

**To: Kent and Medway Police and Crime Panel**  
**Subject: Vetting, Counter Corruption & Pension Forfeiture**  
**Date: 18 April 2023**

**Introduction:**

1. There can be nothing more important than the public having trust and confidence in policing. Recent examples of horrendous crimes, committed by serving police officers, have severely impacted that trust and confidence.
2. The past 24 months have also seen unprecedented levels of scrutiny in the form of independent inquiries, HMICFRS inspections, Independent Office for Police Conduct (IOPC) super-complaints, National Police Chiefs' Council (NPCC) reviews and independent force reviews (such as the Baroness Casey review) which have resonated throughout the service.
3. This paper:
  - summarises the Code of Ethics which sets and defines the exemplary standards of behaviour for everyone who works in policing;
  - provides an overview of Kent Police's Central Vetting Unit and Counter Corruption Unit which are crucial to maintaining the highest possible standards of integrity and professional behaviour;
  - outlines how the PCC holds the Chief Constable to account around officer/staff integrity and standards of behaviour; and
  - explains the pension forfeiture process which the PCC can consider in certain circumstances following the conviction of an officer for a criminal offence.
4. The PCC is grateful to Kent Police for its assistance with this paper.

**Background:**

5. In its role as the professional body for policing, the Code of Ethics was produced by the College of Policing in 2014. It provides a framework to support ethical decision making and defines the exemplary standards of behaviour for everyone who works in policing.
6. The Code sets out nine Policing Principles and ten Standards of Professional Behaviour that are expected of all officers and staff:
  - **Policing Principles**
    - Accountability
    - Fairness
    - Honesty
    - Integrity
    - Leadership
    - Objectivity
    - Openness
    - Respect
    - Selflessness
  - **Standards of Professional Behaviour**
    - Honesty and integrity
    - Authority, respect and courtesy
    - Equality and diversity
    - Use of force
    - Orders and instructions
    - Duties and responsibilities
    - Confidentiality
    - Fitness for work
    - Conduct
    - Challenging and reporting improper conduct
7. The Code is currently under review to ensure that:
  - It helps create an environment that supports everyone in policing to be their best;
  - There is greater transparency for the public about how policing makes decisions and the standards they can expect from the service – leading to greater legitimacy, confidence and support for policing.

8. The review will help ensure that everyone can understand what ethical, professional behaviour looks like for modern policing, and how it can be brought to life to support everyone in policing to be their best.
9. Any identified breach of the Standards of Professional Behaviour will be assessed for the purposes of misconduct proceedings.

### **Kent Police Vetting and Counter Corruption:**

10. Both the Central Vetting Unit (CVU) and the Counter Corruption Unit (CCU) continue to operate in full compliance with the Vetting Code of Practice and the College of Policing Authorised Professional Practice. Kent Police's vetting and counter corruption arrangements were subject of a comprehensive inspection by HMICFRS in November 2022 (see Appendix A for further information) and Kent Police continues to fully cooperate with Part 1 and Part 2 of the Angiolini independent enquiry, which is examining the circumstances of Wayne Couzens' vetting and transfers between forces.
11. The CVU consists of the Force vetting Manager, 10 Team Leaders, 10 Vetting Assistants and one Admin Assistant.
12. It is fully resourced and has benefited from recent investment to further increase capacity to effectively respond to local and national pressures. The national Police Uplift Programme which ran until March 2023 placed additional demand on the CVU and has led to a backlog in vetting reviews and higher-level vetting upgrades; however effective mitigation and governance is in place and additional funding and resources have been provided to accelerate recovery. In November 2022 HMICFRS published the findings of their inspection into vetting management, misconduct handling and misogyny within the police service (see Appendix A for further information).
13. The CCU consists of one DCI, one D/Insp, an investigative DS with five investigators (DC/Police Staff Investigators), an Intelligence DS with nine Research and Development PC/Police Staff , an Intelligence Co-ordinator and two Analysts.
14. Corruption is an extremely broad topic, and the risk is much greater than the traditional view of corruption relating to areas such as blackmail or extortion. It is evident that Abuse of Position for Sexual Purposes (APSP) and wider sexual misconduct now represent significant risks. The CCU works reactively (in response to intelligence or allegations) and proactively (seeking intelligence and looking for evidence of wrong doing).
15. The CCU is operating at full strength and was able to successfully demonstrate a high level of capability to HMICFRS during the Kent inspection. This was particularly evident within the area of proactive identification of APSP offences. The inspection noted effective identification of threat and risk, effective communication of priorities to front-line staff and good use of a wide range of investigative techniques to tackle wrong doing.
16. Recent examples of horrendous crimes, committed by serving police officers, have severely impacted confidence in policing. The public are rightly concerned about policing standards and the CCU has updated and refreshed the Force Counter Corruption Control Strategy and intelligence requirement which plays an important part in addressing that concern. The strategy presents the key areas of risk, and what intelligence is required to tackle the risks effectively.
17. The four key priority areas remained the same as last year, namely:
  - Sexual misconduct
  - Inappropriate and notifiable associations
  - Misuse of Force systems and disclosure of information
  - Misuse of drugs
18. However, the intelligence requirement was updated to reflect four identified emerging threats, namely:
  - Infiltration
  - Financial vulnerability
  - Social media
  - Officer morale

