily wish to see police officers punished.
- ❑ To improve the Local Resolution process, requires cultural changes to the approach taken by the IPCC and Police Federation, training should seek to address this.
- ❑ Can we balance 'letting go' with 'consistency of approach?'
- ❑ Consider reducing PSD's to deal only with 'Gross Misconduct'. This would support local commander's responsibility for minor discipline and support their local resolution processes.
- ❑ Reducing PSD's and their responsibilities may expose risk of inconsistency and reduce the availability of experienced discipline personnel.
- ❑ Every force must have a structured 'learning the lessons' programme that supports quality of service and consistency.
- ❑ The police service must recognise that the IPCC have a responsibility to oversee the complaints system from a complainants view. Where the IPCC makes mistakes they are prepared to admit them and learn the lessons.

IMPROVEMENT NOT PUNISHMENT: WORKING TOGETHER TO CHANGE THE FUTURE

Speaker: Steve Smith, Regional Representative, Police Federation of England & Wales

The Police Federation is a stakeholder of the new discipline system and has made concessions, as have all parties to this agreement. We need consistency in the way that we investigate complaints and the new regulations are a significant improvement on the previous ones. Accountability, we are all accountable in the new process that has been designed in a fair, transparent and proportionate manner. Mention misconduct and everyone thinks of blame rather than what can be done to improve conduct. All the member of the public usually requires is an explanation as to why the officer did as they did. Why do we prepare a discipline file to Crown Court standard for this desired outcome? The relinquishing of control to junior managers is difficult but essential, we must allow local managers to manage and then support them in that process. Proportionate – the investigation and outcome has to be proportionate to the issue and dealt with at the lowest possible level. Only top of the range cases will require a lawyer, where a job is on the line the officer must retain the right to have a lawyer test the evidence. The ethos throughout should be ‘improving the officer’. The federation is there to see that the officer is treated fairly. The gist is to ensure that we do not lose our most valuable asset and in terms of training, our most expensive asset. We do have concerns that interviews will take place without a written notice, that matters deemed to be ‘misconduct’ will escalate to ‘Gross Misconduct’ and it must not occur that officers are told it is misconduct in order to elicit a response. We support the process to encourage a Learning Development environment. Essential to all this is training. Every member of the service requires an input, particularly Chief Police Officers, PSD’s, IPCC and staff associations. The Police service is a ‘can do’ organisation and we can do this.

Discussion Points of Interest, Criticism, Difficulties and Constraints, Actions Required

- ❑ The majority of misconduct can be developmental. Stakeholders and personnel must undergo cultural change and recognise that development works. No one group are always right, each must recognise the learning opportunities.
- ❑ Investigations should not start as ‘guilt focused’.
- ❑ The relationship between staff associations, PSD’s and ACPO is critical to the successful implementation of the new processes. Each must remove the adversarial approach and focus on learning the lessons and improving behaviour.
- ❑ Be consistent in decision-making; remain tolerant of isolated minor issues whilst focusing investigations on gross misconduct. Consistency will support trust.
- ❑ Pre-briefing with staff associations can support decision making and resolution of matters, consider systems of formal grading that enables early declaration or potential outcomes.
- ❑ Suspicions exist amongst stakeholders, each must be aware of their actions in the new process and how they may be perceived.
- ❑ Supervisors need strong visible support. A significant amount of PSD work originates from poor leadership and management of officers by local managers.
- ❑ There is a perception that the IPCC provide complainants with unrealistic expectations of the appeal process. As a result public confidence in the system is undermined.

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CONFERENCE SESSIONS: DAY 2

RESOLVING DISPUTES WITHOUT JUDICIAL DETERMINATION

Speaker: HH Judge Meeran, President of Employment Tribunals (England & Wales)

Employment Tribunals are organised into 12 regions comprising salaried chairmen, fee-paid chairmen and non-legal members. The system is not perfect and can create differing standards within regions; there are also problems in recruiting younger non-legal members who may not afford the time necessary to be away from their usual business. Employment Tribunals are costly in time, finance; damage to the individual and damage to the organisation. It is important to seek alternative resolutions and our procedures include sending all documents to ACAS for review. This results in ACAS in taking out 70% of cases and managing alternative methods of satisfactorily resolving a case without the need for an employment tribunal. Tribunals should not be used as a substitute for good relations, seek to resolve issues before they are escalated to an employment tribunal. In particular discrimination cases are difficult, often the person accused of discrimination feel personally offended and may feel unable to meet around a table to solve the issue without recourse to a full tribunal. A core problem to avoid is the early escalation of a complaint to a full employment tribunal. Employers often cite their policies and procedures as a defence but we wonder if these policies are merely on paper without necessary underlying strategies and training to support them. We are piloting judicial mediation in three regions, results so far are impressive with 355 tribunal days being vacated in just three months, this further demonstrates that all parties need to meet and settle their differences. Unfortunately a few will desire their 'day in court'.

Discussion Points of Interest, Criticism, Difficulties and Constraints, Actions Required

- ❑ Mediation should be offered at early stage before parties become entrenched, the object is to resolve issues and not as some believe, to award financial settlement by attending an employment tribunal.
- ❑ Compulsory mediation may combat the practice of using employment tribunals as a pre-emptive strike against the employer.
- ❑ We should accept that most complainants do have a degree of valid grievance and organisations should be more responsive to accepting mistakes. We can learn from these mistakes.
- ❑ A culture change is required to combat the growing victim culture, robust and determined defence has a role to play.
- ❑ The legal profession has vested interest in maintaining the system that provides them with a good revenue stream. The reduction in criminal legal aid funding can support the mediation route.
- ❑ Forces with good grievance procedures find themselves the subject of a higher level of grievances than those forces with poor procedures. However early intervention provides an opportunity to effectively tackle those issues.
- ❑ Where there is mediation through ACAS, the Judiciary or privately, both sides may have to concede something in order to solve the matter. The agreement of both parties affords opportunities for both parties to retain their relationship and save a great deal of public money.

TRUST IS GOOD, CONTROL IS BETTER

Speaker: John Murphy, Deputy Chief Constable of Merseyside Police.

The British Police Service enjoys overwhelming support and has built an enviable international reputation for integrity. This reputation has been hard-won by committed and honest people who are proud of the uniform they wear. This reputation is constantly at risk from individuals within the service who either don't know or don't care that their corrupt and dishonest behavior can have a hugely disproportionate impact on the services reputation and public confidence. Criminal corruption is borne out of poor culture and poor standards within forces. It is now more important than ever that we enforce the role of first and second line managers to intrusive supervision. The role of first and second line supervision has shifted to managing the plethora of quantitative performance targets set by Government. Whilst accepting this is necessary - where is the balance? The introduction of approximately 20,000 Police Community Support Officers has not been matched by adequate increases in supervisors. How vigilant are you about your force systems, have you ever reviewed even a single informant file and gone beyond the paper or PIMS record. How often do senior managers sit down with handlers or controllers and say talk me through this case and show me the audit trail and outcome. Those of you with robust systems – are you confident that you haven't driven recruitment and handling of informants underground – are people being run outside the system. Sterile corridors serve a purpose in protecting sources – they also serve a purpose in masking corrupt relationships – any activity conducted in secret carries the inherent risk of corruption. In this most necessary but also the most volatile area of policing I cannot emphasise enough control – control – control and review with rigour. We must look after our investigative staff; Chief Officers need to be aware that corrupt officers have a corrosive effect on those around them.

