



Meeting	SPA Complaints and Conduct Committee
Date	27 February 2024
Location	Video Conference
Title of Paper	HMICS Assurance Review of Vetting – Action Plan
Presented By	T/Deputy Chief Constable Alan Speirs, Professionalism, Strategy and Engagement
Recommendation to Members	For Discussion
Appendix Attached	No

PURPOSE

The purpose of this paper is to furnish the SPA Complaints and Conduct Committee with Police Scotland’s Action Plan to address the recommendations contained within the recent HMICS Assurance review of vetting policy and procedures within Police Scotland report, published on 03 October 2023.

Members are *invited to discuss* the contents of the paper.

1. BACKGROUND

- 1.1 On 03 October 2023, His Majesty's Inspectorate of Constabulary in Scotland (HMICS) published a report following a review of Police Scotland's vetting policy and procedures.
- 1.2 The aim of the review was to assure the quality of vetting and renewals and whether these effectively identified potential misconduct, risk or vulnerability. With recent high-profile cases of police officers abusing their positions vetting is an integral part of the process to identify individuals who are unsuitable to work within policing. The review focussed on recruitment and management vetting of officers and staff either being recruited by or those already working within Police Scotland.
- 1.3 HMICS considered the history of vetting in Scotland in the years prior to the creation of Police Scotland in 2013. It reviewed vetting case files of officers and staff over a 4-year period between 2019 and 2022 as well as examining guidance and policy which currently provide the basis for vetting in Police Scotland.

2. RECOMMENDATIONS AND ACTION PLAN

- 2.1 The report contains 15 recommendations and identifies areas for development to improve Police Scotland's vetting of its officers and staff and subsequent identification and management of risk. The report also highlights examples of good practice within the Force Vetting Unit.
- 2.2 The recommendations are as below, together with the Police Scotland management response setting out the actions to be taken to address same.

Recommendation 1

The Scottish Government should place into legislation the requirement for all Police Scotland officers and staff to obtain and maintain a minimum standard of vetting clearance and the provision for the Chief Constable to dispense with the service of an officer or staff member who cannot maintain suitable vetting.

Whilst this recommendation is largely outside of the control of Police Scotland, we are liaising with colleagues within the Police Division of the Scottish Government to collaborate and explore the opportunities to place vetting and the requirement to attain and maintain same on a statutory footing.

We are also querying whether it would be appropriate to include an amendment to the Police (Ethics, Conduct and Scrutiny) Bill which will shortly be entering Stage 2 of the legislative process. It is currently at Stage 1.

We will continue regular meetings and dialogue with Scottish Government colleagues. We will also explore opportunities within current Conduct or Performance Regulations whereby a FVU decision to remove vetting clearance could result in Gross misconduct proceedings being instigated.

We will liaise with and continue to monitor the progress of the Metropolitan Police Service's Operation Assure - a new process to consider dismissing officers who can no longer pass vetting.

Recommendation 2

Police Scotland should undertake an urgent review to ensure that all officers and staff have been subject to at least Recruitment Vetting.

As was noted within the report, current vetting practices are conducted to a good standard. All police officers, police staff, contractors and service providers are vetted in line with UK standards. Whilst there was a difference in vetting practices and recording within legacy police forces prior to the creation of Police Scotland, it must be stressed that all forces did operate vetting procedures and all officers and staff were subject of vetting on appointment. In addition, over 5,000 officers and staff within Police Scotland are vetted to a higher level which are subject to annual reviews.

A Historic Data Wash exercise was recently undertaken and there were no instances whereby an officer or member of staff had been criminally investigated or convicted without Police Scotland's prior knowledge. A report by the National Police Chiefs' Council was published in January 2024.

In addition, a review of all matters pertaining to police perpetrated domestic circumstances has been undertaken between 01 January 2020 and 31 January 2023. A report is in the final stages that highlights best practice, learning and recommendations.

Recommendation 3

Police Scotland should introduce a programme so that officers and staff who hold only Recruitment Vetting are re-vetted at least every 10 years.

RV clearance is the minimum requirement for all staff and officers working in Police Scotland. Later this year, we will be introducing a policy to renew the Recruitment Vetting (RV) clearances of staff and officers. Officers and staff who hold higher levels of vetting clearance - Management Vetting (MV) and National Security Vetting (NSV) clearance - are exempt from the requirement, as there are separate arrangements in place for the renewal of these types of clearance. Work is ongoing to develop a policy to support this work which includes benchmarking against other UK police forces. Police Scotland are taking full cognisance of the points raised by HMICS regarding introducing renewals on a 10-year basis.

Recommendation 4

Police Scotland should ensure it has in place clear policy and robust processes for the granting of Conditional Vetting Clearance, including the ongoing management of identified risk.

