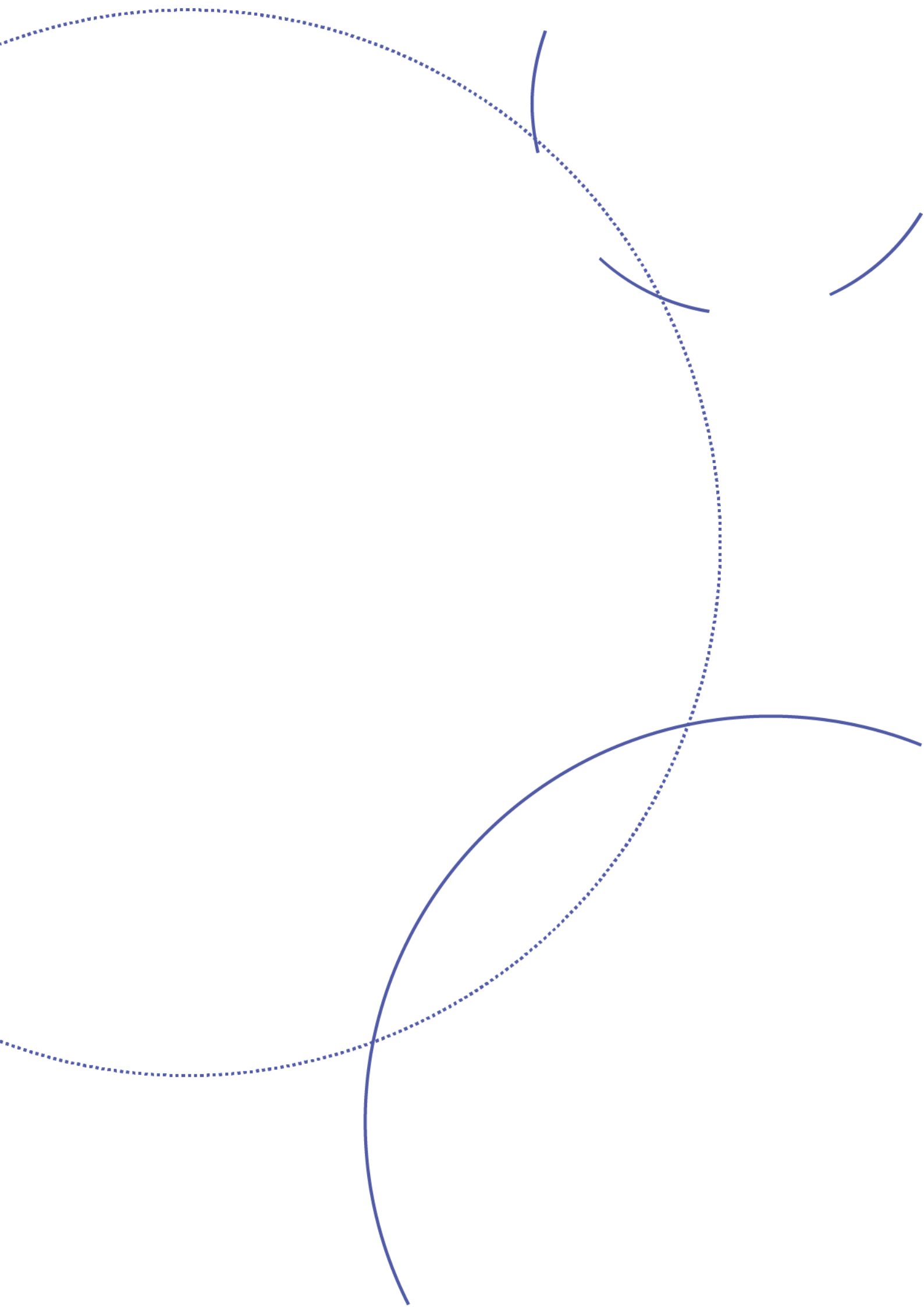




# HMICS Assurance review of vetting policy and procedures within Police Scotland

October 2023

---





# HM Inspectorate of Constabulary in Scotland

---

HM Inspectorate of Constabulary in Scotland (HMICS) is established under the Police and Fire Reform (Scotland) Act 2012 and has wide ranging powers to look into the 'state, effectiveness and efficiency' of both the Police Service of Scotland (Police Scotland) and the Scottish Police Authority (SPA).<sup>1</sup>

We have a statutory duty to inquire into the arrangements made by the Chief Constable and the SPA to meet their obligations in terms of best value and continuous improvement. If necessary, we can be directed by Scottish Ministers to look into anything relating to the SPA or Police Scotland as they consider appropriate. We also have an established role in providing professional advice and guidance on policing in Scotland.