Discussion Points of Interest, Criticism, Difficulties and Constraints, Actions Required

- ❑ Intrusive supervision has a role to play but must be balanced with constructive support.
- ❑ Research shows that forces that are robust in anti-corruption and proactive in revisiting personnel awareness of acceptable standards of conduct have lower levels of corruption.
- ❑ Performance drivers create a significant organisational risk to integrity as corners are cut to achieve results.
- ❑ Specialist teams, PCSO's, Police Staff and the many instances of police officers working alone within neighbourhoods, has increased the risk that information will be passed on to others outside the service.
- ❑ Supervisors have the right to supervise but many lack the confidence or competence to do so. Organisational culture needs to change.
- ❑ Vetting processes should be located centrally and should be recognised as a specialist field not a HR role.
- ❑ Vetting is a snapshot in time; it is necessary to take a positive stance to introduce more frequent reviews, for example upon promotion and annually.
- ❑ Does cultural diversity require an understanding of cultural differences that may pose a risk to individuals and diversity?
- ❑ There is a need to address the problem of 'tainted' officers, whose credibility as a witness is reduced, thus requiring that they perform 'low risk' jobs.
- ❑ Ethical interviews are problematic to define.

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POLICE CORRUPTION IN ENGLAND & WALES: SOCA ASSESSMENT

Speaker: Mike Layton, Deputy Director, Enforcement (PSD)

The National assessment has been compiled by SOCA after visiting 15 police forces that had significant corruption enquiries. We sought to seek out and disseminate back the good working practices. Police corruption is not featured within the UK Threat Assessment this year although there is a sizeable amount of information that informs the control strategy that key security threats were Unauthorised disclosure and Criminal Association, Protective Monitoring and System Auditing, Recruitment and Vetting, Infiltration, Corruption and Networks. Organised Crime Groups have mirrored police structures and now possess sophisticated intelligence gathering processes that pose a real and significant threat of serious crime. SOCA is developing a Social Network Analysis model to support criminal business modeling that will inform on OCG practices. This analysis will predict criminal group reaction to change and therefore supports effective deployment of law enforcement assets to prevent and disrupt OCG activity. Information leakage represents the greatest risk to law enforcement and it is essential that we develop smarter methods to counter corruption. We must be proactive in system audits, be proactive rather than reactive, and ascertain who is accessing information relating to OCG members, this intelligence is the currency for OCG activity.

Discussion Points of Interest, Criticism, Difficulties and Constraints, Actions Required

- ❑ Systems auditing is not seen as a priority, it is seen as 'desirable' not 'essential'. Cost savings have removed those posts that were responsible for this process.
- ❑ Inappropriate Relationships are an issue that may deserve a National Policy. There is staff association and HRU resistance to policy/practice in dealing with these. The resistance is based on over worked arguments about equal ops and EHR right to a private life.
- ❑ Financial vulnerability of police officers and staff is an immense threat. In depth financial vetting and assessment is an integral part of the recruitment process but training of vetting staff is limited to 1 day from the company selling the system to the force? Suggest better training before full reliance on financial checks.
- ❑ The placement of a modernised and less well paid workforce for long periods in their own communities requires our support and protection as we start to understand the issues around radicalisation.
- ❑ Proactive monitoring is fine but the sanction at misconduct panels must include dismissal and not just monetary fines. We do this for drink driving but not for systems misuse both can result in the loss of life.
- ❑ Consider placing low-level intelligence on bulletins as a means to track intelligence system access and misuse of information. The culture exists that police officers have the right to view everything. It needs to be a 'need to know' basis.
- ❑ Forces need to give regular inputs to staff reminding them of their responsibilities under Information Security and the possible consequences. Consider Computer Misuse declaration at access point to intelligence screens.
- ❑ Include PSD staff in the decision-making process relating to IT systems. PSD staff should have an automatic ability to audit these systems.
- ❑ Training and selection of PSD staff is essential to prepare them for this key role. SOCA has completed the first SIO course in this area and ACCAG are developing a training package to be delivered by NSLEC. The profile of Professional Standards needs to be enhanced to attract the best investigators
- ❑ Targeting corruptors is important. The current Substance Misuse Policy must shift emphasis; Unlawful drug use means criminal association and corruption issues.

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GETTING RID OF CORRUPT OFFICERS, THE LAW AND BEST PRACTICE

John Beggs, Barrister

The new regulations are a major improvement and may place 95% of complaint and conduct matters on divisions where they belong. Unless the police service invests serious time, money and resources to level 1 you may face unravelling of the new system. Key Vulnerabilities to the service include force policies, vetting and probationers. Often your policies are well drafted but that final 5% overlooks the legal issues and potential outcomes of challenge. **Policies** - Consideration should be given to having policies legally checked, this would be a long term cost saving compared to the financial awards later given as a result of poor policies and their implementation. Consider publishing to all personnel and be in a position to evidence through such things as email read receipts. There are pockets of excellence due to a local individual, when that person moves your standards change.

Vetting is often poor and provides lawyers with work; you must address poor standards that are usually a result of a junior manager. When vetting, add the question, "Is there anything that you think you ought to bring to the attention of the police service concerning your past, your integrity, your associations? When in doubt, please ask." **Probationers** are often permitted to continue with conduct that elsewhere would see them dismissed from employment. Use Regulation 13 rather than seeking to prove misconduct but do not use as an alternative to misconduct proceedings where they are appropriate and justified. **Effective Investigations** require the use of the full spectrum of investigative tools where criminality is suspected. Consider serving Reg. 9 notices and then interview immediately, where accused is silent ask "Do you accept that the Chief Constable is entitled have confidence in the integrity of her officers?" Use 'fast track' where possible, ensure panels are sufficiently trained, confident and robust. Success can be measured by the resignation of the corrupt, few if any Gross Misconduct hearings, the Federation working with the PSD and well reasoned judgements that survive appeal. Get a grip on procedure and fairness.

Discussion Points of Interest, Criticism, Difficulties and Constraints, Actions Required

- ❑ Proposed changes to HOC 54/2003 to take Taint into account when vetting have been rebuffed. Home Office National Recruiting Standards Group/Committee needs PSD representation in order to be balanced and representative.
- ❑ Force policies: Consider consistency with one set of national policies that are properly drafted and legally checked. Perhaps NCPE/NPIA may produce NCPE PSD guidance?
- ❑ The cost of reviewing policies for legal compliance would be enormous on a force basis. One force has 315 policies that would cost in excess of £630,000 in legal fees. Perhaps may be offset by use of national policies as above.
- ❑ Probationers: We continue to use poor trainers and lack investment in the best people for this important role. A culture change is needed to attract experienced front line staff to this role.
- ❑ Senior managers are content to bury their heads in the sand and avoid losing a probationer due to the sums invested in training.
- ❑ Use the new fast track system that considerably liberalises our ability to get rid of unsuitable officers. There is a rigorous timeframe for this tool.
- ❑ Be prompt, serve reg. 9 notices and require interview shortly afterwards, give time for proper representation/advice but don't delay.
- ❑ We are "Clinging on to being a disciplined service by our fingerprints".
- ❑ Forces whose senior command has a strong PSD background have shown a willingness to introduce and enforce force standards, for example dress code and how to address supervisors.

