



THE CHIEF CONSTABLE OF NORTH YORKSHIRE

Disciplinary and Misconduct Process

FINAL

Internal audit report 10.19/20

9 March 2020





CONTENTS

1 Executive summary	2
2 Detailed findings	6
Appendix A: Scope	15
Appendix B: Further information.....	17
For further information contact	18

Debrief held 19 December 2019

Draft report issued 15 January 2020

Responses received 9 March 2020

Final report issued 9 March 2020

Internal audit team Daniel Harris, Head of Internal Audit

Philip Church, Client Manager

Gregory Barnett, Senior Internal Auditor

Hollie Adams, Internal Auditor

Client sponsor Deputy Chief Constable
Managing Director

Distribution Deputy Chief Constable
Managing Director
Interim Head of Human Resources and Training Department
Detective Superintendent,
Professional Standards Department

1 EXECUTIVE SUMMARY

1.1 Background

We have undertaken a disciplinary and misconduct review at North Yorkshire Police (NYP) to assess whether the Force have an adequate framework in place to ensure unsatisfactory conduct is identified in a timely manner and that staff members are treated with a fair, reasonable and consistent approach.

Our review has taken into consideration the disciplinary and misconduct procedures in both the HR department and the Professional Standards Department (PSD). Our sample testing was geared to consider the disciplinary experiences for both represented and under-represented groups.

Human Resources (HR)

Cases of potential misconduct or potential gross misconduct are brought to the HR department for police staff regarding allegations which are non-criminal in nature and processed according to the Police Staff Disciplinary Procedure which is based on ACAS guidance on disciplinary investigation. If the allegation is of a criminal nature, the investigation will be referred to PSD.

First, an HR Consultant from the HR Professional Support Team will review the allegation and through undertaking a disciplinary assessment, decide to take the appropriate next steps. This assessment will include whether the allegation is processed under the category of potential misconduct or potential gross misconduct.

A formal investigation is then conducted by a trained Investigating Officer (IO) with the results and proposed actions recorded within a Discipline Investigation Report. The Senior HR Manager, based upon the result of the report, will decide whether to take the appropriate next steps.

Professional Standards Department (PSD)

PSD follow the national guidance on the handling of any alleged misconduct or complaint. Where conduct is linked to a public complaint, recordable conduct, or a death or serious injury matter, The Police (Complaints and Misconduct) Regulations 2012 are applicable. For other instances of alleged misconduct, The Police (Conduct) Regulations 2012 are used.

The Head of PSD has overall responsibility for the handling of complaints and misconduct allegations. The Detective Chief Inspector, PSD manages the running of these operations. Each case is recorded within the Centurion system and allocated an Appropriate Authority (AA) and where further investigation is required, an IO.

1.2 Conclusion

Human Resources (HR)

Based on testing a sample of potential misconduct and potential gross misconduct cases over the prior 12 months, the Chief Constable of North Yorkshire can take **reasonable assurance** regarding the HR side of disciplinary and misconduct.

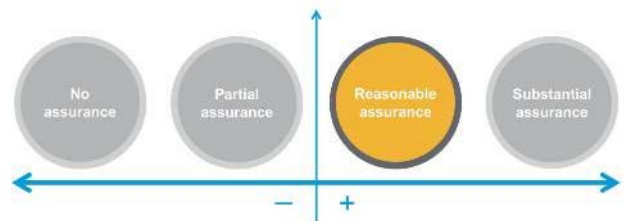
We understand that in April 2020 all allegations and subsequent investigations regarding potential misconduct will be undertaken and processed by PSD, with advice and guidance provided by HR. We have taken this expected development into consideration when formulating the agreed management actions arising from the aspect of this review.

Professional Standards Department (PSD)

Our testing verified that PSD are consistent in their approach to handling complaints and misconduct allegations. Testing confirmed that the department are compliant with their statutory duty as documented under the national regulations and guidance. PSD records and findings are thoroughly documented.

Internal audit opinion:

Taking account of the issues identified, The Chief Constable of North Yorkshire can take **reasonable assurance** that the controls in place to manage this area are suitably designed and consistently applied. However, we have identified issues that need to be addressed in order to ensure that the control framework is effective in managing the identified area.



