

'AN INSPECTION OF VETTING, MISCONDUCT, AND MISOGYNY IN THE POLICE SERVICE'
PUBLISHED BY HMICFRS ON 2ND NOVEMBER 2022
AVON & SOMERSET PCC REPOSE DATED 28TH DECEMBER 2022

Male violence against women and girls is an area of focus in my Police and Crime Plan. Women and girls are disproportionately affected by a number of very serious and harmful crimes and this is both a cause and consequence of gender inequality.

This problem exists throughout our society and policing is no exception. This year has really highlighted the scale of problem within policing. This cannot be dismissed as some 'bad apples': the perpetrators behaviour does not happen in a vacuum, but is enabled by entrenched misogyny which has not been sufficiently challenged. Misogyny can be amplified in policing as only about a third of police officers are women.

Even before this inspection report I have made clear to the Chief Constable that the police should be held to higher standards and more needs to be done. Thorough vetting and dealing robustly with misconduct are essential. Prevention is a golden thread, running throughout my plan, which applies equally to misconduct and corruption as it does other crime. I want the police to be better at spotting the early signs of inappropriate behaviour to stop it from escalating. I have confidence that the Chief Constable is leading from the front on this issue and these recommendations will help support her work and my scrutiny of it.

This report contains 29 recommendations for Chief Constables and five areas for improvement (AFI). These are set out below with the initial response to these after each of them.

It should be noted that I have a legal duty to respond to inspection reports within eight weeks of their publication. However, you will see the Constabulary have many more months to fully complete these recommendations: that's why a number of the responses are still a work in progress. With the support of my office, I oversee recommendations from the inspectorate on a continual basis to help ensure they are completed.

Recommendation 1

By 31 October 2023, the College of Policing should update its guidance on the minimum standard of pre-employment checks that forces must carry out before appointing an officer or member of staff. Every chief constable should make sure their force complies with the guidance. As a minimum, pre-employment checks should:

- obtain and verify previous employment history for at least the previous five years (including dates of employment, roles carried out and reason for leaving); and
- verify the qualifications the applicant claims to have.

Response

The Constabulary currently check three years' worth of references for officers and staff. Due to the demographic of officer recruits, the challenges obtaining references, and the quality of references received at present they do not intend to extend this to 5 years at this stage as it would not provide value for money.

In relation to the qualifications, the Constabulary undertake the necessary eligibility checks for officers. For police staff, a new process will be introduced on 1st April 2023 which will require relevant qualifications to be checked at interview stage. Those who are offered a position will be required to provide copies of such qualifications as part of their pre-employment checks.

Recommendation 2

By 30 April 2023, chief constables should establish and begin operation of a process to identify, within their vetting IT systems, vetting clearance records where:

- applicants have committed criminal offences; and/or
- the record contains other types of concerning adverse information.

Response

The Constabulary already record criminal convictions and/or cautions on their IT platform. They are exploring what other adverse information should be recorded.

Recommendation 3

By 30 April 2023, chief constables should take steps to make sure that, when granting vetting clearance to applicants with concerning adverse information about them:

- vetting units, counter-corruption units, professional standards departments, and HR departments (working together where necessary) create and implement effective risk mitigation strategies;
- these units have enough capacity and capability for this purpose;
- responsibilities for implementing specific elements of the risk mitigation strategy are clearly defined; and
- there is robust oversight.

Response

Where there is adverse information clearance with conditions are granted. These are monitored and reviewed, including Professional Standards Depart (PSD) and Counter Corruption Unit (CCU) checks. Vetting conditions are shared with the employee, manager, and HR.

Growth in vetting in 2022 is to increase capacity by x3 OE 24 month Vetting Researchers and x1 12-month Senior Vetting Advisor. ASC PSD Department intends to undertake another demand profile to ensure capacity and capability is sufficient in Vetting. ASC Chief Officer Group have recently approved a growth bid to expand the counter corruption intelligence unit to include an additional x1 analyst and x1 researcher to support both vetting and counter corruption concerns by implementing scheduled control strategies.

Oversight of the control strategies is through the monthly CCU Tactical Tasking Coordination Group which reports into the Confidence and Legitimacy Committee.