VETTING OR PLUMBING? STOPPING LEAKAGES**Speaker: Chief Superintendent Bob Varey of South Yorkshire Police**

The use of vetting has seen significant improvements with the introduction of national guidance from the Home Office and ACPO. There was general recognition that this was an area where we as a service should improve. The majority of forces now have a vetting officer and a number of forces also have centralised vetting units, which is good practice. The threats to the organisation are clear; we are still recruiting criminals, unreliable individuals and people seeking commercial gain, for example journalists. Without doubt we are recruiting members of OCG's who seek to infiltrate and access our intelligence. Threats are also posed by terrorist organisations and other national powers. A vulnerability to corruption is financial difficulty; it is recognised as a massive problem and one of the biggest threats along with criminal association. Vetting is only a snapshot in time and re-vetting is a necessity, can we afford not to do this?. As an example, a failed vetting was recruited and subsequently investigated at a cost of £250,000, the vetting that identified failings but was ignored, cost just £84.33p. Why do we gamble on people on the fringe of successful vetting when we have so many people willing to join us?.

- ❑ Professional Standards Dept's offer the most effective anti corruption placement for vetting.
- ❑ Consistency is again cited as essential, one force had employed a police officer convicted of aggravated TWOC; the officer failed vetting when applying for new force.
- ❑ Forces are willing to ignore vetting in order to meet targets for achieving a diverse workforce.
- ❑ Identify people in key posts and consider annual vetting.
- ❑ Vetting will not prevent corruption; a robust aftercare process will assist in reminding supervisors of their responsibilities and may deter an officer/staff member from becoming corrupt.
- ❑ We need to think about where we deploy officers. It may be an asset to post them to the area they grew up, but it also increases their vulnerability, for example PCSO's in their local communities.
- ❑ Financial checks are a big factor in corruptibility, essential to provide training in the interpretation of financial reports from systems such as Experian. SOCA assessment identifies categories of employees who are most vulnerable.
- ❑ History has shown us that OCGs use the same structure for controlling & handling corrupt police and police staff as we do in CHIS management.
- ❑ ACPO seeking case studies on OCG infiltration, absence of cases makes rejection on the basis of associations difficult to defend. Many examples provided to support claim, Glos. Police IIU have an example involving East European Criminals. Derbyshire Police, GMP with BBC journalists.
- ❑ Balance. Should we bar someone with a caution for shoplifting when they were 17 if they are now 30 with an unblemished record since? Taint suggests yes but opinion poll on drink driving conviction suggests otherwise.

CHAPTER 3

DAY 1

CONFERENCE ELEMENTS QUESTIONS & ANSWERS TO PANEL

CONFERENCE ELEMENTS: DAY 1

Taylor Report: The Beginning Not the End

The police service now has an opportunity to make real progress in developing a robust system that differentiates between gross misconduct and simple mistakes and errors of judgement. Key stakeholders have each given significant support to recognising the aims of each other, this is a seismic shift away from adversarial to a search for the truth and opportunities to improve the service given to the public.

There remain weaknesses such as an understanding of 'taint' and disclosure, of the HMC ability to deploy appropriate resources to its inspection process and for the IPCC who have recognised weaknesses within its own investigation processes. There remains some distrust of each other but the overriding aim is to work together in adopting the Taylor Report to support a reduction of mistrust within the discipline and complaints system.

Resolving Disputes without Judicial Determination: An ACAS Perspective

The aim for the service has to be avoidance of judicial intervention. Recognising that employees make mistakes or have received inadequate training or guidance will lead to confidence in the recruitment process and the foolishness of losing valuable people. The current police complaints system encourages entrenched views and positions. To prevent disputes and the need to seek judicial determination, you should ensure that employees know what is expected of them; only then can you consider taking action against them. You must ensure consistency and avoid formalising issues.

Supervisors are particularly crucial to the process and must receive effective communication from HR and PSD units to ensure a consistent approach. A national standard of training would support consistency and the change process by removing concerns that other stakeholders have differing agendas.

Challenges And Opportunities for the IPCC

The Commission face key challenges but are committed to the new process. The views of the complainant must inform the complaints process, it is not always necessary to delay information reaching the complainant. Often we can meet the needs of the complainant by simple explanation and acknowledgement of the facts.

We want to work with the service to allow better use of resources and an opportunity to focus investigations on the serious matters such as corruption. The police service must allow local managers to make decisions, you may not like their decisions but if it is a reasonable decision then you must be prepared to support it. We must learn the lessons from complaints, move away from rhetoric to reality, learn from major cases and support learning at a local level.

Improvement Not Punishment: Working Together to Change the Future

The Police Federation welcomes the new process and the desire to improve training. The relinquishing of control to junior managers is difficult but essential, we must allow local managers to manage and then support them in that process.

Proportionate – the investigation and outcome has to be proportionate to the issue and dealt with at the lowest possible level. Only top of the range cases will require a lawyer, where a job is on the line the officer must retain the right to have a lawyer test the evidence. The ethos throughout should be 'improving the officer'.

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QUESTION & ANSWERS TO PANEL (DAY 1)

John Feavyour, Deputy Chief Constable, Cambridgeshire Constabulary

- **When are the new regulations going to become law?**
Conduct and Performance regulations to police authority on 19th July. By end of July we will release the first draft to the two regulations. Four-week consultation period. There will be one guidance document. Fluid dates are Royal Assent in the spring of 2008, as regulations will have been agreed they will need to be laid before Parliament for three weeks.
- **Difference between a mistake rather than a wrongdoing.**
Differentiate between a learning point and conduct.
- **Most tribunals are internal identified not complainant identified.**
The fact that it is an internal matter means that we should deal with these at the lowest point. Probably 10% of cases reach the tribunal stage as we seek to resolve a matter without judicial intervention. Opposing view that it is not always correct to use public money to persuade an employee a package to go away quietly. Can create dissolution and cynicism of the system.
- **What do you see as the greatest challenge or obstacle to implementing the new procedures?**
Training and Culture: Officers should go to tribunal for wrongdoing and not mistakes. It is a great challenge to implement the new processes, a change in culture.
Public Confidence: The greatest challenge is that people want clear-cut answers.
- **Unsatisfactory Performance, no one dismissed or left the service due to this. What work nationally are we doing to ensure that UPP works?**
Managers have to understand that they are accountable for their team performance. UPP has not been used since its inception. Giving people 3 months to improve is unrealistic; managers have often moved on. Staged approach of warnings, development, appraisal, warning, final warning, dismiss. There comes a time when you have to recognise that someone may not be up to the job. They may leave or agree a demotion at work.
- **Likely timescales for opportunity to have input by Professional standards, will it look at the current issues identified in the Taylor report?**
The IPCC are working very closely with an advisory board and Bill Taylor. There are some things that we can do now; they don't require changes to law. Other things do.
- **Extend the cultural change into public confidence. How will we monitor public confidence and who will be accountable?**
You can do it by public confidence surveys; the mass surveys don't provide complete answers. You don't get public confidence if you don't have confidence by the police in the system. You need both.
Speedy Response, Recognition that whilst they may not agree I do have a point.
Recognition that there are processes in place to prevent re-occurrence.
You don't jump to public confidence straight away. Ask what might underpin public confidence and then see where you are winning.