1.3 Key findings

The key findings from this review are as follows:

HR Department:

- Through discussions with the Lead HR Consultant, we understand that when allegations of misconduct are raised and the disciplinary assessment is completed, which determines the appropriate next steps.
- From a population of 16 cases of potential misconduct regarding police staff over the prior 12 months, we selected a sample of 10. In all 10 cases, we verified that a discipline assessment had been appropriately completed by an HR Consultant based in the HR Professional Support Team.

Of the 10 cases, we verified that:

- In five of the cases, the HR Consultant had graded the case with the severity as potential misconduct and provided supporting rationale behind this decision.
- In five of the cases, the HR Consultant had graded the case with the severity as potential gross misconduct and provided supporting rationale behind this decision.
- We were unable to test reduced power hearings for potential misconduct as within the prior 12 months, there had been no cases which had progressed that resulted in misconduct hearings. Rather incidents of this severity have been processed through citing section 2.6 of the Police Staff Disciplinary Procedure. Therefore, we are unable to provide assurance over this aspect of the disciplinary process.

Through testing, we aimed to pick samples covering both represented and under-represented groups. However, upon inspection, we were unable to fulfil this due to all subjects of investigation from the population being classified as 'White British'.

Professional Standards Department (PSD):

- PSD have delivered continuous professional development (CPD) days for line managers with the aim to refresh managers on performance and misconduct matters.
- All conduct and complaint cases are categorised with an inbox number within the Centurion system. The final outcomes of all cases are documented within the system.
- All conduct and complaint cases undergo an Initial Assessment (IA) by the Appropriate Authority (AA) to first determine the required response and subsequent actions.
- Recommendations highlighted within the Investigating Officer (IO) reports and any outcomes agreed by the AA are reflected within the IA documents or evidenced within further case files.

- Escalation to misconduct proceedings are effectively communicated to officers in the Regulations 21 and 24 notices, and all outcomes are documented within the Regulation 36 notice.
- Our sample test verified that the procedures were applied consistently in all cases. The sample test included individuals self-categorised as “White British” and “Not Stated”. There were no other categories recorded in any cases closed within the previous 12 months.

As part of our testing, we have agreed **six medium** and **one low** priority management actions. We have identified the following areas for improvement:

HR Department:

- From a population of 16 cases of potential misconduct regarding police staff over the prior 12 months, we selected a sample of 10 cases, under which six members of staff acted as Investigating Officer. For all six IOs which conducted investigations within the sample selected, we aimed to trace these through to the proof of attendance at an IO training session, verifying whether they had received adequate training regarding conducting disciplinary investigations.

For one of the sample, we confirmed that there was a record of attendance at the IO training session, held back in 2013. However, for the remaining five IOs, we were unable to verify whether IO training had been delivered.

- From a population of 16 cases of potential misconduct regarding police staff over the prior 12 months, we selected a sample of 10 with the aim to verify for each interview held with the Subject of Investigation, whether the appropriate notification of interview of five working days had been provided. For two cases, we noted that the mutual agreement to extend the five days notice period had not been documented.
- We noted that of the five cases which were categorised as ‘gross misconduct’ as part of the Disciplinary Assessment, only two of these cases had progressed to a full power hearing. The remaining three cases were dealt with through enacting section 2.6 of the procedures. However, based on our understanding of the Police Staff Disciplinary Procedure, section 2.6 can only be cited where the case is categorised as ‘misconduct’ rather than ‘gross misconduct’ through which any outcome aside from no further action must be decided by going to a full powers hearing.
- For the two samples which progressed to a full powers hearing, the outcome/result of the hearing was communicated, however on the date of testing (six weeks after the date of the hearing) the written letter of decision had not yet been dispatched to the Subjects of Investigation. According to the Police Staff Disciplinary Procedure, the timeframe within which a written appeal can be lodged is reliant upon the submission of a formal written receipt of the notification of outcome from the discipline hearing.

Professional Standards Department (PSD):

- We identified one instance in which a severity assessment was not retained on file. The case had been considered as potential misconduct or gross misconduct.
- Officers are not provided within written notification of conduct interviews.

Details of low risk management actions raised can be found within section two of this report.

1.4 Additional information to support our conclusion

The following table highlights the number and categories of management actions made. The detailed findings section lists the specific actions agreed with management to implement.

