



Professional Committee

03 March 2020

Broadway House Conference Centre – Abbey room

Tothill St, London, SW1H 9NQ

Committee Meeting 11:00 – 14:00

| Committee Members | |
|--------------------------|--|
| Mike Cunningham | College CEO (Chair) |
| Giles York | Professional Development & Integrity Community Chair |
| Andy Rhodes | Organisational Development and International Chair/CPOSA |
| Jo Strong | Police Federation of England and Wales |
| Dave Bamber | Police Federation of England and Wales |
| Hayley Aley | Police Federation of England and Wales |
| [REDACTED] | Association of Special Constabulary Officers |
| [REDACTED] | Police Superintendents' Association |
| Martin Hewitt | Chair of the NPCC |
| Nick Ephgrave | NPCC |
| [REDACTED] | Unison |

| Non-Voting Members | |
|---------------------------|--|
| Dan O'Mahoney | NCA |
| Andrew Tremayne | APCC |
| [REDACTED] | Metropolitan Police |
| [REDACTED] | Northamptonshire Police and Crime Commissioner |
| [REDACTED] | Metropolitan Police Trade Union Side |

| To present items | |
|-------------------------|--|
| Ray Clare | Head of Workforce Development and Progression, Workforce Development |
| David Tucker | Crime & Criminal Justice Faculty Lead |
| Richard Bennett | Uniformed Policing Faculty Lead |

| Staff members in attendance | |
|-----------------------------|---|
| Rachel Tuffin | Director of Knowledge and Innovation & Policing Standards |
| ██████████ | Staff Officer to Mike Cunningham |
| ██████████ | PSNI |
| Jo Noakes | Director of Workforce Development |
| Bernie O'Reilly | Director of Organisational Delivery and Change |
| Kate Fromant | Head of Corporate Governance |
| ██████████ | Portfolio & Programme Officer |
| ██████████ | Regulations Advisor, Workforce Development Directorate |

| Invited Observers | |
|-------------------|--|
| ██████████ | Chair Nominations & Remuneration Committee and College Regulatory Consultative Group & Senior Independent Director |

| Apologies | |
|-----------|--|
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| No. | Title | Lead at meeting | Status | Timing |
|-------|--|-----------------|--------|----------------------------|
| 1. | Minutes and Actions of the Previous Meeting <ul style="list-style-type: none"> <i>The previous meeting took place on 10th December 2019</i> | Mike Cunningham | Paper | 11:00 – 11:10 (10 mins) |
| 2. | Draft APP for Post Incident Procedures in DSI Cases | Richard Bennett | Paper | 11:10 – 11:25 (15 mins) |
| 3. | Development of Code of Practice – Digital Extraction | David Tucker | Paper | 11:25 – 11:40 (15 mins) |
| 4. | Amendment to Regulation 10 | ██████████ | Paper | 11:40 – 11:50 (10 mins) |
| Lunch | | | | 11:50 – 12:20 (30 mins) |

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|---|---|----------------------------------|----------------|----------------------------|
| 5. | National Law Enforcement data Services | David Tucker | Paper | 12.20 – 12.30 (10 mins) |
| 6. | <u>To Note:</u> a) College Business Update b) Chief Constables' Council Update | Mike Cunningham Martin Hewitt | Paper Paper | 12:30 – 12:35 (5 mins) |
| 7. | Any Other Business | All | Verbal | 12:35 – 12:40 (5mins) |
| 2020 Committee meeting dates: 23rd June 2020, Location – TBC 8th September 2020, Location – TBC 8th December 2020, Location – TBC | | | | |

Qualifications for appointment to a police force

10.—(1) A candidate for appointment to a police force—

- (a) must, if not a national of a Member State, Norway, Iceland or Liechtenstein, have leave to enter or remain in the United Kingdom for an indefinite period;
- (b) must produce satisfactory references as to character, and, if he has served in any police force, in the armed forces, in the civil service or as a seaman, produce satisfactory proof of his good conduct while so serving;
- (c) must have attained the age of 18 years;
- (d) must be certified by a registered medical practitioner approved by the local policing body to be in good health, of sound constitution and fitted both physically and mentally to perform the duties on which he will be employed after appointment;
- (e) must meet the standard of eyesight determined by the Secretary of State;
- (ea) must have a selected qualification or experience, within the meaning of paragraph (1A);
- (f) must, if a candidate for appointment in the rank of constable, satisfy the chief officer that he is sufficiently competent in written and spoken English, and sufficiently numerate, by passing such assessments in written and spoken English, and numeracy, as may be approved by the Secretary of State;
- (g) must, if a candidate for appointment in the rank of sergeant, or inspector, bequalified for promotion to such rank in accordance with the provisions of the Promotion Regulations;
- (h) must give such information as may be required as to his previous history or employment or any other matter relating to his appointment to the police force.
- (i) must, unless he is applying to transfer the force from another police force, on being so required by the chief officer of the force to which he is a candidate for appointment give a sample of hair or oral fluid or urine to be tested in accordance with procedures determined by the Secretary of State for evidence of such controlled drugs as the Secretary of State may determine.
- (j) must, if a candidate for appointment under the FT Programme, the DE Inspector Programme or the DE Superintendent Programme, have passed the assessment centre in respect of that programme.

(1A) A selected qualification or experience is a qualification or type of experience selected by the chief officer from a list determined by the Secretary of State, and a determination under this paragraph may confer such functions on the chief officer or any other person in relation to the listed qualifications or experience as the Secretary of State thinks fit.

(2) A candidate for appointment to a police force shall be given a notice in terms approved by the Secretary of State drawing attention to the terms and conditions of service which shall be contained therein.

(3) For the purposes of this regulation—

(a) “armed forces” means the naval, military or air forces of the Crown including any women's service administered by the Defence Council, and

(aa) “assessment centre” means the assessment centre approved by the College of Policing for the purposes of the FT Programme, the DE Inspector Programme or, as the case may be, the DE Superintendent Programme.

(b) “seaman” has the same meaning as in the Merchant Shipping Act 1995.

EYESIGHT STANDARDS: POLICE RECRUITMENT

The standard of eyesight which must be met by a candidate for appointment to a police force in respect of each of the matters specified in the first column of the following table is that specified in the second column of the table.

| Eyesight | Mandatory requirement |
|-----------------------------------|---|
| Static Visual Acuity ¹ | Corrected distance visual acuity must be 6/12 in either eye and 6/6 or better, binocularly. Corrected near static visual acuity must be 6/9 or better, binocularly. (Applicants who do not reach the standard should not be rejected but should be invited for a further test after obtaining a stronger prescription)). Corrected low contrast distance visual acuity must be 6/12 or better for a 10% contrast target, binocularly. |
| Visual Field ² | A field-of-view of at least 120 degrees horizontally by 100 degrees vertically is required. The field-of-view should be free of any large defective areas, particularly in the fovea. Single defects smaller than the physiological blind spot, and multiple defects that add to an area smaller than the physiological blind spot, should be acceptable. |
| Colour Vision ³ | Monochromats should be rejected. Mild anomalous trichromats are acceptable and should be treated as normal. Severe anomalous trichromats and dichromats are also acceptable and should be instructed in coping strategies. (Applicants who show a lowered discrimination for blue colours should be referred to an ophthalmologist for further assessment. This should include a measure of their dark |

¹ Acuity should be measured using a Snellen eye chart, or equivalent.

² The field of view may be tested using a confrontation test. However, it is recommended that forces use more sophisticated testing equipment, where possible. If the results of the confrontation test suggest that there is a reduced visual field, or if the results of the medical questionnaire suggest an increased risk of reduced visual field, applicants should be referred to an ophthalmologist for a thorough examination of their visual field.

³ Applicants should not wear 'colour correcting' lenses during the colour vision test.

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| | adaptation performance). |
| Spectacles and contact lenses | Correction should be worn where necessary to achieve 6/6 binocularly. Corrective spectacles and contact lenses are acceptable for the tasks of an Operational Police Constable. |

POLICE QUALIFICATIONS AND EXPERIENCE

The list of qualifications and types of experience from which a chief officer of police may select under regulation 10(1)(ea) is as follows:

- a) a level 3 qualification, within the meaning of section 3 of the Education and Skills Act 2008;
- b) an academic or vocational qualification gained outside England and Wales which is considered by the UK National Recognition Information Centre to be equivalent to a level 3 qualification;
- c) training or work experience, whether undertaken in or outside England and Wales, which is considered by the chief officer to be equivalent to a level 3 qualification;
- d) a policing qualification approved by the Sector Skills Council for the Justice Sector;
- e) service, for such period as the chief officer may specify, as a special constable;
- f) service, for such period as the chief officer may specify, as a community support officer designated under section 38 of the Police Reform Act 2002;
- g) service, for such period as the chief officer may specify, in an employment by a police force or office which is related to a police force which is considered by the chief officer to prepare a person for service as a member of the police force;

For entrants via the constable pre-join degree in policing entry route:

- h) a level 6 degree in policing qualification (as determined in the Framework for Higher Education Qualifications by the Quality Assurance Agency for Higher Education) that meets the relevant national programme specification set by the College of Policing;

For entrants via the constable degree holder entry route:

- i) a level 6 degree qualification (as determined in the Framework for Higher Education Qualifications by the Quality Assurance Agency for Higher Education) other than a degree in policing qualification as set out in paragraph (h);
- j) an academic or vocational qualification gained outside England and Wales which is considered by the UK National Recognition Information Centre to be equivalent to a UK level 6 degree qualification.

TESTING FOR SUBSTANCE MISUSE

- 1) Subject to paragraph (2), for the purposes of regulations 10(1)(i) and 19A(1)(b)(c) and (d) the controlled drugs which testing shall cover are:
 - i) amphetamines (including ecstasy)
 - ii) cannabis
 - iii) cocaine
 - iv) opiates (eg morphine and heroin)
 - v) benzodiazepines
- 2) Where testing is carried out in accordance with 19A(1)(a) because the Chief Officer has reasonable cause to suspect, on the basis of intelligence, that the officer has used a controlled drug, the testing may cover one other controlled drug or drug group in addition to the controlled drugs listed in paragraph (1), provided that the officer is informed prior to testing of the drug(s) or drug group(s) for which he or she is to be tested.

Testing procedures

- 3) For the purposes of regulations 10(1)(i) and 19A(1), the following procedures shall apply in relation to testing for controlled drugs.
- 4) Testing shall be carried out without advance notice.
- 5) On-site testing using portable testing kits may be used to screen out members of police forces and candidates for appointment at an early stage of these procedures. Any test that is relied upon in criminal or disciplinary proceedings shall be conducted through laboratory analysis.
- 6) Collection of samples and initial on-site screening may be undertaken by an independent agency or by suitably trained police staff. There shall be a secure chain of custody through collection, analysis and medical review as set out in protocols

issued by the Secretary of State. Laboratory analysis shall be undertaken by an independent agency.

- 7) Split samples shall be used in all cases that go forward to laboratory analysis. A member of a police force shall have the right to have one sample tested independently to challenge the result of a test on the other sample.
- 8) The following procedures shall apply in relation to testing for alcohol. Testing for alcohol shall be carried out without advance notice and using breath testing equipment capable of taking measurements at the 13 microgrammes percentage level.
- 9) A member of a police force who is off duty shall not be recalled to duty for the purposes of testing for controlled drugs or alcohol.

Consequences of testing positive

- 10) Positive results may be referred to professional standards departments for action. This may lead to criminal action or formal disciplinary proceedings or both.

**POLICE ADVISORY BOARD FOR ENGLAND AND WALES:
MEETING 19 JANUARY 2006**

**PROPOSAL FOR CHANGES TO REGULATION 10 - QUALIFICATIONS FOR
APPOINTMENT: MINIMUM AGE FOR RECRUITMENT**

Issue

Regulation 10(1)© provides that a candidate “must have attained the age of 18 years and six months”.

From December 2006 in line with the European Framework Directive on Equal Treatment 2000, new legislation will outlaw discrimination on the grounds of age. Any age limit which restricts access to employment will need to be justified.

The ACPO working group on age discrimination chaired by DCC Davina Logan has consulted the service widely and concluded that there is no objective justification for maintaining a minimum recruitment age of 18 years and six months. However, the group has recommended that a minimum recruitment age should be retained and set at 18 years.

Retaining a minimum recruitment age may constitute direct discrimination unless it can be justified in pursuit of a legitimate aim and is an appropriate and necessary means of achieving that aim.

On behalf of the Service, ACPO have provided a paper (attached) setting out its justification for retaining the age criterion. Justification is principally based on health and safety issues; Working Time Directive restrictions for young workers; operational issues; immaturity; and public perception. It is acknowledged that some of the reasons may not in isolation satisfy the test of objective justification.

It should also be noted that, in promoting equality of opportunity, the Service needs to consider the extent to which such barriers can be overcome. It has been made clear that tribunals will look at the evidence on which justification is based and that assertion alone will not be enough to justify unequal treatment. Although clearly vulnerable to challenge, the Service is satisfied, however, that it will be able to provide sufficient evidence to justify maintaining a minimum age for recruitment.

Members are therefore invited to consider the paper attached and, if satisfied in principle of the need to maintain a minimum age of recruitment, to agree to a lowering of the minimum age of recruitment to 18 years, as recommended by ACPO.

Next steps

Subject to agreement, members are invited to consider the draft amended regulations which have been circulated separately.

**Police Human Resources Unit
5 January 2006**

| | | |
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| Security Classification: | NOT PROTECTIVELY MARKED | |
| Disclosable under FOIA 2000: | Yes | |
| Contact: | ██████████ | Force / Organisation: Northamptonshire Police |
| Date Created: | 15th September 2005 | Telephone: ██████████ ██████████ |

**Association of Chief Police Officers of England, Wales and
Northern Ireland
Race and Diversity Business Area**

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**ACPO Response to PAB – Proposed changes to Police Regulations
Lower Age Limit on Recruitment**

Background

Age discrimination under the Employment Directive 2000/78/EC is the last strand of the Directive, which has outlawed discrimination on the grounds of religion, belief, disability, age and sexual orientation in the areas of employment and vocational training.

In response to the Directive the Government in July 2003 issued a consultation paper 'Equality and Diversity: Age Matters' followed by the recent consultation document 'Equality and Diversity: Coming of Age – Consultation on the draft Employment Equality (Age) Regulations 2006', and 'The Employment Equality (Age) Regulations 2006 (2006 No. 0000)'

Section 13 (1) The Employment Equality (Age) Regulations 2006 (2006 No.0000) define the office of constable as an employee under the legislation which will impact on the police service in a number of areas one of which is the age in which constables are recruited to the police service. The recruitment age for a constable is 18 years 6 months, (Regulation 10, Police Regulations 2003), under the draft legislation the police service could be seen as discriminating against an individual due to age unless an objective justification can be shown as detailed in the draft Age Regulations.

ACPO Race and Diversity Business Area

In preparation for the impending legislation the ACPO Race and Diversity Business Area have formed a working group chaired by ██████████
██████████ Northamptonshire Police, to assess the draft Age Discrimination Regulations and its impact on the recruitment age set when applying to become a police constable.

