



Professional Committee

03 September 2019

Broadway House Conference Centre – Council Chamber 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
	Police Federation of England and Wales
Hayley Aley	Police Federation of England and Wales
Dave Bamber	Police Federation of England and Wales
Ian Miller	Association of Special Constabulary Chief Officers
Paul Griffiths	Police Superintendents' Association
Martin Hewitt	NPCC
Matt Jukes	NPCC
Simon Cole	NPCC
Stephen Mold	Northamptonshire Police and Crime Commissioner
Debbi Potter	Unison

Non-Voting Members	
Dan O'Mahoney	NCA
Andrew Tremayne	APCC
Helen Ball	Metropolitan Police
Val Harris	Metropolitan Police Trade Union Side

To present items	
Paula Light	Programme Lead Fast Track Direct Entry, FTDE
Richard Bennett	Uniformed Policing Faculty Lead
David Tucker	Crime & Criminal Justice Faculty Lead

Staff members in attendance	
Rachel Tuffin	Director of Knowledge Research&Education
Sharon Harrison	Staff Officer to Mike Cunningham
██████████	PSNI
██████████	Director of Policing Standards
Bernie O'Reilly	Director of Organisational Delivery and Change
Nerys Thomas	Knowledge, Research and Practice Lead
Helen Elderfield	Head of Corporate Governance
Jayshree Vekria	Portfolio & Programme Officer
██████████	Leadership Review Project Development Manager
Suzanne Caddell	Ethics Standards & Integrity Project Manager, Professional Development & Integrity
██████████	Evidence and Evaluation Advisor, Professional Development & Integrity
Sarah Colover	Senior Research Officer, Knowledge, Research and Practice

Invited Observers	
██████████	College Board Member
Giselle Cuffe	Legal Researcher

Apologies	
Alex Duncan	Police Federation of England and Wales
Jo Noakes	Director of Workforce Development

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 12th February 2019</i> <i>There was a single item agenda teleconference on 13 June</i> 	Mike Cunningham	Paper	11:00 – 11:10 (10 mins)

2.	College response to the recommendations of the Grainger Inquiry	Richard Bennett	Paper	11:10 – 11:25 15 mins
3.	Barred and Advisory list review process	Richard Bennett	Paper	11:25 – 11:40 (15 mins)
4.	Fast Track & Direct Entry.	Paula Light	Paper	11:40 – 11:55 (15 min)
Lunch				12:00 – 12:30 (30 mins)
5.	Direct entry diversity update	Paula Light	Paper	12:30 – 12:45 (15 mins)
6.	HMIFRCS & HMCPSI report on The police and CPS response to crimes against the elderly	David Tucker	Paper	12:45 – 13:00 (15mins)
7.	Hate Crime Update	David Tucker	Paper	13:00 – 13:15 (15 mins)
8.	<u>To Note:</u> a) College Business & CDG Update b) Chief Constables' Council Update	Mike Cunningham Martin Hewitt	Paper Verbal	13:15 – 13:20 (5 mins)
9.	Any Other Business	All	Verbal	13:20 – 13:25 (5mins)
<p align="center">Date of next Committee meeting: 10 December 2019 Broadway House Conference Centre, Tothill St, London, SW1H 9NQ</p>				



Title of Meeting: Professional Committee
Date: 12th February 2019
Time: 11:00 – 14:00
Venue: St Ermins Hotel, 2 Caxton Street, London, SW1H 0QW.

Attending Members	Organisation
Mike Cunningham (MC)	Chief Executive (Chair)
Sara Thornton (ST) & Simon Bailey (SB)	National Police Chiefs' Council
Dave Bamber (DB) & Hayley Aley (HA)	Police Federation of England and Wales
Paul Griffiths (PG)	Police Superintendents' Association
Ian Miller (IM)	ASCO
Helen Ball (HB)	Metropolitan Police
Will Pryce (WP)	APCC
Val Harris (VH)	Metropolitan Police Trade Unions
Apologies: Olivia Pinkney, Andy Rhodes, Caryl Nobbs, Stephen Mold, Nick Ephgrave, Simon Cole, Alex Duncan, Helen Elderfield, Giselle Lockett.	
Other Attendees: Paul Mills (PM), Scott Mills (SM) (for items 1 – 4 only)	
College: Rachel Tuffin (RT), Jo Noakes (JN), David Tucker (DT), Richard Bennett (RB), Paula Light (PL), Harbinder Dhaliwal (HD), Faye Bosworth (secretary), Jayshree Vekria & Tom Walters (observing).	

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

1.1 The minutes and actions from 12th December 2018 meeting were: **reviewed and agreed.**

1.2 ST asked for clarification on the next steps regarding item 8 of the previous meeting minutes on DSI-PIP APP. The Committee had recommended that further discussions take place at Chief Constables' Council, specifically looking at the cost and resourcing of implementation. RB stated that a set of criteria had been agreed in principle with the IOPC and would be shared with Chief Constables Council before implementation.

ACTION: The College will provide Chief Constables' Council with an opportunity to consider the criteria and threshold for deploying a post incident procedure following death or serious injury.

Item 2: Direct entry diversity update (Paula Light)

2.1 The Committee was updated on the programme of work initiated to increase the number of BAME candidates in direct entry programmes that was ongoing. As part of this, forces were running initial sift and selection processes locally and the College was providing candidate data to enable targeted positive action. Marketing had been revamped and an executive search partner employed to target underrepresented groups, efforts had also been made to increase the diversity of the pool of assessors.

2.2 The Federation welcomed efforts to increase the diversity of assessors but were concerned with the possible removal of the level six qualification entry requirement. They also suggested looking at a cost benefit analysis of direct entry in comparison to the fast track scheme to see which was producing better results in the most cost effective way. To increase the diversity of applicants, suggestions were made to target former police staff, the possibility of looking at collaboration with 'Police Now' and that it would be beneficial to drill down into why the assessor pool were declining to disclose their ethnicity. Suggestions



were also made to look at the possibility of using targets to increase diversity of candidates.

2.3 The Chair said that the College were undertaking an evaluation of the DE scheme which would include looking at value for money, appetite and take-up from forces and whether targets were a suitable option to use. The Committee would continue to be provided with regular updates on this critical programme of work.

DECISION: The Committee noted progress on actions taken to increase the number of BAME candidates in direct entry programmes.

ACTION: The College will provide Professional Committee with an update on the programme of work to increase the number of BAME candidates progressing through the direct entry programmes during the next reporting stage.

Item 3: Brexit impact (Richard Bennett)

3.1 The Committee was updated on Brexit planning and the College's role in ensuring public safety. The College was represented at both the International Crime Coordination Centre and the National Strategic Leads Brexit Steering Group (NSLBSG) and had its own Brexit Impact Group that had compiled a risk register. It was anticipated that the main impacts would be a requirement to support the promulgation of guidance and information; and support for police and partners in managing civil contingencies.

3.2 The Superintendent's Association suggested there was potential for an increase in hate crime and asked whether this was being managed. RB informed the Committee that this was being monitored by the NSLBSG.

DECISION: The Committee noted the update on Brexit impact planning mechanisms, including the College's own Brexit Impact Group's risk register.

Item 4: Police Information Notices & Early Harassment Notices (Paul Mills)

4.1 Members noted the update on the background, concerns and ambiguities in stalking and harassment notice schemes; as well as the range of interventions available. PINS had often been regarded as case or incident disposal, rather than notices and issued without consideration of offender behaviour and risk, prompting HMICFRS to recommend their abandonment in 2017. Since then, the National Policing Lead had surveyed all forces and determined that 80% had stopped using them, had not introduced an alternative and reported that no tactical options gap had been created.

4.2 The Committee was asked to consider delaying the roll out of EHN for 12 months to allow for an assessment of whether a gap would be created by the removal of PINs and whether EHNS would need to be introduced. The NPL stated that this would not take place in isolation as consistent advice and training for frontline staff was needed, in particular to help distinguish between the two offences and manage risk. Other work, such as a new NPCC/CPS protocol and an advice document for communication and frontline staff and investigators was ongoing and would be available shortly.

4.3 The Federation stated they were concerned for their members as a result of the inconsistent practice operating across the country and suggested the need for urgent



clarification of approach. DT stated that, in his view, he felt that the emphasis on stalking needed to be accompanied by a proportionate response to low risk harassment cases. He suggested the paper appeared to accept that warnings for minor harassment cases would still take place and could be recorded on force crime record systems. He felt that removing the process by which notices are managed could make the consequences feared more likely to happen. He believed that PINs were the symptom of the problem that the most tragic cases were not identified as being high risk, but were not the cause of the problem.

4.4 Members agreed that the focus should be on getting consistent evidenced based advice and training to staff as soon as possible to help differentiate between the two offences, allowing them to use their own professional judgement and was victim focused. Therefore, the Committee agreed that the roll out of EHNs could be delayed whilst looking at the most effective response to stalking and harassment as quickly as possible. It was agreed communication from the national policing lead and the College would be sent out to Chief Constables setting out the national position and to promote consistency of practice across forces.

DECISION: The Committee endorsed the position that the roll out of Early Harassment Notices be delayed for one year so that the National Policing Lead can assess the impact of the removal of PINs across the service and establish whether there is a requirement for EHNs to be introduced.

ACTION: The College and the National Policing Lead will write to chief officers informing them of the Committee's decision to delay the roll out of EHNs for one year to assess the impact of the removal of PINs.

Item 5: Guidance for changes to support regulation 10b governing re joiners (Paula Light)

5.1 The Committee was asked to approve guidance for the service on changes to the Police Regulations 2003 governing the recruitment of re-joining officers. Members were informed that the guidance will be a living document, updated as and when required to accompany the legislation. ASCO said that vetting returning officers who had lived and worked outside of the UK may be an issue for those re-joining the service and should be considered.

DECISION: The Committee approved 'Police re-joiners: Guidance on changes to Police Regulations' for publication.

Item 6: Advanced Practitioner (Jo Noakes)

6.1 The Committee noted ongoing work on the advanced practitioner scheme and provided views on the proposed approach to communication and consultation. The scheme, developed following the leadership review, provided an opportunity for lateral progression and was one of the four priorities agreed by Chiefs' Council. Learning from research into other sectors, the pilot evaluation and from ongoing engagement had informed the draft model that was piloted between March 2017 and August 2018. Before consulting on the model in March, the College will communicate with the service on the scheme at the end of February.



6.2 The Federation was concerned that the Scheme was linked to a yet to be implemented pay scale and felt that the benefits to the public and policing were not yet clearly visible. They also felt that there was lack of clarity around the role of assessors and what was expected of them and that feedback from officers on the scheme suggested there were still a number of challenges that needed to be worked through.

6.3 The Committee suggested that force readiness checks would be helpful to determine whether forces were ready for implementation. The NPCC also raised concerns around implementation timeframes and suggested that if the scheme was to be implemented properly a stronger push to support implementation was required. The Metropolitan Police Staff Associations felt that police staff were not gaining access to the same benefits under the scheme as officers and this should be addressed. The Chair reassured members that Advanced Practitioner would be kept on the agenda and outcomes from the formal consultation would be shared with the committee.

DECISION: The Committee noted the update on the advanced practitioner scheme.

ACTION: Committee to be informed of the outcome of the formal consultation on the development of the advanced practitioner scheme.

Item 7a: College business and Coordination and Development Group (CDG) update (Mike Cunningham)

10a.1 The Committee noted the College business update and the decisions from the most recent Coordination and Development Group meetings.

Item 7b: Chief Constables' Council Update (Sara Thornton)

10b.1 Members noted the update from the January Chief Constables' Council meeting.

Item 8: AOB

8.1 ASCO asked that the Committee discuss at its next meeting in June the decline in the number of people volunteering for the Specials Constabulary

8.2 The Chair thanked the Chair of the NPCC for her support and contribution to the Committee and wished her well for the future.

ACTION: The Chair of ASCO will provide a paper on the fall in numbers of special Constables to the next meeting in June.

****MEETING CLOSED****



Professional Committee: Action Log

ACTIONS: 12th FEBRUARY MEETING

NO	ITEM	ACTION	LEAD		COMMENT
1.	Minutes and Actions	The College will provide Chief Constables' Council an opportunity to consider the criteria and threshold for deploying a post incident procedure following death or serious injury.	Richard Bennett		
2	Direct entry diversity update	The College will provide Professional Committee with an update on the programme of work to increase the number of BAME candidates progressing through the direct entry programmes during the next reporting stage.	Paula Light		
3	EHNs / PINs	The College and the National Policing Lead will write to chief officers informing them of the Committee's decision to delay the roll out of EHNs for one year to assess the impact of the removal of PINs.	David Tucker / Paul Mills		
4	Advanced Practitioner	Committee to be informed of the outcome of the formal consultation on the development of the advanced practitioner scheme.	Jo Noakes		
5	AOB	The Chair of ASCO will provide a paper on the fall in numbers of special Constables to the next meeting in June.	Ian Miller		



Title of Meeting: Professional Committee
Date: 13th June 2019
Time: 11:00 – 11:30
Venue: Tele-conference

Committee Members	Organisation
Janette McCormick (Chair)	Director of Policing Standards
Debi Potter (DP)	Unison
Jo Strong (JS)	Police Federation of England and Wales
Dave Bamber (DB)	Police Federation of England and Wales
Ian Miller (IM)	ASCO
Stephen Mold (SM)	Northants Police and Crime Commissioner
Helen Ball (HB)	Metropolitan Police
Martin Hewitt (MH)	National Police Chiefs' Council
Matt Jukes (MJ)	National Police Chiefs' Council
Staff members in attendance	
Richard Bennett (RB)	Faculty Lead - Uniformed Policing
Kevin Nicholson (KN)	Firearms Specialist Adviser
Jayshree Vekria (JV)	Portfolio & Programme Officer

The June Professional Committee meeting took place via a short tele-conference call to discuss the below item as the usual meeting was cancelled. This was necessary to meet the deadline of the code being laid in Parliament before the summer recess. Both minutes and actions from the February 19 meeting will be considered at the September 19 meeting.

Item 1: Update on Code of Practice on Armed Policing and Police Use of Less Lethal Weapons

- 1.1 The Committee was updated on the new draft Code, which is a high level document that sets out the roles of the College, HMICFRS and Chief Constables in relation to armed policing and use of less lethal weapons. It has been developed by the College working with the Home Office and key National Police Chiefs' Council (NPCC) portfolio leads and has been subject to a public consultation.
- 1.2. The Chair flagged that there had been a slight amendment to the recommendation, in which the College were now looking to undertake wider consultation with regional chiefs and staff associations, before the code is submitted to the Home Secretary for consideration for laying before Parliament as a Code of Practice.
- 1.3 Both HB and MJ felt that the wider narrative of the code needed to be considered and the wording strengthened, in relation to its impact on the use of force data in minority groups specifically for young people and for post incident procedures.
- 1.4 The Federation welcomed and supported the code and welcomed the opportunity to respond to the consultation. DB suggested that it was worth considering making the PAB discipline committee aware of the changes to the code. DB agreed with the points raised by HB and MJ and added that an expansion on the wording in this section would be valuable.
- 1.5 The Chair concluded that the College would discuss the points raised with the Home Office in relation to the context and the impact on vulnerable groups and how this is



reflected in the code. The chair also confirmed that further consultation would be taking place with regional chiefs and staff associations.

ACTION: Further consultation with regional chiefs and staff associations to be carried out before circulating the code of Practice on Armed Policing and Police Use of Less Lethal Weapons following amendments as suggested. **Richard Bennett**

DECISION: The Committee supported the draft code of Practice on Armed Policing and Police Use of Less Lethal Weapons progressing to Regional Chiefs and staff associations, before submission to the Home Secretary for consideration for laying before Parliament as a Code of Practice.

The Chair thanked those participating in the call for their comments and feedback. There being no further business the meeting was closed at 11.27.

Date of next meeting: 3rd September 2019

Name of Chair: Mike Cunningham

Professional Committee: Action Log					
ACTIONS: 13 th JUNE MEETING					
NO	ITEM	ACTION	LEAD		COMMENT
1.	Update on Code of Practice on Armed Policing and Police Use of Less Lethal Weapons	Further consultation with regional chiefs and staff associations to be carried out before circulating the code of Practice on Armed Policing and Police Use of Less Lethal Weapons following amendments as suggested	Richard Bennett		



Name of meeting: Professional Committee

Date of meeting: 3rd September 2019

Item lead at meeting: Richard Bennett

Agenda item number: 2

Title of paper: **The Anthony Grainger Inquiry Report: College implications**

1. Issue

- 1.1 To report to the Professional Committee the recommendations arising from the Public Inquiry into the death of Anthony Grainger some of which have an impact on the work of the College.

2. Recommendation

- 2.1. Professional Committee is asked to:

- a) **Approve** the College's plan to address those recommendations arising from the Public Inquiry's report on the death of Anthony Grainger that have direct implications for the work of the College.