Area	Control design not effective*		Non Compliance with controls*		Agreed actions		
	Low	Medium	High	Low	Medium	High	
Disciplinary: Misconduct	0	(22)	7	(22)	1	6	0
Total	1				1	6	0

* Shows the number of controls not adequately designed or not complied with. The number in brackets represents the total number of controls reviewed in this area.

2 DETAILED FINDINGS

Categorisation of internal audit findings

Priority	Definition
Low	There is scope for enhancing control or improving efficiency and quality.
Medium	Timely management attention is necessary. This is an internal control risk management issue that could lead to: Financial losses which could affect the effective function of a department, loss of controls or process being audited or possible regulatory scrutiny/reputational damage, negative publicity in local or regional media.
High	Immediate management attention is necessary. This is a serious internal control or risk management issue that may lead to: Substantial losses, violation of corporate strategies, policies or values, regulatory scrutiny, reputational damage, negative publicity in national or international media or adverse regulatory impact, such as loss of operating licences or material fines.

This report has been prepared by exception. Therefore, we have included in this section, only those areas of weakness in control or examples of lapses in control identified from our testing and not the outcome of all internal audit testing undertaken.

Ref	Control	Adequate control design (yes/no)	Controls complied with (yes/no)	Audit findings and implications	Priority	Action for management
1	<p>HR</p> <p>A documented Police Staff Disciplinary Procedure is available through the Source intranet platform.</p> <p>The document is kept up to date with a future review date specified and ownership of the document is made clear.</p>	Yes	No	<p>Through inspection of The Source intranet platform, we confirmed that there is a Police Staff Discipline Procedure which was published in August 2018 with a future review date scheduled in July 2021, therefore verifying that the procedure was up to date.</p> <p>Through discussions with the Lead HR Consultant, we understand that similar to other policies owned by the HR Professional Support Team, responsibility for the procedure is assigned to the team as a whole rather than a specific team member. We attempted to obtain confirmation of approval of the Police Staff Disciplinary Procedure, which we understand was authorised for use by the Joint Negotiating Committee (JNC).</p> <p>However, we were unable to locate any such documentary evidence (e.g. minutes) to support this claim. We were therefore unable to verify whether the procedure had been appropriately approved prior to upload onto The Source.</p>	Low	<p>Following the updates agreed within control seven (regarding section 2.6) the updated procedure will be submitted to the Joint Negotiating Committee (JNC).</p> <p>Approval will be recorded within JNC action plan and retained within the HR Professional Support Team.</p> <p>Implementation date</p>

Ref	Control	Adequate control design (yes/no)	Controls complied with (yes/no)	Audit findings and implications	Priority	Action for management				
				<p>If there is not a documented record available to support the approval of the Police Staff Disciplinary Procedure, there is a risk of reduced clarity over whether the procedure was approved for use.</p> <p>We will raise other findings regarding the content of the procedure as part of other controls tested within this review.</p> <table border="1"> <thead> <tr> <th>Risk exposure</th> <th>Root cause</th> </tr> </thead> <tbody> <tr> <td>As we were unable to verify whether the Police Staff Disciplinary Procedure had been appropriately approved for use, there is a risk that certain clauses may not be deemed acceptable by the Joint Negotiating Consultative Committee.</td> <td>Unable to verify whether the Police Staff Disciplinary Procedure had been appropriately approved by the Joint Negotiating Consultative Committee, prior to being implemented at the Force.</td> </tr> </tbody> </table>	Risk exposure	Root cause	As we were unable to verify whether the Police Staff Disciplinary Procedure had been appropriately approved for use, there is a risk that certain clauses may not be deemed acceptable by the Joint Negotiating Consultative Committee.	Unable to verify whether the Police Staff Disciplinary Procedure had been appropriately approved by the Joint Negotiating Consultative Committee, prior to being implemented at the Force.		<p>30 April 2020</p> <p>Responsible owner</p> <p>HR Professional Support Unit Manager</p>
Risk exposure	Root cause									
As we were unable to verify whether the Police Staff Disciplinary Procedure had been appropriately approved for use, there is a risk that certain clauses may not be deemed acceptable by the Joint Negotiating Consultative Committee.	Unable to verify whether the Police Staff Disciplinary Procedure had been appropriately approved by the Joint Negotiating Consultative Committee, prior to being implemented at the Force.									
2	HR	Yes	No	<p><u>Training of Investigating Officers</u></p> <p>IO's are used to investigate cases of potential misconduct or gross misconduct. Investigations regarding police staff are only undertaken following completion of the disciplinary assessment form by the HR Professional Support Team</p> <p>IOs are selected from a pool of experienced management who have received the IO training provided by the HR Professional Support Team.</p> <p>We obtained a copy of the training materials used during the training sessions, with training collateral including a slideshow and document outlining the responsibilities of the IO and HR Liaison Officer.</p> <p>From a population of 16 cases of potential misconduct regarding police staff over the prior 12 months, we selected a sample of 10 cases, under which six members of staff acted as IO.</p> <p>For all six IOs which conducted investigations within the sample selected, we aimed to trace these through to the proof of attendance at an IO training</p>	Medium	<p>The HR Professional Support Unit Manager will ensure that IOs have an appropriate understanding of the responsibilities of an IO.</p> <p>Implementation date</p> <p>31 March 2020</p> <p>Responsible owner</p> <p>HR Professional Support Unit Manager</p>				
	Where an allegation of potential misconduct is made, the line manager of the subject of investigation is informed of the process by the HR Professional Support Team.									
	Investigating officers have received appropriate training and the roles/responsibilities of the Investigating Officer and HR									