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- **Police Authorities not mentioned much, PA's have a role and they are being missed.**

There are good relationships with PA's on the ground. Often the PA is better placed to understand local issues that may be involved. There are some difficult sensitive cases and we need more work on that detail.

- **Will there be any standardisation across the country between forces?**

Guidance is being drafted, training still to be defined.

People who can make that happen are the people in this room. This process is about winding down this big machine that has churned along for years. The argument for PSD's is that we could be doing ourselves out of jobs but we have to champion the cultural change.

- **Drink Driving, ACPO guidance on dismissal whilst on the other hand we are looking today at mistakes and proportionality**

There is no such thing as a tariff offence. It does not necessarily mean that you have to dismiss. Tribunals will look at the severity of the offence, officers' previous record. This is the only sanctioned guidance within the ACPO guidance. Conviction for drink driving is gross misconduct. People do need to know what they can expect if convicted of that offence.

Key Recommendations to go away with.

1. Police Authorities are key members of this group
2. Drink drive – anything that is absolute does not work.
3. In the UK there are three different systems for handling complaints.
4. This represents a seismic change, where there are doubts and people find there is discretion and inconsistency does occur; go back to the touchstone to appreciate where we are going.

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CHAPTER 4

FRINGE GROUPS

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FRINGE GROUPS

1 Vetting General – Including 2012 Olympics, the Impact on Professional Standards

1. Importance of Common Standards
2. Who makes the decisions?
3. Centralised or Devolved?
4. Scope of Responsibilities
5. Size does Matter!
6. Current Issues – Where does vetting stop?
 - Impact of the 2012 Olympics
 - Educating the Customer

This session is intended for those delegates who have overall responsibility for implementing security vetting in their Forces and who feel the need to understand more about the underlying principles and the challenges they will face. The ACPO Vetting Policy required Forces to have in place arrangements to vet new recruits and contractors to the standards outlined in that document. It also requires Forces to have in place structures to allow the Management Vetting of post-holders occupying sensitive positions by 1st April this year. How are Forces doing in achieving these dual targets? This session will look at progress; the importance of having in place a protective cordon around the whole of the Service and not just individual Forces; the models which can followed to best meet the organisational needs; the responsibilities the Vetting Units should have in relation to decisions about who we take and who we reject; emerging themes on the scope and size of the job in hand and the resources required to handle this and future challenges such as the extent of vetting for the 2012 Olympics and the organisational dilemma posed by the need to quickly fill vacancies balanced against the inherent delays caused by the vetting processes.

Response

Contractual issues require the re-vetting of police staff to be addressed at a national level. We await the release of the ACPO national policy and ratification by the Police Staff Council.

The lack of robust vetting practices is directly responsible for expensive PSD investigations and claims against the service.

Consideration should be given to including in vetting policy, that when an individual fails PIR twice, they should be prevented from reapplying for two years

The 3-year residency rule may not be realistic. There is disparity that means applicants born in the UK can be checked theoretically for the whole length of their life; however, foreign nationals only have to meet the 3-year rule.

Consideration should be given to the re-introduction of Interpol checks and the lack of a national framework, for example: common IT systems, recording databases.

Benefit for having vetting unit embedded with anti-corruption units, integral part of anti-corruption strategy

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2 HMIC Thematic Inspection of Professional Standards

Last year saw the publication of HMIC's thematic inspection of Professional Standards entitled "Raising the Standard. It is now twelve months since the date of publication and so a timely opportunity to assess the impact of the report and it's recommendations to ask, where are we now?

Response

A new guidance document will be considered for PSD's to consider the capability of all forces to deal with threats to the organisation and what governance should be available for collaborative investigations and issues

Forces must recognise how Police Authorities can help; this will assist with funding in the long run and deflect budget cuts. Public confidence is achieved through professional standards and a PSD that is properly resourced.

Use good PSD's to assist with collaborative work. Response given that collaboration is key to dealing with emerging threats PSD's must not be too inward looking.

Smaller force PSD's are having to collaborate due to their capacity, there are good models out there.

Issue raised that public expect police drink drivers to be sacked. Point made that the public would expect officers breaching honesty and integrity to be sacked but we actually often keep them.

Is a fall in the number of complaints going to feature in an inspection? APA view that it shouldn't.

Is there any evidence that the public has higher expectations from the Police complaints process - Quality of Service. How can it be measured? IPCC have completed a study.

Will PSD's need less funding post Taylor?

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3 The HMCPSI/HMIC Joint Inspection of the Handling of Cases Involving an Allegation of Criminal Conduct by a person serving with the police, was published in March 2007, what will change as a consequence.

This joint inspection was led by HMCPSI to analyse and assess the quality of the handling of cases involving an allegation of criminal conduct by a person serving with the police; it is complementary to and builds on the work of the thematic review "Raising the Standard", conducted by HMIC and published in the summer of 2006. The report makes recommendations targeted at both the CPS and the police service with a view to improvement in this important business area. This fringe group will focus upon the CPS response to the report and it's recommendations.

Response

In relation to the threshold test if there is to be a public interest part to the decision to refer to CPS there will be an appeal process brought in for both complainant and also the IPCC.

Comment made that it is easier to dismiss an officer if convicted at court rather than go down misconduct. This was challenged that this was necessarily the case.

There needs to be consistency in CPS decisions that are currently influenced by the likely discipline outcome. The practice of defence teams making use of a failure to prosecute; This should change with the move to balance of probability as the test to be met.

Training for panel members is required on the nature of the balance test.

The issue around the disclosure of CPS advice to officers subject of misconduct was raised and some concern that some CPS lawyers allowed and some did not. The rule is that permission can be given by a lawyer but in general it is not written to be disclosed to the officer when considering misconduct issues.

CPS has a working party identifying new SLA's, new training, new guidance etc. The aim is to deliver these developments for April next year but forces should seek to develop this with their CPS now.

CPS likely to deliver this specialism through the CPS Complex Casework teams within areas; joint training for this area was agreed as appropriate.

How can the IPCC overturn a decision on appeal if the matter is "out of time" by the time it comes to them at the end of the process. How can the appeal mechanisms work?.

Sub judice - There is a need to balance the need to act with misconduct rather than just wait for criminal to finish. There is a greater need for clarification and guidance around this point

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4 & Substance Misuse Testing: Where Are We Now

12 *In November 2005 forces were given the power to test certain categories of officers. How effectively are forces undertaking testing and what are the opportunities for the future?*

Response

Scottish position - no powers yet for just cause testing.