- Our powers allow us to do anything we consider necessary or expedient for the purposes of, or in connection with, the carrying out of our functions
- The SPA and the Chief Constable must provide us with such assistance and co-operation as we may require to enable us to carry out our functions
- When we publish a report, the SPA and the Chief Constable must also consider what we have found and take such measures, if any, as they think fit
- Where our report identifies that the SPA or Police Scotland is not efficient or effective (or best value not secured), or will, unless remedial measures are taken, cease to be efficient or effective, Scottish Ministers may direct the SPA to take such measures as may be required. The SPA must comply with any direction given
- Where we make recommendations, we will follow them up and report publicly on progress
- We will identify good practice that can be applied across Scotland

---

<sup>1</sup> Legislation, [Police and Fire Reform \(Scotland\) Act 2012, Chapter 11.](#)



- We work with other inspectorates and agencies across the public sector and co-ordinate our activities to reduce the burden of inspection and avoid unnecessary duplication
- We aim to add value and strengthen public confidence in Scottish policing and will do this through independent scrutiny and objective, evidence-led reporting about what we find.

Our approach is to support Police Scotland and the SPA to deliver services that are high quality, continually improving, effective and responsive to local needs.<sup>2</sup>

**This Assurance Review was undertaken by HMICS in terms of Section 74(2)(a) of the Police and Fire Reform (Scotland) Act 2012 and is laid before the Scottish Parliament in terms of Section 79(3) of the Act.**











---

<sup>2</sup> HMICS, [Corporate Plan 2021-24](#) (February 2022).



# Contents

---

	<b>Page</b>
 Our inspection	4
 Key findings	7
 Recommendations	10
 Areas for development	12
 Examples of good practice	13
 Background	14
 Methodology	16
 Context of vetting within policing in Scotland	18
 Force Vetting Unit	20
 Vetting process	22



## Our inspection

---

Policing in Scotland is defined by both legislation and a code of ethics which describe and promote the values and behaviours that officers and staff are expected to live by and demonstrate to the public. When recruiting or transferring new officers and staff into the organisation and throughout their time with Police Scotland potential risks posed by these individuals or their backgrounds must be identified and understood. Those risks may be to the organisation, its assets but also unfortunately, as has been demonstrated in recent high profile incidents, to vulnerable members of the public.

The history of vetting shows that it has, in the past been used to reduce the risk of corruption of officers and staff, with the focus being on the protection of policing information and assets rather than those who are vulnerable. Enhanced vetting is focused on those who will have access to material that is of a higher security classification. Losing intelligence to terrorists or serious organised criminals is a threat which Police Scotland rightly takes seriously but exposing a vulnerable person to an individual who wishes to harm them is, to me, abhorrent and steps need to be taken to provide assurance that the protection of the vulnerable is prioritised.

The harm to vulnerable people, damage to public confidence and to the reputation of the police service caused by officers who have behaved inappropriately or break the law can be considerable and undermines their colleagues and the communities that they serve. This is seen most clearly when officers abuse their position of power for sexual or other gain. The cases of Wayne Couzens and David Carrick have shocked both the public and the police community. Significant steps have been taken since the details of these cases have come to light to provide assurance that officers and staff working within policing have been checked and any risks identified highlighted and managed appropriately.

Vetting of officers and staff is key to providing this assurance and Police Scotland has engaged in the ongoing national work checking all its officers and staff against national databases. In addition, it has agreed to check officers and staff against the interim vulnerable persons database, providing a full check on all available policing systems in Scotland.



When Police Scotland conducts vetting it is an attempt to identify any potential risk that prospective and current officers and staff may pose, be that the risk of being susceptible to corruption or that they have demonstrated behaviours that are inconsistent with the law, code of ethics or conduct regulations or that, most importantly, they may pose a threat to vulnerable members of our communities.

Vetting should not be viewed in isolation or as a standalone process. It must be part of an overall system to ensure that any potential risks posed by officers and staff are identified and managed. Where those risks cannot be managed there should be powers, policies and processes to ensure that individual can be removed from their role or, where necessary, the organisation.

A significant proportion of officers and staff will not be subject to vetting beyond that carried out at recruitment. Most of these officers and staff provide the frontline service where contact with vulnerable people is most frequent.

Circumstances can change with the passage of time and, therefore, so do the risks experienced or posed. To ensure any such risks are identified and managed I believe that all officers and staff should be re-vetted at a predefined interval of no more than ten years. I do not believe that any officers or staff should be able to go through the entirety of their service having only been vetted at the time of their recruitment.

In our inspection we found that historical practices prior to the creation of Police Scotland were varied, inconsistent and not always recorded effectively. Since the late 2000s vetting has improved and there is clear evidence that there has been learning and improvement and that the vetting that Police Scotland currently conducts is of a good standard.

This report highlights good practice within Police Scotland's vetting unit, a committed and skilled vetting team, a determination to improve and reduce risks combined within a learning culture. It also highlights gaps in the system, some evidence of poor decision making, recommendations on how risk can be better managed and steps that need to be taken to provide the Chief Constable with the powers to remove officers and staff who cannot sustain their vetting clearance.