19. The CCU receives good levels of intelligence across key priority areas from both internal and external sources. The internal 'Speak Up' anonymous reporting system continues to be an effective tool to tackle a wide range of corrupt behaviour and has seen an increase in reporting relevant to prejudicial and improper behaviour towards women. For example, colleagues within the Force Control Room reported unwanted sexualised behaviour from a colleague who has now been suspended and will likely face gross misconduct proceedings. Nationally, consultation is underway regarding the introduction of an independent CrimeStoppers reporting line which would provide an additional route for officers and staff to report concerns anonymously.
20. The CCU has developed relationships with a large number of external partners and charities to encourage reporting of officers and staff who are suspected of abusing their position to prey on vulnerable women and girls and recently held bespoke training for over 100 of these partners. It has also worked with the Kent Network of Women and the Diversity and Inclusion Academy to produce a hard-hitting video of female officers' experiences of sexual harassment in the workplace as well as helping to develop the recent 'Upstander not Bystander' programme. This investment in training and internal communications has seen a 50% increase in sexual misconduct intelligence being received by CCU. The Professional Standards Department (PSD) also delivers counter corruption training to all new officers and newly qualified Sergeants.
21. The CCU continues to monitor the IT network, evolving its tactics with each case and learning from live investigations both within Kent and nationally. This proactivity has led to criminal proceedings, and APSP investigation(s) now with the IOPC.
22. The Force has also updated or newly published the following policies over the past 24 months:
- Reporting Wrong doing and Whistleblowing
  - Abuse of Position for Sexual Purpose (APSP)
  - Sexual Harassment Policy P02J
  - Police Perpetrated Domestic Abuse
  - Social Media guidance
23. To support the adoption of these policies PSD have taken a visible approach to the delivery of training. This has included: inputs to all new recruits; delivery of the 'Inspire You' programme capturing every Kent Police employee; bespoke training to public facing departments and senior leadership teams; attendance at various Culture Boards, including the most recent Force Culture conference; and the creation of a "Tackling Sexism" Force video.
24. This enhanced training continues to have a positive effect on the culture, with staff feeling increasingly confident to challenge and report inappropriate behaviour.
25. The Force has also taken a number of other actions, including:
- PSD attendance at operational stations to give officers and staff the opportunity to speak with them about any concerns they may have.
  - Greater use of restrictions and suspensions for those subject of VAWG-related allegations whilst under investigation.
  - Greater use of Regulation 13 to remove probationary officers from the Force at the earliest opportunity where incompatible attitudes are detected.
  - A review of all live criminal and misconduct cases involving officers and staff to ensure that they are being progressed effectively, that appropriate safeguarding is in place and that appropriate restrictions / suspensions are in place to protect the public.

### **National database checks:**

26. The recently announced NPCC Historical Data Wash will see all officers, staff and volunteers working for Kent Police re-checked against the 5.6 billion records held on the Police National Database. All officers, staff and volunteers have already been checked against the PND in line with existing Kent Police vetting arrangements, however the national check will ensure that no records were missed during this process and that no new records have become relevant since the most recent PND check was completed.
27. Kent Police submitted the required staff data to the national coordination team and received the results of the data wash on 20 March. This information is now being systematically reviewed and cross-referenced with existing vetting records to ensure that vetting clearance remains appropriate in all cases.

28. The national deadline for completion of this work is 29 September 2023, however the CVU and CCU are being supported by additional specialist staff from across the Force to enable this important work to be completed earlier.