3. Summary

- 3.1 On Saturday 3 March 2012, shortly after 7pm, Anthony Grainger was shot dead in Culcheth by an armed firearms officer of Greater Manchester Police. This incident was subject to a Public Inquiry that took place in various stages over the period from July 2016 to February 2018. The Inquiry published its report including nine recommendations on 11th July 2018.
- 3.2 Of the nine recommendations (see Annex A) four (numbers 3, 5, 6 and 9) have direct implications for the work of the College.
- 3.3 The College is confident that recommendation 3, relating to the new Code of Practice for Armed Policing and the Police Use of Less Lethal Weapons, has been met. In respect of recommendation 6, the College is confident that the guidance and training relating to the use of Mobile Armed Support to Surveillance (MASTS) has been significantly enhanced prior to the publication of the report, and now meets the main recommendation. Further work is planned to address some operational and tactical observations contained in the narrative of the report.
- 3.4 The College has been asked by CC Andy Cooke to support the work of recommendation 6 which is around the collection, analysis and dissemination of intelligence for the purposes of planned armed deployments in line with College Armed Policing Authorised Professional Practice (APP).
- 3.5 The College will work with the NPCC to seek to establish if there is evidence to determine whether there should be a maximum permitted period of time for which

armed officers are permitted to remain on permanent duty as referred to in recommendation 9.

- 3.6 The Armed Policing team at the College are already fully committed with a significant workload. Accommodating the work to address the Grainger Inquiry recommendations will require prioritisation against these existing work streams.

4. Background Information

- 4.1 The terms of reference of the Inquiry were *'To ascertain when, where, how and in what circumstances Mr Anthony Grainger came by his death during a Greater Manchester Police operation, and then to make any such recommendations as may seem appropriate.'*
- 4.2 In particular the Inquiry examined the intelligence, decision making, command and control, weapons and equipment used, force policies and procedures and hours of duty of staff involved in the operation that led to the shooting of Mr Grainger. Many of these issues are covered in guidance and curriculum owned and published by the College.
- 4.3 The Inquiry heard evidence from a variety of witnesses including members of the College of Policing and the NPCC lead for National Armed Policing. The evidence heard covered guidance, training, policies and procedures that were in place at the time and changes that had been made subsequently.
- 4.4 The Inquiry sought to establish what further action needs to be taken to address the issues that were identified to have contributed to the death of Mr Grainger. The Inquiry made nine recommendations intended to address these gaps in policy and guidance. The narrative of the report also contains information that could contribute to improvements in the quality of College guidance materials and the College is reviewing the content to identify such information.
- 4.5 Recommendation 3 is that the Home Secretary should ensure that the new Code of Practice on Police use of Firearms and Less Lethal Weapons (LLW) contains an express prohibition on the use of a new weapon system by the police service until the approval process set out in the Code of Practice has been completed and the new system has been approved by the Secretary of State. The Home Office has been involved in the development of the draft Code which has been submitted to the Home Secretary for consideration of being laid before Parliament as a statutory code of practice. The draft code specifically addresses the authorisation process for new weapons systems including LLW and specialist munitions.
- 4.6 Recommendation 5 requires that Greater Manchester Police (GMP) designs and promulgates a written policy that specifically relates to the collection, analysis and dissemination of intelligence for the purposes of planned armed deployments within the meaning of the Armed Policing module of Authorised Professional Practice ("APP"). Although the recommendation is directed at GMP it is the opinion of the NPCC leads for armed policing and Crime that the work will be of national significance and would also require the support of the NPCC and College. Much of the recommendation is already met by existing policy and guidance but a thorough review is needed to ensure that all aspects of the recommendation are met and any changes promulgated.
- 4.7 Recommendation 6 pertains to the documents and training relating to Mobile Armed Support to Surveillance ("MASTS"). The College believes that the bulk of this recommendation has been addressed through recent changes to APP and the

National Police Firearms Training Curriculum (NPFTC). However we are reviewing these changes to ensure they fully address all aspects of the recommendation.

- 4.8 Recommendation 9 refers to whether there should be a maximum period of time during which authorised firearms officers (“AFOs”) are permitted to remain on continuous duty and, if so, should ensure that this maximum period is specified in national guidance. There is a great deal of variation between forces over the hours worked and shift patterns of AFOs. Although national armed policing previously had guidance on the maximum number of hours that should be worked current guidance does not specify a time limit. The College will work with the NPCC to seek expert advice and assess whether there needs to be some guidance in this area and the operational impacts if that proves to be the case.
- 4.9 The text of the report contains a detailed commentary on the evidence that the Chair heard during the inquiry. The College will examine the content carefully to ensure that any more minor issues of concern can be addressed appropriately in College guidance and curriculum.
- 4.10 The work to address the issues raised in the Grainger Report will be in addition to the existing College work streams some of which may either need to stop or be delayed if the Grainger related work is to take precedence following prioritisation decisions. Such work streams include the following:
- Work to support the assessment and approval of the T7 ‘covert’ Taser by the Standing Advisory Committee in the Medical Implications of Less Lethal Weapons.
 - The training of lead Taser instructors to support the roll out of additional Tasers to forces.

5. Annex

Annex A - Anthony Grainger Public Inquiry Report recommendations

Author name: Richard Bennett

Author job title: Faculty Lead: Uniformed Policing

Author email: 

Author tel number: 

Annex A

The Anthony Grainger Inquiry: Report in to the Death of Anthony Grainger

Chairman: His Honour Judge John Teague QC

Inquiry recommendations (Note that only recommendations 3,5,6,&9 require action by the College of Policing)

Recommendation 1: A national policing body should manage a national register of recommendations relating to armed policing, and the response to such recommendations, arising from Independent Office for Police Conduct (“IOPC”) reports, prevention of future death reports made in the course of inquests, and statutory inquiries concerning fatal police shootings.

Recommendation 2: Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (“HMICFRS”) should conduct a thematic inspection or inspections concerning:

- (i) the selection and training of officers authorised to use weapons requiring special authorisation (paragraph 2.3.1(b) of the Code of Practice on Police use of Firearms and Less Lethal Weapons);
- (ii) the selection and training of officers authorised to command incidents involving the use of weapons requiring special authorisation (paragraph 2.3.1(b) of the Code);
- (iii) the selection and training of officers authorised to provide tactical advice relating to the use of weapons requiring special authorisation (paragraph 2.3.1(b) of the Code);
- (iv) compliance with the Code and/or the Armed Policing module of Authorised Professional Practice (“APP”) relating to the police use of firearms (paragraph 2.3.1(c) of the Code); and
- (v) compliance with the Code and/or APP concerning the procurement and use of special munitions.

Recommendation 3: The Secretary of State for the Home Department should ensure that the new Code of Practice on Police use of Firearms and Less Lethal Weapons contains an express prohibition on the use of a new weapon system by the police service until the approval process set out in the Code of Practice has been completed and the new system has been approved by the Secretary of State.

Recommendation 4: The North West Armed Policing Standard Operating Procedure on Weapons and Ammunition should be amended so that it only permits the use of new specialist munitions that have been approved in accordance with the Code of Practice on Police use of Firearms and Less Lethal Weapons.

Recommendation 5: Greater Manchester Police (“GMP”) should design and promulgate a written policy that specifically relates to the collection, analysis and dissemination of intelligence for the purposes of planned armed deployments within the meaning of the Armed Policing module of Authorised Professional Practice (“APP”). While it will be for GMP to determine the specific content of such a policy (having regard, in particular, to regional co-operation arrangements), it must address:

- the use of intelligence in threat and risk assessments for planned armed deployments;
- where responsibility lies for the creation of threat and risk assessments for planned armed deployments;

- where responsibility and processes lie for the assurance of threat and risk assessments for planned armed deployments;
- the use of intelligence in briefings and presentations to authorised firearms officers (“AFOs”) in planned armed deployments;
- where responsibility and processes lie for the assurance of briefings and presentations of threat and risk assessments to AFOs in planned armed deployments; and
- where responsibility lies for training officers in the use of intelligence in threat and risk assessments for planned armed deployments and in the creation, assurance and presentation to AFOs of such assessments.

Recommendation 6: All documents and training relating to Mobile Armed Support to Surveillance (“MASTS”) should:

- clearly differentiate between MASTS as an operational method of supporting surveillance (and delivering a standard range of tactical options), and the additional tactical options of “intervention” and “interception” that MASTS trained authorised firearms officers (“AFOs”) can deliver;
- make clear that a MASTS deployment authorisation should not be taken to imply that “intervention” or “interception” are preauthorised or preferred tactical outcomes;
- note that decisive action by MASTS officers is a high-risk option and explain what factors lead to higher risks (for example, the presence of a subject inside a stationary vehicle); and
- make clear that the reasons for any strategic or tactical command decision in a firearms operation (including any decision to authorise such an operation) must be recorded at the time the decision is made unless it is impracticable to do so, in which case such reasons, together with a full explanation for not recording them at the time, must be recorded as soon as possible.

Recommendation 7: The National Police Chiefs’ Council (“NPCC”) should, in the formulation of policy, take into account that, when establishing the facts, discharging investigative obligations and ensuring openness and transparency following the discharge of a firearm by a police officer in the course of a pre-planned firearms operation, there are significant advantages in having:

- recordings of the communications of firearms commanders and authorised firearms officers (“AFOs”); and
- video recordings from the body-worn video cameras of AFOs and police vehicles involved in decisive action.

Recommendation 8: The National Police Chiefs’ Council (“NPCC”) should consider whether to recommend equipping unmarked vehicles used in Mobile Armed Support to Surveillance (“MASTS”) interventions with apparatus designed to identify to subjects that those conducting such interventions are police officers – specifically

- (i) the illumination of previously concealed blue lights on unmarked police vehicles; and/or
- (ii) integral loudspeaker systems that could be used to broadcast information or instructions outside such a vehicle.

Recommendation 9: The National Police Chiefs' Council ("NPCC") and the College of Policing should jointly decide, in the light of independent expert advice, whether there should be a maximum period of time during which authorised firearms officers ("AFOs") are permitted to remain on continuous duty and, if so, should ensure that this maximum period is specified in national guidance



Name of meeting: Professional Committee

Date of meeting: 3rd September 2019

Item lead at meeting: Richard Bennett

Agenda item number: 3

Title of paper: Barred List Review: Proposed Process Issue

1. Issue

- 1.1 As required by The Police Barred List and Police Advisory List Regulations 2017, the College must carry out the function of conducting Police Barred List Reviews. This paper proposes a process for such reviews and seeks the committee's agreement.

2. Recommendation.

- 2.1. The Professional Committee is asked to:
- a) **Note and agree** the process for reviewing entries on the Barred List and Advisory List as outlined, which will be supplemented by supporting guidance, templates and advice for both forces and applicants.

3. Summary

- 3.1 The paper derives from the implementation of The Police Barred List and Police Advisory List Regulations 2017, which established a duty on the College to consider requests from those on the list, after a defined period, to have their inclusion on the Barred List reviewed. This list is held and maintained by the College. The legislation establishes that it is for the College of Policing to define the review process and to be the decision maker. It provides for the College to consider representations from the applicant and from the local force concerned, and to consider the impact on public trust and confidence.
- 3.2 Section 7 (10) of The Police Barred List and Police Advisory List Regulations 2017 outlines that individuals may apply for removal of their barred status after 3 years, for those who have been dismissed as a result of gross incompetence, or after 5 years, for those dismissed for conduct matters. Thus the first reviews can be requested from December 2020 for gross incompetence and from 2022 for gross misconduct.

4. Background Information

- 4.1 This paper outlines the process for how those who would be removed from the barred list would apply for the review, as well as how Forces and the College propose to run the process and who is responsible for each step. Also attached with the paper (annex b) is a flow chart outlining the action owners for each part of the process.

- 4.2 The paper has been produced following significant research into the processes adopted by other agencies with similar responsibilities e.g. (Teaching Regulatory Agency; Solicitor Regulatory Agency) and consultation with the Barred List Review Board, which has been meeting quarterly since the implementation of the legislation in December 2017 and which includes representation from College legal, the Data Protection and FOI Manager and the Home Office Police Integrity Unit. It has been reviewed by College legal and is considered legally-compliant. This proposal is supported by the Barred List Review Board.
- 4.3 The proposal outlines that, although the College is the final decision maker, recommendations would also be required from the police force that dismissed the individual, supported by a pre-screening vetting process. The legislation is clear that the test to be applied is regarding suitability to return to policing, and thus vetting is critical to this process
- 4.4 The proposed process has also been determined following work and consultation with the NPCC PSD & Ethics portfolio, and in particular the vetting community. It has been tested via a table-top exercise attended by a number of Head of PSDs and vetting assessors.
- 4.5 Members of the NPCC PSD & Ethics meeting chaired by CC Jelley were provided with a copy of this paper in June 2019 and comments were requested back by July 2019. It has also been circulated widely to the PSD community via the Vetting, Ethics, Compliant and Conduct and Counter-Corruption portfolios.
- 4.6 Only the Police Federation have communicated any concerns regarding the proposals; concerns that are also supported by the Police Superintendents Association. However, some of these concerns do not appear to recognise the responsibilities as already established by the 2017 legislation. Attached (annex c) is an excel sheet outlining all of the Federation/PSA concerns and the proposed College response. It is not considered necessary to alter the proposal based on the majority of the comments received, other than it is accepted that the use of the word 'exceptional' was too strong at para 3.1 and this has been amended to 'appropriate'.
- 4.7 Among the Federation concerns is the absence of an 'appeal' process to the review decision. The matter of appeal had already been considered in some depth by the Barred List Review Board and was a specific question put to both the Home Office and College legal. Given that the review process itself is a form of appeal, that there is two-stage process involving both force recommendations and then the College decision; and the opportunity for further reviews to be requested in line with the time-frames set out by the legislation, the advice is that a further appeal is not required and is not appropriate.
- 4.8 The request of the Federation for the paper to also be discussed at PABEW was considered at the PABEW meeting in July. It is agreed by the PABEW chair that the matter is not technically one that needs to be considered there, although a request has been made for future proposals to also be discussed there, although there is no obligation on the College to include any recommendations made in that forum.
- 4.9 Once agreed, the process will need to be supported by a considerable amount of templates and guidance for future applicants and for forces. While the first reviews will not be due until December 2020, given the need for applicants to be able to demonstrate suitability for review, there needs to be time for that to take place, and as such, it is considered appropriate and fair for this process to be determined as soon as possible.

5. Annexes

Annex A - Barred and advisory review process

Annex B – Review process flow-chart

Annex C - Federation feedback and proposed responses

Author name:

Author job title:

Author email:

Author tel number:

DRAFT: PHASE 2 BARRED LIST REVIEW PROCESS V3

August 2019

1. PURPOSE

- 1.1. This paper derives from the implementation of the Barred and Advisory Lists in December 2017. It outlines proposals for how individuals who have been dismissed from Police Forces may request a review of their inclusion on the Barred List, as stated in 'The Police Barred and Police Advisory List Regulations 2017'.
- 1.2. Once an individual has been included on the Barred List for a minimum of three years for dismissal with a finding of gross incompetence and five years for dismissal with a finding of gross misconduct, they may apply to the College of Policing (the College) for their name to be removed from the list.
- 1.3. This proposal is subject to on-going Legal advice through the project board; expert opinion (e.g. PNC/PND and Vetting communities), discussion with the Information Commissioners Office (ICO), and testing with Home Office Forces. A table-top exercise with volunteer forces has already been held to test the effectiveness of this proposal, and further testing will continue as required.
- 1.4. The process will also be cognisant of all associated legislation and policies (e.g. General Data Protection Regulation 2018 (GDPR) and Management of Police Information (MOPI), and supported by an Equality Impact Assessment, Business Impact Assessment, and Privacy Impact Assessment.
- 1.5. In addition to the table-top exercise, the process has been presented verbally at the national NPCC PSD & Ethics meeting and also at the NPCC Vetting meetings, and no significant concerns have been raised to date.

2. BACKGROUND

- 2.1. The Home Office Guidance on Police Misconduct (2018) outlines that individuals may apply for removal of their barred status. This will only be available to individuals after 3 years, for those who have been dismissed as a result of gross incompetence, or after 5 years, for those dismissed for conduct matters. This is also outlined in Section 7 (10) of The Police Barred List and Police Advisory List Regulations 2017.
- 2.2. Those who have been dismissed as a result of unsatisfactory performance or attendance not amounting to gross incompetence will be automatically removed from the barred list after 12 months.
- 2.3. Individuals will automatically come off the public list after 5 years of inclusion, but will remain on the Barred List in accordance with regulations 7 and 8 of The Police Barred List and Police Advisory List Regulations 2017. If a name has been included in error or following the death of an individual, the College must also remove that person.
- 2.4. Designated volunteers (who have been designated as community support volunteers or police support volunteers and who have certain powers of the constable conferred on them) must be automatically removed from the advisory list after 5 years, where they have been included due to performance.
- 2.5. Where individuals, including volunteers, officers and staff members have been included on the advisory list due to conduct matters, they will be eligible to apply for removal after a period of 5 years. However, given that the Advisory List is meant to effectively operate as a 'holding list' while an investigation is brought to a conclusion, then only in exceptional circumstances would an officer/special constable or staff member be on the advisory list after five years.