I would like to thank the Police Scotland Vetting and Anti-Corruption teams who have supported our work during this inspection. Their honesty, determination and integrity give me comfort that they are working with the best interests of the communities of Scotland at the heart of all they do.

**Craig Naylor**

His Majesty's Chief Inspector of Constabulary

October 2023





## Key findings

---

- There is not, nor has there ever been, any legal requirement for police forces in Scotland to vet officers and staff. This position did not change on the creation of Police Scotland and there remains no legal requirement for it to carry out vetting of its officers or staff.
- Prior to the creation of Police Scotland, legacy police forces in Scotland carried out vetting in line with relevant Home Office circulars for all police officers. As a result of a review, vetting units were set up between 2006 and 2011 and an agreed standard of vetting was introduced throughout the legacy forces.
- There was no standardised approach to vetting of police staff prior to the creation of these vetting units within the legacy forces.
- Legacy police forces in Scotland did not re-vet officers or staff who held only Recruitment Vetting (the minimum level of vetting required for applicants).
- There was no check or review of vetting clearances held by officers and staff employed by legacy forces on the creation of the Police Service of Scotland in April 2013.
- Not all serving police officers and police staff have a vetting record held on Core-Vet (the Police Scotland vetting system).
- Police Scotland does not re-vet officers or staff who hold only Recruitment Vetting.
- Training and mentoring within the Police Scotland Force Vetting Unit (FVU) is of a high standard.
- Staff within the FVU understand the importance of the role they perform and approach their work in a thorough and professional manner.



- A review of Recruitment Vetting Core-Vet case files, for the period 2019 - 2022, identified cases of Conditional Vetting Clearance being granted where Police Scotland Vetting Guidance Manual<sup>3</sup> was not followed, or there was evidence of poor identification and management of risk.
- Police Scotland has no guidance or requirement for officers and staff to inform the organisation of relevant changes of circumstances, such as change of partner or change of address.
- Police Scotland has no easily identifiable requirement or process requiring officers or staff to notify the organisation of any off-duty criminal conviction, offence or charge.
- Police Scotland does not have a process of reviewing vetting clearance following misconduct.
- Police Scotland does not have a process of reviewing Recruitment Vetting clearance following refusal or withdrawal of Management Vetting clearance or Government (National Security Vetting) vetting clearances.
- Police Scotland does not withdraw or suspend Recruitment Vetting for any police officer or member of police staff.
- The number of appeals where Recruitment Vetting clearance has been refused on applying to join Police Scotland is increasing. Appeals are considered by the Force Vetting Manager or their deputy, creating a large volume of work for these individuals and abstracting them from other aspects of their roles.
- Appeals from existing officers and staff who have been refused Management Vetting are considered by an independent Chief Superintendent. Those appeals that had taken place between 2019 and 2022 varied in quality. They lacked consistency, and poor recording of rationale was also evident.

---

<sup>3</sup> Police Scotland, [Vetting - Manual of Guidance](#), 30th November 2022



- At the time of our field work senior vetting officers within the FVU were not routinely carrying out quality assurance checks of cases due to issues of increasing workload.
- The use of vetting interviews is sporadic and there were a number of cases identified where vetting interviews could have been used to secure further context to information provided where potential risks had been identified.
- Police Scotland has not reviewed its designated posts<sup>4</sup> since 2013.
- The National Police Chief's Council (NPCC) Historic Data Wash<sup>5</sup> currently being undertaken in the UK will not return all interim Vulnerable Persons Database (iVPD) information. In order to ensure this important system has been thoroughly checked, Police Scotland has agreed to conduct its own exercise to cover iVPD information following discussions with HMICS.
- While the majority of vetting cases reviewed were of a high standard, there were some cases of concern, identifying areas for development in training and processes.

---

<sup>4</sup> Designated posts are those posts with access to sensitive information, intelligence or operational assets.

<sup>5</sup> NPCC, [Intention to Publish Strategy](#), 29th January 2023.



## Recommendations

---

### 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.

### Recommendation 2

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

### 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.

### 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.

### 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.

### 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.

### 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.



### **Recommendation 8**

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

### **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.

### **Recommendation 10**

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

### **Recommendation 11**

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

### **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.

### **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.

### **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.

### **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.



## Areas for development

---

Areas for development	Number
Police Scotland should ensure that the quality assurance sampling of vetting cases is carried out and that records are maintained evidencing this process.	1
Police Scotland should increase the use of vetting interviews, ensuring that FVU staff are trained and confident in carrying out these interviews.	2
Police Scotland should have a vetting IT system that interfaces with its human resources IT system.	3
Police Scotland should review the administration of the vetting appeals process from potential recruits and new members of staff, with a view to reducing the burden on the Force Vetting Manager and their deputy. The responsibility of overturning any vetting decision should remain with the Force Vetting Manager.	4