### **Holding to account:**

29. One of the principle ways the PCC holds the Chief Constable to account is through the quarterly Performance and Delivery Board.
30. Open to Panel Members and the public on a non-participating basis and also live streamed, the meeting is chaired by the PCC and papers are submitted by the Force in advance and published [here](#). The Chief Constable is required to attend the meeting in order to present and discuss the papers and answer questions about delivery of the [Making Kent Safer](#) Plan and policing generally in the county.
31. The 'Inspections, Audits & Reviews' paper routinely reports on HMICFRS activity; this has, and will continue to include the recent inspections referenced in Appendix A.
32. The PCC has a standing invitation to the Force Culture Board which is chaired by the Chief Constable and will continue to hold the Chief Constable to account via their regular weekly briefings.
33. In its scrutiny role, the Joint Audit Committee has also recently received reports on the CVU and CCU from the Force.
34. The PCC is reassured that the Force has the appropriate structures, systems and processes in place to tackle corruption and maintain the highest possible standards of professional behaviour. He also believes it is every single employees responsibility to help tackle corruption and report any concerns they may have about the conduct of colleagues.

### **Pension Forfeiture:**

35. The pension forfeiture process is set out in legislation<sup>1</sup>, and is supported by the Home Office 'Police Pension Forfeiture Guidance: Guidance on applying for a pension forfeiture certificate for police officer pensions following conviction of a criminal offence' which replaces the previous circular 018/2009.
36. A PCC can apply for a certificate of forfeiture where:
- 'they consider that the requirements in the Police Pensions Schemes are met, namely, where a police officer, or former police officer who is, or was, a member of a police pension scheme has:*
- a) been convicted of a criminal offence committed in connection with their service as a member of a police force, and*
- b) the offence has been certified by the Secretary of State as either*
- i. liable to lead to a serious loss of confidence in the public service; or*
- ii. gravely injurious to the interests of the State.'*
37. In practice, the Force's PSD maintains a dialogue with the OPCC when any officer is charged with a criminal offence; where it is identified that the officer's actions may be connected to their service, a report is prepared for the OPCC. This sets out what the officer has been convicted of, and provides details such as nature of the offence, and the Judge's comments.
38. The pension forfeiture process is two stage. Firstly, the PCC must decide whether the offence is connected to their service as an officer, and would have an impact on public confidence. If this is the case, then the PCC may apply to the Secretary of State for a Certificate of Forfeiture. It is for the Secretary of State to decide whether to issue the Certificate. The PCC must also inform the officer involved that this is taking place.
39. If a Certificate is issued, then the PCC needs to consider whether to proceed with a forfeiture, and if so, to what degree. They must also inform the officer that the Certificate has been issued.

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<sup>1</sup> Regulation K5 of the Police Pensions Regulations 1987 ('the 1987 Regulations'), regulation 55 of the Police Pensions Regulations 2006 ('the 2006 Regulations') and Chapter 5 of Part 13 to the Police Pensions Regulations 2015 ('the 2015 Regulations').

40. When considering whether to apply - and later in the process, the extent of the forfeiture - the PCC can consider a range of factors, specifically:

- a) the seriousness with which the Court viewed the offence(s) (as demonstrated by the punishment imposed and the sentencing remarks);
- b) the circumstances surrounding the offence and investigation;
- c) the seniority of the officer (pension scheme member) or former officer (the more senior, the greater the loss of credibility and confidence);
- d) the extent of publicity and media coverage; and
- e) whether the offence involved:
  - an organised conspiracy amongst a number of officers,
  - active support for criminals,
  - the perversion of the course of public justice,
  - the betrayal of an important position of trust for personal gain, and/or
  - the corruption or attempted corruption of junior officers.

41. The maximum a PCC can decide to forfeit is 65% - this represents the amount that has been contributed to the pension by the Force, and leaves the amount contributed by the officer untouched.

42. In Kent, the following cases have been considered:

<b>Year</b>	<b>Officer</b>	<b>Outcome</b>
2008	Officer O	Forfeiture
2010	Officer M	Not proceeded with - no connection to service
2011	Officer E	Forfeiture
2011	Officer D	Not proceeded with - no pension contributions made
2012	Officer W	Not proceeded with - officer ill health
2013	Officer A	Not proceeded with - no pension contributions made
2014	Officer K	Application not proceeded with after first stage
2017	Officer R	Not proceeded with - no connection to service
2018	Officer W	Certificate granted; officer died therefore not proceeded with
2018	Officer G	Forfeiture
2018	Officer W	Forfeiture
2019	Officer T	Forfeiture

43. There is currently a case with the OPCC for consideration and a further one has recently been initiated following the conviction of an officer.

44. Whilst the guidance was recently updated, no significant changes were made to the legislation. However, the PCC and his senior staff believe that the legislation should be updated to remove the qualification that the offending has to be connected to the officer's service. The current legislation has resulted in cases whereby officers have been convicted of extremely serious sexual offences but their pension cannot be forfeited, as it was not connected to their service. Given the nature of the offending and the impact on public confidence, it is considered by Kent OPCC that forfeiture should be allowed in these circumstances.