- 2.6. In order to engage the review mechanism, an individual should apply to the College for removal of their barred status.
- 2.7. An application for removal from either the Advisory List or Barred list must be made in the form and manner determined by the College, and it is that 'form and manner', i.e. the review process, that is proposed in this paper.

3. ELIGIBILITY FOR APPLICATION

- 3.1. The onus will be on the named individual to put forward an application once they are eligible to request a review. It is important that there is clarity that the legislation has established a threshold for removal which is high and that an application for removal from the barred list should succeed only in appropriate cases. The legislation itself is based on the initial premise that individuals will remain on the list for life.
- 3.2. Once the process is in place, individuals will be notified at the time of their dismissal that they are entitled to a review after the relevant period, and the process for requesting one. Forces will be provided with templates of information to give to the individual at this stage, which will also be available on the College's website. This will outline how applications are to be made, when they can be made and where to submit them to. Applicants will be notified that the emphasis will be on them to provide a clear case to support removal from the Barred List, and that it is not for the Force / College to justify why they should remain on it. Again – this is based on the principles established by the legislation.
- 3.3. Legal advice has been sought regarding whether the College can apply an administration fee to applicants who wish to request a review. The College Board are considering whether to introduce a charge and, if so, what might be deemed an appropriate amount.
- 3.4. The application process itself will be split into three parts, outlined in sections 4 to 6.

4. APPLICATION PROCESS PART ONE: Eligibility

- 4.1. Once an application for a review has been received, the first part of the process will be for the College to confirm that the applicant is in fact eligible for a review, as per regulation 7 (2) and (3) of the Police Barred List and Police Advisory List Regulations 2017. This information is currently held in the form of Excel records but work has begun on identifying whether this database is adequate to record the volume of information that will be held over the coming years, or whether a more effective database is required.
- 4.2. The applicant may produce documentation which supports their demonstration of their suitability to return to policing. This may include any documents or evidence which the individual feels is relevant to the application. The College may also specify the type and nature of information required and also request further information, if necessary. (*Home Office Guidance on Police Misconduct 2018, Annex I, 1.37*). Where an applicant chooses to rely on medical evidence in support of their application, and the Force or College decide that the medical evidence is relevant to their recommendation /decision, then the applicant may be required to pay for an independent medical assessment, before the medical evidence is taken into account. College legal advice is that this not disproportionate, given that the onus is on the individual to present why they are suitable to be removed from the Barred List.
- 4.3. Eligible applicants will be advised that in submitting an application they are agreeing to the review process i.e. submitting an application is on condition of accepting the review process as established by the College, and issued with a privacy notice at the point of data collection about how the College will use and store their data. They will also be advised about how information will be processed, in line with GDPR and MOPI.
- 4.4. At this stage, applicants will be advised to consider section 7 of the *College of Policing Vetting APP, March 2018*, in particular 7.2 and 7.3, before submitting an application, so they

are aware of the considerations that will similarly be taken into account as part of the review process and which could therefore prevent them from making a successful application.

5. APPLICATION PROCESS PART TWO: Assessment

- 5.1. The College will make their final decision with a recommendation from the originating force and in particular consideration of:
 - The individual's demonstration of their suitability to return to policing
 - The circumstances which led to the original decision/finding
 - The impact removing their barred status might have on public confidence in the police. (*Home Office Guidance on Police Misconduct, Annex I (1.36)*)
- 5.2. The importance for a vetting process in the police service is to "*help identify, assess and manage risk relating to areas including, but not limited to:*
 - *national security;*
 - *public safety;*
 - *public confidence;*
 - *protection of organisational assets;*
 - *operational safety;*
 - *leadership;*
 - *corruption/coercion; and*
 - *integrity.*"(*College of Policing Vetting APP, October 2017*).
- 5.3. The next stage of the process, therefore, will be a 'Pre-screening Check' by the vetting departments of the force from which they were dismissed. This check will take place on the applicant only, in order to ensure that there is nothing that would be likely to exclude them from passing minimum police vetting standards to work within a police force (i.e. Recruitment Vetting) if they were to make any future application for a policing role.
- 5.4. The vetting process is a preventative measure which has been designed to identify, assess, and where appropriate, assist in the management of risk and can prevent the recruitment of individuals who are unsuitable to serve with the police. It allows a Force to assess an individual's integrity and any areas of vulnerability which could damage public confidence.
- 5.5. Therefore, it is essential that this forms some part of the review process to ensure that there is confidence that the person could potentially be suitable for future employment, regardless of whether or not they intend to apply.
- 5.6. It will be made explicit to applicants that even if they pass the 'Pre-screening Check' stage by a Force Vetting unit, this does not mean that they will then pass any future police vetting process if they apply for a role in any force or policing body. This is because a 'Pre-screening Check' will be limited to the applicant only and is only a 'snapshot in time', whereas police vetting checks also include third party vetting and are more thorough – for example including applicant financial checks. It is not considered appropriate or proportionate to vet any third parties as part of the Pre-screening Check as partners and co-habitants may change, and could be different at the time of any future police role application. The purpose of the Pre-screening Check is to ensure that there is nothing that would present an obvious bar to them being assessed as suitable to be employed or otherwise appointed for example, a serious criminal conviction resulting in a prison sentence.
- 5.7. It is proposed that the Pre-screening Check, which will include PNC and PND checks, will be conducted by vetting assessors from the 'originating force', i.e. the force responsible for dismissing the former officer or staff member and which resulted in them being placed on the Barred List. This is considered appropriate for the following reasons:

- The Pre-screening Check needs to be conducted by suitably qualified professionals with access to the relevant systems;
 - The originating force will be the only body to hold all relevant information with regards to the dismissal on their systems;
 - The Pre-screening Checks will thus be shared between all forces who have applications, with no burden on any one force or body. The Teaching Regulation Agency have reported that the proportion of individuals who actually appeal their equivalent process (which is often allowed after just two years) is minimal as people have 'moved on' with their lives and careers. Thus it is not expected that this process will prove unmanageable for Force Vetting Teams, and will, based on the research and numbers on the barred list, most likely represent single figure applications in any given year for most forces.
- 5.8. The pre-screening checks conducted, and the subsequent recommendations made by a force to the College, should take account of all directly relevant information held by a force which could include behaviours linked to the discipline issue, intelligence, complaint or conduct history, and any other information the force has that it considers directly relevant to the pre-screening check or the recommendation decision. This is also in line with usual vetting procedures.
- 5.9. Where the force assesses that the applicant has failed the Pre-screening Check then the College should be advised, and the College will then make the decision as to whether the application for review should be rejected; ordinarily the College will decide that the application has been unsuccessful. The College will, based on the information provided by the originating force, inform the applicant of the timescales before a further application for review can be made. It is anticipated that in most cases, the full period as described by the legislation (i.e. 3 or 5 years depending on the reason for dismissal) will be required before a further review application can be made. There may however be circumstances, where, following a recommendation from a force, these time scales can be reduced.
- 5.10. Where the force assesses that the applicant has passed the Pre-screening Check the originating force will then be required to also consider the circumstances of the original decision or finding and the nature of the conduct or performance. There will clearly be cases where it would be wholly inappropriate to allow the individual to apply for positions in policing again – particularly where harm has been caused or there have been breaches relating to Honesty and Integrity. (*see Home Office Guidance on Police Misconduct 2018, Annex I, 1.38*). Forces will also need to take into account the impact which removing the individual from the Barred List may have on public confidence in the police. This will be intrinsically linked with the nature and circumstances of the dismissal and the level of harm caused.
- 5.11. The recommendation made by a force to the College should be made by an officer of at least the rank of Superintendent or police staff equivalent.

6. APPLICATION PROCESS PART THREE: Recommendation from Force

- 6.1. It will be the responsibility of the Force, to present one of the following options to the College:
- i. No concerns with regards to the name being removed from the Barred List;
 - ii. Significant concerns with regards to the name being removed from the Barred List;
 - iii. *For cases relating to gross misconduct dismissals only*, a third option is available outlining that further information is required from the applicant and/or referees before a recommendation to the College can be made.

- 6.2. Option (iii.) stipulates that it is not possible from the information received through initial checks to make a recommendation on whether the applicant is suitable to return to a police force, and further information is required. It is considered unnecessary and disproportionate to have this option for gross incompetence dismissals, as suitability in terms of competence could be tested as part of any actual role application subsequently. It is expected that a recommendation should ordinarily be possible based on the information available at this stage in matters of gross incompetence.
- 6.3. Where an individual has been dismissed for gross misconduct it is essential that all relevant information is taken into account before a force makes a recommendation to the College regarding removal from the Barred List or not. Where the 'Pre-screening Check' is passed, but a clear force recommendation is not evident based on the information held by the force, then further information can be requested and considered by the force and the College.
- 6.4. The additional information to be supplied will be determined in the first instance by the originating force and then agreed with the College before it is requested from the applicant.
- 6.5. The additional information, based on practice in the Teaching Regulation Agency, may also include character references from referees nominated by the applicant. These referees must meet a minimum requirement in order to submit a character reference and be agreed upon in advance by the force. They must have known the applicant for a minimum period of time and be someone who is able to meaningfully comment on behaviours linked to their reason for their dismissal (e.g. if the applicant was dismissed for drink driving, an appropriate referee may be an Alcoholics Anonymous sponsor). It is anticipated that the findings and outcome from the original dismissal hearing would need to be shared with referees prior to them making their references, so that they can consider the character of the applicant in light of the reasons for the dismissal.
- 6.6. Following receipt of any required additional information then either a paper-based review will be conducted by the originating force; or the applicant, and any referees, may be invited by the force to attend an oral interview, prior to a recommendation being made to the College. Applicants will in these cases be invited to either supply additional written information for a paper-based review, or, where the force considers it necessary, supply additional written information and/or attend an oral interview.
- 6.7. It would not normally be considered appropriate for a referee to be a serving member of the Police Force. There would need to be a very clear rationale as to why a specific member of a police force was being proposed as a referee.
- 6.8. The paper-based review and/or oral review will be conducted and chaired by an officer of at least the rank of superintendent or police staff equivalent, supported by a force HR professional and if considered appropriate or required, the Vetting Manager for the Force.
- 6.9. Applicants will be informed of all information that is going to be shared and the review application will only proceed under this option with the consent of the applicant. Where consent is not provided however, then the process will be unable to progress further, and the request for a review will be rejected.
- 6.10. An application withdrawal of any kind will be aligned with College dismissal of an application, meaning regulation 7(7) applies then the minimum period 'clock' can restart.

7. RECOMMENDATION & OUTCOMES

- 7.1. Forces will be required to conduct the 'Pre-screening Check' and make a recommendation to the College regarding removal from the barred list within 20 working days from receipt of the review application. The recommendation will be in writing, in the format required by the College, and contain a rationale for the recommendation made. The College will be the final decision maker.

- 7.2. Where Option (iii.) is considered suitable, then this must be completed as soon as practicable; and in any case completed and a recommendation made to the College within 60 working days from receipt of all additional information required from the applicant. This is intended to allow time for referees to be contacted and an oral hearing set up where appropriate.
- 7.3. All timescales are currently estimated and may be reviewed.
- 7.4. The outcomes from this process will be one of the following:
- i. Recommendation (together with rationale) to the College that the name is removed from Barred List;
 - ii. Recommendation (together with rationale) to the College that the name is **not** removed from Barred List

8. COLLEGE REVIEW DECISION

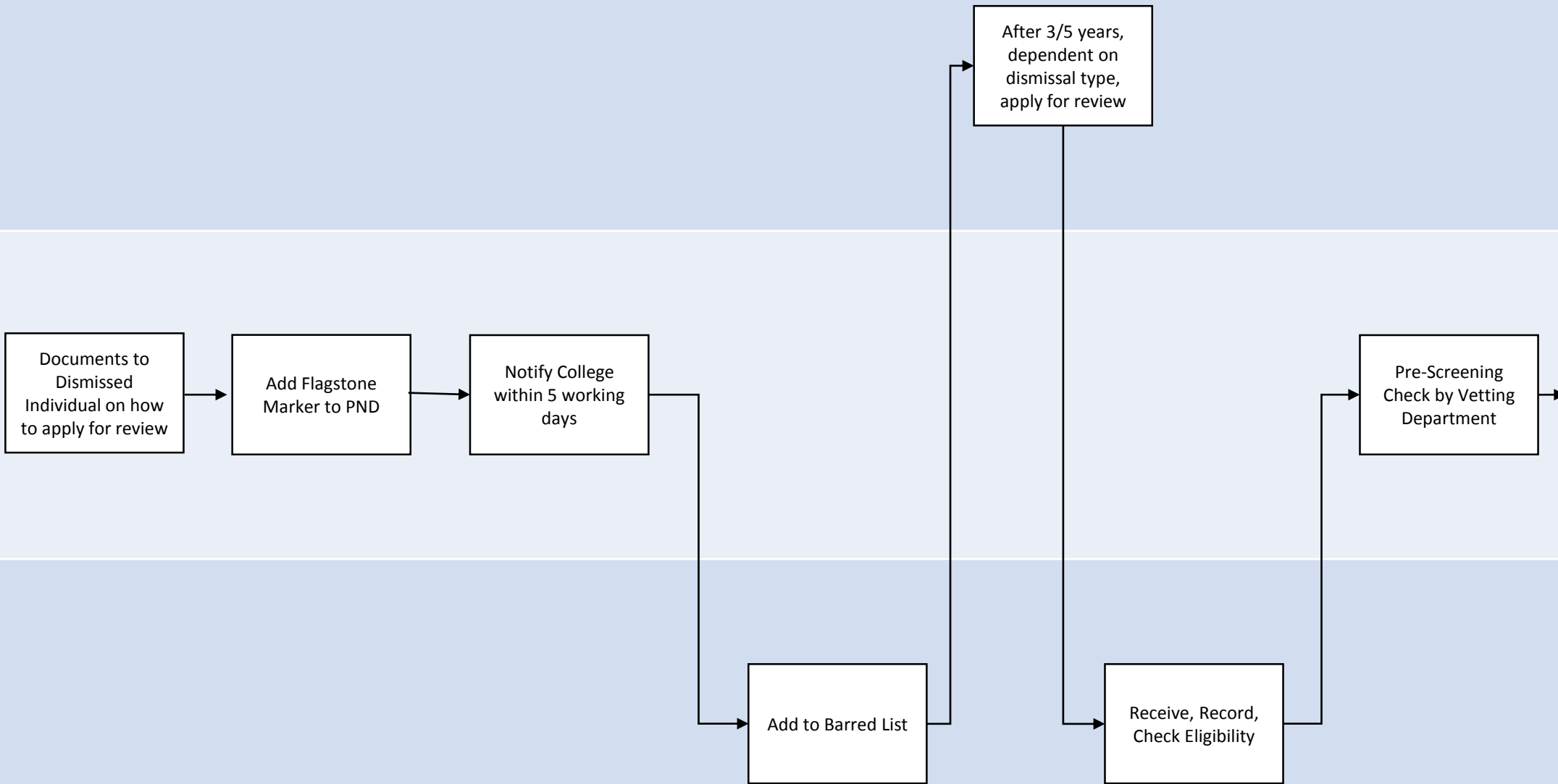
- 8.1. In accordance with 'the Police Barred List and Police Advisory List Regulations 2017' (Regulation 7), the College has to make the final review decision. This will be based on the force recommendation, made by an officer of the rank of Superintendent or above, or police staff equivalent, and will include the rationale for recommendation; also taking into account the provisions of the legislation, and Home Office guidance.
- 8.2. The College of Policing may also request further information from the individual applying or the relevant authority, prior to making the final determination. This may include the IOPC where they investigated the matter. (*Home Office Guidance on Police Misconduct 2018, Annex I, (1.40)*)
- 8.3. As addressed in paragraph 5.1 the College will then make their decision with the force recommendation and in particular consideration of:
- The individual's demonstration of their suitability to return to policing
 - The circumstances which led to the original decision/finding
 - The impact removing their barred status might have on public confidence in the police. (*Home Office Guidance on Police Misconduct, Annex I (1.36)*)
- 8.4. The College must take into account the impact which removing the individual from the Barred List may have on public confidence in the police. This will be intrinsically linked with the nature and circumstances of the dismissal and the level of harm caused. It is essential that, in cases where it is not suitable that an individual's barred status be removed, they continue to be barred from working within policing and specified law enforcement bodies. (*Home Office Guidance on Police Misconduct 2018, Annex I (1.39)*). The College commits to making this decision within 30 working days of receiving the force recommendation.
- 8.5. The College will communicate the final review decision to the applicant within 5 working days of the decision being made.
- 8.6. Where the decision is to remove from the barred list, then this removal will also take place within 5 working days of the decision being made, and the applicant will receive written confirmation that this has been done. Where this is the outcome, the individual will be removed from the barred list and may apply for positions within policing if desired, although normal vetting considerations will apply in line with the Vetting Code of Practice and authorised professional practice (APP). (*Home Office Guidance on Police Misconduct 2018, Annex 1 (1.41)*)
- 8.7. Where the decision is not to allow the review, then the College will inform the applicant of the decision within 5 working days, and will also highlight the earliest date at which a further review may be requested.

