

Police and Crime Panel

20th March 2024



Update on Vetting and Acceptable Behaviour and Standards

Report of Police and Crime Commissioner for Durham

1. Purpose

- 1.1. To provide members of the Police and Crime Panel with an up-to-date position in terms of force vetting and the activity in relation to acceptable policing behaviours and standards.

2. Vetting

- 2.1. Vetting is recognised as the first line of defence for those entering the force as a new recruit, either as a police officer, member of police staff, or as a transferee from another force. In addition, the vetting function provides reassurance that people working in and around policing as volunteers, contractors and some partners with access to police information are checked to an appropriate standard in order to minimise risk.
- 2.2. It is vitally important that everyone working in the organisation is vetted to the appropriate level prior to employment engagement. This is at either a basic recruitment (RV) level, an enhanced management (MV) level or non-police (NPPV) level. Further, throughout the period of their engagements or employment, regular reviews are required - Management Vetting (7 years), or Recruitment Vetting (10 years). Failure to complete these reviews in a timely manner effectively means that an individual has access to police personnel, information or premises without vetting cover.
- 2.3. In September 2019 the government announced that the service would recruit an additional 20,000 police officers over a three-year period, although recognised that with natural wastage as people leave the service, this meant, many more officers would be needed to meet this target.
- 2.4. For Durham this meant an extra 226 officers, not including the natural wastage as referred to above. Some additional resource was allocated to cater for the increased vetting requirement of the 226 officers. However, this was not sufficient to cater for all the additional work required in this area.

- 2.5. As articulated in the HMICFRS 2019 report, 'Shining a Light on Betrayal', vetting checks are identified as a snapshot in time. The report recognises that people's circumstances change in ways that can affect their suitability to work in or alongside a police force. Consequently, there is a requirement and expectation that forces have proactive capability in place to check on the workforce periodically and based on intelligence as and when required.

3. Current Position

- 3.1. The force's Vetting Unit adheres to Authorised Professional Practice (APP) making sure those people already employed, and those new to policing, maintain the highest ethical and professional standards. This is crucial in ensuring that public trust and confidence in the service is maintained.
- 3.2. No one enters the organisation without vetting which is suitably completed depending on the applicant's role.
- 3.3. Vetting checks are thorough with wider scrutiny on associations and Social Media platforms. This level of vetting checks has been in place for some time now and put the force above the basic level for APP compliance which has now caught up.
- 3.4. Due to numerous national and local factors, including the Police Uplift Programme (PUP) and the creation of the new investigative hub, the unit has witnessed an increased workload.
- 3.5. The workload within the unit is prioritised and focuses on reviews of those already in the organisation, those having gone through the misconduct regime as well as new recruits listed for a priority role, such as a police officer, PCSO or call handler.
- 3.6. Following prominent cases elsewhere in the country, The Home Office directed an exercise to seek assurance as to the status of all police officers and staff regarding vetting and latest intelligence. This exercise, referred to as the 'Historic Data Wash' involved searching all employees on the Police National Database and was undertaken in 2023. It was serviced by the Vetting Unit. This provided the organisation with the reassurance that any information held on volunteers or those employed by Durham Constabulary was reviewed. The task effectively took 6 months dedicated effort by one member of the team (25% of its resource) and there were no returns of concern to the force which is a positive reinforcement of the work of the unit.
- 3.7. The Police effectiveness, efficiency and legitimacy (PEEL) inspection 2021/2022 recognised the work of the vetting unit as good, commenting on systems that were in place to make sure that the vetting of all staff is reviewed regularly. The force anticipates a further inspection in 2024/2025 and is confident that it will be well placed based on existing processes and planned development.
- 3.8. National focus is likely to remain on vetting as forces continue to work through the recommendations identified in the HMICFRS 'An inspection of vetting, misconduct, and misogyny in the police service' thematic report.

- 3.9. A current regional peer review system is in place to scrutinise decision making in terms of vetting failures and those with adverse information. In addition, Heads of PSD meet regularly to discuss cases and share good practice.
- 3.10. An updated vetting APP is currently in the consultation phase. On initial review of the draft document, it appears the vetting regime is likely to become more robust with an eleven page Integrity Health check to be introduced. It is also likely that the findings of Dame Eilish Angiolini as a result of the Sarah Everard case will influence further strengthening of the vetting regime. The force is seeking to anticipate this through additional recruitment into this area, supported by investment from the PCC.
- 3.11. The PCC's office continues to support force activity in respect of vetting. There are some volume pressures that have resulted in increased numbers of vetting applications awaiting completion which means delays in employing staff into roles. Following discussions, the PCC has agreed some additional time limited funding to increase vetting capacity which is welcome support in this area.

4. Public Complaints

- 4.1. The Regulations changed in 2020 allowing a complainant to submit a complaint dating back several years. As crime investigations have become more complex, so too have complaints, with often a number of allegations attached to one complaint.

5. Current Position

- 5.1. Increased numbers have been witnessed nationally and this is reflected locally with over two hundred live cases currently being held by the team. This is despite a consistent service recovery rate of over 70%.
- 5.2. Where the legislation requires it, all complaints recorded are provided with a Right to Review, the reviewing body being dependant on the complaint. The reviewing body is either the Office of the Police and Crime Commissioner (OPCC) or the Independent Office for Police Conduct (IOPC).
- 5.3. The IOPC statutory guidance is adhered to and during the regular quarterly meetings with the IOPC single point of contact and a member of the OPCC, the department have been commended for their efforts.
- 5.4. Incidents involving death or serious injury (DSI) and Post Incident Procedures have increased in volume, primarily through improved identification. Although referred to the IOPC as a matter of policy compliance, the IOPC are dealing with fewer investigations as independent investigations due to their capacity. The result is an increase in local investigations and this has added further pressure to the team to ensure complaints are dealt with in a timely manner. This was raised at the National PSD conference in November last year.
- 5.5. The team now have a permanent Detective Inspector and have recently had assistance from an Inspector to assist in some of the less complex complaints. They have also had growth of one DC within the last 12 months having taken on responsibility for the coordination of the Victims Right to Review work.