Recommendation 4

By 30 April 2023, chief constables should make sure that, when concerning adverse information has been identified during the vetting process, all vetting decisions (refusals, clearances and appeals) are supported with a sufficiently detailed written rationale that:

- follows the National Decision Model;
- includes the identification of all relevant risks; and
- takes full account of the relevant risk factors described in the Vetting Authorised Professional Practice (APP).

Response

Constabulary vetting staff have completed the eLearning about the National Decision Making (NDM) and apply the NDM principles when making vetting decisions. Further CPD training is planned for all vetting staff in 2023.

All vetting decisions are based on the identification of adverse traces and risks, which are considered alongside the Vetting APP. In Avon and Somerset, the Head PSD and PSD & Vetting Compliance Manager ratify applications for roles that are within the evidence chain, if adverse information has been identified during the vetting process.

Vetting refusals have a full decision rationale document which clearly outline the NDM and Vetting APP factors.

Vetting clearances, where adverse traces are identified, will include a case log and/or decision rationale and are recorded on the internal vetting system.

The Constabulary have a Vetting Appeal Panel that discuss applicants that meet the criteria to appeal a vetting decision. All appeals considered are fully documented along with written rationale. This rationale is saved on the system. If the appeal criteria are not met, the Constabulary will send a letter to applicant explaining the reasons; again this is recorded on the system.

Recommendation 7

By 31 October 2023, chief constables should introduce an effective quality assurance process to review vetting decisions, including routine dip sampling of:

- rejections; and
- clearances where the vetting process revealed concerning adverse information.

Response

The Constabulary Senior Vetting Advisors dip sample Vetting Researchers work and decision making each month. 28-day supervisor meetings are held with staff to discuss dip sample reviews, feedback and learning.

The Constabulary will consider developing a broader framework to cover all rejections and clearances containing adverse information to provide more robust oversight.

Recommendation 8

By 30 April 2023, chief constables should make sure they comply with the Vetting Authorised Professional Practice by analysing vetting data to identify, understand and respond to any disproportionality.

Response

The Constabulary is currently checking and testing vetting rejections based on the applicant's race. Disproportionality data is already available through the Constabulary's data visualisation tool (Qlik).

Although ethnicity/race is the priority the plan is to start looking at disproportionality in relation to other protected characteristics.

The Vetting Unit have also received bespoke Inclusion and Diversity training in 2022.

Recommendation 11

By 30 April 2023, chief constables who have not already done so should establish and begin operation of a policy requiring that, at the conclusion of misconduct proceedings where an officer, special constable or member of staff has been issued with a written warning or a final written warning, or been reduced in rank, their vetting status is reviewed.

Response

The Constabulary already do vetting reviews as a result of these trigger events.

Recommendation 13

By 31 October 2023, chief constables who have not already done so should establish and begin operation of a process to:

- identify the required vetting level for all posts within the force, including designated posts requiring management vetting; and
- determine the vetting status of all police officers and staff in designated posts.

As soon as possible after this, these chief constables should:

- make sure that all designated postholders are vetted to the enhanced (management vetting) level using all the minimum checks listed in the Vetting Authorised Professional Practice; and
- give continued assurance that designated postholders always have the requisite level of vetting.

Response

The Constabulary already have a designated posts list, which is monitored and updated regularly by vetting staff. A process also exists to review roles when the role profile changes.

The visualisation of data through Qlik allows the vetting requirement of the role to be compared to the vetting level of the role to the actual postholder. This is monitored by vetting staff to identify where inadequate vetting is held and ensures that higher vetting clearances are processed.

Officers and staff who require a higher level of vetting due to a job role change, are vetted ahead of moving roles internally.

The Constabulary have more work to do to better identify when a person may need additional vetting because of changing access to IT systems but where their role profile remains unchanged.

Recommendation 15

By 30 April 2023, chief constables should:

- make sure that all police officers and staff are made aware of the requirement to report any changes to their personal circumstances;
- establish a process through which all parts of the organisation that need to know about reported changes, particularly the force vetting unit, are always made aware of them; and
- make sure that where a change of circumstances creates additional risks, these are fully documented and assessed. If necessary, additional risks should lead to a review of the individual's vetting status.