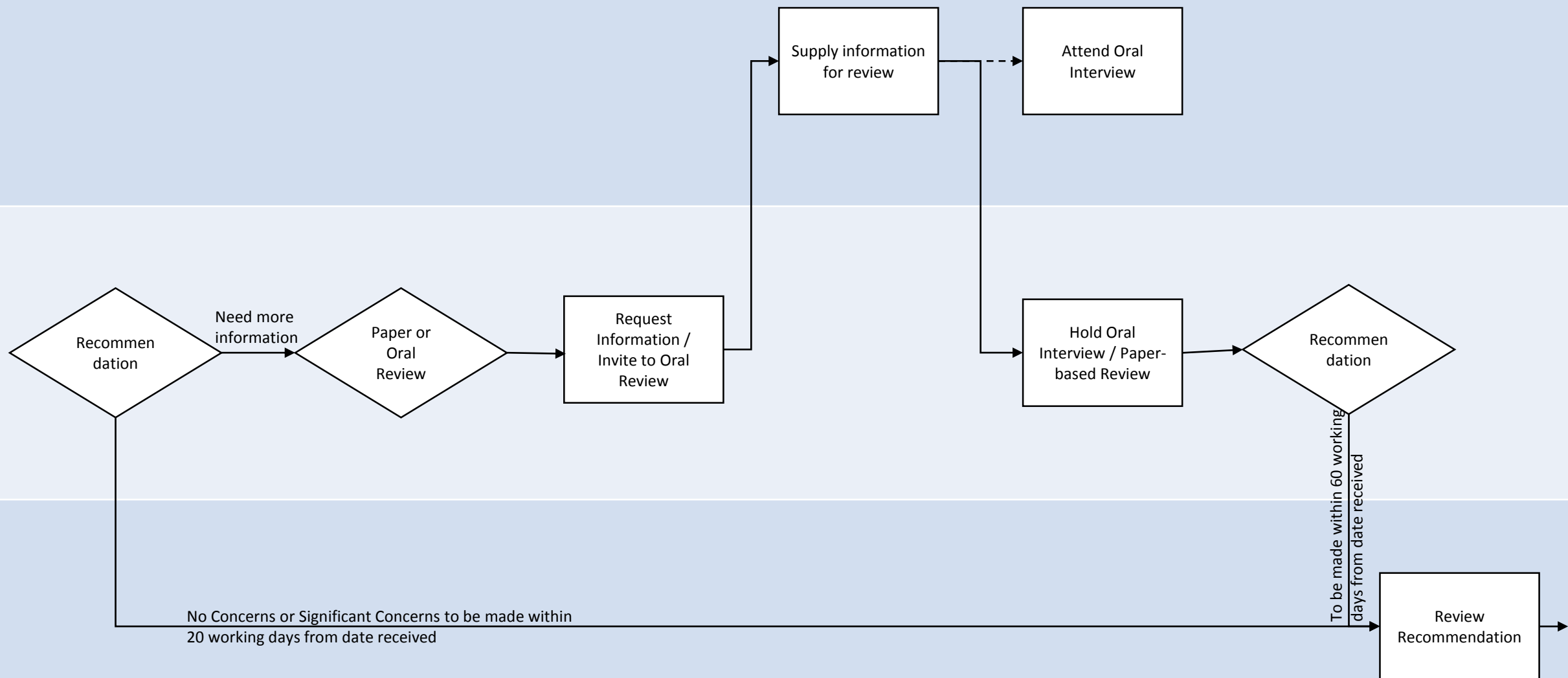
Dismissed Individual /
Applicant

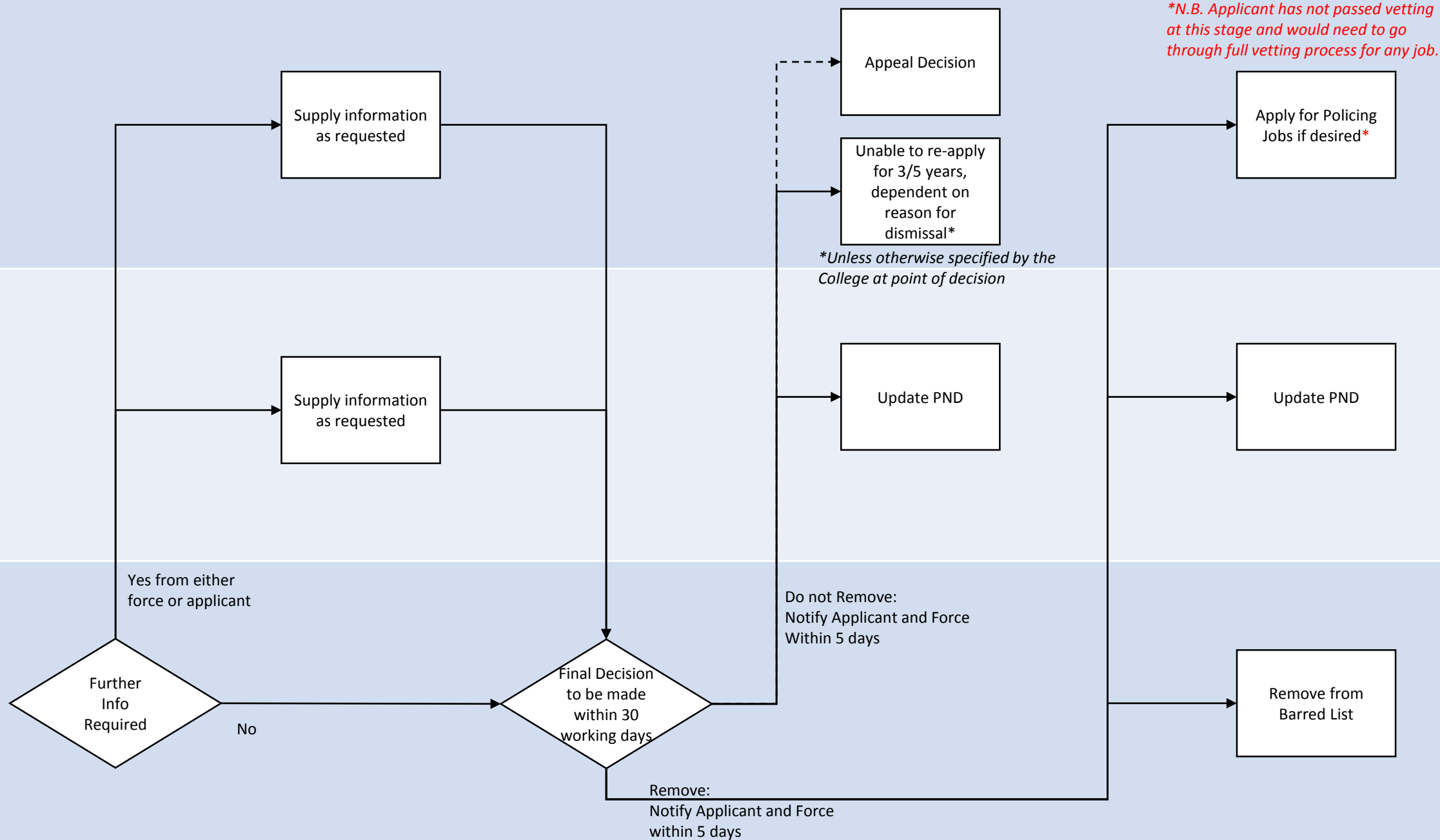
Originating Force

College of Policing

-Point where individual is dismissed from Policing-







Dismissed Individual / Applicant

Originating Force

College of Policing

FEEDBACK FROM POLICE FEDERATION (SUPPORTED BY PSA) TO FIRST DRAFT OF BARRED LIST REVIEW - JULY 2019

COLLEGE OF POLICING CONSIDERATION

SUPPORTING LEG SECTION/HOG GUIDANCE

NATURE OF CONCERN

We are deeply concerned with much of the content of the Draft Paper and would welcome the opportunity to discuss this further and to air our concerns within an appropriate forum and as part of a formal consultation process.

This is indeed the purpose of the draft paper and the circulation of it via the NPCC PSD & Ethics Portfolio

In short, we are of the view that the process and the proposals as set out within the Draft Paper are unreasonably weighted against the individual applying for removal from the barred list. The following is a summary of the areas of primary concern and our representations to be expanded upon in the future.

The relevant legislation is already in place and makes clear that the onus is on the individual to demonstrate their suitability to return to policing - and that the intention of the Barred List is to ensure that those who do not meet the high standards required of the police service are not able to work within policing.

The Police Barred List and Police Advisory List Regulations 2017 ; HOG (June 2018) Annex para 1.1/1.36

The presumption of lifelong inclusion and unfairness to the applicant

- Draft Paper Para 3.1 – *It is important that there is clarity that the legislation has established a threshold for removal which is high and that an application for removal from the barred list should succeed only in exceptional cases. The legislation itself is based on the premise that individuals will remain on the list for life.*

- It is submitted that it is plainly wrong to interpret the legislation as above. We can see nothing within the legislation (or indeed the 2017 Regs) to suggest that a high or exceptional threshold should be applied to the review process and it is misconceived to assert that the legislation is based upon a 'premise' of indefinite retention. Indeed this would seem contrary to the principles of the Rehabilitation of Offenders Act and can not be what is intended particularly when you consider that many ex officers will have been placed on this list for what are in effect employment matters (breaches of internal policies etc.) rather than criminal actions. Any concerns regarding the legislation as already enacted are a matter for the HO, not the College.

While there is clearly a high threshold in order to meet the criteria for suitability to return to policing, it is accepted that the word 'exceptional' is too strong and has been amended. In response to the further points raised, the legislation states that those who meet the criteria for placing on the Barred list are removed only if the College are notified and are satisfied that a person (P) has died - unless they meet the other criteria for removal i.e. successful appeal/review of original reason for dismissal/ or successful review after being on for relevant period. In relation to the latter the College may have regard to 'the extent to which P has shown that P is suitable to be employed or otherwise appointed ...'. This legislation sits in its own right and is separate from the Rehabilitation of Offenders Act (ROA) . The Home Office have been clear that the ROA does not impact on the requirements of the Barred List Regs.

Barred List Regs (2017) 6(a) & 17.

- Draft Paper Para 3.2 – *Applicants will be notified that the emphasis will be on them to provide a clear case to support removal from the Barred List, and it is not for the Force / College to justify why they should remain on it – this is based on the principles established by the legislation.*

- Again, it is unclear why the Draft Paper appears to apply a presumption that the starting point should be that a former-officer should remain on the barred list indefinitely and indeed why the emphasis should be upon the applicant to provide support for removal.

As above - this is already set out clearly in the 2017 legislation - 'Removal from the barred list on application of barred person'.

Barred List Regs - 7 (1) - (11)

- The above, together with the lack of any appeal process and the uncertainty that surrounds any test to be applied by decision makers, may well be said to create a regime which is unfair to applicants and, in certain scenarios, germane for legal challenge.

We have already taken College legal advice via the College Barred List Review Board, which has included HO representation on this. The test is set out by this paper. It is not agreed that a further appeal process is required - the legislation states that 'If ...the College is satisfied that it is appropriate for P to be removed from the barred list, the College must remove P from the list; otherwise the College must dismiss the application'. The review is itself already an 'appeal' against needing to remain on the List - The legislation allows for the College to set a date for a further application or for a further relevant period (3/5 years depending on reason for dismissal) for P to make a further application for removal - whichever is sooner.

Barred List Regs - 7 (6)

- Given that the barred list, by definition, acts to prohibit and restrict the opportunities of the individuals concerned, it is submitted that a more logical starting point on any review application, would be for the College to justify why it is necessary for the individual to remain on the barred list.

This would not be in accordance with the legislation which came into effect December 2017 and already sets out that it is for P to make an application , and that the College may have regard to the extent to which P has shown that they are suitable to be employed or otherwise appointed to the police service . The HOG further clarifies this position.

Barred List Regs - 7 (1) - (11) ; HOG Annex I - 1.36

The process as proposed by the Draft Paper is overly complex and lacks certainty

- The Draft Paper suggests that the (dismissing) Force should play a considerable part in the process – we can see no logical reason why this should be the case.

The legislation also sets out that the College may consider 'the circumstances of the relevant dismissal or which led to the relevant finding and the impact on public confidence in the police of removing P from the barred list.' Given the limited information held by the College on the barred list, this information will need to be sought from forces. Local forces have the required information and are best placed to make the initial recommendations to the College, highlighting the relevant circumstances and making an assessment of impact on public confidence - which is likely to be most impactful locally. The legislation additionally specifies that "before making a decision .. the College may request further representations, information or documents from P or the relevant authority; and the relevant authority must comply with any such request'. It is clearly intended by the legislation that the College do seek representations from forces . The final decision however rests with the College.

Barred List Regs - 7 (1) - (11) ; HOG Annex I - 1.38-1.40

- The legislation places the duty to maintain the barred list on the College of Policing and it therefore follows that the decision to remove or maintain an individual from/on the list should rest firmly with the College.

The final decision will be a matter for the College. As explained above, however, it is considered both appropriate and intended by the enacted legislation for the College to consider force representations alongside those of the applicant. The legislation allows the College to determine the process for conducting the review, and given the need to consider circumstances of the dismissal and impact on public confidence of the review decision, it is considered wholly appropriate to consider force representations. Additionally , the College do not hold the necessary information and forces will need to determine what information is relevant to the review process.

Barred List Regs - 7 (1) - (11) ; HOG Annex I - 1.36- 1.40

- To implement the process as the Draft Paper seeks to suggest, runs the risk of confusion and uncertainty pertaining to the decision making process as well as the possibility of introducing bias.

This is already addressed in the responses above. The nature of the information required / the existing legislation already sets out the appropriateness of considering force representations.

- The barred list is wider than just police forces and is utilised by other law enforcement agencies and therefore should rest with the college of Policing only.

Only officers/staff dismissed by Home Office forces are subject to the Barred List legislation.

Conflation with the vetting process

- In a similar vein, the Draft Paper unhelpfully conflates the vetting process with the barred list review process in such way as to make it unclear as to what the review process should actually relate and amount to.

A degree of vetting is considered by the College to be a critical element in the review process. The legislation clearly states that, in determining whether it is appropriate for P to be removed from the Barred list, the College may have regard (among other things) to the extent to which P has shown they are suitable to be employed or appointed to a policing position; and the impact on public confidence in the police of removing them from the list. Both suitability and public confidence are likely to be impacted on by information which can only be ascertained by basic checks of PNC/PND - including for example serious criminal convictions since the dismissal. A vetting check has been determined by the College as appropriate further information that it may request from the relevant authority. This will be limited to information regarding the applicant, and will not extend to third parties or to financial checks.

The Police Barred List and Police Advisory List Regulations 2017

- It is submitted that the review process ought to focus on the applicant’s removal or continued inclusion on the barred list. The vetting process can and inevitably will follow should the successful applicant for removal from the barred list go on to apply for a particular role within policing.

As addressed above - the vetting process has a key part to play in helping to address the question of suitability and impact on public confidence.

- It should not therefore be the case (as appears to be the suggestion at para 5.9 of the Draft Paper) that vetting or pre-screening checks should be used to circumvent the function of the review process and the merits or otherwise of the removal from or the continued retention of the individual on the barred list.

The vetting requirements are not intended to 'circumvent' the review process but are a critical element in ensuring that any removal from the barred list is in accordance with the need to consider suitability for policing and the impact on public confidence. For example, there are already former officer who, since being dismissed from forces for matters of gross misconduct limited to police standards have since been convicted of serious sexual assaults and child abuse. This information might only come to light in a vetting check but is critical to the review considerations.

- It is our view that vetting should not be part of any review process.

Not supported for the reasons set out above.

Consultation

- On the above, we wonder if the College has sought the views of Chief Constables and Force Vetting Officers as to the suggestion that they should become concerned with the barred list review process and in particular whether consideration has been given to the liability that may apply to them as result.

Forces and the NPCC Vetting portfolio (where the Federation and PSA are represented) have been consulted and updated verbally on these plans to include vetting for many months and laterally have also had the written draft review paper, and a table top exercise has been held for force vetting assessors and Heads of PSDs to test out the process. There has been no negative responses from forces. The need for representations is clear, and the impact on vetting resources is generally limited given the basic checks required and the small numbers dismissed by most forces in any given 12 months.