Ref	Control	Adequate control design (yes/no)	Controls complied with (yes/no)	Audit findings and implications	Priority	Action for management				
	Liaison are made clear.			<p>session, verifying whether they had received adequate training regarding conducting disciplinary investigations.</p> <p>For one of the samples, we confirmed that there was a record of attendance at the IO training session, held back in 2013.</p> <p>However, for the remaining five IOs, we were unable to verify whether IO training had been delivered.</p> <table border="1"> <thead> <tr> <th>Risk exposure</th> <th>Root cause</th> </tr> </thead> <tbody> <tr> <td>If there is no record retained of attendance at the IO training sessions, there is a risk that the selected IO may not have received appropriate training to develop an understanding of the responsibilities and good practice regarding conducting investigations.</td> <td>For five of the sample of six, we were unable to verify whether IO training had been provided.</td> </tr> </tbody> </table>	Risk exposure	Root cause	If there is no record retained of attendance at the IO training sessions, there is a risk that the selected IO may not have received appropriate training to develop an understanding of the responsibilities and good practice regarding conducting investigations.	For five of the sample of six, we were unable to verify whether IO training had been provided.		
Risk exposure	Root cause									
If there is no record retained of attendance at the IO training sessions, there is a risk that the selected IO may not have received appropriate training to develop an understanding of the responsibilities and good practice regarding conducting investigations.	For five of the sample of six, we were unable to verify whether IO training had been provided.									
3	HR The HR Liaison Officer who oversees the investigation will give at least five working days notice of any interviews and supply details of the allegation and supporting evidence.	Yes	No	<p>From a population of 16 cases of potential misconduct regarding police staff over the prior 12 months, we selected a sample of 10 with the aim to verify for each interview held with the subject of investigation, whether the appropriate notification of interview of five working days had been provided.</p> <p>While North Yorkshire Police is a 24-hour operation, for the purposes of testing we verified that a 'working week' is defined as Monday to Friday.</p> <p>The results of testing were as follows:</p> <ul style="list-style-type: none"> For one of the samples, the allegation did not progress to an investigation and was terminated at the disciplinary assessment stage. Therefore, no interview with the subject of investigation was required or held; For six of the cases, we inspected the invitation to interview notification letters and corresponding interview logs and verified that appropriate notice of five working days had been served, prior to the interview taking place; 	Medium	<p>The HR Liaison Officers will be made of the five working day notification period for interviewees.</p> <p>Clarification will be provided regarding the exclusion of the day upon which the interview notification was issued, from counting towards the five working day timescale.</p> <p>Implementation date</p>				

Ref	Control	Adequate control design (yes/no)	Controls complied with (yes/no)	Audit findings and implications	Priority	Action for management
-----	---------	----------------------------------	---------------------------------	---------------------------------	----------	-----------------------

- For one of the samples, we noted that insufficient notice period was served for the interview, however the minutes taken of the interview confirmed that the subject of investigation was notified of the insufficient notice and acknowledged that they were willing to proceed;
- For the final two samples, we noted that insufficient notice (only two working days) was served for the interview, and there was no subsequent indication that the subject of investigation was aware of this entitlement of five working days notice.