A policy is in place in most forces but no real implementation yet. Should this be PSD or Personnel (HR) led? Metropolitan police consider this a HR responsibility, 161 screened in Met - 3 positive lab results. Ownership varies across the country, no common agreement on this point.

There remain issues around steroids as well as hair/urine samples 'just cause'. West Yorkshire includes steroid testing in their policy.

What will happen when someone refuses to provide a sample? Regulations treat refusal as positive.

Saliva testing is reliant on recent misuse, should we aim for hair samples as these provide greater historic analysis?

£950 per test in the Metropolitan area.

There should be a strategic grip on this as confusion has crept in.

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5 Taylor System in Detail

This fringe meeting will give delegates the opportunity to discuss the detail of the new police officer misconduct procedures and will include discussion on: -

- *The new Police (Conduct) Regulations*
- *How the new system and regulations interact with the Police Reform Act and complaints system.*
- *The new Home Office Guidance to support the changes.*

Response

CPT and SPP - Important forces do not start making up regulations to fill any gaps in the new regulations

Is there need for acts of gross misconduct to be codified?

New regulations offer forces flexibility to determine who does what within the organisation.

Scope of investigation will be proportionate to likely outcome.

Two types of meeting - misconduct meeting and misconduct hearing. Force to determine who sits on misconduct meeting. At misconduct meeting no witnesses. Gross Misconduct or Misconduct Hearing - three person panel one of whom is an independent member.

Written warning lasts for 12 months - final written warning lasts for 18 months.

Misconduct meeting has right of appeal to a higher person. Appeal can agree with decision, overturn it or impose a greater sanction.

Disciplinary proceedings can take precedent over criminal proceedings unless there is extreme prejudice to the officer.

Fast track process has changed.

Changes being made to police Act and Police Reform Act - these changes will be facilitated through the new Criminal Justice Act.

Any rules on times scales for police tribunals.

1996 Police Act changes - striking out fines and reduction in rank. Changes are largely technical.

Changes to PRA 2002 centre on Schedule 3 to bring in parallel arrangements for investigations as under the police conduct regs.

Severity assessment will be made of public complaint.

Police Officer under investigation will be able to suggest lines of enquiry to Investigator who has a duty to complete these enquiries.

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6 Custody Issues – An IPCC Perspective

& Delegates will hear about the changes to primary legislation and have the opportunity to discuss
9 the challenges and opportunities that the new arrangements provide.

Response

Deaths and near misses in custody. There were 31 deaths out of all those who come into custody - small number but large impact. The majority die in hospital but about 6 die in the cells. Have to accept there will be deaths in custody, if not there, would die elsewhere. Death engages article 2 and requires independent investigation.

Primary Care Trusts do not take responsibility. IPCC have sought to raise awareness of issue but mainly through police authorities. Commission created forum for prevention of deaths in custody. A body bringing all custodian agencies together to deal with issues. Forum is 2 years old and has a number of member's inc dept of health who are beginning to understand problem and take responsibility.

Risk assessment must begin before arrival in custody. Starts at point of arrest. Question if this person fit to be taken into custody, should they go to hospital immediately. This might need agreement with PCT.

2nd RA by custody officer, based on whatever information they can get - sometimes cannot be done. Is this reasonable, if cannot RA should a doctor be called in every case? Intoxication is open to incorrect identification; Custody Officer must consider what it is they should do?

Intrusive supervision at time of review - inspector has a crucial role, challenge blasé attitude of Custody Officers.

Evidence of disparity in requests for FME, no apparent reason for huge differences. Facing crisis in FME cover in some parts of the country with very long delays.

Requirement for Risk Assessment does not go away, needs to be passed on to next Custody Officer and redone as time passes and change in circumstance - a much more dynamic process.

Significant requirement - having access to mental health professionals. Acknowledged that police service in an impossible situation, often left with problem and hospitals declining responsibility.

Checking detainees and cells: Most harm comes from strangulation, followed by cutting. Peak time 1900hrs to 0700hrs.

CCTV: We must put money into maintenance, fixing faults and checking tapes. If fails almost always seen by family as part of a conspiracy. CCTV is a basic tool and not used at all well. CO should use CCTV as a tool. On arrival show prisoner to camera, show appropriate use of cuffs, not too tight. Do handover in front of camera so no doubt over what has been done. Extend microphone coverage so that it is targeted to obtain good product. Avoids later costs of enhancement

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7 Vetting for Experts

Vetting – Think of a Question We Can't Answer!!

1. JOPI and 'Taint'
2. Human Rights
3. UK Residency Rules
4. Financial Vetting – Parameters
5. How does Management Vetting work?
6. Objectivity or Subjectivity in saying 'No' (or 'Yes') & is third party vetting relevant (and fair)?
7. Relevance to National Security Vetting to Police Vetting
8. Over vetting – who decides?
9. CRB Enhanced Disclosure – a substitute for ACPO Vetting?

This session is aimed at those delegates who have perhaps experienced the frustration of what may be seen as the organisational barrier of the vetting process. Why does vetting sometimes take so long? How important is the need to look into the dark corners of people's lives in order to assess the threat

Officer with s47 OAP Act and SL offence - reject on HOC 54/2003. As with above, PCSO applicant had cons & cautions in the past - TAIN'T is not time limited there is overhead involved in checking those issues on every case. This prompted discussion on wider issues of HR v Vetting decision.

Allowing Taint applicants can cause embarrassment whilst subjectivity can lead to differences between forces and subsequently challenges. The following were considered -

- ❑ Kosovan police officer. Applies from o/s UK currently living in Kosovo. Reject on residency not living in UK cannot satisfy 3-year criteria.
- ❑ Thai resident for last four years - REJECT under national security guidelines, UK residency cannot be checked.
- ❑ Kosovan police officer living in Kosovo. Not living in UK. Reject on residency.

Discussion occurred about differences in vetting non UK nationals for ONLY the period they resided in UK, whereas UK nationals are vetted over their whole life as are their families - is this defensible from an Equal Opportunity perspective?

Discussion over Subject Access Requests. Prompted discussion over how an applicant could take Force to ET if they were not disclosed information as to why they were rejected - they could claim discrimination was the basis for the rejection and allow ET to find the reason

Q7 Officer from adjacent force has sister-in-law with convictions and also drink drives. REJECT -Big discussion!!!! Visits sister-in-law [not in question]. Association

Differentiation between Govt. Protective Marking and ACPO vetting levels. How compatible are the police needs and Govt. Protective Marking Scheme. Possible to use POLICE as a descriptor. Hence identifying difference between Police and Govt security assets. MV (vetting) is too intrusive for all grades especially for non-police personnel - perhaps have MV level 1 and level 2.

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8 Recording and Management of Taint, Can Tainted Officers Ever Return to the Evidence Chain?

Police officers and police staff may be regarded as tainted for a number of reasons and the management of taint creates serious challenges for police forces and has a long-term impact upon the individuals concerned. This fringe group will consider the identification of officers who are affected and the implications for their subsequent appearance in the evidence chain, hence their future operational deployment.