It is also noted that the views of the PAB have not been sought prior to the creation and publication of the Draft Paper and we respectfully suggest that formal consultation with the PAB should take place accordingly.

Addressed at PABEW 11 July 2019. It was agreed by the Chair that there is no formal requirement for this to go or be agreed through PABEW. However it was agreed that PABEW does provide a good opportunity for discussion and for this reason will be an agenda item for discussion in this forum.



Name of meeting: Professional Committee

Date of meeting: 3rd September 2019

Item lead at meeting: Paula Light

Agenda item number: 4

Title of paper: Fast Track and Direct Entry

1. Issue

- 1.1. The College is due to publish and submit evaluation reports for the Fast Track and Direct Entry (FTDE) schemes to Parliament in November 2019. This paper sets out the review and governance process, ahead of submission to Parliament.

2. Recommendation

- 2.1. Professional Committee is asked to:

- a) **Note** the review and governance process for the sign-off, publication and submission of the FTDE evaluation reports;
- b) **Note** the proposed content and authorship of the supporting recommendations paper;
- c) **Note** the method by which force views the perceived benefits of the FTDE scheme and how these will be captured and included in the recommendations paper; and
- d) **Note** the parameters for the financial analysis of FTDE programmes, which will be included in the recommendations paper.

3. Summary

- 3.1. The purpose of the evaluation reports is to provide an overview of whether and how the programmes have met their overarching aims and to identify any learning for future schemes of this type.
- 3.2. The Professional Committee is being made aware of proposed plans because of its role in the governance process agreed by the College Executive.
- 3.3. In addition to the evaluation reports, the College will produce a recommendations paper which takes into account the costs of the schemes and future demand.
- 3.4. The evaluation reports are currently subject to internal review. The accompanying recommendations paper is under development. Both will be reviewed by College Board and the College Executive ahead of wider distribution to stakeholders.
- 3.5. Stakeholders have been engaged in discussions regarding the content of the recommendations paper. The FTDE Professional Reference Group (PRG), which includes the Home Office, Police Federation of England and Wales, Superintendents' Association and the Association of Police and Crime Commissioners have received regular updates on the evaluation process, including interim iterations of the evaluation reports and been involved in developing the content of the recommendations paper.

The College Executive has agreed the points the Committee is asked to note. The College Board has also noted the points contained herein.

- 3.6. The evaluation reports and the recommendations paper will address perceived “return on investment”. Views of “forces” or “force leads” has been cited as a source of evidence.
- 3.7. The College will provide a detailed financial analysis showing the costs of marketing, selection, training design, training delivery and salary costs by programme, cohort and financial year.

4. Supporting Information / Consideration

- 4.1. Governance process and sign-off of FTDE evaluation reports

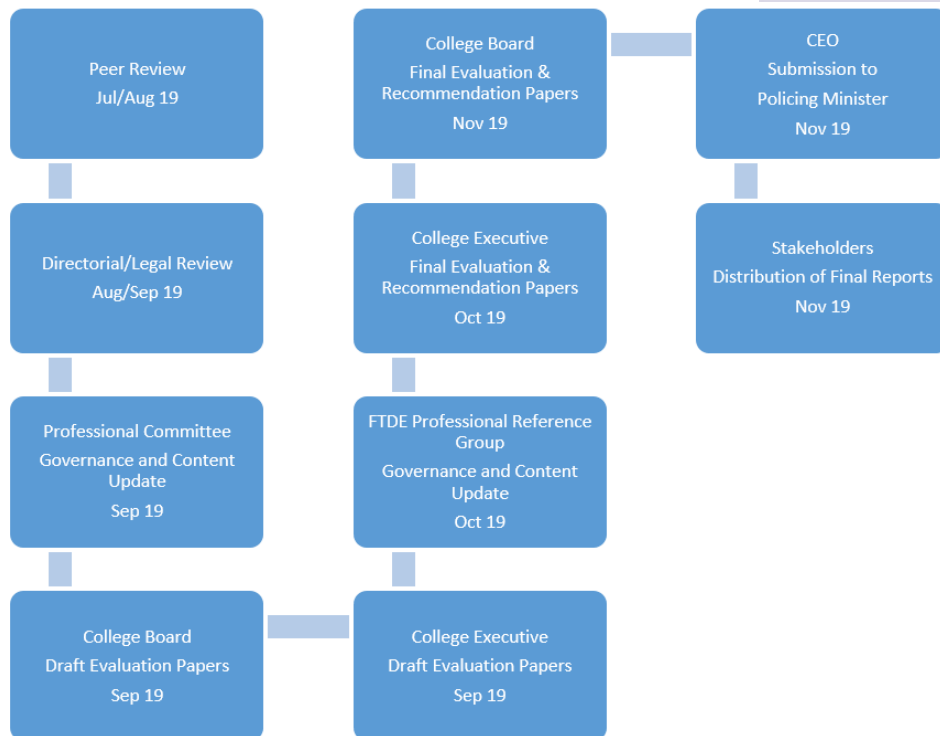
The format of the evaluation reports is guided by the FTDE Monitoring and Evaluation Strategy, ratified by stakeholders and the Home Office in 2015.

- 4.2 Authorship, governance and sign-off of the FTDE recommendations paper

As discussed and agreed by the College Executive, the FTDE Quality Assurance and Evaluation Steering Group (QAESG) and the FTDE PRG, the recommendations paper will include the following content:

- Overview of whether and how the programmes have met their overarching aims
- The implications and learning for future schemes of this type including:
 - o The concept of direct entry bringing benefits to policing;
 - o Financial analysis of the cost of each programme;
 - o Promoting diversity;
 - o Learning from the implementation of direct entry and fast track schemes; and
 - o Learning from marketing and attraction activity.

- 4.3 Programme evaluation reports will follow the standard format for research reporting, including an executive summary, description of the scheme, the evaluation methods and findings against the evaluation research questions. The format of the evaluation report is guided by the FTDE Monitoring and Evaluation Strategy that was ratified by stakeholders and the Home Office in 2015.
- 4.4 Unlike the evaluation reports, the recommendations paper will draw inferences from these evaluation findings and include College recommendations.
- 4.5 The process for review and governance ahead of submission to parliament (between July and November 2019) will comprise the following steps:



4.6 Return on investment – how to gather “force” views

Although not included in the original evaluation specification, drawing on the views of force leads around the perceived benefits of the programmes is proposed as part of the content for the recommendations paper. Interviews and surveys of line managers and mentors/ tutors has already been completed and forms part of the evaluation. Complementing this with qualitative analysis of perceived benefits of participation from Chief Constables and those responsible for managing the programmes and cohorts will add value to the evidence base and provide a broader representation of opinion.

- 4.7 The College will engage with a representative sample of FTDE force leads (those responsible for managing the programmes) and Chief Constables to better understand their perceived benefits of the programmes.
- 4.8 The force leads have been selected to ensure a broad representation of forces based of geography, programme participation and level of participation. A semi-structured questionnaire will be used to capture feedback from those managing the programmes and will focus on their perceptions of the extent to which programme aims are being met and how the programme may be developed in the future. A brief summary of these interviews will included in the recommendations paper.
- 4.9 When identifying Chief Constables to interview, those forces that have had the greatest level of participation have been selected. The aims of these interviews are very much focused on the Chief’s experience and knowledge of the programmes and whether they believe the programmes can benefit their force and if so how. A brief summary of these interviews will included in the recommendations paper.
- 4.10 Return on investment: programme costs and comparative costs – The College will provide an overall breakdown of costs associated with the introduction and delivery of the FTDE programmes and the estimated cost of sustaining them. This analysis will be included within the recommendations paper.

5. Related Considerations

- 5.1 Issues relating to diversity and inclusion will be fully explored within the FTDE evaluation reports and recommendations paper.

- 5.2 There are no finance or resource issues regarding the publishing and submission of the evaluation reports for the FTDE schemes.
- 5.3 There are no known risks, cost effectiveness or HR issues.
- 5.4 The publishing and submission of the FTDE evaluation reports will attract attention of stakeholders and potentially media sources. Appropriate governance will ensure the College Executive and Board will approve the content ahead of time. In addition, a comprehensive communications strategy will be developed and implemented ahead of submission.

Author name:

Author job title:

Author email:

Author tel number:

Sponsor (if not Author): Jo Noakes



Name of meeting: Professional Committee

Date of meeting: 3rd September 2019

Item lead at meeting: Paula Light

Agenda item number: 5

Title of paper: Direct Entry Diversity update 2019

1. Issue:

- 1.1 To update the Committee on the actions taken to improve the attraction and recruitment of diverse candidates into Direct Entry (DE) Programmes 2019.

2. Recommendation:

- 2.1. Professional Committee is asked to:
 - a) **Note** progress on work undertaken to date in widening the diversity of candidates to the Direct Entry Programmes in 2019.

3. Summary

- 3.1. Following the results of the DE selection process in 2018 a number of recommendations were put in place by the Direct Entry programme team ahead of the new recruitment window in 2019. The recommendations were from the Recruitment Think Tank (see annex A), with the aim of attracting an increased number of diverse and BAME applicants into policing.
- 3.2. Results of the national Direct Entry Inspectors' attraction and recruitment in 2019 show there has been a marked increase of the number of BAME applicants received. 322 of the total number 2017, 15.9%. (Compared to the 93 of 944, 9.8% in 2018).
- 3.3. The participating forces undertook the responsibility for the sift and selection process to identify candidates for the National Assessment Centre. 118 were supported by the forces, of which 32 withdrew before the NAC, (4 BAME and 9 female).
- 3.4. The number of BAME candidates attending the DE NAC increased from the previous year, 13 of the 86 candidates, 15.1% (compared to three in 2018).
- 3.5. The number of successful BAME candidates at the NAC is higher this year. It is still lower than anticipated with one successful declared BAME candidate and with other diversity strands represented within the 23 successful candidates, 4.3%. This reflects the national BAME representation in policing at Inspector rank 4.5% (Government Police Workforce report 02/10/2018).
- 3.6. There is a review with participating forces of the 2019 attraction and recruitment process being held 11 September at Ryton ahead of any activity for future DE

process. Additionally this will link into the national work being undertaken within the College to achieve the recruitment uplift.

4. Background information:

- 4.1. The activity has been undertaken based on the themes below and developed by the Direct Entry team to bring in diverse candidates to the programmes. The DE team have undertaken a wide range of positive action initiatives taken from the Positive Action strategic plan, threaded throughout all activity to support the overall aim of widening participation on the programmes and increasing diversity. It is acknowledged that positive action is a joint responsibility with a wide range of stakeholder involvement in order to achieve the aim.
- 4.2. **Marketing and attraction:** A new attraction and positive action strategy and plan was developed and delivered. Working with forces to target and lead on attraction locally and within context of the local employment market for forces, utilising local community connections and positive action initiatives. A new approach was taken this year, appealing to prospective candidates to make a difference, "Modern Crime is diversifying, we want more diverse thinkers to join the police. Make a difference in your community and become a police inspector now". The new advertisements were developed, placed in a national newspaper and also linked into online searches to related policing topics, along with targeted linked in approaches. A radio streaming advert was developed and again targeted to audiences.
- 4.3. **Executive Search:** The College engaged a 'head hunting' company to approach and target suitable BAME candidates for the DE Inspector programme. This attracted much interest in the programme, which translated into 55 submitted applications, where 13 progressed to local interview stage and 1 attending the NAC.
- 4.4. **Local sift and positive action:** The College liaised with the 16 participating forces during their local sifting process and assisted forces with training including unconscious bias, benchmarking and quality assurance. The forces used a range of methods for selection, including an application sift and phone interview, application sift and local test with interview. The Metropolitan police, Greater Manchester police and West Midlands police forces worked as a consortium and used an on line video system to interview their candidates. Each force nominated their selected candidates for the NAC. The College assisted forces to run positive action events throughout the process and NAC demystification briefings, to give candidates a better insight into the Competency Value Framework.
- 4.5. **Analysis of application data, external peer review of the assessment centre:** Following the 2018 process the College commissioned an external review of the marketing, application and selection process (see Annex B). The reviewers did not find any fundamental issues with the selection process however they made a number of recommendations for improvements – many of which were implemented for the 2019 processes. The College also carried out an internal content analysis of application form responses, which found that there was little discernible difference between the way white and BAME candidates had completed the application form, but that BAME candidates were slightly less likely to indicate that they had the right level of suitable prior work experience. The College will continue to review the report content in order to make the recommended improvements to the process where possible and appropriate but there is little to suggest that these relatively minor improvements would significantly impact BAME outcomes as they are more general improvements to help all candidates.

- 4.6. In addition the NAC was also externally reviewed, the initial findings were that there was no discernible bias at the NAC itself, which was regarded as highly objective and rigorous. The full report is expected later in August.
- 4.7. **Increase diversity of assessors:** There was a drive to increase the diversity of assessors and this was taken further at the NAC, where all BAME candidates were assessed by at least one assessor who was from a BAME background.
- 4.8. **Further areas for consideration:** The College utilized the same exercises at the 2019 DE NAC as the 2019 Fast Track assessment Centre, due to the high pass rate of BAME candidates. A new strength based exercise was introduced to ascertain if this would improve the diversity in selection.

5. Proposed programme of work

- 5.1. **Marketing and attraction at the right standard:** The standard of the candidates attracted needs to be improved. The description of the level of skills needed in order to target the right level can be adjusted accordingly to different industries and groups. This can be utilized in marketing material, search analytics and targeted attraction work. The marketing and attraction timeline is being brought forward by 4 months to increase the lead in time ahead of the application window.
- 5.2. **Greater alignment with forces and community engagement:** Using the links forces have with communities and individuals who hadn't previously considered policing as a career. Through the provision of marketing materials to be disseminated with stake holders and partners by force Positive Action leads, to capitalize on raise awareness of the programmes amongst under represented audiences.
- 5.3. **Working with the National attraction campaign for 20,000 uplift:** The DE team will use the knowledge and experiences gained with work with College colleagues to support the recruitment uplift.

6. Annexes

Annex A – Think Tank report

Annex B – Review of Sift and Selection report

Author name: Paula Light

Author job title:

Author email:

Author tel number:

Sponsor (if not Author): Jo Noakes

COLLEGE OF POLICING
**Independent Peer Review of Direct Entry
Scheme**



February 2019

CONTENTS

Section	Page No.
Overview	3
Executive Summary	4
Advertising and Attraction	7
Review of Candidate Material	9
Direct Entry Inspector Application Form	9
Application Form and Eligibility Criteria Candidate overview	11
Review of Assessor Material	12
2018 Assessor Training Slides	12
Direct Entry Assessor Manual 2018	14
Direct Entry Assessor Pack 2018	16
Review of Competency and Values Framework	17
Analysis of Candidate Data 2018	19
Interviews with Police Forces	23

OVERVIEW

The College of Policing has commissioned a Peer Review of the Direct Entry Inspector scheme after identifying a disparity between White and BAME candidates at each stage of the selection process.

This report outlines the key findings from a review of the assessor and candidate material and data provided by the College. The material was reviewed for content, potential bias, language that may put candidates off, transparency and compared to general best practice guidelines in fair selection.

The report is structured into section headings which detail the key documentation/data that was reviewed, along with a traffic light system of:

- ✓ green (what works well),
- amber (minor improvements/tweaks could be made), and
- red (some important or larger changes need to be made).

We have not provided a separate list of recommendations as we have outlined them throughout the report. We have also made track changes and comments on the documents themselves, for ease, so that the College can see specifically where ideas and comments for improvements have been made.

EXECUTIVE SUMMARY

Overall our conclusion is that the College has produced a thorough selection process incorporating many aspects of best practice, and which provides clear guidance for both assessors and candidates. The data does however show adverse impact for BAME candidates at the application sift stage, and a disparity in success rates at the telephone interview stage.

We were not able to explain the above finding through the content analysis of the material that we reviewed – there did not appear to be anything discriminatory within it. Specific areas for improvement have been outlined in this report but there was nothing ‘fundamental’ in the documentation that could really explain the adverse impact. Our findings and recommendations are detailed on the following pages, but in summary, they include the following:

- The Lead Beyond website is user friendly and informative, and the adverts that we reviewed were simple and striking, making the reader want to learn more. We recommend having a video on the website of a female and/or a BAME Inspector or Superintendent telling their story of how they changed careers and what they love about their role. At the moment the only video is of a white male which may put off some female and BAME applicants or demonstrate a lack of ‘diverse’ role models. We also recommend having an Equal Opportunities statement on the website and on all adverts. Consideration also needs to be given to the College’s marketing strategy and what channels of advertising/marketing are used – are we attracting the right calibre of applicants in the first place? Some recommendations have been provided.
- A review of the candidate material revealed nothing discriminatory that could readily explain the disparity in success rates. The material sent to candidates is comprehensive and thorough. We found the application form to be lengthy which may put some candidates off applying in the first place and provided recommendations or questions for consideration, particularly in relation to the documentation and certification that is required to be eligible to apply. As an alternative to the application form (or in addition to a shortened version of the application), the use of biodata questions that are objectively marked could be considered in the future.
- We recommend that a transparent ‘Candidate Guidance for Application/Interview’ document is written, outlining what the College is actually looking for during the Application and Telephone Interview stages. This guidance could include a worked through example of a ‘competency based’ answer on the application (perhaps for a fictitious competency/value), and an overview of the Situation/Task/Action/Result (STAR) method of structuring competency examples. In our experience, many BAME candidates are unaware of this model. The guidance would also help applicants who have been in industry a while and not applied for a role via an application form for a long time.