31 March 2020

Responsible owner

HR Professional Support Unit Manager

Where Subjects of Investigation are provided with inadequate notice regarding invitation to interview, and the Subjects of Investigation are subsequently not aware of their right according to the Police Staff Disciplinary Procedure, there is a risk that disciplinary investigations are not being conducted according to the defined procedures of the Force.

Risk exposure	Root cause
There is a risk of non-compliance with the Police Staff Misconduct Procedures	Insufficient notice (fewer than five working days) was provided to the Subject of Investigation regarding invitation to an interview

4	HR Where the Corporate HR Manager decides to progress the allegation to a formal hearing, notice of the disciplinary hearing must provide a minimum of 11 working days and	Yes	No	<p>During testing of this control, we noted that of the five cases which were categorised as gross misconduct as part of the disciplinary assessment, only two of these cases had progressed to a full power hearing.</p> <p>The remaining three cases were dealt with through enacting section 2.6 of the procedures. However, based on our understanding of the Police Staff Disciplinary Procedure, section 2.6 can only be cited where the case is categorised as 'misconduct' rather than 'gross misconduct' through which any outcome aside from no further action must be decided by going to a full powers hearing.</p>	Medium	<p>The HR Professional Support Unit Manager will amend section 2.6 of the Police Staff Disciplinary Procedure to provide clarity regarding the instances under which this section can be enacted.</p> <p>Where cases which were categorised as potential gross misconduct are</p>
---	--	-----	----	---	--------	---

Ref	Control	Adequate control design (yes/no)	Controls complied with (yes/no)	Audit findings and implications	Priority	Action for management			
	<p>inform the individual of:</p> <ul style="list-style-type: none"> Level of seriousness of the allegation i.e. misconduct or gross misconduct; Details of the allegations against them; Makeup of the hearing, including time, place and panel members; Right to representation; Documentation [case file]. 			<p>Through discussions with the Lead HR Consultant and HR Liaison Officer, we understand that there may be a level of confusion regarding clarity over this section of the procedure.</p> <p>Through discussing the specific nature of each case, we understand that at the outset, the three were deemed as potential gross misconduct, however during the investigation, it was determined to reassess the severity to potential misconduct.</p> <p>However, during testing, we were unable to obtain any documentary evidence to verify that the case had been reassessed. Therefore, we have raised this as an instance of non-compliance with the established procedures.</p> <table border="1" data-bbox="743 695 1691 957"> <thead> <tr> <th>Risk exposure</th> <th>Root cause</th> </tr> </thead> <tbody> <tr> <td>There is a risk that cases categorised as gross misconduct may inappropriately enact section 2.6, subverting the requirement to hold a full powers formal hearing.</td> <td>Lack of understanding noted regarding where it is appropriate to enact section 2.6 of the Police Staff Disciplinary Procedure.</td> </tr> </tbody> </table>	Risk exposure	Root cause	There is a risk that cases categorised as gross misconduct may inappropriately enact section 2.6, subverting the requirement to hold a full powers formal hearing.	Lack of understanding noted regarding where it is appropriate to enact section 2.6 of the Police Staff Disciplinary Procedure.	<p>reassessed to potential misconduct, the decision to reassess will be clearly documented within the investigation report, which will be signed off by the Corporate HR Manager, with supporting rationale documented.</p> <p>Implementation date</p> <p>31 March 2020</p> <p>Responsible owner</p> <p>HR Professional Support Unit Manager</p>
Risk exposure	Root cause								
There is a risk that cases categorised as gross misconduct may inappropriately enact section 2.6, subverting the requirement to hold a full powers formal hearing.	Lack of understanding noted regarding where it is appropriate to enact section 2.6 of the Police Staff Disciplinary Procedure.								
5	<p>HR</p> <p>Where the Corporate HR Manager decides to progress the allegation to a gross misconduct hearing /full powers hearing, the panel must comprise of an appropriate Head of Department plus two other individuals of</p>	Yes	No	<p>From a population of 16 cases of potential misconduct regarding police staff over the prior 12 months, we selected a sample of 10. Of this sample, we verified that two of the sample had progressed to a full-powers gross misconduct hearing. For the sample of two, we verified the following:</p> <ul style="list-style-type: none"> The full powers hearing was conducted by a panel of three appropriately senior individuals: <ul style="list-style-type: none"> Assistant Chief Constable (in the place of a Head of Department); Detective Inspector, Intelligence; and Finance Manager. 	Medium	<p>Prior to April 2020, the HR Professional Support Unit Manager will specify a timeframe within which the formal written notification of outcome must be provided to the subject of investigation, following the formal hearing, within the Service Level Agreement with the PSD.</p>			