This paper will address the issues raised by the working group when considering the recruitment age, however the working group have identified a number of areas within Police Regulations, which will need to be addressed as part of the legislation e.g. the retirement age for police officers and its possible impact on the 30 plus Scheme.

Further work in these areas will be undertaken by the ACPO Workforce Modernisation Business Area.

Objective Justification – Police Service

The Directive provides that direct and indirect discrimination can be justified. Direct or indirect discrimination will be lawful if:

- It pursues a legitimate aim; and
- It is an appropriate and necessary (or proportionate) means of achieving that aim.

(The ‘test of objective justification’)

It is within this definition that the working group have looked at the possibility of lowering the recruitment age of a constable to 18 years. The working group will use the **objective justification for not lowering the recruitment age below 18 years.**

The **Objective Justification** for not lowering the recruitment age below 18 years is in accordance with **health, welfare and safety (including protection of young or older people)** described as a legitimate aim in the draft Age Regulations that provides for potentially direct discrimination to be justified. This is based on the duties, which are expected to be carried out by a police constable, which is covered by the Health & Safety at Work Act 1974.

The Health & Safety at Work Act 1974 place particular duties on employers of young persons and **takes primacy** over all other legislation. (Young persons are defined as being persons who have not attained the age of 18 years) as follows:

(1) a requirement to take particular account of certain specified factors when carrying out or reviewing risk assessments;

(2) a requirement that the risk assessment be carried out before the young person starts work;

(3) a requirement to prohibit young person from certain work if risk assessment identifies a significant risk which cannot be eliminated;

(4) Psychological/Physiological Factors

This legislation clearly places a duty of care on the police service for their employees both psychologically and physiologically. Applicants between the ages of 16-18 would require extra assessment in this area to ensure that undertaking the work of a police officer would not create damage in light of continuing growth, both mentally and physically. Police Officers are required to work in distressing, unpleasant and difficult environments on a regular basis.

The potential for Officers to be psychologically at risk, and the need for maturity to be able to rationalise and cope with distressing and stressful incidents is greater than in most occupations. ACPO feel the Home Office needs to take into account the potential inexperience and immaturity of young applicants.

These young people would be more likely to be subject to psychological and physiological risk that would not be supported by the Health and Safety at Work Act.

Looking at these particular risks it becomes clear that many of them could **NOT** be eliminated.

These factors are of sufficient importance that young persons should be prohibited from this type of work.

In addition, the Working Time Directive, Young Workers, Regulations 1988 would also impact on persons under the age of 18 years being allowed to work a nightshift. Night working is prohibited for under 18's between the hours of 10pm-6am or 11pm-7am.

The police service is not listed as one of the occupations, which would carry an exemption and this would clearly impact upon the service, particularly in relation to resourcing and resilience.

It should also be noted that the role of a constable is defined as:

The primary duties of those who hold the office of Constable are the protection of life and property, the preservation of the Queen's peace and the prevention and detection of criminal offences. To fulfil these duties officers are granted extra-ordinary powers. The public and the Police Service therefore have the right to expect the highest standards of conduct from them.

The following factors were also considered in relation to the maintenance of an age limit, but ACPO felt that in isolation they do not satisfy the '**test of objective justification**'

- **Police Officers need to be able to enter licensed premises**

The Licensing Act prohibits those under 18 from entering licensed premises where food is not served. This could potentially restrict 16 and 17 year olds from entering licensed premises to deal with incidents.

- **Interviewing of suspects.**

A young person (17 years old or under) needs an appropriate adult with them when being interviewed. If the Police interviewer were under 18 themselves this would create an anomalous situation.

- **Some laws exclude under 18s, which would make it hard for under 18s to enforce them.**

For example, alcohol, solvents, knives and firearms can only be possessed by persons who are 18 years of age or over, and a 16 or 17 yr old police officer may be required to seize these.

In relation to the 3 points above, legislative changes would be required to allow Officers under 18 to play a full and active part in policing. Although this is technically feasible via a blanket exemption for Officers exercising their duty, it could be argued inappropriate, as the underlying issue is that they would be performing the role of Police Officers who are not legally adults and are therefore under parental control.

- **Potential lack of life skills**

There are many examples where existing legislation recognises that young persons under 18 need to be treated differently due to their lack of maturity e.g. 16 and 17 year olds are not old enough to drink alcohol or to vote. It could be argued that the selection process should ensure that an applicant of any age has adequate life skills and maturity, but in practice there is adequate precedent to demonstrate that the age of 'adulthood' is a pragmatic and justifiable pre-requisite for obtaining appropriate life skills.

- **Public Perception**

A 'reasonable person' would not consider it appropriate for Police Officers to be under the age of 18 in general, and for many specific incidents e.g. domestic violence this would be unacceptable due to the nature of the incident and persons involved.

In preparing this response, ACPO have consulted widely with colleagues in England and Wales, and with Unison, the Police Federation and the Superintendents Association.

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Northamptonshire Police



Title of Meeting: Professional Committee
Date: 10th December 2019
Time: 11:00 – 14:00
Venue: Broadway House Conference Centre, Tothill St, London, SW1H 9NQ.

| Attending Members | Organisation |
|---|--|
| Mike Cunningham (MC) | Chief Executive (Chair) |
| Andy Rhodes (AR) | Organisational Development and International Chair |
| Dave Bamber (DB), Gemma Fox (GF), Karen Pinfold (KP) | Police Federation of England and Wales |
| Martin Hewitt (MH), Alan Pughsley (AP), James Vaughan (JV) | National Police Chiefs' Council |
| David Pedrick-Friend (DPF) | ASCO |
| Helen Ball (HB) | Metropolitan Police |
| Andrew Tremayne (AT) | APCC |
| Debi Potter (DB) | UNISON |
| Val Harris (VH) | Metropolitan Police Trade Unions |
| Apologies: Giles York, Hayley Aley, Dan O'Mahoney, Stephen Mold, Ian Wylie, David Tucker, Sharon Harrison, Bernie O'Reilly, Phil Knox, Nerys Thomas. | |
| Other Attendees: | |
| College: Richard Bennett, Rachel Tuffin, Helen Elderfield, Jayshree Vekria, Jo Noakes, Ray Clare. | |

Item 1: Minutes and actions of the previous meeting (Chair)

- 1.1 The minutes and actions from 3rd September 2019 meeting were: **reviewed and agreed.**

Item 2: Fast Track Inspector to Superintendent Programme (Ray Clare)

- 2.1 The Committee was updated on the potential development by the College of Policing of a new Fast Track Inspector to Superintendent (FTIS) programme. The College intends to initiate a consultative process with stakeholders to better understand the needs of the service in relation to the programme's developments and implementation.
- 2.2 Members were informed that following discussions at the Workforce Coordination Committee a decision had been taken to soften both the consultation and decision making timeline and would be discussed further at the July 2020 Chiefs Council. The revised timeline would provide participants with adequate time to participate in the consultation activity. It was also explained that the scope of the consultation activity would focus on the programme aims, target audience, recruitment, programme content and costings.
- 2.3 The Committee supported the development of the Fast Track Inspector to Superintendent programme but highlighted a few points to be considered. Members suggested that the title of the consultation document should consider the potential inclusion of sergeants. They also suggested that the programme needs to clearly stipulate if it is a fast track scheme to chief officer and be clear on what extra will be put in place when Superintendent rank is reached; or is it an inspector to



Superintendent programme at which point the clock is re-started when the Superintendent rank is reached.

- 2.4 Members also agreed that the programme needed to be very clear on the gap it is trying to fill, ensuring that there are clear parameters to demonstrate what the programme is designed to deliver and also consider how success will be measured.

DECISION: The Committee noted the College's plan to consult with policing stakeholders regarding the proposed introduction of a new Fast Track inspector to superintendent (FTIS) programme.

ACTION: The College to ensure that the Association of Police and Crime Commissioners (APCC) are included in the consultation process.

Item 3: Day One Recruit Assessment Center Update (Jo Noakes)

- 3.1 The Committee was asked to note the progress update of Day One and its planned implementation as the new national assessment center to replace SEARCH. Day One was developed in response to NPCC WCC concerns about the existing process. It was also designed with diversity in mind (using the latest evidence base) and has been trialed in the Met for a year.
- 3.2 Committee members were informed that the roll out of Day One had been brought forward to support the 20K uplift programme, meaning a large number of new recruits would now enter through the assessment center. A refresh in technology was also being developed to support the new programme.
- 3.3 The Committee raised concerns in relation to information security and suggested that there was a possibility that candidates attending the assessment centers were pre-briefed on potential questions. The committee agreed that further work was needed to improve information security to minimise such a risk.
- 3.4 Members acknowledged that it is key that the right people were being attracted to the assessment centers and suggested that the recruitment guidance should clearly state the candidate requirements to apply. The Committee also felt that this was a good opportunity to improve the diversity of the service but felt that there needs to be continued support of good practices through positive action.

DECISION: The Committee noted the progress to date and supported the College's planned implementation and rollout of Day One recruitment assessment center.

ACTION: The College to consider the information security of assessment questions prior to wider roll out of the assessment center.

Item 4: Advanced Practitioner Update (Ray Clare)

- 4.1 The Committee was updated on the findings of the Advanced Practitioner (AP) Consultation Report and the decision of the College not to proceed with national implementation of the scheme at this time, however it would support forces who wish to develop it locally. The decision was based on the complex feedback from the



consultation exercise and in particular the clear steer from the service that development of an Advanced Practitioner scheme was not identified as a current priority for the service.

- 4.2 The Committee acknowledged the honesty of the College and supported the decision taken, further more they agreed that it was crucial to be sensitive on the capacity of the service when considering the roll out and developments of new initiatives.

DECISION: The Committee noted the update on the Advanced Practitioner scheme and the principle outcomes, and acknowledged the College's decision not to proceed with national implementations at this time and that support would be offered to forces that elect to develop it further locally.

Item 5: NPCC Update on Officer Safety (Martin Hewitt)

- 5.1 The Committee was updated on the review of Officer Safety conducted by the NPCC that had been driven by a number of high profile issues in the media, namely Taser. The aim of the review was to identify the changes that needed to take place to improve the safety of staff whilst conducting their duties, increase confidence and maintain public confidence in policing.
- 5.2 The Committee was informed that the review highlighted a number of areas of concern around the use of equipment, personal safety training and data inconsistencies. Following the review in line with the officer safety survey, a report was produced working with NPCC leads, the College, Staff associations, IOPC, HMICFRS, and the Home Office. The report identified 43 recommendation and further consultation work was underway to group and priorities the recommendations.
- 5.3 The Committee acknowledged the hard work that had been undertaken to deliver the review in a short space of time and felt that the data inconsistencies highlighted from both the review and the report should be addressed as a matter of urgency.

DECISION: The Committee noted progress of the Officer Safety review conducted by the NPCC.

Item 6: Barred and Advisory List Review Process (Richard Bennett)

- 6.1 At the previous meeting, the Committee was asked to note and agree the process for reviewing entries on the Barred and Advisory List, to which a number of issues were raised and the Committee proposed for the draft process be considered by the PABEW discipline sub-board.
- 6.2 The Committee were informed that following the discussion at the PABEW discipline sub-board no further issues were raised. The College confirmed that they will not be changing the process but the relevant wording would be amended to reflect that a pre-employment check is carried out at the start of the process to establish if there is any existing evidence to suggest the individual is unsuitable for re-deployment.



- 6.3 Committee members were also informed that in line with regulations and after considering the concerns raised by the Committee the wording that reflects how long a staff member is held on the Barred and Advisory list would be amended to state that a member can be removed under specific circumstances.

DECISION: The Committee noted and agreed the process for reviewing entries on the Barred and Advisory list.

Item 7: The Future of the Professional Committee (Mike Cunningham)

- 7.1 The Chair opened a discussion with the Committee and informed them that there is ongoing work with the College Board in relation to its development and function and in line with this a number of questions had been raised about the Professional Committee. The chair added that he felt a review of the Committee was required not to change its direction but to clarify its role and this would be achieved through a review of the current membership.
- 7.2 Members welcomed the review and acknowledged the purpose of the Committee was to authorise and develop guidance and standards in relation to operational policing and workforce development to ensure that products developed are the best for policing.

DECISION: The Committee noted that a review of the Professional Committee would commence in due course.

Item 8a: College Business update (Mike Cunningham)

- 8.1 The Committee noted the College business update.

Item 8b: Chief Constables' Council Update (Martin Hewitt)

- 8.2 The Committee noted the update from the October Chief Constables' Council meeting.

Item 9: AOB

- 9.1 The Chair updated the Committee on the Judicial Review faced by the College against the entry routes into policing by Lincolnshire Police. The process of a judicial review has a number of stages and based on a paper review the judge refused to proceed to a judicial review. The judge's decision was made on the basis that Lincolnshire were outside of the time frame to make a challenge. Lincolnshire further took up the opportunity to have an informal hearing with a separate judge who also agreed with the ruling of the previous judge. The chair concluded by stating that he looks forward to welcoming Lincolnshire on board and will provide the necessary support and flexibility in timescales for implementation.

******MEETING CLOSED******



Professional Committee: Action Log

ACTIONS: 10TH DECEMBER MEETING

| NO | ITEM | ACTION | LEAD | | COMMENT |
|----|--|---|-----------|--|---------|
| 1. | Fast Track inspector to Superintendent Programme | The College to ensure that the Association of Police and Crime Commissioners (APCC) are included in the consultation process. | Ray Clare | | |
| 2 | Day One Recruit Assessment Centre | The College to consider the information security of assessment questions prior to wider roll out of the assessment centre | Jo Noakes | | |



Name of meeting: Professional Committee
Date of meeting: 03 March 2020
Item lead at meeting: Richard Bennett
Agenda item number: 2
Title of paper: **APP on post incident procedures (PIP) to be adopted following a death or serious injury (DSI) subsequent to police contact (DSI PIP)**

1. Issue

1.1. The publication of Authorised Professional Practice (APP) for DSI-PIP.

2. Recommendation

2.1. The Professional Committee is asked to:

- a) **Approve** the publication of the DSI-PIP APP (and associated training guidance material).

3. Summary

- 3.1 Inconsistency of UK police practice where a DSI following police contact occurs has repeatedly been subject of comment by the IOPC (and previously the IPCC). APP for such incidents resulting from the discharge of police firearms and CED (Taser) has existed for many years and is now embedded and well understood by those implementing, managing and subject of the procedure. Many forces are already applying the principles of this approach when managing other types of DSI incident.
- 3.2 In January 2019 the Home Secretary approved IOPC 'Statutory guidance for the police service on achieving best evidence in DSI matters'. This document is broadly consistent (albeit not identical) with the current armed policing DSI APP. The current absence of clear guidance for non-firearms DSI incidents presents a significant vulnerability for the police service.
- 3.3 The introduction of DSI-PIP APP will require an associated programme of training and awareness to ensure that all staff who may be subject of the procedure, or have specific responsibility within it, are fully aware of the implications.