Response

There is an intranet page which informs staff how to report change in circumstances to vetting. The Constabulary Vetting Unit also delivered briefings to Senior Leadership Teams across the organisation to help ensure everyone understands their duties to declare changes.

The Constabulary hold annual appraisals, in which supervisors will check with their employees if there have been any changes to report to the vetting unit. In addition when people move to a different internal role this is another trigger when employees are asked about changes in their personal circumstances. These change in circumstances forms are always sent to the Vetting Unit.

Recommendation 16

By 31 December 2023, chief constables should make routine use of the police national database (PND) as a tool for revealing any unreported adverse information about officers and staff. To help this, the College of Policing should:

- working with the National Police Chiefs' Council lead for counter-corruption, change the Counter-Corruption (Intelligence) APP to include a requirement for the PND to be used in this way; and
- change the PND Code of Practice (and any subsequent code of practice concerning the Law Enforcement Data System) to include a specific provision that allows for the PND to be used in this way.

Response

The Constabulary had started exploring this process prior to this report but it is not a straightforward recommendation to implement which is why there is a longer deadline to achieve this.

Recommendation 18

By 30 April 2023, chief constables should make sure that there is a robust response to any criminal allegation made by one member of their force against another. This should include:

- consistent recording of allegations;
- improved investigation standards; and
- sufficient support for victims and compliance with the Code of Practice for Victims of Crime in England and Wales.

Response

The Constabulary have recently carried out audits of misconduct cases relating male violence against women and girls as well as domestic abuse: this found there was some inconsistency in local recording. As a result, the Head of CCU is developing procedural guidance to improve this.

Criminal cases are allocated to the Criminal Investigations Directorate (CID) – our expert investigators – and all criminal cases involving police perpetrators are reviewed monthly by a Superintendent who reports into the Head of CID.

The Constabulary will be increasing the capacity of their CCU which will support this recommendation. They are also exploring a bespoke support model for colleagues who are victims of sexual misconduct or criminal offences.

Recommendation 20

By 30 April 2023, chief constables should adopt the National Police Chiefs' Council sexual harassment policy.

Response

At the time of writing, the Constabulary is reviewing this policy and will adopt and publicise on completion.

Recommendation 24

By 31 October 2023, chief constables should make sure their professional standards departments attach a prejudicial and improper behaviour flag to all newly recorded relevant cases.

Response

The Constabulary record information in accordance with National Crime Agency categories. This suggested flag is not within that list so the Constabulary need to consider how this is implemented.

Recommendation 25

By 30 April 2023, chief constables should make sure their professional standards departments and counter-corruption units routinely carry out all reasonable wider inquiries when dealing with reports of prejudicial and improper behaviour. These inquiries should ordinarily include (but not be limited to) sampling the following, in relation to the officer under investigation:

- their use of IT systems;
- incidents they attended, and incidents they are otherwise connected to;
- their use of work mobile devices;
- their body-worn video recordings;
- radio location checks; and
- misconduct history.

Response

The Head of CCU will work with regional and national colleagues on how to define prejudicial and improper behaviour.

Although there are existing intelligence investigations which demonstrate broad and thorough inquiries, further assurance work would be needed to ensure this is being done consistently.

Recommendation 26

By 30 April 2023, chief constables should make sure their professional standards departments:

- produce and follow an investigation plan, endorsed by a supervisor, for all misconduct investigations; and
- check all reasonable lines of inquiry in the investigation plan have been concluded before finalising the investigation.

Response

The Constabulary are currently developing supervisor review templates and Inspector review templates which can be used in misconduct investigations. Training will also be required to improve the use of and recording of investigation plans so these can be checked.

Recommendation 28

By 30 April 2023, in the forces where we have not carried out fieldwork during this inspection, chief constables who have not already carried out a review of all allegations relating to prejudicial and improper behaviour, should do so. The review should be of cases from the last three years where the alleged perpetrator was a serving police officer or member of staff. The review should establish whether:

- victims and witnesses were properly supported;
- all appropriate authority assessments, including assessments which didn't result in a complaint or misconduct investigation, were correct;
- investigations were comprehensive; and
- any necessary steps are taken to improve the quality of future investigations.