No rehabilitation of offenders for police officers - consider 'puppy walking' mentoring etc as part of an action plan when an officer has been subject of taint - service confidence. Redeploying officers the subject of service confidence into the evidential chain is always going to be a risk and is open ended. There is no set time frame for rehabilitation. Action plans and training are a positive help in balancing the risk.

Officer's integrity is vitally important when being put forward as a 'witness of truth'. Honesty and integrity is not negotiable

Time span for sanction are an employment issues but that is very different to putting officers into Court as a witness of truth. These situations must be taken on their individual merits.

Critical early assessment under Taylor should identify route to be taken rather than escalate issue to PSD - example given of officer lying to supervisor when their car had broken down, but supervisor knew this was untrue. Should it be a career threatening issue?

Assessment of the risk made by managers - may not remove officer from the evidential chain. Significance has to be reported to CPS and then the assessment can be made.

Officer had 9 complaints for assault that were unsubstantiated – these had to be declared. Example given where judge ordered officer's disciplinary record to be declared - even though every allegation had been unsubstantiated or withdrawn.

Is there a need to identify potential areas of risk to CPS who were very surprised that the officer's disciplinary record had to be disclosed? Must disclose to CPS for relevance test to be carried out re the particular circumstances. CPS decides on disclosure. Discussion with the local CPS is vital. Relevance is the key factor. The Force takes the risk in respect of placing officers back in the evidential chain. Revealing to the CPS may be the end of the issue. It is the safest process to disclose issues to CPS who have a duty to the court.

Questioned CPS ability to manage risk. There is a need to build up trust with your local CPS and take the correct action in accordance with the Criminal Justice system. This is not about taking a risk. Integrity is not negotiable, once you go down that route you are committed to reveal.

Do we consider 'paying off' officers subject of taint - service confidence procedure and still have 25 years service left?

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10 Uncomfortable Truths – Diversity and Professional Standards

Aim: To raise awareness within professional standards departments of the risks and responsibilities associated with race and diversity equality.

The workshop will include:

**An examination of the Race Relations (Amendment) Act 2000 and Gender Equality Duty 2007, their significance in professional standards monitoring.*

**To consider whether the over representation of BME officers subject of professional standards investigation is a matter of perception or reality.*

This is the elephant in the corner for PSD. We talk about profiling and then have real concerns. Uncomfortable truth about how we fail to account for many diversity issues in complaints. Perception remains that there still is a disproportionate workforce. GMP reports that their PSD is not imbalanced in GMP in terms of representation for minorities.

Most forces stated that there are selection processes for posts in PSD, the speaker questioned this and was sceptical that selection is not by application. Consensus is that selection is far less "hand picked" officers than in the past, this may be an old fashioned view.

When we go out to meet our complainants do we reflect a predominantly white male organisation within the service that is the same? It is a business imperative to get this right.

Training was seen as an issue, lengthy periods during which no training inputs were given. If you aren't trained and you aren't monitoring then your perception is worthless. Legislation requires knowledge.

Do minority officers more readily come to the notice of PSDs? There are 100's of possible explanations for this. We should take more of these into account before assuming its white prejudice.

Is there the chance that we're quite good on diversity? Wider society still very racist and as a result perhaps the public complain more about BME officers? GMP says no, equal proportions.

Management fear leads to formalisation of process in cases involving BME officers - disproportionate number investigated rather than dealt with by management action

ACPO have to balance risks in terms of investigation and possible consequences for the organisation in terms of negative outcome in terms of view if officer is from a minority.

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11 Learning the Lessons – From Rhetoric to Reality

The challenge as in so many aspects of policing is to translate ideas into action and to embed good practise so that it becomes the norm for everyone, everywhere. To identify and to promote learning from IPCC and police investigations is one such idea whose time is long overdue and is crucial if we are to realise the wider benefits from investigations following complaints and to raise the professionalism of policing. The Statutory Guidance describes promoting learning as key to it's guardianship role and that the IPCC will work in partnership with the police service to contribute to improvements in policing through promoting learning. Police forces surely have a vested interest if only to realise benefits from what can too often be lengthy and costly investigations. Neither the IPCC or the police service can until now demonstrate how they intend to draw from the now considerable body of investigations so as to create a 'virtuous circle' that will contribute both to increased confidence in the complaints system and policing as a whole.

Learning the lessons is not something done to the police by the IPCC. PSD reports will need to be changed to reflect learning the lessons

There is a need for regions to capture lessons learned from local investigations - forum to facilitate this should be the regional PSD meeting.

One example - Learning the Lessons Committee is multi agency- responsible for disseminating learning to all forces. Committee selects items from investigations for learning the Lessons Bulletin, which is circulated to all forces.

Rarely the case that if you change A to B that problem will be fixed.

Alert system should be put in place for quick time learning

Learning the lessons should also concentrate on what went right as well as what went wrong

Not good enough to just put learning the lesson publication in the post to PSD's. There is a need for a communication strategy that has a clear link between the lesson and changes in policy.

Gap in learning the lessons between region and Home Office/IPCC should be addressed. Some forces do there own learning the lessons bulletin and circulate within force

If your force produces a learning the lessons bulletin it is requested that you send a copy to the IPCC Learning the Lessons Committee

CHAPTER 5

CONFERENCE ELEMENTS DAY 2 INTERACTIVE EXERCISE Q&A TO PANEL

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INTERACTIVE EXERCISE

PAPER FEED 1

Thomas Crook is a 33-year-old Detective Constable working in a Divisional Proactive Crime Team. He has 8 years service.

Crook is a resourceful officer who is well regarded by his supervisors and peers alike. He is highly motivated and has a reputation of maintaining a high detection rate.

A misconduct investigation has commenced into an allegation that he may have falsified a complainant statement in respect of an offence of burglary.

Considerations & Group Response

1. What are the short-term considerations in respect of this officer?
 - a. The short-term considerations are to assess the intelligence received, secure evidence and to consider proportionality of response. Options include allowing the officer to continue his current role, suspension or remove from the evidence chain by restricting duties. The burglary offence should be reviewed to establish accused status and whether a corruption issue is revealed. A profile of the officer should be compiled.

2. Would you, (as a group allow) him to continue with his current duties? If so what have been the factors influencing your decision?
 - a. Necessary to define if the investigation is to be covert or not. Would not suspend the officer at this time but would seek to preserve evidence and consider the necessity to restrict duties to avoid public contact. Necessary to look at what motive or gain would be obtained by falsifying the statement, is there a corrupt relationship and intent to pervert the course of justice. Build the intelligence picture and identify who supervises the officer.

3. If you would not allow him to continue with his current duties, what duties would you permit him to perform? Would you impose any restrictions upon him at this moment in time?
 - a. Define whether this is a criminal investigation. Consider concerns over access to the witness but would not suspend the officer at this time. Would not serve Reg. 9 but conduct risk assessment and review the quality and content of the allegation. If Reg 9. served seek to restrict access to the statement provider.

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PAPER FEED 2

Forensic examination of the statement has indicated that it has been altered in so far as a number of additional items of stolen property have been added to the end of the statement. Additionally the complainant signature at the end of the statement differs significantly from that at the head of the statement.