## Examples of good practice

---

Examples of good practice	Number
The FVU quality of training, its delivery, and subsequent mentoring is of a high standard.	1
FVU staff recognise the importance of the work they undertake. There is a culture of continuous improvement and a strong commitment to the code of ethics and force values from those who work within the department.	2
Carrying out pre-affirmation vetting checks on recruits is good practice which has identified individuals who have been unable to maintain their vetting clearance, resulting in it being removed and them being unable to take up the post of constable.	3



## Background

---

1. Police officers are in the unique position of being able to exercise intrusive powers over their fellow citizens. The work they undertake means they are in contact with people who are at their most vulnerable.
2. In March 2021, Sarah Everard was murdered by serving Metropolitan Police officer Wayne Couzens. In February 2023, David Carrick another serving Metropolitan Police officer was sentenced to life in prison with a minimum term of 30 years, after pleading guilty to 49 charges including rape and sexual assault against 12 different women.<sup>6</sup> Both cases involved abuse of authority and highlighted how important it is that everyone working within policing maintains high ethical and professional standards and acts with integrity.
3. Vetting is an integral part of the process to identify individuals who are unsuitable to work within policing. This includes those who work within Police Scotland as well as those who have access to its information or assets. Vetting serves to identify unsuitability, be that through criminal activity or association; lack of honesty, financial vulnerability, or displaying behaviours that are not consistent with the Code of Ethics.<sup>7</sup>
4. A thorough and effective vetting regime is a vitally important component in assessing an individual's integrity, and it reassures the public that appropriate checks are carried out on persons who are placed in such a position of trust.
5. Vetting is by its very nature a snapshot in time and no vetting regime, however rigorous, can ever guarantee that a person will not go on to become a risk. However, it should always be an integral part of Police Scotland's framework of values,<sup>8</sup> ethics and professional standards of behaviour.<sup>9</sup>

---

<sup>6</sup> NPCC, [Intention to Publish Strategy](#), 29<sup>th</sup> January 2023.

<sup>7</sup> Police Scotland, [Code of Ethics for Policing in Scotland](#).

<sup>8</sup> Police Scotland, [Our purpose, focus and values](#).

<sup>9</sup> Police Scotland, [Our Standards of Professional Behaviour](#).





6. In publishing our terms of reference for our Thematic Inspection of Organisational Culture within Police Scotland<sup>10</sup> we stated that:

- We will assure the quality of vetting and renewals and whether these effectively identify potential misconduct.

Given the importance and scale of this objective, we agreed with Police Scotland that a separate review would be expedited in order to provide that assurance.

---

<sup>10</sup> HMICS, [HMICS Organisational Culture Thematic Inspection - Terms of reference](#), 10<sup>th</sup> January 2023.



## Methodology

---

### Types of vetting

7. Police Scotland carries out checks and manages all levels of Police Scotland Vetting. It has an administrative role in managing National Security Vetting (NSV), with the process being undertaken on Police Scotland's behalf by the Scottish Government.

Force Vetting includes:

- Recruitment Vetting (RV) - the minimum level required for all applicants seeking appointment as police officers or employment as members of staff within Police Scotland.
- Management Vetting (MV) - this level of clearance is a requirement for all individuals who are in a designated post.
- Non-Police Personnel Vetting (NPPV) - non-police personnel include (but are not limited to) agency personnel, policing partners such as local authority staff, contractors, trades people, auditors and researchers, where these personnel have access to any of the following; police premises, police systems, classified police information, and/or intelligence or financial or operational assets.

NSV includes:

- Counter-Terrorist Check (CTC)
- Security Check (SC)
- Security Check (Enhanced)(SC(E))
- Developed Vetting (DV)

8. This inspection focused on Recruitment and Management Vetting. HMICS recognises that many officers and staff working within Police Scotland also hold NSV clearances, in addition to their RV and MV clearances.



## Interviews

9. In total, we carried out 25 interviews of officers and staff within Police Scotland and the SPA. The subject of vetting was also covered within interviews of officers and staff during the wider Organisational Culture Inspection.
10. We also held interviews, discussions and meetings with subject matter experts from The College of Policing, His Majesty's Inspectorate of Constabulary and Fire & Rescue Service (HMICFRS), the Home Office and Scottish Government.

## Benchmarking

11. We visited vetting units and professional standards departments at Humberside Police and Greater Manchester Police, to understand their vetting processes and compare them to the work undertaken by Police Scotland's FVU.

## Document Review

12. The inspection team reviewed an extensive range of documentation, including guidance documents, training materials, legislation and management information.