- The Competency and Values Framework (CVF) appears to be clear, transparent and laid out in a user-friendly format. We have provided some comments where behaviours may be prone to being interpreted differently by different cultures and recommend removing a couple of words that sound quite 'masculine'.
- Analysis of the candidate data shows that there is a much higher proportion of BAME candidates getting the '1' rating than Whites candidates. This suggests that either they are not understanding what is really required, expressing it differently or that BAME candidates are not self-assessing for suitability and are putting in inappropriate applications. Either way, clearer guidance may help reduce the adverse impact. Consideration also needs to be given to the advertising/marketing strategy to ensure that the College attracts the right calibre of applicants in the first place. Positive action measures within advertising/marketing could be undertaken to reach out to attract a more diverse group of applicants.
- In terms of the assessor training, the material and training slides appear to be thorough and detailed, with a good practical session on how to shortlist and classify/evaluate evidence. We would recommend adding more about bias, the Equality Act and the concepts of reliability and validity as these are fundamental to the principles of fair selection. We were unsure if any 'interviewing practice' and feedback was provided as part of the assessor training, and this is something we would recommend.
- The composition and 'diversity' of the assessor panel was not reviewed but is an important point for consideration. All of the forces we interviewed talked about this point and were eager to ensure that assessors were diverse in terms of gender, ethnicity, age and from a variety of different working backgrounds. We were unsure of where or how assessors are sourced but consideration should be given to this, if it is not already.
- There were some interesting findings from the analysis which we have outlined within this document. In particular BAME candidates perform less well on the competencies 'Collaborative' and 'Takes Ownership' at the application stage, and the competencies 'Transparency' and 'Deliver, Support and Inspire' in the telephone interview. The questions asked did not appear to be unfairly discriminatory but we recommend that the College undertakes some quality assurance and research, by double marking a sample of BAME and White applications where a rating of '1' was given by the assessor panel. It would be unwise to place a 'weighting' on certain criteria over others at this stage without looking at trends from previous years but it is recommended that this analysis is undertaken.
- Around one third of candidates are getting a '1' on some of the competencies, which suggests that a large proportion of the applicant group is underperforming in some way (with BAME candidates underperforming more than White candidates). The College may be able to help applicants if they researched what is missing from

these responses and state upfront to candidates what specifically needs to be demonstrated to meet the criteria. Or perhaps the particular questions for these competencies should be changed in the future.

- A list of further analyses that could be undertaken by College have been provided, which may shed some light on the reasons for the adverse impact affecting BAME candidates. For example, the current data set shows that when English as a second language, educational qualification and marital status were controlled for, there was no adverse impact between White and BAME candidates at the application stage.

ADVERTISING AND ATTRACTION

Lead Beyond Website

The Lead Beyond website details everything a candidate might want to know about the Direct Entry process. It is user friendly and informative and details what each role entails, and all the eligibility criteria. A closing date for applications was provided.

- ✓ We could not find anything that appeared to discriminate unfairly on the grounds of the nine protected characteristics within the Equality Act 2010.

Some general improvements that could be made are detailed below.

- We found one video of an individual (white male) explaining how he changed careers and joined at Inspector level, however, there were no other videos. Having a female and/or a BAME individual also speaking on a video may well inspire other, more diverse candidates to apply. Often the imagery and videos on adverts and websites are just as important as the role itself in generating interest from candidates.
- There appears to be no mention of the College of Policing being an Equal Opportunities Employer or wording such as 'we actively encourage applications from under-represented groups'. Research has shown that simply by having this statement on advertisements and websites, encourages more 'diverse' candidates to apply, and not having it can put off female and BAME candidates from applying.

Adverts

- ✓ The adverts we viewed were simple and striking. They depicted a white male, a younger white female, an older white female and an Asian male.
- ✓ Candidates from diverse backgrounds may be more likely to apply if these images were also put onto the Lead Beyond website (particularly in a video format). Currently the images depict gender diversity and some ethnic diversity.
- ✓ The College may want to consider the use of other BAME individuals on their advertising, particularly individuals from an African or African-Caribbean culture/heritage.
- ✓ The question the College will need to ask itself is whether it is attracting the right calibre of applicants in the first place (particularly those from a BAME background)? The Direct Entry process is looking for middle and senior managers, already established in their careers, who are looking for a new or different challenge. Tapping into applicants who fall into this category will need to be done at the right time in a persons' career, and using the right channels. Many won't even have considered policing before so how can the College best get their message out to

middle/senior managers, many of whom have never heard of the Direct Entry process before? It will certainly require more than a website, so presence on social media channels such as LinkedIn, Twitter, word of mouth advertising and a series of 'road shows' throughout the country are recommended.

- ✓ For the 2019 process, the Metro, LinkedIn, Twitter, and Facebook channels have been used for advertising, as well as radio streaming in the West Midlands region. Thirty Meet and Engage webinars have been undertaken, as well as 14 Meet the Police events. Local advertising with Police Forces has also been undertaken.
- The College may also benefit from establishing links with community and national groups across the country (each Police force will have these links already), and spreading the word about the Direct Entry process that way, by taking 'positive action' measures.
- ✓ The College are using a headhunting company in 2019 to specifically target and attract high calibre BAME applicants.

REVIEW OF CANDIDATE MATERIAL

DE (Inspector) Application Form

A review of the application form does not indicate anything significant which may deter candidates from applying, or anything which may unfairly impact upon a particular under-represented group more than another. It is however a lengthy application which may put off some applicants from applying in the first place.

Some changes that could be made to the application, or comments for consideration are outlined below.

- ✓ The form is clearly laid out with headings and good structure to aid the applicant.
- ✓ Confidentiality of data is communicated on the form.

Some minor suggestions for improvement include:

- Rewording certain sentences which are slightly confusing (please see the commented document, viewing 'track changes').
- In Section 4 (Education, Training & Skills), it talks about the Superintendent Programme on the Inspector Application form. This is obviously an error but also confusing for the applicant.
- Section 4 stipulates that "full translation must be provided for certificates that are not in English" – this may actually be really difficult to get hold of or to do. Depending on whether candidates are first generation or not, it might be tricky to get hold of copies of certificates, let alone translated ones. Perhaps, as a recommendation, the College could provide something in the supporting documentation outlining what candidates can do if they don't have these certificates or cannot get hold of them.
- Section 7 Biographical Data - It is worth putting a short note at the beginning of this section reiterating that the biographical questions and answers will not form any part of the application assessment, and that they will only be used for monitoring purposes. Whilst this is covered at the beginning of the application, it is beneficial to cover it again here.
- The last paragraph (second bullet point) on the last page of the application form currently does not read well and may not make sense to all applicants.
- Our statistical analysis identified adverse impact for a couple of competencies/questions on the application form (see data analysis findings). It is worth reviewing the wording of these questions and a sample of the answers to

see where candidates are going wrong, in case there is something about the question that needs to be redesigned, or further guidance that needs to be provided.

Should the College wish to review/rethink their application form stage, a different alternative might be to use some form of biodata alongside a shorter application form. The biodata approach is where candidates are asked objectively scored questions about their experience (e.g. What is the largest number of staff you have managed? 0, 1-3, 4-10, 11-30, 30+) along with scales of their aspirations (e.g. How important are the following aspects of your work? - rate on a scale of 1-5: working with others, helping, making things work better, having a position of responsibility etc.) They are also asked questions on their working style, amongst others. These tests can dramatically reduce adverse impact for candidates.

■

Some important or bigger changes that are recommend are:

- In our experience of running positive action programmes, BAME candidates are less aware of how to structure competency-based applications/interviews compared to white applicants. We therefore believe it would greatly benefit candidates if there was a Guidance Document provided with the application pack, that provides a short summary of competency-based approaches, how to structure competency-based examples on an application (STAR) form, tips for a competency-based interview, and things to watch out for. Whilst this document will be a 'Positive Action' measure, it should be made available to all applicants and will also have the added benefit of helping those who have not applied for a role for many years (regardless of their ethnicity).
- Section 7 Ethnic Origin – there is no 'prefer not to say' box here. This should be included here.

REVIEW OF CANDIDATE MATERIAL

DE Application Form & Eligibility Criteria Candidate Overview

This document provides the candidate with a full overview of the assessment process, and the stages in which it will occur. It also spells out the eligibility criteria in full. It appears to be well written, open and transparent.

Some suggestions for improvement are:

- Academic Qualifications - Level 6/7 is referred to in the document but potentially some candidates will not know what this means. Also, if qualifications/certificates were obtained abroad, might this put off some BAME candidates?
- We also wonder if having Level 6/7 is a 'deal-breaker'? There will be some very good middle and senior managers in the marketplace with no first degree or qualifications whatsoever who may still become very good Inspectors/Superintendents. This is a wider question for the College and police forces to debate, rather than a recommendation.
- Also under Academic Qualifications it stipulates "...it is for each applicant to establish if their qualifications are equivalent to the requirements set out above and to provide the evidence" – can the College provide any guidance as to how candidates find this out? It is quite a lot of work to do for a candidate who is already a middle/senior manager, and it may put them off applying.
- Page 15 refers to the green and blue ticks and red cross that appears on the application as it is being completed. We wondered if the College had made any provision for those who were colour blind or had disabilities, and we also wondered if the application form was screen reading compatible? We assume it is, but wanted to ask the question within this report, as this is part of best practice guidelines.

REVIEW OF ASSESSOR MATERIAL

2018 Assessor Training Slides DE V3 TI and App

- ✓ Overall the assessor training slides look detailed and thorough. The slides provide information on the background to the assessment process, the steps involved, the principles of assessing, the ORCE method of assessing, bias and how to overcome it, the rating scale, the telephone interview process, the superintendent process, and more. The training provides practical sessions where assessors complete an exercise where they classify and evaluate evidence from anonymised applications, in order to benchmark/calibrate. This all falls within best practice standards for assessor training.

We have provided a few points where the slides/assessor training could be improved further:

- Slide 12 within the notes refers to the use of ability tests in the assessment centre. What tests are you using? What norm data (if any) do you compare candidates against? Have you considered the demographic composition of that norm data? Is there any adverse impact on BAME and/or female candidates on these tests? It would be worth checking this statistically if the sample sizes allow it. This wasn't part of the current peer review but useful for the College to consider doing internally if it isn't being done so already.
- Slide 17 – There are two other principles of assessing and these are Reliability and Validity. It's important for assessors to be aware of what these principles mean as they (as well as fairness/objectivity) underpin the entire selection process and the way in which it has been designed. We recommend including this as part of the assessor training.
- Slide 21 – it is recommended that the College expands the session on Bias to include on the slide biases such as halo/horns, primacy effect, recency effect, affinity, first impressions, central tendency, stereotyping, prejudice, contrast effect. Whilst these biases are covered in the assessor manual, some assessors may not read it fully and it is important that these biases are discussed during the training.
- Expand on Slide 22 to include: fuel – eating and drinking regularly and the importance of taking notes to avoid bias.
- Slide 29 – we recommend using a four-point rating scale for shortlisting/telephone interview. The current scale is confusing with some degree of overlap. A four-point scale will also help to eliminate 'central tendency' bias.
- Slide 34 second bullet point – states “if you are having to probe continually to elicit information then less credit should be given.” We would recommend qualifying this to say that less credit may need to be given for one criterion e.g. X, but care needs

to be taken to ensure that assessors do not fall into the trap of the horns effect (a type of bias). It is the panel's role to get the best out of the candidate and this may mean probing a lot for some candidates, however, it does not necessarily mean that they have not performed well against the criteria being measured. Be aware that when a candidate is nervous or speaking in their 2nd language, they may be slower and may need more probing.

- Linked to the above, currently there is little information about how to probe, other than the funnel technique e.g. using the situation/task/action/result/review method and pitfalls to watch out for when probing candidates. Some guidance on this for assessors, as well as candidates may be useful. We also recommend having 'interviewing practice' and feedback given to assessors as part of the assessor training.
- Currently there is no reference to the Equality Act 2010, the nine protected characteristics or ways in which discrimination can occur. We feel that this is a necessary component of assessor training and should be included.
- We would also recommend having a few scenarios as part of the assessor training, towards the end, where situations are provided and the assessors need to discuss what the key issues are and what they would do or advise in that situation. Example scenarios may include:
 - What to do if a candidate volunteers personal information that touches upon one/more of the nine protected characteristics.
 - What to do if you ask something illegal (sometimes done without any malice, as part of probing).
 - What to do if you and your co-assessor cannot agree on a rating or evidence.
 - What to do if a candidate has a 'strong' accent and you are having difficulty understanding him/her.
 - What to do if you or the candidate start to feel unwell during the interview (or you perceive them to be unwell).
 - Any adjustments that you might need to make for the telephone interview.

REVIEW OF ASSESSOR MATERIAL

Direct Entry Assessor Manual 2018

Overall the assessor manual is thorough and detailed and a good reference guide for assessors. It details all the components of what is in the assessor training workshop, but in more depth and detail. Some minor specific comments have been made onto assessor manual itself for ease of reference and will not all be outlined here as they are small.

- ✓ Applications are blind marked and double marked. Evidence is discussed afterwards and an agreed final rating is awarded. This is in line with best practice.
- The assessor manual does not detail the Equality Act 2010 or the nine protected characteristics, or anything about direct or indirect discrimination. We recommend that this is included in the future.
- The manual refers to a total score approach where a cut off is used for invitation to interview. Currently there are no weightings applied to different competencies but this could be considered in the future, once a more detailed analysis of the data has been undertaken.
- We would recommend that a section on 'How to overcome Bias' is included in this manual (which is covered on the training workshop itself). It would be good to have it here for assessors for future reference.
- On page 17 of 31 (Discussing and Agreeing Ratings) we would recommend adding in another note that 'half marks' should not be given, and to remember to challenge the evidence rather than each other. Also, to beware of deferring to your co-panel assessor as the expert – both assessors should play an equal part in the discussion.
- There is good reference to the funnel technique for interviewing on P18. The College could also include reference to the STAR approach to probing and to be sure of moving candidates on from the situation/task to talking about the actions they took.
- P20 refers to Quality Assurance. It is excellent that quality assurance is being undertaken. How often is it done and is it only for the interview stage? Is any QA being done for the application sift stage? We recommend that it is undertaken for a range of applications as well, particularly where a '1' rating has been provided for a sample of BAME and White candidates.
- P25 refers to Non-Verbal Communication (NVC). We would add that a telephone interview may lead to more 'nonverbal communication' biases being displayed by assessors. They will not have the usual body language or facial cues and may

misread silence or hesitation as ineffective when it may simply be someone pausing to think. There are cultural variations here and assessors need to be reminded of them.

- P25 Is it worth providing a link here or on P15 to the Harvard Implicit Association test for bias - perhaps asking Assessors to complete the one on Gender/Family before coming to the assessor training? It is free to do and quite interesting to discuss before the session on bias.

REVIEW OF ASSESSOR MATERIAL

Direct Entry Assessor Pack 2018

The content of the assessor pack appears thorough and detailed. Some minor typo/other comments have been made on to the documents themselves for ease and they have not all been detailed in this report.

- ✓ There is good information about how to prepare for the interview and the steps to follow.
- ✓ The telephone interview script for both Inspector and Superintendent selection is excellent and covers all best practice areas. Specifically, it covers the following:
 - Introductions and roles
 - Outline of the interview
 - Timing of the interview
 - Note taking and time for questions
 - How you will move from one competency/value to the next
 - That we may interrupt at times
 - Not seen the application form – and can use the examples from it.
- ✓ It is excellent that the College has a Quality Assurance person/team who listen in on randomly selected interviews (with BAME and white candidates). This is not to assess the candidate but to check on the consistency of approach with regard to interviews, how well the interviewer/panel is probing, and (we assume) how subsequent ratings were awarded. It was not clear how frequently this QA is undertaken, and what the results show. It is recommended that this quality assurance is also done for the application forms (perhaps random double marking).
- Some comments have been made on the example 'marked' rating forms that have been provided towards the end of the assessor pack. They are quite detailed and specific so not in this report, but relate to the ratings provided for certain evidence.
- We would recommend a four-point rating scale is used particularly for the earlier selection stages as it was difficult to differentiate between some of the points on the existing scale. For a couple of the marked examples, we may have come up with a different rating, but overall, we agreed with the ratings awarded.
- It was not easy to mark the competencies being assessed (in the practical exercise) given the diverse range of applicants and backgrounds that candidates had worked in previously. It is important therefore to emphasise to assessors that there will be a wide range of responses, and to look at the transferable behaviours that a candidate brings.