4. Background Information

- 4.1 The introduction of DSI-PIP APP is consistent with the College objective of 'Setting standards for key areas of policing which help forces and individuals provide consistency and better service for the public'.
- 4.2 The DSI-PIP APP mirrors the procedural principles of armed policing APP, while recognising and accommodating the necessary operational and contextual differences. It provides guidance and direction intended to support the compliance of forces with legal and procedural requirements (including Article 2 ECHR obligations) describing the investigative considerations and obligations together with officer and staff welfare, responsibilities for key roles and the chronology and detail in respect of

accounts. It supports organisational learning and provides a scalable process which may be applied to any DSI circumstances and subsequent investigation, whether carried out by the force's professional standards department or by the relevant independent investigative authority.

- 4.3 The College carried out full public consultation (via the public facing APP consultation site) on the guidance between 3 July and 14 August 2018. The following were specifically made aware of the consultation:
- Chief Officers (via Chiefs Net);
 - NPCC leads for those areas of practice to which DSI incidents are most often related (firearms, CED, RP, pursuits, custody, response, call handling, public order, self-defence and restraint, MH, suicide prevention, and surveillance);
 - Home Office;
 - PFEW, Superintendents association and unions;
 - APCC;
 - IOPC.
- 4.4 The feedback and appetite for bespoke APP was positive however questions over its potential impact were raised by Professional Committee and consequently the DSI-PIP was circulated to regional Chiefs for their consideration. Chiefs were also supportive in principle but were concerned that the definition of a DSI could lead to the disproportionate implementation of the guidance with consequent increase in cost and operational impact. This was due to the definition of 'Serious Injury' including fractures and lacerations which are relatively common occurrences within forces.
- 4.5 Subsequently, in consultation with the IOPC, significant additional guidance and implementation criteria have been developed and included in the APP (see Appendix A). The criteria provides advice on decision making around implementing a PIP and including threshold criteria to inform the decision which are that:
- The injury suffered is/may be life changing for the injured person.
 - The injury suffered is/may be life threatening for the injured person.
 - The circumstances of the DSI require/may require the declaration of a critical incident (see APP-Critical Incident Management).
- 4.6 Other matters raised by some regions included; a request for materials to support the briefing/training of staff, a clearer focus on organisational learning and the involvement in Professional Standards Departments as they would be likely to be heavily involved in managing the DSI-PIP process.
- 4.7 The College has undertaken work to address these matters which includes the following:
- PSD leads were consulted in developing the implementation criteria and the development of training material.
 - Training guidance has been developed (see Annex B) and the small number of forces that have responded to consultation indicate that this guidance would be sufficient for forces to develop local training and awareness products consistent with APP.
 - The training for Post Incident Managers has included DSI-PIP and the implementation criteria since summer 2019.

- The College is working with the IOPC and Forces to develop a video to explain the DSI-PIP process.
 - The DSI-PIP has been amended in light of the feedback from Chiefs, forces and PSD leads and is now ready for publication (see Annex C)
- 4.8 There is significant external stakeholder interest (particularly from the IOPC, PFEW and the Home Office) in the implementation of appropriate guidance for DSI-PIP. All are supportive of a consistent approach to such incidents across policing and police forces.
- 4.9 The new conduct and complaint regulations came into effect on 1 February 2020 following parliamentary approval. These bring significant changes to simplify the complaints system and make dealing with misconduct more proportionate, encouraging a reflective and learning approach where appropriate. The College has reviewed the DSI-PIP to ensure that it is consistent with the new regulations which it also supports through its focus on an open and transparent investigation of the circumstances leading to a DSI and the search for organisational learning.

5. Annexes

Annex A. DSI-PIP implementation criteria

Annex B. DSI-PIP training guidance

Annex C. DSI-PIP APP December 2019

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Annex A. DSI-PIP implementation criteria

2.1.1 The implementation of a PIP

The decision to implement a PIP rests with the chief officer or delegated senior officer with overall responsibility. An injury that meets the section 29, Police Reform Act 2002 definition of a DSI and therefore requires referral to the IIA, will not always require the implementation of a PIP. It will depend on the nature and severity of the incident.

In the following circumstances a PIP must be given serious consideration in every case and implemented, unless it is clear that doing so would not add any value in terms of securing evidence or maintaining confidence in the investigation (see 2.1.2 Assessing the necessity and/or scale of a PIP).

- The injury suffered is/may be life changing for the injured person.
- The injury suffered is/may be life threatening for the injured person.
- The circumstances of the DSI require/may require the declaration of a critical incident (see APP-Critical Incident Management).

It may be appropriate to implement a PIP in other circumstances where an investigation is to be conducted and the procedure will assist the investigation.

2.1.2 Assessing the necessity and/or scale of a PIP

In assessing the necessity and/or scale of a PIP, the following may be relevant:

- The nature of the scene – what action, if any, needs to be taken to preserve it?
- The evidential retrieval that can take place:
 - Officers/staff personal initial accounts – do these need to be obtained/provided as soon as possible? Are there other evidential retrieval considerations in relation to the officers/staff, such as body-worn video, clothing, CED (Tasers), irritant spray, batons, handcuffs, and spit and bite guards?
 - What other evidence is there that needs to be obtained/preserved, such as forensics, in-car footage and IDR downloads?
- The potential impact if evidence is not retrieved immediately. For example, could it be lost, overwritten or become less reliable?
- The potential impact on public confidence that a delay in evidential retrieval, in particular of witness accounts, could have?
- The staff welfare considerations.
- The length of time elapsed between police contact and police knowledge of the DSI.
- The nature and extent of direct police involvement in the DSI circumstances.

While this is not an exhaustive list of considerations, it may help in determining the value that a PIP would have in the subsequent investigation or assisting the officers and staff involved.

The decision whether or not to implement a PIP should be made by the chief officer or delegated senior officer in consultation with the IIA and should be recorded.

A guide to the authorised professional practice for post-incident procedures in death or serious injury (DSI) following police contact matters

The core principles, key roles and specific responsibilities associated with a DSI investigation



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Introduction

This guide is designed to assist police officers and staff who are involved in an incident where the death of, or serious injury to, a member of the public occurs following police contact (a DSI); or have a role or specific responsibility within the procedure to be implemented in those circumstances. It is intended to provide a summary of the information that is relevant to individuals, based upon that involvement, role or specific responsibility. The full procedure is explained within the authorised professional practice (APP) for **post-incident procedures (PIP) in DSIs following police contact matters (APP-DSI-PIP)**.

The **European Convention on Human Rights (ECHR) Article 2** imposes a duty on the state to conduct an effective official investigation when individuals have been killed or seriously injured as a result of the use of force by the police. The Articles of the ECHR are contained in the **schedule to the Human Rights Act 1998** and are therefore incorporated into UK law. The requirements under ECHR Article 2 are relevant and can extend to any situation in which a DSI occurs; during an incident or operation where police are involved, regardless of whether force is used.



This guidance is not applicable where a DSI results, directly or indirectly, from the discharge of a firearm or less lethal weapon by a police officer or member of police staff. There is a separate **APP for armed policing (APP-AP)** which incorporates a post-deployment procedure and is reflective of the specific requirements and considerations of that procedure.

Any DSI incident will be referred to the Independent Office for Police Conduct (IOPC). The IOPC has issued **Statutory Guidance to the Police Service for Achieving Best Evidence in Death or Serious Injury Matters** which should also be considered together with the APP- DSI-PIP. The key considerations within the IOPC statutory guidance are referenced where appropriate.

The guide has been divided into four parts in order to focus on specific roles and associated responsibilities. All police officers and staff whose role brings them into direct or indirect contact with the public could potentially be involved in a PIP, and should be aware of the content of **Part 1** of the guidance as a minimum, in order to understand the procedure. Those with other specific roles should be aware of the part of the guidance that relates to their role, together with the preceding parts (eg, FDOs should be aware of **parts 1–3** inclusive).

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A guide for chief officers and delegated senior officers with overall responsibility for the procedure



Part 1:

A guide for all officers and staff who may have direct or indirect contact with the public

Police officers/special constables/police community support officers (PCSOs)/control room and custody staff, and policing staff.

What is a DSI?

A DSI matter means any circumstances (unless the circumstances are or have been the subject of a complaint or amount to a conduct matter) in or as a result of a person's death or serious injury and:

- at the time of the DSI, the person had been arrested by a person serving with the police and had not been released, or was detained in the custody of a person serving with the police

or

- at or before the time of the DSI, the person had direct or indirect contact with a person serving with the police who was acting in the execution of their duties and there is an indication that the contact may have directly or indirectly caused or contributed to the DSI. This sub-category excludes contact that a person suffering the DSI had while acting in the execution of their duties as a person serving with the police.

A serious injury is a fracture, deep cut, deep laceration or injury causing damage to an internal organ or the impairment of any bodily function ([section 29](#), Police Reform Act 2002).

The circumstances surrounding a DSI **may not** involve the use of force by a police officer or member of police staff. Where reference to the use of force is made in this guidance, consider whether the specific guidance is relevant or applicable in those circumstances.

Where a DSI has resulted following police contact, it is in the interests of the public, police and everyone involved in the incident for all subsequent procedures to be open, transparent and demonstrate the integrity of all actions. There will need to be an investigation and the scope of the investigation is likely to be wide-ranging. It will include establishing the facts and drawing conclusions in respect of the DSI; the circumstances leading up to the DSI; and all the issues surrounding it, such as police activity, management and planning.

The procedure explained in this guide is designed to facilitate that investigation and ensure that the welfare needs of the officers and staff involved are appropriately considered.

When a DSI occurs, irrespective of whether force has been used, post-incident procedures ensure that investigations are conducted in a manner which:

- ensures the integrity of the legal process in respect of police action, persons arrested, or evidential material seized
- enables follow-up action related to any ongoing crime
- identifies any operational or safety-critical issues in respect of procedures, training or equipment used
- ensures individual, team and organisational learning takes place and is addressed locally and nationally, as appropriate.



Who will investigate a DSI?

Where there is an allegation or indication that direct or indirect police contact may have caused or contributed to a DSI, there is a statutory requirement for police forces in England and Wales to refer it to the IOPC. In Northern Ireland, the referral will be to the Police Ombudsman for Northern Ireland and in Scotland, the Police Investigations Review Commissioner (PIRC). These organisations are generically known as independent investigative authorities (IIAs). The Health and Safety Executive may also undertake investigations.

On receipt of a referral the IIA will decide how the incident will be investigated and who will conduct the investigation. Depending on the circumstances and the severity of the injury, the IIA may decide to leave the force professional standards department (PSD) to investigate.

The responsibility for securing evidence and taking appropriate action in an Article 2 investigation remains with the police service until the IIA takes over the investigation. The responsibility of the police force being investigated is to facilitate the investigation through, for example:

- identifying and preserving scenes and exhibits
- identifying immediately-available witnesses
- securing physical evidence
- providing experienced family or witness liaison officers.

What is a PIP?

Post-incident describes the period after a DSI, where the criteria for the implementation of a post-incident investigation have been met and an investigation into police action or inaction is to be conducted. It is not possible to identify or prescribe a time limit after which a DSI occurs and a PIP may be implemented. Any decision should therefore be based upon the circumstances and the nature of the investigation.

The associated procedure is scalable and, while all elements of the procedure should be considered, it may not be necessary to apply them every time. This will depend on the circumstances, significance and consequences of the event.

When will a PIP be implemented?

The decision to implement a PIP rests with the chief officer or delegated senior officer with overall responsibility. An injury that meets the definition of a DSI, and therefore requires referral to the IIA, will not always require the implementation of a PIP. It will depend on the nature and severity of the incident and injury.

In the following circumstances a PIP must be given serious consideration in every case and implemented, unless it is clear that doing so would **not** add any value in terms of securing evidence or maintaining confidence in the investigation (see **How do I assess the necessity and/or scale of a PIP** below):

- the injury suffered is/may be life changing for the injured person
- the injury suffered is/may be life threatening for the injured person

- the circumstances of the DSI require/may require the declaration of a critical incident (see **APP Critical Incident Management**).

It may be appropriate to implement a PIP in other circumstances where an investigation is to be conducted and the procedure will assist the investigation.

What is my role?

If you are involved in a DSI you are likely to be a witness or a key police witness (KPW).

Witnesses

Witnesses can be members of the public, police officers, police staff or other emergency responders acting in their professional capacity who have witnessed the incident (whether by sight or sound).

Key police witnesses (KPWs)

KPWs are police officers or staff who can give direct evidence of the DSI, or the circumstances leading to it. This definition is flexible, and must be interpreted according to the particular circumstances. KPWs may include those:

- who were at the scene and in contact with the person(s) deceased or seriously injured
- who immediately witnessed the incident
- who authorised, commanded or supervised police action
- who provided tactical advice.

As the investigation unfolds, others involved in the police operation may become KPWs.

In the initial stages of the investigation, all actions taken by witnesses and KPWs must be noted and carefully documented. These actions will include:

- securing evidence
- any discussion undertaken between witnesses and other persons
- any account given or facts recorded of the incident.

Prior to any KPWs providing accounts of what has happened, officers should:

- secure relevant exhibits
- address welfare, including offering medical and legal advice.

Do I have any specific responsibilities?

Every police officer and member of staff who is involved in a DSI has a duty to act with integrity and to comply with the force policy and APP that is relevant to the incident and the subsequent PIP. Where an officer or member of staff has concerns that the integrity of the process is not being maintained, they must immediately address the person in charge of the post-incident process and ensure their concerns are documented.

For a witness or KPW in the DSI incident, who has no supervisory responsibility, this duty will primarily relate to providing their account of the incident and complying with the guidance about conferring with others who are involved in the incident. This will be explained in more detail within this guidance. Police officers and staff should ensure that all activity is transparent and capable of withstanding scrutiny.

Each individual police officer and member of staff involved in the incident is responsible for ensuring that any information relevant to the investigation is reported, recorded and retained. This information should include each individual's observations relating to the incident and any accounts received from witnesses. Once those involved have been able to make their initial accounts, the PIM will make arrangements to secure these accounts and make them available to the investigative authority.

Where a DSI has occurred the FDO must be informed immediately. The term FDO is used generically to describe the individual who is directly responsible for the force control room and has force command and control responsibility.

Key roles within the PIP

There are a number of roles with specific responsibilities within the PIP which are described in this guidance. These are:

- **Initial investigating officer (IIO).** Responsible for taking early steps in the investigation prior to (and in preparation for) handover to an appointed investigator from an IIA or other department.
- **Investigator from an IIA or force PSD.** Responsible for the independent investigation of the incident and ensuring that the stated ECHR Article 2 obligations are met.
- **Chief officer (or delegated senior officer).** Overall responsibility for the PIP, including the decision to implement the PIP and the referral to the IIA.
- **Force duty officer (FDO).** Responsible for ensuring that the necessary and appropriate immediate actions are taken to ensure public and staff safety, securing evidence and making decisions related to KPWs.

- **Post-incident manager (PIM).** Responsible for facilitating, managing and ensuring the integrity of the PIP. Chief officers must ensure that appropriately selected, trained, assessed and accredited PIMs are available.
- **Appointed officer.** Responsible for supervising the gathering of the officers' evidence and ensuring compliance with the guidance on conferring before their accounts are recorded.