## Case file review

13. We spent time observing FVU staff who were considering vetting cases. The Team also independently reviewed 870 vetting case files, completed by FVU staff between 2019 and 2022.
14. The cases reviewed included:
  - all vetting cases where vetting clearance had been approved and the applicants held criminal convictions (a total of 250 cases over the 4 year period)
  - all cases where vetting had initially been refused but subsequently granted on appeal (a total of 62 cases over the 4 year period)
  - a 10 per cent randomised sample for each year over the 4 years (a total of 5,549 cases of which 558 were reviewed).



## Context of vetting within policing in Scotland

---

15. Historically, there has never been any statutory obligation placed upon police forces or agencies within Scotland to vet their officers or staff. In 2005, The Association of Chief Police Officers in Scotland (ACPOS) agreed that there should be a standardisation of vetting within the police community in Scotland and that they should be fully aligned to the standards set out in the Association of Chief Police Officer's (ACPO) vetting policy and, later, the ACPO/ACPOS National Vetting Policy for the Policing Community.<sup>11</sup>
16. Prior to 2005, Scottish police forces adhered to the then current Home Office circulars on police officer vetting, but there were no recognised standards for vetting of police staff. Vetting was predominately carried out by human resources or recruitment units and the method of retention of vetting records varied across the country. Between 2006 and 2011, vetting units were established within the legacy Scottish police forces (with the exception of Dumfries and Galloway Constabulary whose vetting was undertaken by a mixture of their Human Resources Dept, Special Branch and Strathclyde Police).
17. Police Scotland was established in April 2013 under the Police and Fire Reform (Scotland) Act 2012,<sup>12</sup> merging the eight Scottish Police Forces and the Scottish Crime and Drug Enforcement Agency (SCDEA). The Police and Fire Reform (Scotland) Act 2012 did not provide any statutory requirement for Police Scotland to undertake vetting of its officers and staff. HMICS assesses that a statutory obligation requiring Police Scotland to ensure that all its officers and staff obtain and maintain a minimum level of vetting would provide a degree of public reassurance and confidence.
18. There is an absence of legislation which would allow the Chief Constable to remove officers or members of staff who fail to obtain or maintain appropriate vetting clearance. This limits the organisation's ability to remove those who cause concern or pose significant risk. The only option is to pursue misconduct processes however this is not always a suitable route.

---

<sup>11</sup> Whatdotheyknow.com, [ACPO / ACPOS National Vetting Policy for the Police Community](#), February 2012 (Version 3.1).

<sup>12</sup> Legislation, [Police and Fire Reform \(Scotland\) Act 2012](#).



### **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.

19. At the time of its creation all officers and staff of the eight legacy forces and the SCDEA migrated to Police Scotland. During this migration no audit was undertaken of the vetting status of staff. HMICS understands that historic HR and vetting records from legacy forces are retained in various locations and on various systems within Police Scotland, a small number of which have been transferred to the current vetting database (Core-Vet). Although officers and staff who migrated to Police Scotland on its creation may since have been subject to vetting checks through MV or NSV vetting processes, HMICS did not secure confidence or assurance that all officers and staff currently employed by Police Scotland had been vetted, or that records were available to evidence that vetting had been undertaken.

### **Recommendation 2**

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



## Force Vetting Unit

---

20. Like other officers and staff, those working within legacy vetting units migrated to Police Scotland in 2013. In 2015, the FVU became a single entity headed by a vetting manager, ultimately becoming part of the Professional Standards Department.
21. At the time of this inspection, the FVU was based predominately within Dalmarnock and Stirling, with an additional office in Jackton.

The unit comprises:

- One head of vetting - Force Vetting Manager (FVM)
  - One vetting co-ordinator - Deputy Head of Vetting
  - Seven senior vetting officers
  - One sergeant
  - 25 vetting officers
  - Four constables
  - Two administrators
22. On joining the FVU, staff undergo a comprehensive training course delivered by experienced vetting staff. This course is subject to continuous evaluation and improvement. Following this staff are mentored for six to nine months before being allowed to make independent decisions on whether or not to grant vetting clearance. We found this to be an extremely positive process, supporting staff until they became experienced and confident in their role.

### Example of good practice 1

The FVU's quality of training, its delivery and subsequent mentoring is of a high standard.



23. Throughout the inspection, it was evident that FVU staff fully understand their role and the importance of the work in ensuring that those who are unsuitable to work within Police Scotland are identified. There is a culture of continuous improvement within the unit, with staff sharing learning on an ongoing basis both formally and informally.

**Example of good practice 2**

FVU staff recognise the importance of their work. There is a culture of continuous improvement and a strong commitment to the code of ethics and force values from those who work within the department.

24. Once they have completed their period of mentoring, all vetting officers should have their work quality assured by a senior vetting officer through regular sampling of vetting cases. We found that this was done sporadically and that record keeping of this process was poor. Senior vetting officers cited pressure of work as the reason for not completing regular sampling.