COMPETENCY AND VALUES FRAMEWORK (CVF)

Generally, the CVF for Policing appears to be clear, transparent and well laid out. Each competency has a descriptor outlining what it is about and a list of behaviours, split by level. The levels are designed to be cumulative so those working at higher levels should also demonstrate each preceding level's behaviour. Values are also part of the selection process and questions are asked to elicit evidence against the values.

Some pointers for improving the framework are outlined below.

We are Emotionally Aware: Level 3

I seek to understand the longer-term reasons for organisational behaviour. This enables me to adapt and change organisational cultures when appropriate.

- Not all candidates may be aware of what 'organisational behaviour' means, and this could be interpreted differently across cultures.

*I understand internal and external politics and I am able **to wield** influence effectively, tailoring my actions to achieve the impact needed.*

- Some candidates may not understand what internal and external politics means, particularly those from a BAME background. It may also be unclear to some what the term '*wield influence*' means. It also sounds quite 'masculine' and could put some candidates off applying.

We take Ownership

The description of this cluster includes the following: "*We make decisions at appropriate levels and in appropriate areas, having a clear rationale (for example, use of decision-making models)...*".

- Not all candidates make know about decision making models. Are they provided with the candidate pack?

We are Collaborative: Level 3

I am politically aware and I understand formal and informal politics at the national level and what this means for our partners. This allows me to create long-term links and work effectively within decision-making structures.

Not all candidates will know what the above behaviour means, which it could be argued means that they are not a suitable candidate. However, political behaviour is something in our experience that many senior BAME colleagues in business say that they find difficult or don't understand. They may also not know what informal and

formal politics means 'at a national level'. Further guidance could be provided here or this could be reworded.

We analyse critically Level 3

I use discretion wisely in making decisions, knowing when the 'tried and tested' is not always the most appropriate and being willing to challenge the status quo when beneficial.

- Some may not understand what 'using discretion wisely' means. It is prone to mis-interpretation, particularly, for those whose first language is not English.

We are innovative and open minded Level 3

I implement, test and communicate new and far-reaching ways of working that can radically change our organisational cultures, attitudes and performance.

- The word 'radically' may be prone to interpretation and may not be understood by all – perhaps change this to 'fundamentally'.

Feedback to Candidates

- ✓ Candidates are provided with written feedback, outlining their scores and where they provided strong or less effective evidence. Feedback is evidence based and appears to be transparent and open, and should help candidates to reflect upon their performance. It will hopefully also enable them to reapply and be more successful in the future.

ANALYSIS OF 2018 DATA

The current data analysis provides a descriptive comparison of two major dichotomies; male vs female and White vs BAME. The analysis is limited, but accurate. As part of this peer review, we conducted some further analysis and our recommendations for analysing data in a more detailed way are provided below. We have not put these into the 'traffic light' system as they are all recommendations rather than comments about the current analysis.

Conduct inferential analyses to describe how meaningful observed differences are.

Larger candidate samples are available for the application and sift stages of the Inspector selection process. As a result, differences between gender and ethnic groups are likely to be more reliable indicators of genuine and ongoing differences between diverse groups of candidates.

Simple statistical significance tests (typically the Chi² as we are comparing groups with the successful/unsuccessful dichotomy) can provide a useful index of whether the difference is more likely to be a genuine effect or due to chance. It is recommended that these tests are undertaken where sample sizes are sufficient.

For example, our analysis resulted in the following:

- The differences between White (38.8%) and BAME (28%) pass rates for the application sift is statistically significant. BAME candidates perform significantly less well than white candidates Chi²=4.164, df=1, sig=0.041.
- The pass rate of white candidates at Telephone Interview was 26.8% compared to 16.0% of BAME candidates but the difference was not statistically significant (Chi²=1.401, df=1, sig=0.237).

Similarly, the pass rates for other assessment rounds from previous years can be compared.

Combine data across different years/selection rounds

Where broadly the same assessment methods are used, samples from across different annual cohorts can be combined to provide overall measures of the extent of difference for each stage of the selection process. This is particularly useful for the assessment centre stage, where samples are small, and where more detailed analyses could be undertaken (e.g. comparing results for White, Black and Asian candidates).

- For example, our analysis found that, at the Assessment Centre over the last three years, the relative pass rates for White and BAME candidates is variable. In 2016

the pass rates for white candidates was higher than BAME candidates. In 2017, the pass rate for BAME candidates was higher than white candidates, and in 2018, the pass rate was higher for white candidates again.

- When the annual samples are combined, the results show that the pass rate for white candidates is 42% compared to a BAME pass rate of 18% (this is based on sample of 79 white and 11 BAME candidates). This is a striking disparity.

Take an exploratory approach to help identify which factors impact on the observed differences.

Other factors (variables) that could impact on the differences between White and BAME candidates should be explored. For example, the relationship between ethnicity and age, work experience, educational qualifications and so on.

- In the current data set, BAME candidates were more likely to be single, to have caring responsibilities and to not have English as a first language, compared to White candidates. All of these factors were associated with lower pass rates.
- Having identified likely factors, they can be explored together using e.g. Logistic Regression to establish what their combined impact is on pass rates. Using the current data, a Logistic Regression showed that once English as a first language, educational qualifications and marital status were controlled for, the difference between the pass rates of White and BAME candidates was **not** statistically significant. Combining data from different years (as above) would enable more robust Logistic Regression models to be developed.
- This approach can also explore some of the factors that were not included in the sample e.g. previous job level and grade of qualification to see if they might explain some of the differences.

A more detailed analysis can be used to identify where the differences occur and so direct further investigation on what factors may impact on different groups.

Ethnic group can be further broken down into White, Asian, Black and Mixed (other groups currently being too small for a meaningful statistical analysis). Our analysis showed:

- At the **Application Sift** stage, the pass rates are White 39%, Asian 37%, Black 28% and Mixed 17%. The difference between White candidates and Asian candidates is not statistically significant. Whilst the differences are not statistically significant, the distance between the White/Asian pass rate and the Black/Mixed would be worth monitoring and exploring.
- At **telephone interview**, 27% of White candidates passed compared to 12% of Asian. None of the five black candidates made it through this stage (two of the

three Mixed candidates passed). This suggests the telephone interview is impacting upon BAME candidates in general (and more BAME candidates have English as a second language) and is worth monitoring and exploring.

- It is also worth exploring some of the interactions between gender and ethnicity. For example, in the **telephone interview** there was no gender difference but white males, white females and BAME females had broadly the same pass rate (between 22-28%) whilst BAME males had a pass rate of 13%. The differences are not statistically significant but these small samples sizes are small.
- It may be beneficial for these findings to be shared and discussed as part of the assessor training so that assessing panels are made consciously aware of the adverse impact that exists, and where in the selection process it exists.
- It may also inform any positive action measures that may need to be taken as part of the attraction and advertising piece.

Statistical review of data by Competency

The following competencies were measured at the application and interview stages:

Application	Telephone Interview
<ul style="list-style-type: none"> • Impartiality • Integrity • Takes Ownership • Collaborative • Analyse Critically 	<ul style="list-style-type: none"> • Public Service • Transparency • Emotionally Aware • Deliver, Support and Inspire • Innovative and Open Minded

Please note that when we refer to 'small', 'medium' and 'large' differences, these are the Cohen definitions where the difference between average scores is in the region of 0.2, 0.5 and 0.8 of a standard deviation respectively.

Application Form

- When comparing the differences between White and BAME candidates on the interview, there were no significant differences for three of the competencies – *Impartiality, Integrity and Analyse Critically*.
- For **Collaborative** there was a 'small' difference with White candidates scoring higher than BAME, and the difference approaching statistical significance.
- For **Takes Ownership** the difference was statistically significant and in the 'small' to 'medium' range, with White candidates again scoring higher. This question should be reviewed or answers to it investigated further.

- In all cases the average score for White candidates was higher than the average for BAME candidates, even when the differences were far from significant. Further, in all cases the highest average scores were for White, then Asian, then Black candidates.
- The distance between White and Asian scores, and between Asian and Black scores was quite variable from competence to competence with no clear pattern. However, the difference between White/Asian candidates and Black candidates was particularly marked for Collaborative.

Telephone Interview

Sample sizes were much smaller here so a bigger difference in scores was required for a difference to be statistically significant. However, White candidates had a higher average score on every competency than BAME candidates, the differences being highly statistically significant and in the 'medium' to 'large' category for both **Transparency** and **Deliver, Support and Inspire**.

The differences for Emotionally Aware and Innovative and Open Minded were in the small to medium range with the former approaching significance and the latter being significant.

Recommendations

- We recommend reviewing *Takes Ownership* and *Collaborative* at Application and *Transparency* and *Deliver, Support and Inspire* at Telephone Interview for content. It is difficult to recommend these competencies being given less weight purely on the basis of the statistics (excepting that we know they are a source of adverse impact).
- To give an indication for the impact of the changes, if we gave half the weight to Takes Ownership than we do the other competencies, then the pass rate for BAME candidates would be just meeting, or falling only very slightly short of, the four-fifths rule (depending on where you set the cut-off)¹. Of course, this could backfire if next time BAMEs did better on the competency. It would therefore be better to check the pattern of this data over the last three years for a more robust finding.

¹ The BAME pass rate is currently 72% of the White pass rate, with this change it would be 78-80% of the white pass rate and at 80%, of course, it meets the four-fifths rule.

INTERVIEWS WITH POLICE FORCES

Individuals from the Metropolitan Police, Greater Manchester Police and West Midlands Police were interviewed to ascertain their perceptions of the Direct Entry scheme. Two of the three police forces were very positive about the College of Policing and the efforts that the team had undertaken to try and achieve different outcomes for minority groups. One force felt that many more questions needed to be asked when looking at the adverse impact for BAME candidates, and they welcomed the peer review.

GMP in particular talked about the further analysis that the College had undertaken to delve further into the assessment data to see where the issues may lie. They were pleased with the support that the College had been providing.

WMP were keen to ensure that there was ongoing dialogue between the College and forces regarding the success rates of under-represented groups. They were keen to ensure that this remained on the agenda and that the process is continually monitored to ensure that steps are taken to prevent any future adverse impact.

Some recommendations that were suggested or comments made included:

- Review the attraction process – who is it that we are trying to encourage to apply? It appeared to some that the candidate pool was predominantly ex-military rather than drawn from different professional backgrounds. Who are we targeting? Can we whet their appetite in some way? How can we attract BAME applicants? What are the channels? One individual commented that the Direct Entry process was not a way of driving diversity in the force. *“Are we doing the right thing to attract candidates at the right level?”*
- There were consistent comments about the marketing strategy that the College/forces use to advertise and reach out to diverse applicants. One said that they *“leave it too late to have conversations with potential candidates, as these start in the autumn for applications in February.”*
- One force commented that the ‘meet and engage’ sessions with the College worked really well and to do more of these.
- One force preferred not to have an application form at all for this level and keep it CV based until the interview. They also preferred to have face to face or skype interviews rather than telephone interviews. In their opinion, many good middle or senior managers may be put off applying due to the lengthy application process. There could be other methods by which to shortlist such as using a CV and/or biodata.

- All of the forces that we interviewed commented on the lack of diversity amongst the assessor panel, but also commented that this had improved compared to previous years, recognising that there was still some way to go. They said that the ratio of male/females had improved but there was a lack of age and ethnic diversity on these panels, and that it was typically a white, middle aged panel. One individual suggested having ‘community’ assessors who observe the process or who make up the panel.
- One force recommended “Doing some dynamic quality assurance of the process as you go along”. We felt that this was already being undertaken at the interview stage but would recommend that this is undertaken at the application sift stage as well.
- Some other comments included:

“If we award an extra mark for having a priority language, it may level the playing field.”

“If the College can’t explain it, they have to reform it.”

“I genuinely believe the College is trying to give people an opportunity to change outcomes. They are always open to feedback and at a national level, we are working with the College to ask the right questions, and then they will put in place recommendations.”



Name of meeting: Professional Committee

Date of meeting: 3rd September 2019

Item lead at meeting: David Tucker

Agenda item number: 6

Title of paper: College Response to HMICFRS Report on Elder Abuse

1. Issue

- 1.1 To report to the Professional Committee the recommendations arising from the joint inspection report on the Police and CPS response to crimes against older people published by HMICFRS and HMICPSI in July 2019.

2. Recommendation

- 2.1 Professional Committee is asked to:
 - a) **Note** the College response to the recommendations published in the report

3. Summary

- 3.1 The report provides valuable evidence of issues faced by forces in dealing with crimes against older people and adult safeguarding issues more generally. The College supports the intention of recommendations made and is undertaking work to respond to concerns raised although we have reservations about the specific wordings of some.
- 3.2 The Inspectorates' report makes a number of recommendations. They are variously directed at NPCC, CPS, chief constables, the College and combinations of those bodies (see annex A). The thirteen 'causes of concern' and 'recommendations' are numbered in Annex A to assist Committee members to identify which recommendations are being referred to in this report.
- 3.3 The report is underpinned by evidence obtained by the inspectorates in field work and also through a consultation company, Britain Thinks, commissioned specifically for this work.
- 3.4 The report finds that adult safeguarding is not being addressed in forces with the same intensity and priority as child safeguarding and that victim/witness care sometimes falls below a desirable standard.
- 3.5 Recommendations address broader adult safeguarding issues as well as support for victims through the criminal justice process. There are two recommendations (1 and 3) to create a new, separate category of 'elder abuse' to sit as an additional category of vulnerability, alongside the existing 13 strands (e.g. CSE, adults at risk, mental ill-health, modern slavery, rape/serious sexual offences, etc.).

- 3.6 The evidence presented in the report provides a coherent case for a further examination of the way in which adult safeguarding is addressed. The College is in contact with the national policing lead with a view to establishing a plan or strategy to address this issue. The College already has many products that deliver guidance and training that address adult safeguarding and that we consider address recommendation 7. We will work with the national lead to assess whether further training and guidance, supported by significant implementation activity within policing, can achieve the outcomes desired by the inspectorates or whether encouraging greater take up of existing materials is a better option, bearing in mind demand on the College and forces.
- 3.7 The report contains evidence about how police processes are failing to support victims and witnesses to be fully involved in the criminal justice system. The College is engaged in work to revise learning materials in relation to victim and witness care and relevant recommendations will be addressed here. This work will address recommendations 2, 5, 8 and 12.
- 3.8 The evidence does not, in our view, support the creation of a new category of vulnerability, based on the assumption that age, of itself, is a vulnerability (1). Recommendation 3 is directed to national policing leads to create a strategy for policing to address the needs of older people. The College is holding conversations with the national leads to agree a response.
- 3.9 The College view is that the case studies and other evidence in the report present crimes that were poorly dealt with but these cases, whilst involving older people, could have involved victims of any age. There is no evidence within the report that age, on its own, was a significant factor. It is the case that frailty and mental ill-health may advance with age, but it is these rather than the age itself that creates vulnerability and risk of harm.
- 3.10 The College approach to vulnerability mirrors that of NPCC. Our vulnerability training emphasises the need for officers and staff to understand a person's complete set of vulnerabilities and avoid compartmentalising individuals. This is because vulnerability may present in many ways and an individual is likely to have more than one vulnerability. Compartmentalisation can lead to assumptions about the best ways to manage risks. Age is specifically included in College training and guidance as a personal factor that could have an impact on vulnerability.
- 3.11 The College has developed a simple model to assist officers and staff understand vulnerability and NPCC has developed the National Vulnerability Action Plan that seeks to promote a unified way to address vulnerability, rather than seeing it through the lens of 13 separate strands.
- 3.12 The College model is based on an extensive evidence gathering and evaluation exercise. A person must have personal vulnerabilities that combine with environmental or situational factors with either or both not being managed properly for the person to suffer harm or be at risk of harm.
- 3.13 Current work to develop evidence-based guidelines for vulnerability related risk assessment is at an early stage but seems to support the research findings described above, that compartmentalising vulnerable people into categories is not the most effective way to deal with the risk of harm they encounter.
- 3.14 The College proposes to use the evidence gathered by the inspectorates to review the vulnerability training and guidance products. We also propose to work with the national policing lead to develop a coherent approach to adult safeguarding and develop materials to support victim and witness care. This work will address the main areas of

concern identified in the inspection report, that vulnerable victims and witnesses are not always supported throughout the investigative process.