There are some additional roles that may be relevant to a PIP for which specific responsibilities are not described in this guidance (eg, federation, staff associations, trade unions and legal advisers).

What should I do at the scene?

Where relevant, officers/staff should take all necessary and proportionate action to ensure that the incident is resolved and that the scene is safe. Officers/staff should remain operationally active until stood down. **Providing medical aid, where necessary, is a priority.**

In any DSI, the details of any persons injured or deceased (where known), should be reported to the control room and/or FDO as soon as practicable. Situational and safety-critical information should also be relayed as soon as practicable.

Where possible, and without compromising security of officers/staff and persons in the vicinity, action should be taken to secure the scene pending forensic examination, where considered necessary. The IIO, in conjunction with the IIA, will determine the extent to which the scene and potential exhibits needs to be secured.

Unless there is a safety-critical reason, do not remove police vehicles in which KPWs attended the scene without the express authority of the FDO or the IIO, in consultation with the IIA.

Where a DSI occurs, officers and staff are permitted, and may be required, to relay situational and safety-critical information to those involved in the ongoing management of the incident or operation. There are limits on what witnesses and KPWs can discuss, which will be explained in more detail within this guidance, and you will be reminded of the guidance in respect of conferring with others about the incident by a supervisor or the force control room.

What will happen to me?

As soon as is practicable after the scene is safe or has been secured, those involved in the incident should return to a police station or other suitable location for post-incident procedures. This location is often referred to as a 'PIP suite' and will probably be somewhere that the procedure can be held without unnecessary interruption. It may be a building that you are not familiar with.

In most circumstances it will be for the FDO or on-scene supervisor (if present) to manage the scene and coordinate your transport to the PIP suite. This will assist in preserving the scene and enable officers and staff to attend to post-incident issues, including those of evidence and welfare, in a structured and sensitive manner.

Once the decision is taken to implement a PIP, a PIM will be appointed. The PIM will manage the process and ensure that your welfare is fully considered while the investigation into what has happened takes place. When you arrive at the PIP suite you will receive a briefing from the PIM who will explain what will happen next and support you through the procedure. The procedure may vary depending on the nature of the incident you have been involved in. You will be given the opportunity to consult representatives of your staff association or trade union as soon as practicable, and if it is appropriate and necessary, legal advice will be made available

to you. This is normal procedure and is not necessarily an indication that you have done anything wrong.

This legal advice is generally provided by your staff association or trade union; if you are not a member there is no obligation for them to do so.

Subject to any legal or medical advice, you will be required to at least provide a personal initial account of the incident before you go off duty. It may be appropriate, in the circumstances, to provide a full statement or detailed account; you will be advised and supported during this process by the PIM.

The purpose of the personal initial account is to record the witness' role, what they believe to be the essential facts and should outline their honestly held recollection of the circumstances, including their use of force if force is used. Detailed accounts may be made later.

Can I discuss what has happened (conferring)?

Officers and staff should not confer with others before making their accounts (whether initial or subsequent detailed accounts). It is important that KPWs individually record their honestly held recollection of the circumstances. Therefore, there is no need for them to confer with others about what was in their mind at the time of the incident. The recall of witnesses can be affected by hearing the accounts of others.

This guidance should not prevent any officer/staff member from relaying operational or safety critical information to those involved in the ongoing management of the incident or operation. If there is a necessity to provide such information to another person then, in order to ensure transparency and maintain public confidence, the fact that conferring has taken place must be documented, highlighting:

- the time, date and place where conferring took place
- the issues discussed
- with whom
- the reasons for such discussion.

You should be reminded of the guidance in relation to conferring by a supervisor as soon as possible after the incident. Depending on the nature and seriousness of the incident, a staged approach may be applied to the accounts that you give. The four stages for the provision of accounts, from the initial verbal account to detailed written statements, is explained in the APP and will be managed by the PIM.

You should also avoid discussing the details with officers and staff not involved in the incident, unless there is an operational imperative to do so. This is to prevent rumours and to protect the identity of those involved.

Part 2:

A guide for supervisors whose staff may have direct or indirect contact with the public

Supervisors should have read **Part 1** of this guide to gain an understanding of the procedure and the associated roles and responsibilities.

Do I have any specific responsibilities?

Your normal responsibilities as a supervisor remain unchanged. Where a DSI occurs and you are in a position to do so, you have some specific responsibilities within this procedure. The officers and staff that you supervise may have just been involved in a traumatic incident, and you may also be involved and affected. It is important that you provide an appropriate level of support and direction, and discharge your responsibilities both as a supervisor and in respect of the PIP.

The FDO has a number of responsibilities and things to consider. Due to the likelihood that they will be remotely located, they may delegate some of those responsibilities and actions to you. You may therefore wish to familiarise yourself with the responsibilities that the FDO may delegate to you. Your specific responsibilities listed in the APP are:

The incident supervisor (where relevant):

- remains operationally active until stood down
- reminds officers/staff of the guidance in respect of conferring, where practicable
- ensures that the scene is protected and that evidence is preserved until the IIO arrives
- liaises with the IIO and, where necessary, with the crime scene investigator.

What should I do at the scene?

Depending on the DSI circumstances, it may not be possible to immediately identify a specific scene or for you to attend. Where a scene is identifiable, you should take steps to ensure it is protected and that evidence is preserved until the IIO arrives. Where practicable, you should remind officers/staff of the guidance in respect of conferring and liaise with the IIO and, where necessary, with the scene of crime officer. If you are not able to attend the scene you should inform the FDO and, if appropriate, delegate responsibility for scene management to an appropriate officer or member of staff. Where this is necessary you should provide an appropriate and clear briefing. The rationale for any decisions or action taken in respect of the scene management should be recorded.

Safety critical debriefing

Where a DSI has occurred, an early debrief should be considered where potentially time-critical safety issues have been identified. Where such a debrief is being considered, prior to the provision of KPW accounts, the IIA should be consulted. You are likely to have a role in this process and you will receive guidance from the PIM.



Prior to officers/staff finishing duty, you should consider if there are any outstanding issues that need to be addressed. Specific issues directly related to the PIP will be addressed by the PIM, and your responsibility will therefore predominantly be related to welfare or logistics for example, are staff able to get home? Do they need additional support? What arrangements are in place for subsequent duties?

Part 3:

A guide for force duty officers (those with direct responsibility for the force control room, and has force command and control responsibility)

FDOs should have read **parts 1** and **2** of this guide to gain an understanding of the procedure and the associated roles and responsibilities.

Your role in a PIP is pivotal to achieving an effective procedure. The PIM is also trained and accredited for their role and will be able to provide you with advice where necessary. Depending on the nature and scale of the DSI incident, you may have to dedicate your time to discharging your responsibilities and will therefore need support in terms of your core duties.

Do I have any specific responsibilities?

Your specific responsibilities listed in the APP are:

The FDO:

- remains operationally active until stood down
- reminds officers/staff of the guidance in respect of conferring, where practicable
- ensures that the scene is protected and that evidence is preserved until the IIO arrives

- considers the safety of the public and police personnel, and the immediate welfare of casualties
- considers which officers/staff are to be treated as KPWs (in conjunction with the chief officer or delegated senior officer, IIO and PIM)
- considers whether KPWs need to be separated
- ensures the transfer of officers/staff to the post-incident location
- establishes the facts of what has taken place and ensures all relevant information is recorded
- informs the force chief officer (or delegated senior officer) of the incident
- determines the rendezvous point for incoming resources
- briefs and formally hands over to the IIO
- briefs the force chief officer (or delegated senior officer)
- ensures that KPW(s) staff associations/trade unions have been notified by the PIM.

Further information in respect of these responsibilities is provided within this guidance.

What are the criteria for post-incident investigations?

Post-incident investigations will commence in all situations where, following contact with the police, a DSI occurs (these will ordinarily be subject to mandatory referral to IIA). Where a DSI occurs but the person was not in police custody at the time, and there is no indication that contact with the police has caused or contributed to the DSI, it may not be necessary to refer the incident to the IIA. In these circumstances the IIA should be consulted.



Incidents which have revealed failings in operational command or supervision, or have caused danger to officers, staff or the public should be referred to the IIA as a voluntary referral. If the above criteria are not met, the force should still consider the proportionate application of these procedures, where appropriate.

Where a post-incident investigation is to take place, and the matter is subject to referral to the IIA, the IIA should be provided with sufficient information to determine whether an independent investigation is required, as soon as practicable. Further information given to the investigative authority should include the action taken and arrangements made for them to commence a post-incident investigation. It is for the IIA to determine the nature of the investigation and the extent of their involvement.

A referral to the IOPC, and a subsequent investigation, does not necessarily mean that a PIP is required.

Will I be informed of the incident?

Where a DSI occurs, you must be informed as soon as practicable. This notification may be provided by radio or telephone communication (eg, from an officer or member of staff at the scene of the incident). The information provided should be sufficient to provide you with a situational report that will enable you to manage the ongoing incident, discharge your post-incident responsibilities and inform the IIA about the incident.

There may be circumstances where it is critical, for operational or safety reasons, for officers/staff to provide more detailed information of events that took place at an earlier stage. This could be to address issues associated with a person who is now in custody or in relation to an ongoing criminal investigation, for example, where a person was not arrested at the scene.

How do I assess the necessity and/or scale of a PIP?

In assessing the necessity and/or scale of a PIP the following may be relevant:

- The nature of the scene – what action, if any, needs to be taken to preserve it?
- The evidential retrieval that can take place:
 - officers/staff personal initial accounts – do these need to be obtained/provided as soon as possible? Are there other evidential retrieval considerations in relation to the officers/staff, such as body-worn video, clothing, CED (Tasers), irritant spray, batons, handcuffs, and spit and bite guards?
 - what other evidence is there that needs to be obtained/preserved, such as forensics, in-car footage and IDR downloads?
- The potential impact if evidence is not retrieved immediately. For example, might it be lost, overwritten or become less reliable?
- The potential impact on public confidence that a delay in evidential retrieval, in particular of witness accounts, could have.
- The staff welfare considerations.
- The length of time elapsed between police contact and police knowledge of the DSI.
- The nature and extent of direct police involvement in the DSI circumstances.

While this is not an exhaustive list of considerations, it may help in determining the value that a PIP would have in the subsequent investigation or assisting the officers and staff involved.



You should brief the nominated chief officer, or delegated senior officer, who is responsible for the decision whether or not to implement a PIP, and who will be responsible for the overall procedure.

What should my initial actions be?

Following a DSI, you should initially establish what has taken place (including the extent of any casualties). You should also establish:

- Is any person injured? If so, are they receiving appropriate medical attention?
- Is there an ongoing threat to life, or operational imperative, that requires continued action from officers or police staff?
- Are there any new or emerging threats or risks outstanding to any person?
- What control measures are in place in respect of these threats or risks?
- Are there any critical operational safety issues that require immediate attention?
- Are any subjects at large? If so, what action is required to locate them?
- To what extent have the original operational objectives been met?
- What additional resources are required?
- Have relevant scenes been identified?
- What action is required to secure and preserve scenes and evidence?
- Has appropriate post-incident procedure been implemented?

- Have key police witnesses (KPWs) been reminded of the **guidance related to conferring**?
- Have staff associations/trade unions been notified?
- Have arrangements been made for handover to the IIO?
- Has the force PSD been notified?
- Has the force gold or critical incident commander been briefed?

Your responsibilities remain until you are relieved of them or the incident is brought to a conclusion.

The initial action taken by you should ensure:

- resources are adequately deployed, including medical aid, welfare, operational and technical support
- continuity of command of any ongoing crime-in-action
- integrity of process in relation to securing best evidence
- senior command and the IIA are notified of the event
- community impact is considered and, where appropriate, actions are taken.

When will the investigators arrive?

Where there is a delay in the arrival of an IIA or PSD investigator, you should decide how, and by whom, the scene should be managed and investigations commenced (for instance by appointing an IIO). You should speak to the IOPC by telephone as early as possible and seek direction regarding their investigation.



You will have a number of priorities to consider pending the IIA's arrival. Those will usually be:

- meeting any first aid and medical needs
- establishing the circumstances of the incident (see **provision of accounts**)
- managing and protecting the scene in order to maintain forensic integrity
- identifying witnesses
- identifying KPWs (see **Key police witnesses**)
- separating KPWs (if safe, necessary and practical to do so)
- identifying and securing exhibits
- identifying and liaising with the deceased's family (following consultation with the IIA)
- managing community interest, including the media
- considering measures to protect the identity of KPWs where appropriate (see **Considerations for the anonymity of officers and staff**).

Unless the immediate removal or seizure of evidence is necessary to prevent loss or deterioration, or to protect the public from harm, action should only be taken to preserve and control the evidence. Any other actions in respect of its recovery, removal or analysis should only be undertaken with the agreement of the IIA. Any action which is taken to prevent loss, deterioration or harm should be documented along with the justification for taking that action.

Considering separation

You should consider (in consultation with the PIM where practicable) whether officers/staff who are potential KPWs should be separated. The guidance related to separating officers and staff is explained below.

Appointing a scene manager

Appointing a scene manager should be a priority for you. The scene manager will be responsible for securing evidence, deploying forensic experts and ensuring forensic recovery in accordance with forensic strategy. Where practicable, this should be developed in consultation with the IIA.

Recording information

If and where any subject's weapons have been recovered, the person finding them should record this and relay the information to the person in charge at the scene. Where, for operational or security reasons, it has been necessary to take any action in respect of a recovered weapon, details of the precise procedures followed should be recorded.

As far as possible, the positions of officers and staff at the scene of an incident should be recorded. The incident may, however, demand the rapid movement of officers/staff. This could involve key actions being taken from more than one position during an event that is developing rapidly. Officers/staff may also become involved in detaining or searching a subject, and/or in providing medical assistance. In these circumstances, precise and accurate recall of where officers/staff were at each stage of the incident may not be possible.

Where there is an operational imperative to remove a person, vehicle or equipment from the scene at an early stage, the reason for this should be recorded along with their initial location, for the purpose of any future investigation.

Appointing an IIO

You should consider appointing an IIO to manage the investigation until the arrival of the IOPC or PSD. Where practicable, and depending on the seriousness of the injury, this should be an individual accredited to PIP level 3 (senior investigating officer) and any appointment should be made in consultation with the IIA.

Informing a PIM following an incident

The nominated chief officer or delegated senior officer should nominate a PIM. You are likely to have a PIM rota that will enable you to identify and inform the on-duty or on-call PIM of the incident.

Separating KPWs

As soon as it is known that a DSI following police contact has occurred, or is likely to, you should consider and decide whether KPWs should be separated to prevent conferring. Where practicable, this should be done in consultation with the PIM. The PIM or responsible chief officer will review, and may override any decision to separate KPWs, or may decide to separate them at a later stage, as appropriate. Officers/staff need not be separated as a matter of routine. The decision on whether or not to separate KPWs should be based on the consideration of three separate questions in turn:

1. Is separation safe?

Officers/staff should never be separated unless, and until, it is operationally safe to do.