- 5.6. By building efficiency in the working model within the triage team (service recovery) a review is on-going to strengthen the investigation team by moving one vacancy within the department.
- 5.7. PSD has a dedicated analytical resource and regularly assesses the most frequently complained about behaviour types. These are presented at the Force Policing Performance meeting, chaired by the DCC, and discussed in more detail on a regular basis at the Locality Policing Performance meeting with the DI from PSD in attendance. In addition, where an officer, team or area is an outlier, specific discussions take place with a range of interventions available to reduce levels.
- 5.8. Work is on-going with ICT as the force on boards to the Single Online Home (national public facing police website) to develop the required links to Centurion (complaint recording system) to prevent double keying.
- 5.9. The Complaints Scrutiny panel, coordinated through the OPCC continues to add value to not only to the department, but also to complainants.

6. Acceptable Behaviour & Conduct

- 6.1. Following national events in 2021 and the report published by Baroness Casey in March 2022 which examined the standards of behaviour and internal culture of the Metropolitan Police Service, the landscape in terms of acceptable behaviour and the conduct of officers changed.
- 6.2. The above report pre-dated the Police Perpetrated Domestic Abuse - Report on the Centre for Women's Justice super-complaint (June 2022), and at a time when The Violence Against Women and Girls strategy was being developed within forces.
- 6.3. Forces were instructed to follow the guidance from the College of Policing updated in August 2022, and which strengthened the guidance for misconduct decision makers on removing those who betray police values and treat any misconduct related to VAWG or discrimination with the utmost severity.
- 6.4. More recently, there have been reports (Angiolini Report) and media content (e.g. Channel 5 TV series: 'To Catch a Copper') that have further shone the light on police vetting and misconduct. National scrutiny in this area is higher than it has ever been, linked to a perceived lowering of confidence in policing.

7. Current Position

- 7.1. Counter Corruption teams both locally and nationally have witnessed an increase in cases.
- 7.2. Durham Constabulary is one of a very small number of forces that employs a dedicated Prevent officer within its PSD. This role has developed significantly over the last 4yrs. Their role primarily is to drive a proactive preventative culture towards ethical and lawful behaviours, helping to ensure Police Officers and Police Staff adhere to the Code of Ethics and Standards of Professional Behaviour expected of them whether on or off duty. This role assists in building the confidence of officers and staff to challenge and report any such behaviours.

- 7.3. Senior leaders within the organisation have changed, including the Head of the Professional Standards Department. The message is clear to those within the organisation that unacceptable behaviour will not be tolerated as well as to those in terms of confidential reporting.
- 7.4. All investigations into misconduct by officers and staff are managed in accordance with the relevant regulations and guidance under what is broadly described as the 'conduct regime'. It is important that the regime is adhered to so that just and fair outcomes are achieved for any victims, building confidence in the force. The regime also protects individuals subject of allegations and ensures they are dealt with fairly. It is important to recognise, in law, that the conduct regime is subordinate to the criminal law and where criminal offences occur, this takes primacy. This can mean significant delays in dealing with conduct cases while the criminal element is concluded.
- 7.5. There are currently twelve members of the organisation suspended from duty, all of whom are under investigation for gross misconduct. Some of the cases are linked to on-going criminal investigations, with eleven of the investigations commencing in 2023. Nine of the twelve cases include allegations of sexual misconduct.
- 7.6. Within the last two years there have been three Accelerated Misconduct Hearings, two were for former officers. All resulted in dismissals, or the officer would have been dismissed if still a serving officer. In all three cases the officers had been charged with criminal offences, including driving whilst over the prescribed limit, and assault for the other two cases.
- 7.7. There has also been a small number of hearings involving police staff, resulting in dismissal. These hearings related to the officer's inappropriate conduct towards another colleague.
- 7.8. The Code of Ethics supports The Police (Conduct) Regulations of 2020 and on the 24th January 2024 a revised version was launched. The force has an internal working group, with an implementation plan in place to ensure timely and controlled deadlines are met following the College of Policing strategy.
- 7.9. The department has a close working relationship with the Human Resources (HR) department and the Learning & Development team as all report into the same commander. This assists in the promotion of positive behaviours, and consistency force wide.
- 7.10. The Independent Ethics committee coordinated through the OPCC continues to add value not only to the department, but also to the wider force. An internal Ethics board is under development.

8. Performance oversight, scrutiny and governance

- 8.1. Overall performance of the department is monitored and scrutinised through internal governance structures. These include local and force performance meetings, where PSD performance is a regular or standing agenda item.

- 8.2. Sensitive matters which are managed through existing intelligence structures which include confidential briefings and a regime of monthly updates provided to the Deputy Chief Constable by the Head of Professional Standards & DI CCVU. This structure also includes regular updates on the status of vetting activity.
- 8.3. The PCC undertakes scrutiny through regular reports into the Force Executive Board, the forum where she holds the Chief Constable to account against delivery of the Police and Crime Plan and other key performance activities of the force. In support of this, the DCC and PCC Chief of Staff meet on a weekly basis and, at least monthly, the DCC provides an update on performance in this area, including an assessment of risk around individual cases. It is from these meetings that the force was encouraged to apply for additional financial support from the PCC to mitigate vetting pressures.

9. Recommendations

- 9.1. The Panel is asked to note the content of this report.