- 3.15 In summary, recommendations 2,5, 7, 8 and 12 refer to gaps in assessing victim needs and then carrying through arrangements to address vulnerabilities, to be addressed mainly through our existing work on revising College victims and witnesses products; recommendations 6, 10, 11 and 12 refer to referrals for support and local victim support arrangements that are mainly for chiefs and PCCs to address, with some support from the College; recommendations 1 and 3 seek creation of a specific category of elder abuse about which the College has reservations and is holding discussions with NPCC. The remaining recommendations, 4, 9 and 13 address operational issues for NPCC, chiefs and CPS that do not require College attention.
- 3.16 This course of action proposed in this report presents no financial issues. An equality impact assessment was conducted for the vulnerability training and will be part of the College work on victims and witnesses.

4. Annex

Annex A – Report recommendations

Name of Director:	Rachel Tuffin
Date of Director Sign off:	14 th August 2019
Author name:	David Tucker
Author job title:	Faculty Lead, Crime and Criminal Justice
Author email:	
Author tel number:	
Lead at Board	David Tucker



Annex A - Recommendations

For the National Police Chiefs' Council and the Crown Prosecution Service

Cause of concern

The police and CPS response to crimes against older people is not as co-ordinated and effective as it could be. This is partly because there is no joint agreed definition of what constitutes an older victim and no co-ordinated approach to the response to these crimes.

Recommendation

Within six months, the NPCC lead for adults at risk and the CPS should agree a joint and simple definition of what constitutes an older victim, and take a co-ordinated approach to understand and respond to the problem.

For the National Police Chiefs' Council and the College of Policing

Cause of concern

The police don't always consider that they need to tell the CPS of adjustments victims need to be able to give their best evidence. This is because there is little guidance for officers about how and when they should do this.

Recommendation

Within six months, the NPCC lead for case file quality should work with the College of Policing to produce guidance for officers, which should be given to chief constables.

Cause of concern

Older people are not sufficiently recognised as a group of vulnerable people by the police, and so there is little co-ordination of activity to make sure that older people are given the best service.

Recommendation

Within six months, the NPCC leads for adults at risk, age-related matters and the vulnerable people portfolio should develop a strategy for how the police service should respond to the problems faced by older people, and agree who should be responsible for it.

For the National Police Chiefs' Council

Cause of concern

Current systems of crime allocation used by police forces don't always consider the needs of victims and the complexities of cases.

Recommendation

Within six months, the NPCC lead for crime investigation should work with other interested parties to review current allocation processes, and recommend systems that more easily help forces to allocate an appropriate investigative response.

Cause of concern

The police don't consistently assess the needs of victims as set out in the relevant codes of practice. The needs of victims aren't always met, and the CPS aren't always given the right information to tailor the help it offers to the needs of the victims.

Recommendation

Within six months, the NPCC lead for victims and witnesses should establish good ways for police forces to conduct a victim needs assessment. This should include whether the assessment should be completed when officers first meet victims and witnesses, and whether there are benefits in providing the assessment to the CPS and other appropriate

Cause of concern

Some older victims of crime aren't being helped to give their best evidence, because the police don't always make effective use of the registered intermediary scheme.

Recommendation

Within three months, the NPCC lead for adults at risk should remind chief constables that it is important that officers consider whether a registered intermediary can help victims to give better evidence.
organisations.

For the College of Policing

Cause of concern

Victims may be put at risk because officers aren't given guidance and training in how to keep adults safe.

Recommendation

As a matter of urgency, the College of Policing should develop guidance and training for officers involved in adult safeguarding arrangements.

For chief constables

Cause of concern

The police don't consistently assess the needs of victims as set out in the relevant codes of practice and so the needs of victims aren't always met.

Recommendation

Within six months, chief constables should make sure that victim needs assessments are always completed.

Cause of concern

Chief constables don't understand well enough the current demand for adult safeguarding arrangements, and haven't considered the likely future demand and the implications for forces.

Recommendation

Within three months, chief constables should conduct analysis of the current and future demand for adult safeguarding, including the gap in knowledge that may exist from those cases where referrals aren't made because of errors or omissions. This analysis should be incorporated into force management statements (FMSs).

Cause of concern

Some victims may not be receiving support services, and some support services don't work as well as they could. This is because the police don't always refer victims when they should, support services don't have ready access to police information, and witness care arrangements are sometimes provided separately.

Recommendation

Within six months, chief constables should work with police and crime commissioners and their mayoral equivalents, and other relevant organisations, to review whether victim support services can be provided in a better way.

For chief constables and the National Police Chiefs' Council

Cause of concern

Some adults who need safeguarding are being put at risk because the police aren't always referring cases to partner organisations, and there are no effective measures to ensure that referrals have been made.

Recommendation

Within three months, chief constables should ensure that adult safeguarding referrals are always made when appropriate, with effective processes in place to make sure this happens. The NPCC lead for adults at risk should advise chief constables as to how this is best achieved.

For the Crown Prosecution Service, the College of Policing and the National Police Chiefs' Council

Cause of concern

Some vulnerable and intimidated witnesses may not always be provided with sufficient reassurance and confidence to provide evidence in court. This is because:

- the current CPS guidance on special measures is out of date and sets out a position that contradicts current practice in relation to special measures meetings; and
- there is no clear guidance for the police on special measures meetings.

Recommendation

Within six months, the CPS should review its guidance about special measures. The CPS should also work with the College of Policing and the NPCC, so that special measures meetings are offered to victims and witnesses when appropriate.

For the Crown Prosecution Service

Cause of concern

Some victims may not be kept safe after a court case has ended because prosecutors don't always consider and apply for a restraining order.

Recommendation

Within three months, the CPS should remind prosecutors to record that a restraining order has been considered in all appropriate cases.



Name of meeting: Professional Committee

Date of meeting: 3rd September 2019

Item lead at meeting: David Tucker

Agenda item number: 7

Title of paper: **Review of College of Policing 2014 Hate Crime operational Guidance**

1. Issue

- 1.1 To update the Committee on Counsel's advice and the proposed College response in relation to the Judicial Review Pre-action against both Humberside Police and the College.

2. Recommendation

- 2.1. Professional Committee is asked to:
- a) **Note** Counsel's Advice;
 - b) **Note** the proposed College response.

3. Summary

- 3.1 On the 3 May 2019, the College of Policing received a Judicial Review Pre-action Protocol letter dated 29 April 2019 from Sinclair's law on behalf of their client, Mr Harry Miller. The letter named the College as second defendant to the action, Humberside Constabulary being the first defendant. The claimant challenges:
- a) Humberside's decision on the 23rd January 2019 to record the transmission of tweets by the claimant as a 'hate incident'.
 - b) The College of Policing (2014) Hate Crime Operational Guidance (HCOG) which promotes the recording of 'hate incidents'.
- 3.2 The claimant requires Humberside to expunge any record it holds of any hate incident related to the claimant, and that the College withdraws its hate crime guidance insofar as it relates to hate incidents.
- 3.3 This letter was received at a time when the HCOG was already being reviewed and was discussed at the 5th December 2018 Professional Committee meeting.
- 3.4 The College has engaged the Government Legal Department (GLD), who in turn engaged Counsel to provide legal advice on the lawfulness of the HCOG. Counsel confirms, in their opinion, that the HCOG is lawful. Counsel does however suggest that while the Guidance is subject to review, amendments could be made to the

- section on responding to hate incidents to clarify what a proportionate response would be. In particular balancing Human Rights with s149 of the Equality Act.
- 3.5 The review of the guidance, was stalled following receipt of the letter, but has now recommenced with a timeline, including public consultation, putting publication at the end January 2020.
- 3.6 On 5 August 2019 the court granted permission for the judicial review to be heard.

4. Background Information

- 4.1 The Judicial Review Pre-action Protocol letter dated 29 April 2019 was received by the College on 3 May 2019.
- 4.2 The claimant, Mr Miller has been engaged in a twitter debate in relation to the Government consultation for the reform of the Gender Recognition Act 2004. He describes himself as gender critical and is vocal on the ontology of sex and gender.
- 4.3 In January 2019 Humberside Constabulary received a complaint against Mr Miller's tweets. The complainant perceived the tweets to be motivated by hate, and as the tweets did not amount to a criminal offence, Humberside Constabulary recorded this complaint as a hate incident.
- 4.4 In addition, Humberside Constabulary contacted Mr Miller to advise him that the matter had been recorded as such. They also advised Mr Miller that if further complaints were received these would also be recorded as hate incidents.
- 4.5 Mr Miller made a complaint against the constabulary's actions. Humberside maintained that they had acted proportionately and in accordance with the College's HCOG.
- 4.6 Mr Miller subsequently initiated proceedings via the Judicial Review Pre-action Protocol against both Humberside and the College.
- 4.7 The existing review of the HCOG was temporarily stalled on receipt of the pre-action letter. Counsel has now reviewed the case and advises that the HCOG is lawful and is supported by National Incident Recording Standards.
- 4.8 The National Standard for Incident Recording 2011 is understood to be owned by the NPCC. In light of this the NPCC have been named as an interested party in the JR proceedings. We are also keeping the Home Office briefed on the development of the claim.
- 4.9 Although the police have limited powers in respect of hate incidents, they do have a general duty under Equality Act 2010 to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.

4.10 This general duty should however be exercised proportionately and be compliant with rights including freedom of speech, protected by the Human Rights Act 1998.

- In light of Counsel's most recent advice, it is determined that positive action to continue to review the guidance, including public consultation, would reduce the risk of the guidance being found by the courts to be unlawful. Counsel has provided advice on an approach to this, which is being considered and incorporated where possible into the review with the assistance of a subject matter expert, Mr Paula Giannasi, National Police Hate Crime Adviser. This includes measures to Explore potential for placing HCOG on a firmer legal footing
- Highlight safeguards on recording and retention of data
- Highlight safeguards on disclosure of data
- Highlight the importance of police responses being proportionate

4.12 In their letter dated 5 August 2019 the courts gave permission for this issue to progress to judicial review. The court has also agreed to partial expedition of the claim. This means the hearing is to be listed as soon as possible after 9 November 2019.

4.13 The College of Policing plans to resist the claim and must submit its detailed grounds of resistance of the claim with accompanying evidence by 30 September. [REDACTED], the College lead and [REDACTED], are working to pull this evidence together with the assistance of GLD and Counsel.

4.14 There have been numerous reports about the case in various media outlets including The Times and BBC News. The media team have been briefed and have released the following lines:

- "The College of Policing is aware of a challenge regarding its Hate Crime Operational Guidance and will be responding accordingly as part of the process."
- "The guidance was developed after concerns were raised in The Stephen Lawrence Inquiry Report that the police were not properly recording incidents of race hate crime. A new approach for recording incidents was then expanded to include other areas."
- "Hate incidents can cause extreme distress and be the precursor to more serious actions or crime. Not all incidents will escalate this way but it is only by recording concerns that police can assess their seriousness."

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 September 2019

Item lead at meeting: Mike Cunningham

Agenda item number: 8a

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 The imperative from the government for the service to recruit an additional 20,000 police officers in three years is being led by the NPCC with the support of the College and the Home Office (NPCC Chair Martin Hewitt is the SRO and DCC Janette McCormick is the programme director).

4.2 The College has a key role in supporting and enabling the service to achieve the uplift, whilst ensuring that the integrity of professional standards are maintained and maximising the opportunities to improve diversity within the workforce. In doing so the College may face resourcing and financial requirements and challenges.

4.3 Under the leadership of NPCC, there are a number of work streams that will impact on the College (including Attraction, Recruitment, Pre Employment, Retention, Leadership and Development and Workforce Design) and the process of mapping who and how this is resourced is currently underway.

4.4 Work is progressing at a pace and the requirements (based on a force readiness survey) are fluid and evolving. As such a Gold Group has been established to understand extent of these challenges for the College and to ensure these are met effectively, efficiently and in line with professional standards. To date the College has committed a resource to lead the Attraction stream and will provide representation on the others as required. Recruitment is underway to support the increased demand in selection and assessment and consideration is being given to accelerate the introduction of Day One to replace Search and the systems and estate requirements of doing so.

- 4.5 A Silver Group of practitioner's across the College has been established to co-ordinate and bring together a College plan with key milestones, time line of key activities, interdependencies, risks and issues and to develop a clear and integrated narrative.

Crime and Criminal Justice Faculty

- 4.6 The work to test the College revised **Domestic Abuse risk assessment** (DARA) continues with West Midlands and went live with the new tool at the beginning of July, a further three forces will go live in October.
- 4.7 The first classroom based delivery of the **Public Protection and Safeguarding Leaders** took place in July and was fully subscribed. The second cohort begins in September and is also fully subscribed. We are seeking volunteer forces to help us to use this programme of learning to test the licence to practice model so that we can identify the level of work a licence may require to maintain and whether there are benefits to the scheme.
- 4.8 The College worked with the Digital Policing Portfolio to develop and submit a **CSR** bid for funding work to support the service to create and maintain digital skills to enable effective digital investigation and intelligence gathering. The position around CSR is unclear and we await feedback on the submission.

Uniformed Policing Faculty

- 4.9 The College **Standards Directorate** is supporting the inquests in to the deaths of the victims of the Manchester Arena bombing through the disclosure, with redactions where necessary, of all relevant **College Guidance and Learning Materials**. This has been a detailed piece of work involving the review of hundreds of College products by members of the College faculties.
- 4.10 The **Code of Practice for Firearms and Less Lethal Weapons** has been developed by the College and has been sent to the Home Secretary for consideration of laying before Parliament as a statutory Code of Practice. Draft amendments to the **APP** on policing protest are currently out for a public consultation and will conclude in September. The same process is being used with the NPCC with public consultation on their protest advice. Discussion with the IOPC and NPCC have resulted in the development of the criteria to assist forces in assessing which policing incidents that are associated with **Death or Serious Injury** would most benefit from the implementation of a formal Post Incident Procedure to manage the securing of evidence and welfare support for those involved. Draft briefing and learning materials are being developed to support the publication and implementation of the associated **APP**.
- 4.11 The College was asked and has developed guidance for forces on how best to engage with their communities in relation to the use of stop and search. This was following the decision by the Home Office to rescind the Best Use of **Stop and Search Scheme** restrictions for all forces on the use of Section 60 'without suspicion'.

Workforce Development Directorate

- 4.12 The Workforce Development Directorate was established in February 2019 under the leadership of Jo Noakes to deliver the 'Professional Development' element of the Plan on a Page. The work of the Directorate is represented in three business areas as detailed below:
- **Career Development and Progression** – working across the life cycle of officers and staff, supporting those in policing from initial attraction and recruitment, through to education and development opportunities and progression routes available at all levels.
 - **Support and Enabling** –cutting work-streams that provide essential services and support to forces and individuals to enable workforce development.
 - **Inclusion, Diversity and Engagement** –The College is committed to taking a leading role in supporting policing to improve in this area this will require focussed support from the College and include dedicated engagement with the front line.
- 4.13 In accordance with the aim of widening access to College products and services, the Membership Engagement Team moved to the Directorate. They will continue to work with forces and ambassadors to provide support to as part of the Workforce Enablers Project.
- 4.14 PEQF Update - The figure below provides an update of the current status of **PEQF implementation**. The majority of forces are still on schedule to implement the new routes by 2020.

Programme/Organisation	Live as at 31 July 2019	Total live by 31 December 2019
PC Degree Apprenticeship (PCDA)	11 forces	17 forces
Degree Holder Entry Programme (DHEP)	3 forces	4 forces
Pre-join Degree	N/a	32 Universities
HEIs seeking collaborations (to deliver PCDA/DHEP)	30 Universities	N/a

- 4.15 The directorate is developing responses to the challenges faced by forces, specifically in relation to attraction, affordability, abstraction and upskilling of tutor constables.
- Redeveloping abstraction modelling based on live data from forces which will take account of both attrition and the requirements of tutor constables.
 - Guidance on Workplace Abstraction is being produced.
 - Commitment to additional resource to enhance dedicated Implementation Support Teams.
 - A national police attraction and recruitment strategy is being developed jointly with the service.

Knowledge, Research & Practice

- 4.16 The College has awarded funding for 64 police officers and staff through our 2019 Bursary scheme to support study at undergraduate or postgraduate level. Almost a quarter of successful applicants are police staff and just under a half are police constables. 150 applications were received this year across from 39 forces/agencies.

Delivery Services

- 4.17 The redesign of the **Counter Corruption Bronze programme** has been complete and is due to be piloted in Sept 2019. Work on the CC Silver programme has commenced and consultation with the working group has now been completed. A new learning standard has been developed with the programme content timetable agreed and signed off. The learning resources are in development with oversight to ensure that the resources are aligned and are fully complement with the Bronze level.
- 4.18 A Review of the **Gold Strategic Firearms Command and Gold Public Order & Public Safety programmes** has commenced.

Author name: Jayshree Vekria

Author job title: Portfolio & Programme Officer

Author email: [REDACTED]

Author tel number: [REDACTED]