2. Is separation necessary?

You may consider that separation is necessary to prevent conferring where there are reasonable grounds to suspect that either:

- a KPW has committed a criminal offence

- a KPW has committed a disciplinary offence

or

- this guidance is not being complied with and officers/staff may confer inappropriately.

Where there are no such reasonable grounds and where there are sufficient control measures in place to prevent inappropriate conferring (such as the presence of an appointed officer or representative of the IIO or IIA), separation is unlikely to be necessary.

3. Is separation practical?

If it is operationally safe to separate officers/staff, and if you decide that it is, you must consider whether it is practical to do so based on:

- the location of the incident
- the number of officers/staff who might need to be separated
- the resources available to achieve separation.

The decision-making hierarchy for separation

Safety must be the foremost consideration. Where separation is safe, necessity should then be considered. If both safe and necessary, separation may occur only where it is practical in the operational circumstances. For example, if separating officers/staff is practical but not necessary, it is not required. Separation should never occur when it is not safe under the circumstances.

Record keeping

The rationale for any decision to separate or not to separate KPWs should be recorded, together with the measures put in place to prevent conferring.



Part 4:

A guide for chief officers and delegated senior officers with overall responsibility for the procedure

Chief officers and delegated senior officers should have read **parts 1, 2 and 3** of this guide to gain an understanding of the procedure and the associated roles and responsibilities.

It is your decision whether or not to implement a PIP, and this should be done in consultation with the IIA who will be able to advise on the necessity of a procedure, depending on the nature of the investigation. Your decision and rationale should be recorded.

Do I have any specific responsibilities?

Your specific responsibilities listed in the APP are:

The chief officer (or delegated senior officer):

- remains in a position to maintain command until the strategic intention of the operation is achieved, or they are relieved
- continues to be available to the FDO if required
- has overall responsibility for post-incident procedures
- initiates the post-incident investigation (including informing the IIA)
- ensures that the investigation and welfare procedures are implemented

- appoints a PIM
- appoints an IIO
- assigns the appointed officer
- ensures that the KPWs are identified (in conjunction with the PIM, IIO, FDO and IIA)
- considers referral to the IIA
- subject to referral to the IIA, agrees the media strategy
- ensures that all relevant information is recorded.

You or a peer will have responsibility for ensuring that force/organisational policy and arrangements are in place to initiate a post-incident procedure when appropriate: This process should include:

- post-incident investigation (including informing the IIA)
- post-incident management.

Once the PIP is implemented, you have overall responsibility, however, you should not have been involved in the operational phase of the incident.

Nominating a PIM

Chief officers are responsible for ensuring PIMs maintain operational competence, by them regularly performing the role or actively participating in relevant continuing professional development. Forces should consider implementing an auditable period of shadowing, mentoring and performance review, as a means of achieving operational competence.

Most police forces and law enforcement agencies employ a PIM cadre or on-call arrangement. This ensures that an accredited PIM



is available to manage the PIP in the event of a DSI incident. Forces should consider the possibility of incidents crossing force boundaries and have appropriate joint operational force and regional protocols in place to deal with post-incident procedures. PIMs often perform their role as part of a PIM team, under the direction of an overall PIM.

Your obligations under the Police Reform Act

Where a chief officer becomes aware of a DSI matter relating to a person under their direction and control, the chief officer must take all appropriate steps for the purposes of **Part 2 of the Police Reform Act** to obtain and preserve evidence relating to the DSI.

This duty must be performed as soon as practicable after the chief officer becomes aware of the DSI. The chief officer should continue to take the steps they think appropriate to obtain and preserve evidence, until they believe it is no longer necessary.

The chief officer must take any steps, directed by the relevant IIA or local policing body, to obtain or preserve evidence (**paragraph 14B**, Schedule 3, Police Reform Act 2002).

Your initial actions

Following notification of the incident, you should make an assessment regarding command, coordination and police response.

You should also consider the strategic issues that need to be addressed in respect of the:

- incident
- family
- community
- police force(s) involved

- service-wide considerations.

Early consideration should be given to:

- the impact of the incident on the deceased's family and the community
- media management
- the nature of any debrief to be undertaken
- the requirement for an explanation and/or, where appropriate, an apology to the people affected.

The appropriateness and sequence of the above issues will depend on the circumstances and nature of the incident. If an independent post-incident investigation is to be undertaken, the appropriateness of any of the above considerations should be discussed and agreed with the IOPC or IIA.

Considerations for the anonymity of officers and staff

If there are specific concerns for the safety of KPWs and their families, anonymity should be addressed at an early stage. The PIM should ensure that action is taken to maintain anonymity, until it can be safely concluded that anonymity is no longer necessary.

Where there is a legal obligation for a KPW to provide personal details, such as under the Road Traffic Act, the implications should be discussed with the IIO and IIA. If there is any uncertainty, the PIM should approach you for advice. Any decision is likely to be reviewed by a gold group if convened.

It should be explained to officers/staff involved that anonymity may have to be lifted at some stage, for instance, because of a challenge in subsequent legal proceedings.

Measures to preserve the anonymity of KPWs include:

- maintaining a list of the names of officers/staff involved in the incident (which should be protectively marked, as appropriate)
- using anonymous references (eg, 'A', 'B' or 'C') at an early stage (with a list of such references compiled for inclusion in documents)
- securing and restricting access to systems and documents containing details of KPWs (with appropriate protective marking and other measures)
- removing officer/staff details and identity from communications and circulations, including media releases
- advising all officers/staff of their responsibility to maintain appropriate confidentiality
- advising the IIA, Crown Prosecution Service and other agencies that anonymous references have been used and requesting that anonymity be retained until the chief officer or the officer in question has had the opportunity to make representations.

Where a pseudonym is given to a KPW, this decision and the supporting rationale should be recorded. A written record of the KPW's real name and their associated pseudonym should be maintained. This process should be managed, and decisions regarding anonymity considered and ratified by you. Following your ratification, the force's PSD should provide a copy to the IIA, as soon as is practicable, and record the transfer of this information between named individuals.

Precautions should be taken to protect the officers/staff and their families from unwanted publicity. The PIM must ensure that, where

practicable, the KPWs and their representatives are informed of all media releases prior to their circulation, and are available to make representations on their behalf. This may prompt officers/staff to consider their families and others likely to be affected by a media release and allow them to make early arrangements to cater for any foreseeable problems.

Safety and welfare of officers and staff

The safety and welfare of officers and staff and, where appropriate, any information that might unintentionally identify officers/staff concerned with the incident should not be passed to the media. Preserve officer and staff anonymity, and, in addition, exercise sensitivity in completing internal force publications or reports concerning the incident. Care must be taken when using communications systems, including mobile phones.

The PIM will initiate an early threat assessment to determine whether there are any security issues that may affect any police officers or staff involved in the incident. This will allow the PIM to recommend that the force puts the appropriate control measures in place to ensure the safety of the officer(s) and staff and, where necessary, their families. An ongoing threat assessment process will continue until it is no longer required.

By their very nature, incidents resulting in a DSI, following contact with the police, attract public interest and can be highly emotive and stressful for all involved. As a consequence, the investigative function and the chief officer's duty of care to officers and police staff involved must be high priority. This also extends to welfare, including physical, psychological and medical support. Additionally, police staff associations and trade unions have arrangements for providing advice, support and legal advice to their members.

Updates regarding the progress of the inquiry

The Police Reform Act 2002 (England and Wales) requires that all interested persons should be kept informed of the progress of the inquiry. Where the investigation is being undertaken by the IIA, this will be their responsibility. Forces should put procedures in place to ensure that regular updates are provided. The host force should consider providing an ongoing PIM or force liaison officer (either full or part-time) to facilitate this.

Procedures for providing updates may include a meeting with officers/staff involved in an incident, as soon as practicable after it has occurred and, in any event, providing the officers/staff and their representatives with terms of reference of the investigation within 48 hours.

It will be normal for the IIA to brief the force concerned on the current status of the investigation, usually no later than 28 days after the incident.

Considering special leave or suspension from duty

Special or administrative leave may be granted to a KPW when appropriate. There may, however, be circumstances where such leave is not in their best interests. The individual, and their staff association or trade union, should be consulted.

Suspension from duty should not be routine. When it is necessary to suspend a KPW, this should be done in accordance with force policy. They should still be able to contact colleagues in the police service, provided this will not compromise any subsequent investigation, and they should continue to receive appropriate medical and welfare support.

Authorisation

An individual's authorisation to perform a particular role or task should not automatically be removed because of their involvement in an incident, nor should they be automatically excluded from training or other related duties.

The force should make an evidence-based assessment in consultation with the IIA, the force PSD and the occupational health advice provider, as to when officers/staff should be permitted to resume their duties.

A chief officer should regularly review, in consultation with the IIA, any decision to restrict or remove a KPW from their core role.

Media releases

Subject to any operational reasons, a cooperative and open-media strategy should be formulated in consultation with the IIA. A clear factual account of the incident should be provided at the earliest opportunity and great care must be taken to avoid compromising any subsequent judicial proceedings. Any media strategy should be formulated in accordance with existing protocols with the relevant IIA (eg, **media protocol between NPCC and the IOPC**).

It may be appropriate to share information publicly, prior to a decision being taken by the IIA regarding the requirement for an independent investigation. Such a media release may include:

- why something has been referred to the IOPC/reassurance that the incident has been referred to an independent body
- information and circumstances around a pre-planned or intelligence-led operation that has led to a referral to the IOPC or an IOPC investigation

- factually correct information about, for example, why police were in the area or numbers of police in the area
- commentary on any parallel criminal investigation by the police
- other matters impacting on local people or the wider public interest.

Once an investigation has been designated as independent or managed, the IIA will take the media lead in relation to its investigation.

About the College

We're the professional body for everyone who works for the police service in England and Wales. Our purpose is to provide those working in policing with the skills and knowledge necessary to prevent crime, protect the public and secure public trust.

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Name of meeting: Professional Committee
Date of meeting: 3 March 2020
Item lead at meeting: David Tucker
Agenda item number: 3
Title of paper: Development of Code of Practice – Digital Extraction

1. Issue

- 1.1 The College has been asked to develop a code of practice relating to the powers to process data obtained in a police investigation.

2. Recommendation

- 2.1 The Professional Committee is asked to:
- a) **Note** the development of this code.

3. Summary

- 3.1 A digital extraction code has become necessary to give certainty about the way in which digital data may be used when acquired as part of a crime investigation. Without this certainty there is concern that data obtained in investigations may be processed without the data provider being clear how this might happen. Absence of certainty about how digital data may be processed creates significant risk for police investigations.

4. Detail

- 4.1 The Digital Extraction Code is at an early stage of development. NPCC, CPS and the College are subject to Judicial Review concerning a 'digital extraction' form developed by NPCC.
- 4.2 The form was a response to a challenge from victims' groups that the police were acquiring digital material (mainly from mobile phones) from victims of crime and that the examination of devices was recovering far more information than was required for investigation purposes. Once acquired, much of this information was being disclosed to the defence in trials. Some cases revealed embarrassing and deeply personal information. Stories about disclosures were, it was feared, leading to victims failing to come forward to report serious offences, such as rape. The digital extraction form was intended to make clear: what information would be sought from a device; what would happen to that information; that consent was being sought to acquire the data; and the consequences if consent was refused.
- 4.3 The form has been interpreted by some victims' groups as an attempt by policing to acquire all information contained on digital devices of victims and to coerce them into providing their devices for examination.

- 4.4 It is hoped that a code of practice can make clear: police powers to acquire data; what will happen to data after acquisition; that consent is an iterative process, allowing it to be withdrawn if police wish to use data beyond the bounds of the original consent; and the circumstances in which police might resort to powers to acquire data against the wishes of a victim or witness.
- 4.5 The code can only address the way in which police process data. It cannot provide a power to acquire the data in the first place. The Home Office is examining this issue at the moment and early advice is that there is no suitable power to enable acquisition of victims' and witnesses' digital data. It is possible that the Home Office will develop primary legislation to address this gap. A code could work alongside primary legislation, setting out the requirements to supply clear detail about how information and evidence acquired under a new power will be processed by police.
- 4.6 The digital extraction code addresses some highly controversial areas and is likely to be required to be developed alongside primary legislation. Primary legislation may take 18 months to develop and this means that an interim solution, in the form of non-statutory guidance, may be required. Any guidance could then form the basis for a code.

5. Additional Matters

- 5.1 Currently, there are no resource implications. However, it is likely that additional resource will be required to write content and manage stakeholders. Discussions are taking place with the national policing lead about where this resource will come from.
- 5.2 There is likely to be disproportionate impact on women because they are most likely to be affected by the crimes to which the code will most often be applied. A full impact assessment will be undertaken.

Name of Director: Rachel Tuffin
Date of Director Sign off: 18 February 2020
Author name: David Tucker
Author job title: Faculty Lead – Crime and Criminal Justice
Author email: [REDACTED]
Author tel number: [REDACTED]



Name of Meeting: Professional Committee
Date of Meeting: 03 March 2020
Item Lead at Meeting: [REDACTED]
Agenda Item Number: 4
Title of Paper: Regulation 10 (Qualifications for appointment to a police force)

1. Issue

- 1.1. This paper provides an update on the proposed amendment to Regulation 10 (see **Appendix 1**) around the age requirements for appointment to a police force – to allow applications from candidates under the age of 18 years in order to take up appointment on reaching the age of 18 years.

2. Recommendations

- 2.1. The Professional Committee is asked to:
- a) **Note** the proposed amendment to Regulation 10 around the age requirement for appointment to a police force – to allow applications from candidates under the age of 18 years in order to take up appointment on reaching the age of 18 years.

3. Summary

- 3.1. Regulation 10(1)(c) of the Police Regulations 2003 provides that 'a candidate for appointment to a police force [...] must have attained the age of 18 years'.
- 3.2. Therefore, at this moment in time, a person who wants to apply to become a police officer must have attained the age of 18 years. The service feels that this could put them at a disadvantage compared to other employers, and it could mean that they lose out on potential candidates who have completed their compulsory education.
- 3.3. In September 2019, the Home Office (Police Uplift Programme) contacted the College to express their desire to progress (with College support) an amendment to Regulation 10 around the age requirement for appointment – to allow applications from candidates under the age of 18 years (and the completion of certain associated recruitment processes) in order that successful candidates can take up appointment on reaching the age of 18 years.
- 3.4. The Home Office are keen to progress this regulatory change as part of the Government's programme to recruit 20,000 more police officers across England and Wales, as this measure has the potential to create a wider pool of initial applicants.
- 3.5. The proposed regulatory change was presented to the College Regulatory Consultative Group (CRCG) (to agree to recommend) in February 2020.
- 3.6. The proposed regulatory change is scheduled to be presented to the College Board (to approve) and Workforce Coordination Committee (to note) in March 2020, and could potentially be laid before Parliament in June 2020.