**Recommendation:**

45. The Kent and Medway Police and Crime Panel is asked to note this report.

## HMICFRS Inspection updates

- **A report into the effectiveness of vetting and counter-corruption arrangements in Kent Police**

On 17 November 2022 HMICFRS published their findings into the effectiveness of vetting and counter-corruption arrangements in Kent. HMICFRS conducted an inspection of Kent between 31 January and 11 February 2022 and examined the effectiveness of the Force's response to vetting, IT monitoring and counter-corruption. The Force was graded 'adequate' and given two areas for improvement (AFIs), both of which related to vetting arrangements.

The report highlighted compliance with the Authorised Professional Practice (APP) and improvements in escalation processes in respect of outstanding vetting completion. As a result of the national Police Uplift Programme and increased demand, the Force Vetting Unit's workload was reported as unmanageable and delays to vetting were identified regarding several individuals in designated posts awaiting enhanced vetting. This was the first identified AFI. HMICFRS also noted that the Force provides monthly data on vetting refusals for applicants with protected characteristics but felt more could be done to analyse potential disproportionately. This was the second AFI.

Since the inspection took place, the Force has made further changes to meet the demands placed on the Force Vetting Unit. The Force has provided additional resources with the recruitment of three Vetting Assistants and three Vetting Team Leaders. The Force has a robust risk assessment process for when officers vetted to a lower level are required to move roles for operational reasons prior to their vetting upgrade being completed. The officers identified by HMICFRS at the time of the inspection had passed the vetting procedure for their previous role with Kent Police. While these officers were undergoing enhanced vetting, they were subject to a rigorous monitoring and a risk assessment process. They subsequently all passed enhanced vetting for their new roles.

The Force has recently introduced a Disproportionality Scrutiny Panel where anonymised vetting decisions are reviewed by a panel (which includes external representation) to ensure that decisions are not affected by conscious or unconscious bias. The Force will be liaising with HMICFRS to identify forces where they have identified good practice in this area to further strengthen its approach.

The report recognises the hard work undertaken by the Force to ensure that counter corruption measures are robust and rigorous. This includes effective monitoring of IT systems, the use of computer software to develop intelligence, comprehensive counter corruption strategic threat assessment, compliance with APP, utilisation of a wide range of investigative techniques and communicating effectively to the workforce on abuse of position for a sexual purpose.

The Force takes accurate and timely vetting and counter-corruption measures extremely seriously. It has invested considerable resources in those provisions to ensure effective and efficient policing in which the public can trust. This is particularly important in the context of the national Police Uplift Programme, which will next year see the Force employ the largest number of officers in its history.

The two AFIs are being progressed and monitored through the Head of Professional Standards Department (PSD). Governance structures in place ensure oversight by the Deputy Chief Constable and Deputy Chief Officer. The recommendations will be formally signed off by the Force's HMICFRS Lead Officer.

- **Inspection of vetting, misconduct and misogyny in the police service**

On 2 November 2022 HMICFRS published the findings of their inspection into vetting management, misconduct handling and misogyny within the police service. The inspection was commissioned by the Home Office following the tragic murder of Sarah Everard in March 2021 and was conducted in October of the same year. The purpose of the thematic inspection was to provide an assessment of current vetting and counter-corruption capacity and capability in policing across England & Wales. This was to include forces' ability to detect and deal with misogynistic and predatory behaviour. Kent Police were one of the eight forces chosen for inspection.

Following reviews of police vetting files, HMICFRS found too many cases where people should not have been allowed to join the police, including officers with criminal records or links to organised crime. Inspectors found examples of police officers transferring between forces despite a history of concerning intelligence, complaints, or misconduct allegations. HMICFRS concluded that a culture of misogyny, sexism and predatory behaviour towards female police officers, staff and members of the public still exists and is prevalent in many forces.

HMICFRS made 43 recommendations and five AFIs. Twenty-eight of the recommendations and all five AFIs are for Chief Constables. A full review has taken place and 21 of the recommendations / AFIs are already in place in Kent and can be fully evidenced. A further 12 are partially in place but need further attention to fully meet the recommendation.

The progress of recommendations is monitored through the Head of PSD and governance structures are in place, overseen by the Deputy Chief Constable and Deputy Chief Officer. In addition, further periodic reporting of progress to the National Police Chief's Council (NPCC) will take place. The recommendations will be formally signed off by the Force's HMICFRS Lead Officer.