Whilst the details added to the statement have not been done to the complainant's knowledge, all the material facts are correct. Had the complainant been aware that the statement needed amending she would have consented and signed it accordingly?

In interview the officer admits the offence, and in his mitigation he states that he has been under immense pressure at work, which led him to omitting items from the statement. He realised that the complainant had not signed the end of the statement and forged her signature for expediency.

Considerations & Group Response

1. What, if anything would you amend in respect of your earlier decisions regarding this officer?
 - a. Significant integrity issues but no common agreement on criminality and IPCC referral. Consult IPCC to ascertain need to suspend, declare other investigations that the officer is engaged in. Consider if other officers face the same pressure of work. Consider review to ACPO, Police Federation and Local Commander. Consider officer's access to IT systems and welfare matters. Reconsider Reg 9. Notice.

2. What are the factors influencing your current decisions?
 - a. Taint
 - b. Proportionality
 - c. Interference with witnesses and course of justice
 - d. Public confidence
 - e. Welfare of officers
 - f. Collateral corruption
 - g. Reg 9 Notice
 - h. Other cases that officer is involved with
 - i. No contact with IPCC at this stage
 - j. Officer to remain on restricted duties
 - k. Team culture or individual action?.

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PAPER FEED 3

CPS has advised against any criminal prosecution in this matter.

DC Crook consequently faced a legally represented discipline hearing in force charged with Honesty and Integrity.

The officer admitted the breach and, following a number of glowing references from past and present supervisors, was fined 13 days pay, the maximum penalty permitted by the Regulations.

His Divisional Commander personally addressed the Panel and indicated that he was prepared to have the officer back on his team, as he considered him to be a hard working, conscientious and a loyal officer.

Considerations & Group Response

1. What recommendations would you make to those with responsibility for deciding DC Crook's deployment post discipline hearing?
 - a. The organisation is more important than the individual, do not wish to demotivate the officer but he must be removed from the evidential chain.
 - b. Full disclosure of events to Management Team and HR Manager
 - c. Do not employ in Management Vetted post, risk assess potential deployments.
 - d. Consider referral to IPCC, not necessary at this time but there may be other matters that would require referral.
 - e. Consult with CPS
 - f. Serve Reg 9. Notice

2. What are the medium to long-term issues concerning the officer's deployment?
 - o Officer is now tainted, will have to be deployed to non evidential role with action plan to enable return to normal duties
 - o Vetting status
 - o Proper recording of matter within the corporate memory.

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PAPER FEED FOUR

1. Would you have dealt with any of these issues differently if they had related to a Police Staff member working as a file preparer in Criminal Justice Support as opposed to a Detective Constable? Explain your rationale in respect of your answer to the above.
 - a. Two opposing responses evidencing the severity of action that police staff face when compared to police officers.
 - i. Easier to deal with if Police Staff as this is a staff gross incompetence issue.
 - ii. Would deal with by the same process but outcome would differ as police staff likely to be dismissed.

2. What measures would you take to rehabilitate DC Crook and the File Preparer medium to long term?
 - a. Dismiss the police staff member, as police staff role is specific whilst the police officer is omni-competent.
 - b. Actions for police officer to seek rehabilitation to normal duties.

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PAPER FEED FIVE

When retrospectively vetting DC Crook the following information, available at the time of his original application to join the Force, resurfaces:

In addition to his full time employment he was employed in the evenings as a doorman in a local club.

Intelligence existed that the Club was a meeting place for level 2 criminals.

There was also intelligence that drugs were readily available at the premises.

The door staff had acquired a reputation for heavy-handed treatment of clients and several of them, including Mr. Crook, had been arrested for an affray following one such incident eleven years ago. However, after 5 hours in custody he had been released on the basis that there was insufficient evidence to proceed with a prosecution.

Considerations & Group Response

1. Considering this intelligence, would your approach to his initial employment have been any different from that taken at the time?
 - a. No difference although further research may indicate a different opinion. Inconsistency around vetting means that some force but not others may have employed him.
2. Is there a 'taint' issue in respect of the arrest?
 - a. Probably not although careful consideration is necessary.
3. If there is, should this have influenced the decision to appoint him?
 - a. He has not been charged with an offence, he may have volunteered evidence and be an honest person. A cautious approach may consider seeking CPS advice. The likelihood is that he would not be employed, as this is an integrity issue.

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PAPER FEED SIX

Vetting checks with surrounding Forces also reveal that prior to his appointment as a Constable:

A person of the same name and date of birth, but with an address different from his home address, but which transpires to be that of a former girlfriend, had been cautioned for the theft of goods to the value of £78 from a store in another Force area.

This fact had not disclosed on his original application form.

Considerations & Group Response

1. Is a caution sufficient ground to reject an applicant to the force within the context of guidance given in the relevant Home Office Circulars on recruitment?
 - a. Not difficult to reject the applicant as a caution should be considered as a conviction.

2. What remedies are open to the service under Police Regulations to deal with the situation after his appointment?
 - a. Two options consider use of a disciplinary board or proceed with criminal offence of 'Obtaining a Pecuniary Advantage'.

3. Similarly, if a member of staff is issued with a fixed penalty notice for what are otherwise criminal matters are these disclosable? What action should you consider taking?
 - a. A caution could be sufficient to reject but would depend on the wording of the questions. If he has made a false declaration he could be dealt with under misconduct. The issue is about honesty, there were a wide variety of views centering on a choice of dismiss versus do nothing.

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PAPER FEED SEVEN

The Force has an 'inappropriate associations' policy. Further vetting, including checks with Force anti-corruption unit and financial checks, reveals the following current information:

During the course of an operation targeting local criminals it had emerged that he was currently a member of, and regularly used, a gym also frequented by criminals who had used the club at which he was a doorman.

An Experian 'Forceview' check showed that he had a mortgage for £237,000 with payments of £970 per month; seven credit cards with differing limits, but with a total balance of £37,000 with regular defaults on each of the accounts and a bank loan for a further £23,000 with defaults on payments.

A check two months later indicated that the credit card balance had increased to £39,950, a further credit card had been issued and the bank loan had a further default.

Considerations & Group Response

1. Purely on the basis of the above information, what threat or vulnerability, if any, does DC Crook represent to the Force?
 - a. Financial and Criminal association risks are evident in addition to welfare and service confidence issues. Necessary to maintain financial profiling and auditing of systems use. .

2. In respect of the financial issues only, what action is available to you as his Line Manager?
 - a. Consider finance loan from welfare fund to offset risks that he may seek to fill shortfall through prisoners, property or information leakage.
 - b. Referral to PSD and Vetting, consideration of case conference.
 - c. Ethical interview, financial or welfare.
 - d. Welfare.

3. What action would you want to take?
 - Organisational risk is too great to be cautious; the officer fits the profile of potentially corrupt and represents high vulnerability and threat. The gym link suggests potential substance misuse issue that increases vulnerability. The officer should be interviewed to ascertain risk so that consideration of suspension and dismissal can be considered.