4. Supporting Information

- 4.1. Regulation 10(1)(c) (as it was originally made) of the Police Regulations 2003 stated that 'a candidate for appointment to a police force [...] must have attained the age of 18 years 6 months'.
- 4.2. [Home Office Circular \(HOC\) 51/2003](#) (October 2003) provided policy (and guidance) on eligibility criteria for police recruitment and consistent recruitment practices. With specific reference to the age requirement for entry into the police service, the policy stated that 'applications should be accepted at the age of 18 for appointment at 18½'.
- 4.3. In September 2006, the Police (Minimum Age for Appointment) Regulations 2006 (in response to the Employment Equality (Age) Regulations 2006, and a recommendation from the Association of Chief Police Officers (ACPO) to the Police Advisory Board for England and Wales (PABEW) (see **Annex B**) amended Regulation 10(1)(c) to lower the age a candidate for appointment must have attained from '18 years 6 months' to '18 years'.
- 4.4. Due to the amendment to Regulation 10(1)(c) in September 2006 (and the resultant guidance), the distinction between 'application' and 'appointment' has been lost. Previous work undertaken by the College (and subsequent legal clarification) has identified that 'a candidate for appointment' encapsulates a person from initial application through to appointment to a police force, unless otherwise elucidated. Therefore, at this moment in time, due to the specific wording within Regulation 10 and the tenses applied therein, a person who wants to apply to become a police officer must have attained the age of 18 years.

5. Record of Consultation

- 5.1. Following the introduction of the Policing Education Qualifications Framework (PEQF) and the new initial entry routes into policing, particularly the Police Constable Degree Apprenticeship (PCDA), which it is anticipated would attract students at the end of their compulsory education or training, there have been a number of requests from forces to consider a potential amendment to Regulation 10 around the age requirement for appointment – to allow applications from candidates under the age of 18 years (and the completion of certain associated recruitment processes) so that, if successful, they can take up appointment on reaching the age of 18 years.
- 5.2. In May 2018, the CRCG requested more detail with respect to the proposed regulatory change (including whether this would have a significant effect on the number of initial applicants) and confirmation that forces who had requested the potential amendment were aware of the wider implications, particularly around safeguarding.
- 5.3. The proposed regulatory change was raised at the PEQF Implementation Reference Group (IRG) (May 2018). It was agreed that the British Transport Police (BTP) would share their recruitment process with the College¹, and that the proposed amendment would be raised at the Chartered Institute of Personnel and Development (CIPD) Police Forum in July 2018.
- 5.4. The College Selection & Assessment Team were consulted (May 2018) with respect to the wider implications of a potential amendment, particularly around safeguarding and assessment centres. This was not considered an issue as assessment centres are managed by trained staff who are vetted to Non-Police Personnel Vetting (NPPV) Level 2.

¹ British Transport Police (BTP) accept initial applications from candidates at the age of 17 year 6 months; however, candidates are advised that their application (if successful) will not be progressed until they have attained the age of 18 years, where they will need to complete the associated recruitment processes.

- 5.5. In July 2018, the proposed regulatory change was raised at the Equality Impact Analysis Working Group. The Association of Special Constabulary Chief Officers (ASCO) confirmed that any potential amendment would need to be applied to the Special Constables Regulations 1965.
- 5.6. In August 2018, the CRCG were updated on the progress being made with respect to the proposed regulatory change (including the establishment of the Age Change Working Group). It was reported that minimal quantifiable information was available to definitively ascertain whether this would have a significant effect on the number of applicants; however, datasets for births in England and Wales (provided by the Office for National Statistics) would appear to evidence a potentially viable pool of candidates between the age of 17 years 6 months and 18 years at the end of their compulsory education or training.
- 5.7. In October 2018, the Age Change Working Group surveyed a number of forces to determine the appetite for the potential amendment. Responses indicated a clear desire for regulatory change and that this should be progressed 'as soon as possible'.
- 5.8. In November 2018, the proposed regulatory change was raised once more at the Equality Impact Analysis Working Group. The members in attendance had no objections and viewed it as 'appropriate' in light of the PCDA.
- 5.9. The Age Change Working Group surveyed a number of police force recruitment and Human Resource (HR) leads (November 2018) to further determine the appetite for the potential amendment to Regulation 10.
- 5.10. In December 2018, the College offered to support a pilot to allow applications from candidates under the age of 18 years (and the completion of certain associated recruitment processes) in order to take up appointment on reaching the age of 18 years. The pilot consisted of four forces (Derbyshire Constabulary, Leicestershire Constabulary, Northamptonshire Police and Nottinghamshire Police). It was proposed that the pilot would run until October 2019, and it was anticipated that the force-led pilot would provide evidence to ascertain whether a potential regulatory change would have any measurable effect on the number of applicants; to date, minimal data has become available.
- 5.11. In September 2019, the Home Office (Police Uplift Programme) contacted the College to express their desire to progress (with College support) an amendment to Regulation 10 around the age requirement for appointment. Initial discussions between the Home Office and the College around the amendment identified an intrinsic relationship between the age and qualification requirement for appointment (Regulation 10(1)(c) and (ea), respectively).
- 5.12. The Home Office are keen to progress this regulatory change as part of the Government's programme to recruit 20,000 more police officers across England and Wales.
- 5.13. With the support of the Home Office (and their legal representatives), the proposed amendment to Regulation 10 has been prepared – to provide clarification around 'application' and 'appointment' (see **Annex A**).
- 5.14. In January 2020, the proposed regulatory change was raised at the PEQF IRG and Initial Policing Education Board (IPEB). The representatives in attendance supported the proposed amendment.
- 5.15. The proposed regulatory change was presented to the CRCG in February 2020, who agreed to recommend the amendment to Regulation 10 to the College Board. The staff association representatives in attendance requested that further consideration be given to the completion of certain recruitment processes, specifically to the testing of substance misuse and the potential for younger applicants to be exposed to recreational drugs.

6. Related Considerations

- 6.1. The proposed amendment to Regulation 10 will have an impact upon recruitment and the initial entry routes into policing, particularly the PCDA, which it is anticipated would attract students at the end of their compulsory education or training, and, with specific reference to the qualification requirement for appointment to a police force, the Degree-Holder Entry Programme (DHEP) and Pre-join Degree in Professional Policing (pre-join Degree).
- 6.2. From an equality and diversity perspective, the proposed regulatory change will allow the police service to more accurately represent and reflect the variety of backgrounds and cultures in the communities they serve.
- 6.3. In November 2019, College Legal Services were engaged to provide legal advice, specifically around consent and a candidate under the age of 18 years, and to support in the development of an Equality Impact Analysis (EIA).
- 6.4. With respect to the issue of consent, it is standard National Health Service (NHS) practice that people over the age of 16 years are entitled to consent to their own medical treatment, and that this position can only be overruled in exceptional circumstances. Therefore, it is reasonable to extend this position to a candidate under the age of 18 years (and over the age of 16 years) being able to consent to 'a sample of hair or oral fluid or urine to be tested' (Regulation 10(1)(i)).
- 6.5. With respect to diversity and inclusion issues, it is anticipated that there will be minimal or no impact across the protected characteristics and other characteristics pertinent to the local population (for example, socio-economic status).
- 6.6. Further (and continued) consideration will be given to potential (and developing) equality and diversity issues, for example, to ensure potential applicants understand both the psychological and physiological requirements and demands of the role², and to the impact an increased number of younger recruits could have on the police service.

Attachments

Annex A: Regulation 10 (Qualifications for appointment to a police force)

Annex B: Police Advisory Board for England and Wales – Meeting 19 January 2006

Name of Director: Jo Noakes

Date of Director Sign off: -

Author Name: [REDACTED]

Author Job Title: [REDACTED]

Author Email: [REDACTED]

Author Telephone Number: [REDACTED]

Lead at Board: [REDACTED]

² The Association of Chief Police Officers (ACPO) paper (see **Annex 2**) stated that 'the potential for Officers to be psychologically at risk, and the need for maturity to be able to rationalise and cope with distressing and stressful incidents is greater than in most occupations', and concluded 'the Home Office needs to take into account the potential inexperience and immaturity of young applicants'. This specific issue could be mitigated through the development of an improved (national and local) strategy for recruitment and selection.

Appendix 1: Proposed amendment ([...]) to Regulation 10

10.—(1) A candidate for appointment to a police force—

[(ba) must have attained the age of 17 years on application to a police force;]

(c) must have attained the age of 18 years [before being appointed to a police force];

(ea) must have a selected qualification or experience, within the meaning of paragraph (1A) [before being appointed to a police force];



Name of meeting: Professional Committee
Date of meeting: 3 March 2020
Item lead at meeting: David Tucker
Agenda item number: 5
Title of paper: Development of Codes of Practice – NLEDS

1. Issue

- 1.1 The College has been asked to develop codes of practice for the National Law Enforcement Database System (NLEDS). The code is being developed by the College on behalf of the Home Office NLEDS team because, following the establishment of the College, the Home Office has no general powers to issue codes of practice to policing. The College acquired the powers under Section 39A Police Act 1996 that had previously applied to the Home Secretary

2. Recommendation

- 2.1 The Professional Committee is asked to:
- a) **Note** the development of this code of practice

3. Summary

- 3.1 NLEDS is a large Home Office led IT project that will replace PNC and PND, enabling the joining of these currently separate databases. Both PNC and PND have codes of practice that apply to them, written by NPIA. As the functions of PNC and PND are taken over by NLEDS, there is a need for all codes to apply simultaneously. PNC and PND codes will be withdrawn once all functions have been taken over by NLEDS.

4. Detail

- 4.1 NLEDS, as a large government owned database containing vast quantities of personal data, has the potential to be used as a tool that enables better access to information and intelligence, thereby supporting more effective policing. However, unregulated use may lead to infringement of people's rights to privacy. A code of practice is required to make clear how existing legislation on processing of data applies to NLEDS.
- 4.2 The NLEDS project is supported by a large team and the development of the code has been undertaken on their behalf by an associate funded through the College. After initial queries about Home Office powers to issue codes to policing, the College has agreed to own the NLEDS code.
- 4.3 The code is at a late stage of drafting and has been presented at various College committees and boards, including the College Regulation and Consultative Group.
- 4.4 Professional Committee is being notified of the development of this code and that it will be owned by the College. Negotiations continue with the NLEDS team about how the requirements of the code can be applied to other, non-policing organisations that will have access to NLEDS. We are also seeking assurances about costs that may accrue to the College from ownership of the code, e.g. Judicial Reviews.

5. Additional Matters

- 5.1 There are no additional costs for the College in the development of the code. There are no EDI issues.

| | |
|----------------------------|---|
| Name of Director: | Rachel Tuffin |
| Date of Director Sign off: | 20 February 2020 |
| Author name: | David Tucker |
| Author job title: | Faculty Lead – Crime and Criminal Justice |
| Author email: | [REDACTED] |
| Author tel number: | [REDACTED] |



Name of meeting: Professional Committee

Date of meeting: 3rd March 2020

Item lead at meeting: Mike Cunningham

Agenda item number: 6a

Title of paper: College Business Update

1. Issue:

- 1.1 This paper provides an overview of current College activity.

2. Recommendation

- 2.1 Professional Committee is requested to:
- a) **Note** the highlight report of current College Business.

3 College Business Update

- 3.1 The update below provides an overview of the College's work. It is not an exhaustive list, but is intended to highlight the breadth and range of current activity across the College.

4. College Support for Operation Uplift

- 4.1 Funding of £5.5m has been secured for 2020/21 for the College to support the National Programme. In addition to the College programme team, Superintendent Gemma Ward has joined the College on secondment to provide focus and co-ordination both internally and with delivery partners and key stakeholders. College work to support the uplift programme is listed below:
- 1. **Uplift and Diversity** - Equality Impact Assessment guidance and templates are being used by each National Uplift Work stream and practical support is being provided through workshops to upskill the leads. Refreshed, user friendly Positive Action Guidance will be available to forces from March 2020. The **Attraction and Outreach Handbook and Hub** are being developed to support the attraction of underrepresented groups.
 - 2. **Associate Assessor Recruitment Campaign** - The College is recruiting an additional 310 Associate Assessors (increasing the national bank to 500) and 75 Assessment Co-ordinators, to support demand for assessment centres.
 - 3. **Increasing Capability and Capacity in Assessment Centres and Recruitment** - The College is doubling the Assessment Centre provision from February 2020 – by increasing the number delivered at the Ryton site and expanding the capacity of the current College estate.
 - 4. **Day One Assessment Centers** - Plans for roll out of Day One have been expedited to support the Uplift Programme. Delivery by the College will begin

in summer 2020 and rolled out to forces delivering assessment centres from the end of 2020. The Recruitment Workstream are developing a license to deliver Day One, to ensure standards are maintained across the service.

5. The College is supporting the **Learning and Development and Retention Workstreams** to ensure policing has the right skills and experience to train officers coming in as part of the Uplift. Including:
 - The need to provide an effective L&D pathway helping with staff retention.
 - Professional support for the Tutor Constable Role, given the requirement to increase Tutor numbers considerably with uplift. This will be delivered from March 2020.
 - A national specification for Widening Access programmes supporting entry to service via PC entry routes.
 - Utilisation of College-developed guidance on Recognition of Prior Learning under the PEQF.
 - Agree and establish the function of national Fast Track/Direct Entry programmes.

Crime and Criminal Justice Faculty

- 4.2 The first phase of **Accreditation of Undercover policing units**, self-assessment, has now concluded. All units have been provisionally accredited bar two that have been asked for further information. Validation visits will now begin.
- 4.3 The Judicial Review of **Hate Crime Guidance** has concluded. The judgement, handed down on 14th February, rejected the claimant's case against the College Operational Guidance but upheld the case against Humberside's application of the case in relation to the claimant. He has permission to appeal to the Supreme Court.
- 4.4 The College is working with **the Hillsborough Investigation** team and NPCC to organise two learning events in March and May to draw out lessons from the Hillsborough disaster.
- 4.5 The College has been accepted as a 'core participant' for the final sessions of **IICSA**, focusing on leadership.

Uniformed Policing Faculty

- 4.6 On the 14th January 2020 the Home Secretary published the revised College **Code of Practice for Armed Policing and Police Use of Less Lethal Weapons**. The Code had previously been reviewed by Professional Committee and subject to a public consultation during its development.
- 4.7 The new **Home Office conduct and complaint regulations** came into effect on 1st February 2020 following parliamentary approval. These bring significant changes to simplify the complaints system and make dealing with misconduct more proportionate. The launch of the regulations has been supported by the College through a press release, a jointly branded poster and the development of templates and process guides to assist forces in delivering reflective practice. The College has also delivered 22 one day training events across England and Wales through Sancus and are also developing an MLE training package for both the general policing audience and supervisors to support the regulation changes.
- 4.8 On 28th January the College hosted a conference on **Public Health approaches** to policing with representation from 36 forces across England and Wales, as well as Police Scotland and PSNI. The event shared emerging practices from across the 4

nations as well as hearing from College CEO Mike Cunningham and NPCC Lead [REDACTED]. The conference enabled the College to launch 7 new principles that underpin public health approaches and there was also a collective desire from attendees to establish a network of force leads to take this important area of work forward and support the sharing of practice and ideas in the future.