**Area for development 1**

Police Scotland should ensure that the quality assurance sampling of vetting cases is carried out and that records are maintained evidencing this process.

25. The FVU records all vetting applications, checks, rationales, decisions, appeals and their subsequent outcomes on a single vetting database called Core-Vet.



## Vetting process

---

26. Vetting within the FVU is considered and managed in accordance with Police Scotland's Vetting Manual of Guidance. The Vetting Manual of Guidance sets out the processes that should be followed for both RV and MV.
27. The Manual of Guidance closely follows the principles set out in the College of Policing's authorised professional practice on vetting from 2021, but there is one significant difference. In England and Wales, RV clearances are renewed every 10 years and MV every 7 years. Police Scotland renews MV clearances every 7 years, but made a policy decision not to renew RV. We consider this to be a significant risk to the organisation.
28. Renewing vetting clearance requires all vetting checks to be undertaken (with the aim of ensuring any risks are identified and managed accordingly). Officers and staff often remain employed with Police Scotland for over 30 years and, currently, they could serve all of this time without having their vetting reviewed, unless they were to undergo NSV or MV for specific roles.
29. Since vetting is only a snapshot in time, there are many examples where changes in personal circumstances may have an impact on an individual's ability to maintain vetting clearance. It is therefore important that vetting is renewed after a defined period. HMICS considers that bringing Police Scotland in line with the rest of the UK is appropriate.

### **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.





## Recruitment Vetting

30. RV clearance is required by all individuals before being appointed or offered employment within Police Scotland. RV vetting checks are undertaken after applicants have passed the final stages of their recruitment process.
  
31. The primary options available when considering an RV application are to either grant or refuse vetting clearance. The Vetting Manual of Guidance does, however, provide the ability to grant Conditional Vetting Clearance in certain circumstances. The example given in the manual states:

*“Where a police officer applicant is not posted to an area where a family member involved in low level criminality resides.*

*It must be borne in mind that such posting restrictions can only partially limit an applicant’s associations and may not wholly mitigate the risk of links to serious and organised crime.”*

32. We found that the process and the management of identified risk in granting Conditional Vetting Clearance was not well considered or articulated within the guidance manual. In the period we examined (2019 - 2022), we found examples where the process had not been followed and that there was no subsequent process for ongoing management where risk had been identified. This could result in compromising the officer or member of staff and exposing them to corruption.

### **Recommendation 4**

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

33. When considering the information provided by applicants, vetting officers have the option to clarify any information provided or uncovered during their checks by undertaking a vetting interview. HMICS found that the vetting interviews were underused by vetting officers, who stated that they were not confident in conducting them.



## Area for development 2

Police Scotland should increase the use of vetting interviews, ensuring that FVU staff are trained and confident in carrying out these interviews.

### Management Vetting

34. Management Vetting (MV) clearance is required for all individuals within Police Scotland who are in designated posts. Designated posts are described within the Vetting Manual of Guidance as:

*“Designated posts are those posts with access to sensitive information, intelligence, financial or operational assets.”*

35. The guidance manual states that the following factors which should be considered in determining whether a post might need to be a designated post:

- Level of access to intelligence concerning cover/sensitive operations
- Level of access to sensitive locations or facilities, for instance IT infrastructure
- Access to source material and true source identities
- Access to information relating to high-profile/sensitive matters e.g. royal visits or critical national infrastructure
- Level of access to highly sensitive personal information
- Level of influence over the management and/or awarding of contracts
- Level of dealings with financial matters such as control of budgets, authorisation of payments, receipt of income
- Level of access to highly sensitive material concerning the police service e.g. specialist tactics
- Nature and extent to which the role requires working with vulnerable people.

36. The main difference with MV checks (as opposed to RV) are the financial checks, which require applicants to complete a detailed financial questionnaire. MV is renewed every 7 years.



37. Police Scotland's list of designated posts has not been reviewed since 2013 and on examining the list, there is little evidence that all the factors outlined above had been considered (most notably, working with vulnerable people).

#### **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.

38. It is difficult to determine whether all staff within designated posts hold appropriate vetting clearance as Core-Vet does not interface with Police Scotland's human resource system SCOPE. SCOPE records which post is currently occupied by which officer or member of staff and Core-Vet records their vetting status.

#### **Area for development 3**

Police Scotland should have a vetting IT system that interfaces with its human resources IT system.

### **Ongoing management of vetting clearances**

39. When vetting clearance is held, it is important to consider relevant changes in personal circumstances to ascertain if those changes affect an individual's ability to maintain vetting clearance. Police Scotland does not have clear policies and processes in place requiring both officers and staff to notify it of significant changes in circumstances to establish any change in risk to the organisation or to the public.

#### **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.



40. It is also important to consider any charges or convictions obtained following the granting of vetting clearance, and the impact these may have on the ability of the officer or member of staff to maintain their vetting clearance. Police Scotland does not have a clear policy or process in place whereby officers and staff must notify it of any charge or convictions which they receive.