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PAPER FEED EIGHT

During the course of your enquiry the following information comes to light:

DC Crook's current partner has applied for a post as an operator within the Force text processing section. This section provides support, by way of HOLMES trained personnel, to Major Incident investigations, which from time to time include anti-corruption operations. Because of her previous employment with the Force and training on several key systems, such as HOLMES, PNC and the Force Criminal Intelligence System, HR are keen to recruit her to help spread the load within the text processing section and are pressing for an early start date.

Access to PNC and CIS is routinely given to text processing operators, as they are responsible for some of the records updating work on these systems. There is an ongoing intelligence gathering operation in respect of DC Crook, which is known only to ACU staff and those staff, including text-processing personnel, employed on the HOLMES element. Even if she were not to be deployed on this, it is likely that she will know, and will have contact with staff that are.

Other than her association with DC Crook, nothing is known to her detriment. However, the Vetting Officer advises that, because of the intelligence in respect of DC Crook, there are sufficient grounds to object to her employment on security grounds.

Considerations & Group Response

1. Do you treat this application as an attempt to infiltrate the Force or as coincidence?
 - a. Yes. This would require a treated as a possible attempt at infiltration and the application would be rejected.

2. Your approach to minimizing the risk to the Force and the service generally.
 - a. Do not employ.
 - b. By preventing employment risk is minimized and managed.
 - c. Even if this is not an attempt at infiltration there is sufficient to decline employment.

QUESTIONS & ANSWERS TO PANEL (DAY 2)

❑ **Vetting.**

We are not sharing vetting nationally, particularly with regard to infiltration. The intelligence gap is there and cooperation between vetting officers is required to make better use of individual forces lists of failed applicants. There is a need for ACPO to become more involved and provide a 'champion' to lead this issue.

❑ **Organised Crime Groups**

As an organisation the police service is risk averse but do not fully understand the risks we face. There is a need for 'compromised strategies' that provide alternative strategies where enquiries are at risk.

❑ **When do Financial Issues become Misconduct?**

When the evidence becomes a breach of code.

Personal Standards of Employees

Today's society accepts financial debt and this places a huge pressure on staff. The risk from criminal markets is great; particularly the drug world where there is an opportunity to access large sums of money that would alleviate financial worries for the individual. As offences such as 'cannabis' are diluted, the ethical debate becomes reduced. However liberal society becomes there remains a requirement to maintain personal standards above the threshold that expose the individual employee to risk, we must keep our eyes open for such risks that threaten the security of criminal intelligence.

CHAPTER 6

CONFERENCE THEMES

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CONFERENCE THEMES

TAYLOR AM

The police service is about to undergo a seismic change in its discipline and complaints procedures. Current practice follows procedures utilised since the 19th Century, procedures that use a blame rather than development culture. Moving into the 21st Century we have an opportunity to engage effectively with stakeholders and improve the effectiveness of the system, improve public confidence in the service and learn lessons rather than apportion blame.

The new ethos strives to improve trust in our recruitment and training processes, recognise the valuable assets that we have and to develop those assets through early resolution of problems. There is a real requirement to ensure that people understand what is expected of them, only then should action be taken against them.

Training of individuals, managers and the service is of paramount importance. Correct local management and interpretation will reduce the level of formal investigations and allow better deployment of investigative resources to more serious matters that are borne out of misconduct rather than mistake.

It is necessary for all sides to recognise the need to avoid judicial intervention that will only serve to enforce boundaries and frustrate learning. Investigations should focus on the incident and not seek to uncover every issue concerning an individual; there must be a willingness to accept that it is necessary that investigative processes are proportionate to the matter of concern.

The IPCC recognise weaknesses in their system but are obliged to view complaints from the complainant's viewpoint. The IPCC encourages use of local managers to make decisions and make early decisions to provide resolution and information to complainants. Often a complainant seeks information and apology rather than specific disciplinary actions against an individual. There is a stakeholder desire for the service to learn from mistakes.

The Police Federation wholly supports the new process. The relinquishing of control to local managers is essential, remove the culture of full files and investigations for every minor misconduct matter, and concentrate resources on gross misconduct.

- ❑ 'Taylor' requires a seismic change in police culture, learning not blame.
- ❑ Recognise the investment from Stakeholders.
- ❑ Improve training in the local understanding of discipline and grievance procedures.
- ❑ Locally manage complaints to improve trust within the service and improve public confidence in the system.
- ❑ Harmonise the discipline processes to ensure a consistent approach to police staff and police officer discipline processes.
- ❑ Seek early resolution to complaints.
- ❑ Manage expectations of complainants and accused.
- ❑ Adopt a structured 'Learning the Lessons' programme.
- ❑ Improve relationships between management and staff associations to reduce mistrust and build cooperation.

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TAYLOR PM

Implementation of 'Taylor' will occur during 2008 following Royal Assent in the Spring. Police Forces are at various stages of preparation and await circulation of the guidance document that will be made available following circulation of draft proposals and a four week consultation period in Autumn 2007.

Following implementation of 'Taylor', there will be required huge changes to policy and practice, often described as a seismic change that will require carefully considered investment in training and an acceptance of releasing from the centre, a high level of independence for local management who will be the primary source of decision making at case level.

The police discipline culture of identifying blame must give way to one of learning. Investigations will need to be proportionate to the matter of concern and should not seek to find guilt through extended searching for evidence of any other misconduct independent of the primary issue.

Local managers will have many options to deal with misconduct; these include a staged system of warnings and personal development of the accused person. The ability to fast track reinforces the aim of providing complainants with an early explanation of the actions creating dissatisfaction with the service.

Due consideration of stakeholder values must be applied, stakeholder relationships are paramount to the success of the new approach.

Gross Misconduct is an entirely different matter and should be centrally managed by the PSD.

The new system requires that we learn from mistakes and be proportionate in our response.

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TAINT & THREATS

An officer/staff member who is 'tainted' through a finding of guilt or misconduct has to reveal to the CPS that particular finding each time they submit a witness statement in connection with a prosecution file. In turn the CPS must assess the type of finding relative to the impending prosecution and decide based upon the standard disclosure test (whether the finding would undermine the prosecution case) whether the finding should be DISCLOSED to the defence prior to the case being heard. Following revelation the defence could effectively cross-examine the officer/staff member regarding the impropriety. Ultimately a jury will determine whether the officer/staff member is to be regarded as a 'witness of the truth'.

There is a need to manage 'tainted' officers who are retained within the service, strategies to return these staff to operational duties must be designed.

Performance targets must be managed to reduce the likelihood of negative impact on an individual's integrity.

VETTING ISSUES

There have been significant improvements in vetting processes, staffing and sharing of information between forces. Some weaknesses still exist in awareness and knowledge.

Threats from those seeking gain are increasing; these include a wide range of criminal and non-criminal organisations. Police intelligence and information is a valuable currency that offers financial reward to our staff and increases the threat to integrity.

Increases in new forms of police employment have seen large increases in the numbers of personnel now having access to intelligence systems. Often access is seen as a right rather than being given only when necessary. Culture change is required to increase awareness of this threat, improve supervision and identify early those most at risk.

Financial investigation/checks are a frequent source of identifying the level of risk posed by an individual exposed to core information systems. It is essential to improve the quality of financial investigator training within vetting units.