Workforce Development Directorate

- 4.9 **PEQF Update** - The figure below provides an update of the current status of **PEQF implementation**.

| Programme | Live as at 18 February 2020 | Total live by 30 June 2020 | Total live by 30 June 2021 |
|--------------------------------------|------------------------------------|-----------------------------------|-----------------------------------|
| PC Degree Apprenticeship (PCDA) | 19 forces | 25 forces | 36 forces |
| Degree Holder Entry Programme (DHEP) | 7 forces | 15 forces | 33 forces |

- 4.10 **Senior Leaders Hub** - The first module of the **Strategic Command Course** (Operational Leadership) ended on 7th February. It was extended to five weeks, to enable a greater depth of subjects to be covered and a better balance with reflective learning and plenary sessions. Chiefs agreed that the **Senior Leaders Hub** should facilitate national coordination of Chief Officer Appointments post the 2020 and will therefore be advertising 25 appointments following the SCC.
- 4.11 **Diversity, Equality and Inclusion** - The College and NPCC have undertaken an initial series of Peer Reviews of progress against the implementation of the national DEI strategy. A series of more targeted reviews will commence once forces have had the opportunity to conduct a self-assessment. The **Engagement** team is continuing the Your College events across the country and the College Awards will be presented at a Your College event in Durham in March. The College Ambassador programme continues to grow and ambassadors meet their engagement adviser on a regular basis.
- 4.12 The **Direct Entry Inspector and Superintendent** Evaluation papers have yet to be released, they are still under embargo. The HO has advised they no longer need to go through HASC, but they have to have an agreed slot with No10. They are unable to provide an approximate release date. As such the dates for consultation on the future of the schemes and seeking views on the introduction of a Fast Track Inspector to Superintendent Programme cannot be set.
- 4.13 **Pay reform** - The College continues to work with the National Reward team on enable pay reform. Chief Constables' Council agreed to focus pay reform on areas that enabled the 20K uplift, as such there is a delay on linking progression to competency which was the main dependency. It was also agreed that forces were not all in the same position in delivering meaningful and effective PDRs. In support of this the College work will focus on providing guidance and principles for PDR. Once a framework for pay progression is agreed, work on the Established Constable (identified as the potential second pay gateway) can be reconsidered.

Knowledge, Research & Practice

- 4.14 In December, the College launched a single online place where officers and staff across policing can submit their innovative ideas about how to improve policing. Almost 400 ideas have been submitted to date. In March, the College team will be organising the ideas into themes and will feed them into national programmes where appropriate and share them with national and local stakeholders.

Delivery Services

- 4.15 Work on the **Tutor Constable learning product** in support of Op Uplift is underway with Train the Trainer events planned.
- 4.16 **Undercover Advanced** – learning standards have been drafted and, after consultation with the practitioner group, will be circulated to the working group for approval. Work has commenced on the timetable for module 1 and associated learning materials
- 4.17 **Covert Monitoring Post** – An options paper for redesign was submitted to the working group in early February. Existing content will be updated and some new content will be introduced which incorporates some elements of the NCA version of the programme.
- 4.18 **Strategic Firearms Command and Strategic Public Order & Public Safety Command** maintenance work underway.

Author name: J [REDACTED]

Author job title: [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

Chief Constables' Council Minutes

Wednesday 15 – Thursday 16 January 2020, London

Security classification: Official
Authors: Susan Paterson, Richard Hampson, Ben Gasson, Cathy Willis, Steve Henry
Force/organisation: National Police Chiefs' Council (NPCC)
Date created 24 January 2020

Attendees

| | |
|--------------------------|--------------------|
| AC Martin Hewitt | NPCC Chair |
| CC Andy Marsh | Avon and Somerset |
| CC Garry Forsyth | Bedfordshire |
| CC Nick Dean | Cambridgeshire |
| CC Darren Martland | Cheshire |
| Cmsr Ian Dyson | City of London |
| CC Richard Lewis | Cleveland |
| ACC Andrew Slattery | Cumbria |
| CC Michelle Skeer | Cumbria |
| CC Peter Goodman | Derbyshire |
| CC Shaun Sawyer | Devon and Cornwall |
| DCC David Lewis | Dorset |
| CC Jo Farrell | Durham |
| CC Mark Collins | Dyfed-Powys |
| CC Ben-Julian Harrington | Essex |
| CC Rod Hansen | Gloucestershire |
| CC Ian Hopkins | Greater Manchester |
| CC Pam Kelly | Gwent |
| CC Olivia Pinkney | Hampshire |
| ACC Scott Chilton | Hampshire |
| CC Charlie Hall | Hertfordshire |
| T/DCC Bill Jephson | Hertfordshire |
| CC Lee Freeman | Humberside |
| CC Alan Pughsley | Kent |
| CC Andrew Rhodes | Lancashire |
| CC Simon Cole | Leicestershire |
| CC Bill Skelly | Lincolnshire |

| | |
|----------------------|-----------------------------|
| CC Andy Cooke | Merseyside |
| Cmsr Cressida Dick | Metropolitan Police Service |
| Sir Stephen House | Metropolitan Police Service |
| AC Nicholas Ephgrave | Metropolitan Police Service |
| AC Neil Basu | Metropolitan Police Service |
| AC Helen Ball | Metropolitan Police Service |
| AC Mark Simmons | Metropolitan Police Service |
| CC Carl Foulkes | North Wales |
| CC Simon Bailey | Norfolk Constabulary |
| CC Nick Adderley | Northamptonshire |
| CC Craig Guildford | Nottinghamshire |
| CC Winton Keenan | Northumbria |
| ACC Annette Anderson | North Yorkshire |
| CC Matt Jukes | South Wales |
| CC Steve Watson | South Yorkshire |
| T/CC Nicholas Baker | Staffordshire |
| CC Gareth Morgan | Staffordshire |
| CC Stephen Jupp | Suffolk |
| CC Gavin Stephens | Surrey |
| CC Giles York | Sussex |
| CC John Campbell | Thames Valley |
| CC Martin Jelley | Warwickshire |
| CC Antony Bangham | West Mercia |
| CC David Thompson | West Midlands |
| CC John Robins | West Yorkshire |
| CC Keir Pritchard | Wiltshire |
| CC Paul Crowther | British Transport Police |
| DG Lynne Owens | National Crime Agency |
| CC Simon Chesterman | Civil Nuclear Constabulary |
| Mike Cunningham | College of Policing |
| CC Iain Livingstone | Police Scotland |
| CC Andrew Adams | Ministry of Defence Police |
| Brig Vivienne Buck | Royal Military Police |
| Wg Cmdr Mike Dixon | Royal Airforce Police |
| Cmdr Dean Oakley | Royal Navy Police |
| CO Ruari Hardy | Guernsey Police |
| Cmsr Ian McGrail | Royal Gibraltar Police |
| CO Gary Roberts | Isle of Man Police |

In attendance for specific items

| | |
|----------------------|---|
| DCC Gareth Wilson | Chair, NPCC DEI Coordination Committee |
| Sir Craig Mackey QPM | Independent Reviewer, Serious Organised Crime |

| | |
|-----------------------|-----------------------|
| Supt Amanda Tillotson | Kent Police Service |
| William Keating-Jones | Sussex Police |
| ACC Jason Masters | Leicestershire Police |

In attendance

| | |
|--------------------------------|---|
| Robert Beckley | Commissioner, Greater Manchester Police |
| DCC Janette McCormick | Operation Uplift Programme |
| ACC Owen Weatherill | NPoCC Lead |
| Supt Bex Smith | National Crime Agency |
| Supt Dennis Murray | Northamptonshire Police |
| Damian Wrigley | States of Guernsey Police |
| Det. Supt. Charmaine Laurencin | NPCC Chief of Staff |
| Insp. Ben Gasson | NPCC Staff Officer |
| Richard Hampson | NPCC Senior Business Officer |
| Susan Paterson | NPCC Business Manager |
| Sherry Traquair | NPCC FOI and Decision Maker |
| Robert Hardware | NPCC Public Affairs Officer |
| Steve Henry | NPCC Business Support Officer |
| Lee Milton | NPCC Strategic and Risk Manager |
| Nicola Growcott | NPCC Senior Communications Manager |

10:00-18:00, 15 January 2020, London

OPEN SESSION

1. ATTENDANCE AND APOLOGIES

The Chair welcomed those present and the following tendered their apologies for this session of Council.

CC Simon Byrne – Police Service for Northern Ireland
 CC James Vaughan – Dorset Police
 CC Robin Smith – States of Jersey Police
 CC Lisa Winward – North Yorkshire Police
 Director Robin Wilkinson – Metropolitan Police Service
 CC Stephen Reid – The Ports Chiefs Police Association
 Scott McPherson – Home Office

2. MINUTES AND ACTIONS FROM PREVIOUS MEETING

The minutes of the previous meeting held on 2-3 October 2019 were agreed.

The minutes of the previous Extraordinary meeting held on the 27 November 2019 were agreed.

Action item number 3.1 – Chair’s Update (2 October 19):– CPOSA has commissioned a piece of work which is being undertaken by Neil Rhodes. It is hoped that this work will assist in presenting constructive options particularly for the Chief Constable and PCC relationship. The work is seeking to capture the learning from previous cases and is due to complete mid-February at which point the draft will be provided to Mr Rhodes, Mr Hewitt and Mr Cunningham to enable further discussion regarding next steps in terms of influencing for change. - **Action open.**

3. STANDING ITEMS

Chair's Update

The Chair welcomed visitors to Council. The following were congratulated on their recent appointments:

Cmdr Dean Oakley appointed as lead for the Royal Navy Police
Nicholas Baker appointed as T/Chief Constable for Staffordshire Police

A copy of the New Year Honours list has been circulated and the Chair expressed congratulations to all who received honours for their distinguished service:

Chief Constable Paul Crowther – British Transport Police awarded CBE.
Deputy Chief Constable Gareth Wilson – Ministry of Defence Police awarded QPM.
Chief Constable Mark Collins – Dyfed-Powys Police awarded QPM

The Chair encouraged forces to submit nominations for honours and stated that it is important that the impetus continues to come from the profession. This should include deserving community officers and PCSOs.

Bernard Julian-Harrington provided an overview of the current investigation by Essex Police relating to the refrigerated container incident. Their main objective is the dignity of the victims. He thanked all forces for their professional support. NPoCC have been liaising with Essex Police with mutual aid assistance and updated chiefs on the number of subjects arrested, on bail, or on extradition. All chiefs re-iterated their continued support for the investigation and the ongoing work for tackling modern slavery issues.

Andy Marsh suggested he would like to coordinate preventative activity globally as chair for the International Coordination Committee and the Joint International Policing Hub (JIPH).

The chair said a number of important issues have emerged since chiefs last met. The government has stated that policing is a priority and they are developing their agenda on this. He confirmed that reducing crime and criminality will be key policing areas. The chair explained that although we have funding for the uplift this won’t be the solution to other challenges such as public safety. Secondly, the chair had a conversation with the policing minister on the police force infrastructure and this is something that colleagues will have to consider this in the future.

The chair asked Martin Jelly for an update on the vetting position for the uplift. Martin Jelley explained that for some forces the increase vetting requirements will be challenging. There are some electronic solutions to assist in the vetting process. Half of forces are using a system called Corvette

which has additional functionality and those forces who don't have this system there is potentially some budget in the uplift program so that they can purchase. He also reminded chiefs there is a 90 day service level agreement with the contractor in Warrick to support forces with the vetting process including after care that their forces can access.

The chair updated chief indicating that the settlement figure will be released by the end of the month. Dave Thompson said there will be a fact sheet circulated to chiefs with communication lines and the uplift funding will move into the budget. He reminded chiefs that 120 million pounds efficiency savings still need to be made.

The settlement will be announced on the 22nd of January and there will be a teleconference for chiefs to discuss any issues emerging from this.

Chiefs discussed the funding formulae and Dave Thompsons said he would circulate the original paper that has the principles that were originally adopted by the NPCC. Chiefs agree that they need to agree a position and operate as one voice. The chair thanked chiefs for their involvement in the regional process said that the next critical budget consideration will be the spending review and chiefs need to agree what their priorities are going forward and discuss

ACTION: CC Jelley as NPCC lead for Ethics and Integrity Portfolio to write out to all chiefs on the uplift role for vetting

[REDACTED]

This redaction is due to s.43(2).

ACTION: NPCC office to set up teleconference call with all chiefs and the Home Office on the budget allocation/Government settlement

4. NPCC OPERATING MODEL AND VISION 2025-2030

The chair introduced the agenda item and explained that Police Crime Commissioners (PCC) have suggested that the word 'operational' should be included in the title. The chair wanted to confirm chiefs position on this. Chiefs were comfortable that the emphasis should be on influencing direction of travel and didn't agree that operational should be included. Chiefs agreed that design and delivery is their responsibility and accepted PCC provide direction on policy and financial strategy.

Additionally, chiefs felt it would be helpful to have clarity on the remit of PCCs and a further point was made around there being more than 43 forces to consider i.e. 62 forces including the NCA.

The chair said it is important that the NPCC demonstrates both a whole system approach for policing, what it is going to deliver and it should consult with PCCs on this. He then summarised the presentation explaining there was an emphasis on operational capability. He explained that coordination, collaboration and communication is key. The collaboration element focusses on chiefs working collectively resulting in making the most out of what we can deliver, which needs to be communicated very clearly.

The chair reflected on the NPCC's current working structure centrally and said we rely on hard work and discretionary effort. In order to deliver the challenges such as the 20k officer uplift the NPCC needs to have further capabilities to be correctly resourced. He explained the strategic hub has three main areas:

1. Strategic hub - a central resource that draws on key information to influence.
2. Decision making - positioning ourselves correctly to delegate, make decisions and set a direction of travel. The National Policing Board is a permanent structure that will give out actions and we need to be able to respond collectively and individually. There will be a board underneath this looking at performance and there will also be a Strategic Investment Board.
3. Capability – co-ordinating committees needs to be strengthened including getting clarity on the role of these committee.

The chair covered the capabilities that the strategic hub requires to develop the areas he outlined. The roles include performance and planning, strategic workforce and finance, engagement, communication, business support and policing futures. He explained that the hub would be a virtual entity so teams come together depending on their leads and it will take a whole systems approach.

The chair said that the focus should be on influencing the National Policing Board. Therefore creation of the strategic management boards which will be a subset of chiefs and they will make decision on behalf of the NPCC. Through these leads chiefs will get opinions across the UK policing but will also be able to progress work without having to wait for the quarterly Chiefs Council.

Chiefs made the following points:

- There was support from chiefs in principle and there need to be clarity about the delegation and derogation process for decision making is.
- The strategic hubs will needs to work closely with the MPS and NCA and build a collective narrative that is predictive and directive.
- The chair asked chiefs if they support the next stage of the model which is to produce a more detail proposal and bringing it back in April. Chiefs agreed this.
- Dave Thompson did suggest that waiting for April to agree funding for this maybe too late. Depending on the settlement it maybe that this work has to move more quickly.

DECISION: Agreement that NPCC has a role for influencing the national direction for policing and driving its progress.