#### **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.

41. An individual's vetting clearance should also be reviewed following the conclusion of misconduct proceedings. This will ensure that any new risk is considered, allowing mitigating action to be taken where necessary.

#### **Recommendation 8**

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

42. During our inspection, we reviewed a case where we assessed that MV had been correctly and proportionally refused by the vetting officer. The individual in question held RV clearance and, although their MV had been refused, there was no process in place that would trigger reconsideration of their RV clearance. We found this to be a gap in process. Having identified a risk that precludes the granting of MV clearance, there should be an assessment as to whether the individual is still an appropriate person to hold RV clearance.

#### **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.



43. Vetting should be part of an ongoing assessment of a person's suitability to work within policing. The introduction of an annual integrity and change of circumstance declaration (where line managers meet with their staff to remind them of their obligations) would go some way to assuring compliance and identifying factors that may impact on their vetting.

#### **Recommendation 10**

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

44. There may be situations where officers or staff are unable to maintain their vetting clearance and, in these circumstances their vetting should be withdrawn or suspended. However, The Vetting Manual of Guidance states that:

*“RV for substantive police officers...and staff should not be withdrawn or suspended. Any adverse information shall be dealt with by other processes such as the imposition of restrictions or suspensions and, if appropriate, formal misconduct, discipline, efficiency or capability sanctions.”*

45. HMICS does not support this position and considers that if a person is unable to satisfy the checks required to maintain a level of vetting then it should be refused, suspended or withdrawn.

#### **Recommendation 11**

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



46. Police Scotland has introduced an additional vetting process for recruits during their initial training period and prior to taking the oath and becoming a warranted constable. They must complete a form indicating any changes in circumstances that may impact on their vetting. The information provided is assessed and, if appropriate, additional vetting checks are conducted, and a reconsideration of their suitability to have their vetting clearance made. We consider this process to be good practice and note that it has resulted in the removal of vetting clearance from three candidates who were unable to take up the post of constable.

#### Example of good practice 3

Carrying out pre-affirmation vetting checks on recruits is good practice which has identified individuals who have been unable to maintain their vetting clearance resulting in it being removed and them being unable to take up the post of constable.

## Appeals

47. Police Scotland has an appeals process to consider appeals for the refusal of RV and for the refusal, suspension or withdrawal of MV.
48. RV appeals have increased over the period covered by our inspection.

Year	Number of appeals	Successful appeals	Percentage successful
2019	92	12	13%
2020	85	17	20%
2021	150	17	11%
2022	218	16	7%

49. All RV appeals are currently considered by the Vetting Manager or their deputy, which places a heavy burden of work on these individuals. The Vetting Manual of Guidance states that:

*“The appeal will be considered by a person senior to the original decision maker and independent of the initial vetting decision.”*



50. A review of the RV appeals process should be undertaken with a view to reducing the burden on the Force Vetting Manager and their deputy. However, should consideration be given to overturn a vetting decision at appeal, this should then be presented to the Vetting Manager to determine the decision.

#### **Area for development 4**

Police Scotland should review the administration of the vetting appeals process from potential recruits and new members of staff, with a view to reducing the burden on the Force Vetting Manager and their deputy. The responsibility of overturning any vetting decision should remain with the Force Vetting Manager.

51. MV appeals are considered by an independent chief superintendent who is appointed to act as an appeals officer. Currently, any chief superintendent can be chosen to act as an appeals officer and this requires a member of the FVU to provide comprehensive support, mentoring and training each time an MV appeal is considered.
52. There were three MV appeal cases considered over the period of the inspection, and we found the quality of consideration given to these appeals was inconsistent with one case recording poor rationale for the outcome of the appeal. It would be appropriate to identify a cadre of chief superintendents (or police staff equivalent) to be trained as appeals officers to provide a degree of expertise and consistency.

#### **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.



## Case reviews

53. Of the vetting cases reviewed, the inspection team found that cases were predominately of a high standard and followed the guidance laid out within the Force Vetting Guidance, with clear rationale for the vetting outcome recorded.
54. The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2013 (RoOA) is complex legislation laying out which convictions can and cannot be considered in the process of determining vetting of both police officers and staff. This legislation was changed by the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2020, which allows Police Scotland to consider:
  - all spent convictions received at any age: and
  - all spent alternative to prosecutions given when the person was 18 or over
  - when vetting police constables, special constables and police custody and security officers (PCSOs).
55. Our case review covered the period where this significant change to the RoOA took place and it was noted during our inspection that this had caused confusion for FVU staff. FVU management acknowledged this and further guidance and training has been provided regarding the RoOA.
56. We highlighted those cases where we had identified RoOA confusion and other minor training issues to the Force Vetting Manager, for consideration of further training to staff.
57. There were a small number of cases where the inspection team considered that risk had been incorrectly assessed or had not been identified by FVU staff. These cases were presented to the Force Vetting Manager and the Anti-Corruption Unit Detective Superintendent for a reassessment of any risk posed and consideration as to whether the vetting clearance was still appropriate.