The Force Vetting Unit accepts that the guidance and processes in relation to granting conditional vetting clearances ("conditional postings") is not well considered or clear. As part of the annual review of the Vetting Manual of Guidance, a detailed section will be added to give vetting staff guidance on how to consider when a conditional posting might be appropriate / not appropriate and the factors they will require to consider.

There is no provision for this within the APP for Vetting for England and Wales however enquiries have been made with the Ministry of Defence, British Transport Police and Civil Nuclear Constabulary to ascertain whether these forces have a similar process given their UK-wide jurisdiction.

We are also developing a process of notification and management, which will ensure that conditional postings, when granted, are notified to the relevant teams - recruitment, professional standards and HR - to ensure this is reflected on the officer's record. ACU will also be notified to ensure ongoing management of identified risk, which may also include liaison with the officer's divisional management.

Recommendation 5

Police Scotland should as a matter of urgency review its designated posts and its guidance in relation to the identification of designated posts, prioritising those posts that require working with vulnerable people.

Police Scotland accepts that the Force's Designated Posts list is out of date and work is already underway to address this.

In October 2023, all divisions across the force were sent a list of all posts in their division and were asked to review, using guidance from the current Vetting Manual of Guidance, each and every post to ensure that they have the correct levels of vetting based on the requirements of the role. This first phase includes all posts to ensure the force has a comprehensive list of every post. The second phase is to take those posts which require MV clearance and create a new Designated Posts list. This list will be reviewed annually. The third and arguably most important phase is to ensure individuals within a designated post have the correct level of vetting clearance. As part of the first phase, this will include a review of any posts which are currently not designated but should be i.e. posts that require working with vulnerable people.

Any changes to the definition of a designated post will be amended in the Vetting Manual of Guidance.

Recommendation 6

Police Scotland should have clear policy and supporting processes in place which require all officers and staff to report relevant changes of their personal circumstances.

Whilst Police Scotland are confident there is sufficient guidance available to those who hold Management Vetting (MV) and National Security Vetting (NSV) clearances regarding the requirement to report changes to their personal circumstances, it is accepted there is a lack of guidance for all other staff and officers.

A new process concerning changes in personal circumstances for all staff and officers to be developed. A communications piece uploaded to the intranet to remind all staff and officers that they must notify the FVU about relevant changes to their personal circumstances. A list of relevant but non-exhaustive changes in circumstances will be included.

We will also liaise with Police Scotland's Digital Division to ascertain if it is feasible and within resourcing and budgetary constraints to amend/update the current HR system to interface with the vetting system.

Recommendation 7

Police Scotland should have clear policy and supporting processes requiring all officers and staff to report any off-duty criminal charge, conviction or offence.

There is a guidance that all officers and staff must report off-duty criminality, whether charged, convicted or otherwise however it is accepted that the process for reporting matters is not well known or familiar to all officers and staff. The guidance is contained within The Police Service of Scotland (Conduct) Regulations 2014, Schedule 1 - Standards of Professional Behaviour – Discreditable Conduct:

Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty. Police officers report any action taken against them for a criminal offence, any conditions imposed on them by a court or the receipt of any penalty notice.

For police staff, Section 8 of the Code of Conduct - Notification of Criminal Offence/Investigation:

You must notify the organisation immediately if you become aware that you are the subject of any criminal investigation by the police or any other law enforcement/reporting agency. If you find yourself subject to such an investigation you must advise the police or law enforcement/reporting agency that you are employed by the Scottish Police Authority/Police Scotland. Similarly, if you are charged, reported or convicted of a criminal offence you must immediately notify the organisation of this through your line manager.

A reminder via corporate communications and the intranet to remind all staff and officers that they must report such matters to the PSD Gateway Unit / P&D may be helpful and contained within. This will then be reported onwards to the FVU for consideration of vetting review.

Recommendation 8

Police Scotland should have a policy in relation to reviewing the vetting clearance of officers and staff following misconduct proceedings.

It is accepted there is no formal policy on reviewing the vetting clearances of officers or staff following misconduct proceedings. This gap was recognised at the end of 2022 when the HMICFRS Inspection

of Vetting, Misconduct and Misogyny in the Police Service report was published. As a result of this, an informal pilot process was developed between the PSD Conduct Unit and the FVU.

A formal process will be developed, making it clear to PSD Conduct, P&D and FVU staff what each of the respective obligations are. We will also speak with policy colleagues about inserting additional guidance into existing Disciplinary/Misconduct SOPs for both staff and officers.

Recommendation 9

Police Scotland should have a policy whereby, if an officer or member of staff is refused or has their Management Vetting or Government (National Security Vetting) vetting clearances withdrawn this will result in a review of their Recruitment Vetting clearance.

It is appreciated that the current Vetting Manual of Guidance does not allow all levels of vetting clearance to be refused, suspended or withdrawn and there is no provision for review of suitability to continue to hold RV clearance after an officer or staff member has their MV or NSV refused.