These reviews will be subject to examination during our next round of inspections of professional standards departments.

Response

Avon and Somerset Police were not part of the fieldwork done as part of this inspection so will undertake an audit of their cases.

Recommendation 29

With immediate effect, chief constables must make sure that forces use Regulation 13 of the Police Regulations 2003 for underperforming officers during their probationary period, rather than the Police (Performance) Regulations 2020.

Response

The Police (Performance) Regulations 2020 expressly exclude their application to constables who have not completed their period of probation. The Constabulary were aware of this and already use Regulation 13 for probationers.

Recommendation 32

By 30 April 2023, chief constables should make sure that:

- all intelligence concerning possible sexual misconduct by officers or staff (including abuse of position for a sexual purpose and internal sexual misconduct) is subject to a risk assessment process, with action taken to minimise any risk identified; and
- rigorous additional oversight arrangements are in place to monitor the behaviour of officers subject to the risk assessment process, especially in cases assessed as high risk.

Response

The Constabulary already use risk assessments and control strategies to mitigate risk in cases like this. However, these will now be given greater visibility through the CCU Tactical Tasking Coordination Group which reports into the Confidence and Legitimacy Committee.

Recommendation 33

By 31 March 2023, chief constables should make sure that counter-corruption units (CCUs) have established relationships with external bodies that support vulnerable people who may be at risk of abuse of position for a sexual purpose, such as sex-worker support services, drug and alcohol and mental health charities. This is to:

- encourage the disclosure by such bodies, to the force's CCU, of corruption-related intelligence relating to the sexual abuse of vulnerable people by police officers and staff;
- help the staff from these bodies to understand the warning signs to look for; and
- make sure they are made aware of how such information should be disclosed to the CCU.

Response

The Constabulary do have relationships with external support organisations and have had referrals from these. However, the Constabulary acknowledge more could be done to further develop these relationships.

Recommendation 34

By 30 April 2023, chief constables should make sure that their counter-corruption units actively seek corruption-related intelligence as a matter of routine.

Response

The Constabulary's have an Operations Manual, which supports the CCU, and this provides various methods of proactive intelligence tactics. They will also be developing their data visualisation to enable earlier identification of corruption.

Recommendation 35

By 31 March 2023, to protect the information contained within their systems and help them to identify potentially corrupt officers and staff, chief constables should make sure that:

- their force has the ability to monitor all use of its IT systems; and
- the force uses this for counter-corruption purposes, to enhance its investigative and proactive intelligence gathering capabilities.

Response

The Constabulary have a system in place to be able to monitor their IT and do so on a regular basis. There are known limitations to this system but they are working to overcome these. There are examples of the CCU using the tool both proactively and reactively.

Recommendation 36

By 30 April 2023, chief constables should establish and begin operation of an improved system of mobile device management, with accurate record keeping concerning:

- the identity of the officer or staff member each device is allocated to; and
- what each device has been used for.

Response

The Constabulary's IT team have already started to review the current system to be able to comply with this recommendation.

Recommendation 37

By 30 April 2023, chief constables should:

- convene, and hold on a regular and continuing basis, people intelligence meetings; or
- establish and begin operation of an alternative process to support the presentation and exchange of corruption-related intelligence, to identify officers and staff who may present a corruption risk.

Response

The Constabulary have set up the recommended meeting structure with the first meeting taking place in January 2023.

Recommendation 38

By 30 April 2023, chief constables should make sure that all corruption-related intelligence is categorised in accordance with the National Police Chiefs' Council counter-corruption categories (and any revised version of these).

Response

The Constabulary already categorise intelligence using this national model.

Recommendation 39

By 30 April 2023, chief constables should make sure they have a current counter-corruption strategic threat assessment, in accordance with the Counter-Corruption (Intelligence) Authorised Professional Practice.

Response

The Constabulary already have a current counter-corruption strategic threat assessment.

Recommendation 40

By 30 April 2023, chief constables should make sure their counter-corruption units:

- produce and follow an investigation plan, endorsed by a supervisor, for all counter-corruption investigations; and
- check all reasonable lines of inquiry in the investigation plan have been concluded before finalising the investigation.