DECISION: Council supports further work being undertaken on the development of the operating model business case and detailed design to be brought back to CCC in April.

5. POLICE AVIATION PROGRAMME OPTIONS

Rod Hansen and Jason Masters presented an update on the National Aviation Programme. They explained there were two options:

- 1) Standalone police air service model
- 2) Commercial partner model delivered by regions
 - National provider
 - Regional owner

The following points were covered:

- Agree a service offer for each region
- Funding direct costs of the service agreement
- There will be a fundamental change to NPAS
- Manage helicopter and aeroplane costs
- Implications of moving to a commercial provider (step 2)
- Fleet replacement remains an issue if continuing as an internal supplier
- London City Airport – Forward operating base (FOB)

A decision on a standalone police air service or seek to collaborate through a strategic partner needs to be made. John Robins commented that the report presented today was completed by a 3rd party advocacy partner on behalf of NPCC. The report focused on service optimisation, delivering against cost and issues around funding. He said fleet costs and pilot shortages still remain an issue and there still needs a discussion on the funding model and governance.

A number of chiefs commented on the positive work and the clarity provided by the report. The use of 24/7 drone coverage was discussed as the main change in use of air technology now. Chiefs discussed the regional structure approach and overall agreed the current model is not adequately governed.

Carl Foulkes raised concerns on the proposed levels of service for mid-Wales owing to geographical issues and these concerns were addressed. A further discussion is to be had with each region to fulfil the service that's required. NPAS inherited a network of legacy bases and there is a need to get the assets in the right locations and there are tactical issues.

Chiefs all agreed that a standalone police service model is not sustainable and the funding needs urgent consideration. Going forward there was support for collaboration with a strategic partner.

The Metropolitan Police Service (MPS) feels an operating base from London City does not meet their operational requirements. Money is a key considerations for the MPS however there is a desire to stay within the national framework and the MPS agrees there is a needs to move to the regional model eventually. The MPS is looking for a sensible financial framework and would consider exiting under the current arrangements.

Chiefs supported the view about stabilising costs, fleet and program delivery issues. Moving to a regional model would allow different regions to pay for the service that they choose and then receive. The majority of chiefs agreed a proposed funding model should be produced as soon as possible and brought back to Council and the NPAS strategic board.

The Chair said the national police air service is an important capability for policing and there is a recognition that a new strategy for police air support that meets the needs of police forces and takes advantage of new technology is required.

The ongoing work was widely supported by chiefs.

The following were agreed **DECISIONS** made:

- | | |
|--|--|
| RECOMMENDATIONS BASE CHANGES | - BASE CHANGES (Slide). Recommendations 1-11 -Will be second tier of conversations to be had. Further discussion with regions. Not signed off at this stage. Needs to be worked up in detail and costed within 3 months |
| RECOMMENDATIONS DRONES | - DRONES Recommendations 12-18 DRONES (Slide) Decision – ALL SUPPORT |
| RECOMMENDATIONS BLENDED SERVICE | - Jason Masters - Blended service –Right Assets –Right Job - BLENDED SERVICE (Slide) – Recommendations 19-23 Decision – ALL SUPPORT |
| RECOMMENDATIONS FUNDING MODEL | - Recommendations 24-28 - Jason Masters –boxes in yellow (24 & 28) Decision to be made by each region. Cost of delivery is 'x' - Remove ACS and replace with direct costs - 2020/21 decision needed - Recommendation 35: - There was general support for the direction of travel to ensure aviation expertise at Board level but not necessarily an independent chair lest that conflict with the obligations and responsibilities of a lead force CC and PCC (Recommendations are detailed below:) - Recommendation 36: Council agrees that Board membership should be broadened to incorporate industry experts and other key agencies. |

DECISION: Agreed recommended 3 stage approach:

1. Re-model NPAS to deliver services to regions, based on direct cost charging
2. Transition to commercial partner in place of WYP
3. Extend the partnership to other emergency services.

Chiefs did not want to include stage 3 at the present time.

ACTION: A 3-month (April) feasibility and cost study business plan of the preferred option was requested.

Sections 6, 7, 8, and 9 have been redacted under s.31 - Law enforcement.

6. SERIOUS ORGANISED CRIME (SOC) REVIEW

[REDACTED]

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7. OFFICER AND STAFF SAFETY

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8. RESPONDING TO A NEW GOVERNMENT (PART ONE AND TWO)

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9. REVIEW OF DECISIONS AND WRAP UP - See circulated decision and action table

[REDACTED]

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- I [REDACTED]
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10. REVIEW OF PAPERS FEEDBACK FROM THE REGIONS (papers for decision)

The Chair guided colleagues through the feedback from the review of papers.

10.1 Public Order Intelligence and Reporting Team Hosting Options

ACTION: Clarification on the hosting arrangements and need to establish line management control. Further discussions are also required with the Home Office.

DECISION: Agreed as an interim solution going forward.

10.2 Review of Roads Policing 2019

ACTION: NPCC Lead to respond back to the Eastern and East Midlands feedback.

DECISION: Forces agreed the position as an interim solution and to consider the feedback on the recommendations received.

10.3 National Uniform Managed Service (NUMS)

DECISION: Chiefs noted the paper.

10.4 NPCC Criminal Justice Coordination Committee Update

DECISION: Chiefs noted the paper.

10.5 Pensions Challenge Update

DECISION: Chiefs noted the paper which was covered off in item 11 on the agenda.

10.6 Police Regulations – Proposals on Resilience, Wellbeing and Diversity

DECISION: Chiefs agreed the paper.

10.7 Contact Management – Deaf Access to 999 and 101

DECISION: Agreed to progress the work forward with the national portfolio and refine based on the comments from the regions.

10.8 National Social Media and Digital Engagement Capability

DECISION: Chiefs did not support the paper. The chair of the NPCC Local Policing Coordination Committee will speak with the regions who provided qualified support and work with the regions who did not support the paper going forward to build on comments provided into the work.

ACTION: Paper will be re-submitted for the April Chiefs' Council meeting once the future of PRTB has been established.

10.9 National Standards for Workforce Data

DECISION: Agreed this paper will be part of the discussion around the NPCC operating model and provide capability to deliver this.

ACTION: The chair of Performance Management Coordination Committee to speak with Chair of Workforce Coordination Committee to explore options.

10.10 Gangmasters Labour Abuse Authority MoU for Exhibit Storage

DECISION: Before implementation by all forces the Chair of the Crime Operations Coordination Committee will speak with the South West on Arbitration issues and North East on feedback received.

10.11 Supporting the ongoing Implementation of Transformation of Police Learning and Development

DECISION: Chiefs supported the paper.

ACTION: Chair of the Workforce Coordination Committee to speak with East Midlands region to look at communication and provide clarification on some points.

10.12 Covert Body Worn Video (Armed Policing)

ACTION: Author of the paper to respond to feedback from the East Midlands and Eastern regions specifically on the points raised around costs, specification and timeline on the proposed final solution.

DECISION: Interim solution agreed moving forward.

10.13 Understanding Disproportionality in Police Complaints and Misconduct Cases for BAME Police Officers and Staff 2019

ACTIONS: Author of paper to speak with Eastern region on feedback provided.

Author of paper to liaise with complaints and misconduct lead.

DECISION: Agreed to explore options for next phase of development for work and bring paper back for CCC in July.

10.14 National Police Staff Networks

DECISION: Council accepts there is a need to identify suitable funding arrangements for national police staff associations.

DECISION: Council agreed to support the arrangement of funding for 'national associations' as an interim solution but with a view to look at longer term sustainable solution given the support already given to local staff network associations.

10.15 Volunteer Police Cadet – National Strategy 2020-2025

DECISION: Council agreed the implementation of the national strategy with a view to pulling together minimum standards for safeguarding principles for young people.

10.16 Future Allocation of National Charges

ACTION: Michelle Skeer and the NPCC finance coordination committee to explore options to potentially look at putting a limit (Ceiling) on the level of charge that would be considered under NRE.

DECISION: The majority of chiefs agreed that NRE would be the principle for charging going forward especially where there is a universal service or benefit. Chiefs agreed there would be matters of exception especially where the quantum of charging is high and other charging mechanisms may be more appropriate.

It was observed that Lincolnshire Police does not support this change in principle unless a further review takes place on the process of income distribution (per capital distribution)/cost allocation matters. (Please can you check that Martin H is happy to include this bit in the minutes and it's how he recollected it before publication)

10.17 National Staff Bank of PIP Accredited Investigators

DECISION: Chiefs agreed the approach and a number of forces have already agreed to pilot locally.

10.18 Targeted Equipment Interference Baseline and Capability Proposal

DECISION: Chiefs agreed the paper.

11. PAY AND REWARD

Matt Jukes was looking for chiefs to provide him with a mandate to progress pay and pension reform. He reminded chiefs that he asked the Policing Minister if pay reform was going to be taken forward by the government. From the minister's response it was clear that the Uplift program was the driving agenda for the police workforce strategy in the Home Office and pay reform was secondary to this. Matt Jukes explained that there is an extensive consultation being carried out with key stakeholders including police forces, the Home Office and other relevant stakeholders.

An area of concern raised by Matt Jukes is the capacity to deliver the Uplift program while pay reform is outstanding and this is because there are legal risks connected to pay reform and the pension challenge. He confirmed there will be a final declaration from the government on the 7th February on their position for the pension challenge. The government have issued an interim declaration which states that officers who joined the 1987 pension scheme before the transition period will retain the scheme benefits. The claimants for compensation will find out more in May 2020 and support will be needed to manage the process.

Matt Jukes summarised core pay reform, pay reward could be reprioritise.

- Prioritisation was covered and the key points were:
- Ensuring officers in hard to fill roles and retention is a priority.
- Where officers leaving the service on retirement, provision needs to be given to less experienced frontline officers who will take their place.

- Using pay in a targeted way to attract and recruit candidates with specific skills and knowledge.
- Addressing mid service staff losses with work around maternity, paternity and adoption.
- Subject to support early implementation of a 'brake' on pay progression linked to unsatisfactory performance.

Matt Jukes reinforced to chiefs the risk that parts of government, particularly in the treasury, will take the position that police pay should remain relatively unreformed. Therefore, chiefs need to demonstrate in the spending review process both value for money and productivity are linked to these reforms. He explained the next set of recommendations came from the benchmarking process, market data and force consultation included within the pack. Matt Jukes invited colleagues to feedback on any elements they had concerns with.

Matt continued to highlight that three quarters of forces are struggling to recruit sergeants. He suggested the following:

- Recommendation to remove first pay point for sergeants to create a meaningful step.
- Ability to use targeted payments that are index linked.
- Suggested a one-year payment increase of 2.5% and said this is affordable, that it is assumed in the Uplift plans and needs to be communicated to officers.

From the evidence based the proposal focusses on hard to recruit roles and retention - this should be at the core of the targeted scheme. Matt Jukes also raised a possible 'pay brake' process for unsatisfactory performers and suggested that there could be a halt on the pay progression of these officers if they are found to be under performing. Additionally, a pay and reward scheme could be developed to provide options around a front loaded 3 year pay reward.

Matt Jukes said he would start with a one-year submission unless chiefs felt a three-year period was their preference. The one-year submission would start at 2.5%. He said that chiefs should take a view today and then he would test affordability once the settlement has been announced.

The following points were made by chiefs:

- NCA could provide learning from their recruitment experience over the last three.
- Chiefs were supportive of a one year pay agreement but raised affordability as an issue including the uplift and said the NPCC needs to be competitive moving forward.
- The model for uplift is set at 2.5% and that should be reflective in the spending review.
- The new recruits coming from the uplift program have a wider range both in age and maturity compared to the existing profile of recruits within policing. Therefore, the starting salaries needs to be considered where recruits have additional skills and experience.

Martin Hewitt said the key point is the NPCC have a firm narrative around this and seek clarity on the government's narrative.

Matt Jukes raised home to work mileage claims and the inconsistency within forces. He would like to coordinate this on behalf of chiefs, providing a single response to the legal challenge and this was agreed by chiefs.

Matt Jukes said concerns from the regional feedback on maternity pay was affordability and how this links with police staff terms and conditions. He suggested that post settlement the final conditions can be tested and agreed.

Chiefs agreed this needs to be moved forward to send a positive message to staff. Additionally, Police officers and police staff should be treated equally showing value and respect to every individual. Additionally, paternity and adoption need to be included in this package.

Finally, chiefs agreed the following:

- Record, monitor and report working hours of Superintendents.
- Part time or compressed hours as Superintendents at 30 hrs per week, if they are consistently working 40 hr weeks they should be paid in full.
- Draft guidance to articulate between working hours and working time directive.
- Rest days should be used within 12 months, but forces can consider individual case by exception.

12. WORKFORCE SESSION

NPCC Diversity, Equality and Inclusion (DEI) – Diversity within the Executive Update

Gareth Wilson updated chiefs on progress and said that every force has been sent a link to the self-assessment tool kit. He encouraged chiefs to engage with this process as a way of ensuring forces were prepared for the HMICFRS inspection into DEI.

He said there has not been an approach from the Prime Minister to discuss diversity with the NPCC and this was disappointing. He said it was crucial the NPCC have an argument that government will find compelling and therefore is a pressing need to have an evidence base behind this.

Gareth Wilson asked chiefs to support the focus group work that he has commissioned on behalf of the NPCC by releasing staff.

Chiefs asked that the focus group include women from a BME background.

College of Policing (CoP) – New Developments on Day One Recruit Assessment Centre and Professional Committee Update

Mike Cunningham updated chiefs on CoP activity saying that the Uplift program is providing challenges. He said that the assessment tool Search is not adequate and there is a new assessment process piloted with the Met and Thames Valley Police. The results are positive and they are looking at rolling this out nationally.

He said that government is focussing on both the numbers and diversity element of the Uplift but it was important to ensure that there was the right quality of candidates. The selection process is not the solution to achieve a diverse work force but what comes alongside this. Tools will follow to assist forces and the implementation will begin in July and this will be rolled out over a 7 month period.

Finally he said they are coming out of consultation on the promotion process and could all chiefs feed into this.

13. BUDGET PAPERS FOR 2020/2021

- NPCC - agreed
- NPoCC - agreed
- ACRO - agreed
- NWCU - agreed
- NPFDU 2020-2022 - agreed

14. RESPONDING TO A NEW GOVERNMENT – SEE ITEM 8 ABOVE

15. ANY OTHER BUSINESS AND SUMMARY OF DECISIONS and ACTIONS - See circulated decision table (Richard H)

Gareth Morgan informed chiefs that the Strategic Command Course has syndicate director roles available for any chief officer who would like to apply at Assistant Chief Constable rank or above. All chiefs agreed to promote this good development opportunity within their respective forces.

The Chair requested all chiefs to register to attend the next APCC-NPCC Joint Summit on the 26-27 February.

The Chair commended Ben Gasson for all his hard work as staff officer to the Chair and support at the NPCC and wished him well in his new role with Thames Valley Police.

No other AOB's were recorded for the meeting.

DATE OF NEXT MEETING

The next meeting will be held on **22-23 April 2020**.