This position will be reviewed, in line with the recently published Vetting Code of Practice. This sets out 18 requirements of Chief Officers and one requirement is the ability to review or renew any vetting type in line with the renewals process or if adverse information comes to light at any time.

We are also liaising with colleagues within the Police Division of the Scottish Government in respect of Recommendation 1, to collaborate and explore the opportunities to place vetting and the requirement to attain and maintain same on a statutory footing.

We are also querying whether it would be appropriate to include an amendment to the Police (Ethics, Conduct and Scrutiny) Bill which will shortly be entering Stage 2 of the legislative process. It is currently at Stage 1. We will continue regular meetings and dialogue with Scottish Government colleagues.

Recommendation 10

Police Scotland should introduce an annual integrity review including change of personal circumstances for all vetting clearances.

With 23,500 staff and officers, this would be a significant undertaking for the FVU to manage and is unlikely to be achieved with the current

resources aligned to the department. Changes in personal circumstances can be reported to the FVU as and when they arise, in line with the new process which will be developed in response to Recommendation 6.

We will also liaise with P&D to consider the introduction of an annual wellbeing support conversation between employees and line managers into the MyCareer process to cover changes to personal circumstances and/or issues arising which may need support/ escalation.

Recommendation 11

Police Scotland's policies should allow all levels of vetting clearance to be refused, suspended or withdrawn.

It is appreciated that the current Vetting Manual of Guidance does not allow all levels of vetting clearance to be refused, suspended or withdrawn; most notably, RV clearance. This position will be reviewed, in line with the recently published Vetting Code of Practice. This sets out 18 requirements of Chief Officers and one requirement is the ability to review or renew any vetting type in line with the renewals process or if adverse information comes to light at any time.

Recommendation 12

Police Scotland should maintain a cadre of trained Chief Superintendents or police staff equivalent, to review appeals of vetting decisions from officers and staff already employed by the service.

We accept that there is a lack of guidance in the Vetting Manual of Guidance about Management Vetting (MV) appeals, nor are there processes in place for this to be consistently handled.

A training programme and sufficient guidance materials will be developed, with appropriately trained chief superintendents sitting on a rota to handle appeals. This will prevent ad hoc appointments and possible inconsistencies.

Thereafter the Vetting Manual of Guidance will be updated to incorporate this new process.

Recommendation 13

Police Scotland should review the specific cases identified in this HMICS inspection as a matter of urgency and consider whether the vetting clearance granted is appropriate, and

where risk is identified ensure mitigation plans are put in place.

Since July 2023, there has been work ongoing to review and address the risks identified in the cases flagged by HMICS, which spanned the period 2019-2022. This work is ongoing and an update on the specific cases can be provided to HMICS if required.

Work is also ongoing to review specific training materials for new staff and consideration will be given to refresher training for existing staff.

Recommendation 14

Where the Force Executive becomes involved in the decision making of any vetting case (out with the processes described with the Vetting Manual of Guidance) it should report these cases to the SPA Complaints and Conduct Committee for oversight.

Whilst there has been involvement in a small number of cases in the past, the Force Executive do not routinely become involved in the decision making of vetting casework. This is delegated to the Force Vetting Manager. For any involvement in future, an audit trail will be added to the CoreVet system to ensure there is a rationale for them becoming involved.

There is however a lack of guidance for ACC/Director level involvement in accepting risk, where vetting has been refused but the Force wishes to proceed at risk by making a policy decision to do so. The Vetting Manual of Guidance states "*All decisions and recommendations made should be consistent with this guidance. Any deviations from this must be authorised at chief officer level (ACC/Director or above)*" however there is insufficient guidance on the process of making policy decision, which factors should be considered by the ACC/Director and in relation to the ongoing review of risk once the policy decision has been made and the risk has been accepted by the force. Such guidance will be added to the Vetting Manual.

Recommendation 15

Police Scotland should, as part of the work being conducted for the NPCC Historic Data Wash, ensure that iVPD checks are conducted for all officers and staff.

Manual checks of iVPD records have been completed alongside the NPCC Historic Data Wash.

2.3 A progress update on all of the above actions can be brought back to the Committee at regular intervals.

3. FINANCIAL IMPLICATIONS

3.1 There are no financial implications in this report.

4. PERSONNEL IMPLICATIONS

4.1 There are no personnel implications in this report.

5. LEGAL IMPLICATIONS

5.1 There are no legal implications in this report.

6. REPUTATIONAL IMPLICATIONS

6.1 There are no reputational implications in this report.

7. SOCIAL IMPLICATIONS

7.1 There are no social implications in this report.

8. COMMUNITY IMPACT

8.1 There are no community implications in this report.

9. EQUALITIES IMPLICATIONS

9.1 There are no equality implications in this report.

10. ENVIRONMENT IMPLICATIONS

10.1 There are no environmental implications in this report.

RECOMMENDATIONS

Members are requested to discuss the contents of this paper.