Response

The Constabulary are confident that supervisor and inspectors' reviews are regular and thorough counter-corruption cases. However, training will be required to improve the use of and recording of investigation plans so these can be checked.

Recommendation 41

By 30 April 2023, chief constables should strengthen their business interest monitoring procedures to make sure that:

- records are managed in accordance with policy and include cases where authorisation has been refused;
- the force actively monitors compliance with conditions that are attached to the approval, or where the application is refused;
- regular reviews of each approval are carried out; and
- all supervisors are properly briefed about business interests held by members of their teams.

Response

The recruitment and vetting process asks applicants about their business interests. The Constabulary also publish the policy on their intranet and training on business interests is given to new staff and first line managers.

All business interests are recorded on the PSD system and subject to an approval process, decisions are recorded to reflect approval or refusal. When a decision is made to refuse a business interest, notification is sent to the supervisors as well.

Supervisors are required to endorse any new business interest application forms and asked for feedback on business interests reviews, which are set at either, 6, 12 or 24 month intervals.

Business interests data is visualised by the Constabulary but further work is required to be able to cross-reference this with other PSD intelligence.

Recommendation 42

By 30 April 2023, chief constables should strengthen their notifiable association procedures to make sure that:

- they are compliant with the Counter-Corruption (Prevention) Authorised Professional Practice (APP) and that the obligation to disclose all associations listed in the APP is explicit;
- there is an effective monitoring process to make sure that any conditions imposed are being complied with; and
- all supervisors are correctly briefed on the notifiable associations declared by members of their teams.

Response

The Constabulary's notifiable association procedure has been reviewed and updated and is published on the intranet.

Notifiable associations are overseen through the monthly CCU Tactical Tasking Coordination.

Recommendation 43

By 30 April 2023, chief constables should make sure that a robust process is in place for completing annual integrity reviews for all officers and staff.

Response

The Constabulary have included the integrity health check as part of the Individual Performance Review process and will be completed as part of the annual review.

Area for improvement 1

Forces' use of vetting interviews is an area for improvement. In more cases, forces should interview applicants to explore adverse information of relevance to the case. This should help with assessing risk. When they carry out such interviews, forces should maintain accurate records and give copies of these to interviewees.

Response

The Constabulary's Vetting Unit interview applications when there is adverse information. Vetting interviews are conducted using video conferencing so they can be recorded and interviewees can then access the transcript themselves.

Decisions and rationale are recorded in the vetting IT system.

Area for improvement 2

Automated links between force vetting and HR IT systems are an area for improvement. When specifying and procuring new IT systems for these purposes, or developing existing ones, forces should seek to establish automated links between them.

Response

There is currently automation between the Constabulary's recruitment platform and their vetting system. This system generates notifications when existing staff need to be re-checked.

The ability to automate with the vetting system has been a requirement for the Constabulary in finding a new Enterprise Resource Planning system.

Area for improvement 3

Forces' understanding of the scale of misogynistic and improper behaviour towards female officers and staff is an area for improvement. Forces should seek to understand the nature and scale of this behaviour (like the work carried out by Devon and Cornwall Police) and take any necessary action to address their findings.

Response

This year the Constabulary held focus groups about sexual misconduct, culture and behaviour; involving over 70 officers and staff. These findings led to an internal communications campaign called 'this is not who we are'. It also led to the approval to develop a bespoke support model for colleagues.

Area for improvement 4

Forces' data quality is an area for improvement. Forces should make sure they accurately categorise all items of sexual misconduct intelligence. Sexual misconduct cases that don't meet the definition of abuse of position for a sexual purpose (because they don't involve the public) shouldn't be recorded as abuse of position for a sexual purpose.

Response

The Constabulary will undertake an audit of their records to understand how well this is done and try to address any problems that this uncovers.

Area for improvement 5

Workforce awareness of corruption-related threats is an area for improvement. Forces should routinely brief police officers and staff on the pertinent and sanitised content of their annual counter-corruption strategic threat assessment.

Response

The Constabulary have agreed to explore how they can do this in Avon and Somerset.

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