58. The review revealed a disproportionate number of cases where vetting officers had correctly identified risk and refused vetting, only to have the decision overturned at appeal and vetting clearance granted. These cases were also highlighted by the inspection team to the Force Vetting Manager and Anti-Corruption Unit Detective Superintendent so that they could assess the risk posed and consider whether the vetting clearance was still appropriate.

### 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.

### Cases reviewed where the applicant has convictions<sup>13</sup>

Year	Number of vetting cases	Number of vetting cases reviewed	Cases identified to Police Scotland for training purposes	Cases where risk was incorrectly assessed
2019	85	85	8	2
2020	75	75	5	4
2021	44	44	2	0
2022	46	46	3	5

### Cases reviewed where appeals had been successful

Year	Number of vetting cases	Number of vetting cases reviewed	Cases identified to Police Scotland for training purposes	Cases where risk was incorrectly assessed
2019	12	12	1	3
2020	17	17	0	6
2021	17	17	0	3
2022	16	16	1	1

<sup>13</sup> The Rehabilitation of Offenders Act 1974 applies to Police Staff, excluding PCSOs. Where a conviction is spent or protected, it cannot form the basis of a vetting refusal.



## 10 per cent dip sampling of vetting cases

Year	Number vetting records	Number of vetting records checked	Cases identified to Police Scotland for training purposes	Cases where risk was incorrectly assessed
2019	1481	149	6	1
2020	1153	116	3	1
2021	1252	136	3	2
2022	1663	167	6	1

59. Our inspection team identified a small number of cases where the Force Executive had become involved in the decision to grant vetting, out with processes described within the Vetting Manual of Guidance. HMICS considers that where the Force Executive feel it necessary to become involved in the decision making of a vetting case, it should report these by exception to the SPA Complaints and Conduct Committee for oversight.

### **Recommendation 14**

Where the Force Executive become involved within 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 Scottish Police Authority Complaints and Conduct Committee for oversight.

## **Assurance Work**

60. Police Scotland (like other police forces in the UK) is undertaking work in the short term to provide a degree of reassurance as to the integrity of officers and staff. Part of this work is the NPCC's Historic Data Wash of Police National Database (PND) data. This involves checking the names, dates of birth and file addresses of all Police Scotland officers and staff against information held on PND to see if any adverse information is held on them. Police Scotland was due to complete its check of officers and staff against PND by September 2023.



61. It became evident during our inspection that staff within the FVU glean a great deal of significant vetting information from Vulnerable Persons Database (iVPD). Unlike other intelligence and criminal history databases in Scotland iVPD does not upload to PND - so any details checked against PND would not return iVPD information. This is not the case in England and Wales, where similar information to that held on iVPD in Scotland is uploaded to PND. In order to give the same degree of confidence in the Scottish data wash results as those in England and Wales, Police Scotland has intimated that it will also check the names, dates of birth and file address of all Police Scotland officers and staff against iVPD.

### **Recommendation 15**

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

62. Police Scotland has notified the SPA<sup>14</sup> of its intention to carry out RV renewal of a randomised sample of three to five per cent of officers and staff. This work has not yet commenced and HMICS considers that re-vetting five per cent of Police Scotland's officers and staff would not provide sufficient mitigation of risk. Whilst it does recognise there may be some limited merit in randomised re-vetting, this should only be considered after Police Scotland satisfies itself that:

- all officers and staff have attained at least RV clearance;
- a programme is implemented to renew RV clearance every 10 years;
- annual integrity and changes in personal circumstances have been embedded.

---

<sup>14</sup> SPA, [Authority Meeting - Police Scotland Continuous Integrity Screening](#), 23<sup>rd</sup> February 2023.



**HMICS** HM INSPECTORATE OF  
CONSTABULARY IN SCOTLAND

HM Inspectorate of Constabulary in Scotland  
1st Floor, St Andrew's House  
Regent Road  
Edinburgh EH1 3DG

Tel: 0131 244 5614

Email: [hmic@gov.scot](mailto:hmic@gov.scot)

Web: [www.hmics.scot](http://www.hmics.scot)

### **About His Majesty's Inspectorate of Constabulary in Scotland**

HMICS operates independently of Police Scotland, the Scottish Police Authority and the Scottish Government. Under the Police and Fire Reform (Scotland) Act 2012, our role is to review the state, effectiveness and efficiency of Police Scotland and the Scottish Police Authority. We support improvement in policing by carrying out inspections, making recommendations and highlighting effective practice.

© Crown copyright 2023

978-1-910165-75-1

HMICS/2023/05