Ref	Control	Adequate control design (yes/no)	Controls complied with (yes/no)	Audit findings and implications	Priority	Action for management				
	<p>higher rank that the accused individual, all of which have no prior knowledge of the case.</p> <p>The outcome/sanctions available include:</p> <ul style="list-style-type: none"> No further action; Management advice; Issue of first or final written warning; Demotion to a lesser graded post, (this could include to an alternative department); Dismissal. 			<ul style="list-style-type: none"> The following was contained within the hearing invitation letter: <ul style="list-style-type: none"> Level of seriousness of allegation; Details of allegation; Makeup of hearing; Right to representation; Attached investigation case file. <p>Through discussions with the Lead HR Consultant, we understand that the two subjects of investigation attended their full powers hearings in early November 2019.</p> <p>They were informed of the result on the day of the hearing, however on the date of testing (Thursday 12 December 2019) the written letter of decision had not yet been dispatched to the subjects of investigation.</p> <p>Through inspection of the Police Staff Disciplinary Procedure, we noted that there was a gap in the process. Section 4.7 states that: 'The outcome of the hearing will normally be delivered on the day of the hearing however, if this is not possible then it will be within five calendar days of the hearing, unless otherwise agreed.'</p> <p>'The individual will have the right of appeal against the outcome. The written appeal must be lodged within 14 calendar days of formal written receipt of the notification of outcome from the discipline hearing.'</p> <p>Based on the above, if there is no defined timeframe within which a formal written receipt of the notification of outcome must be provided to the subject of investigation, there is a risk of reduced clarity regarding the appropriate deadline to submit a written letter of appeal.</p>		<p>If necessary, amendments to the Police Staff Disciplinary Guide will also be made to reflect these changes.</p> <p>Implementation date</p> <p>31 March 2020</p> <p>Responsible owner</p> <p>HR Professional Support Unit Manager</p>				
				<table border="1"> <thead> <tr> <th>Risk exposure</th> <th>Root cause</th> </tr> </thead> <tbody> <tr> <td>As the timeframe permitted to lodge an application to appeal is reliant upon the formal written receipt of the notification</td> <td>The Police Staff Disciplinary Procedure does not formally define the timeframe within which</td> </tr> </tbody> </table>	Risk exposure	Root cause	As the timeframe permitted to lodge an application to appeal is reliant upon the formal written receipt of the notification	The Police Staff Disciplinary Procedure does not formally define the timeframe within which		
Risk exposure	Root cause									
As the timeframe permitted to lodge an application to appeal is reliant upon the formal written receipt of the notification	The Police Staff Disciplinary Procedure does not formally define the timeframe within which									

Ref	Control	Adequate control design (yes/no)	Controls complied with (yes/no)	Audit findings and implications	Priority	Action for management				
				outcome, where there is no formally defined timeframe within which to provide this, there is a risk of reduced clarity regarding the validity of appeal submissions.		a formal written receipt of the notification outcome from the discipline hearing.				
6	<p><u>Professional Standards Department</u></p> <p>Severity assessments are completed when misconduct or gross misconduct is considered; either at the beginning following an Initial Assessment (IA) or during the investigation.</p>	Yes	No	<p>From review of 10 closed PSD conduct investigations from the previous 12 months, there were nine cases in which misconduct or gross misconduct were considered by the Appropriate Authority (AA) within the Initial Assessment (IA).</p> <p>For seven of the nine cases, there was a severity assessment on file completed by the AA.</p> <p>In one of the remaining two instances, the IA was completed by the AA and categorised the conduct as potentially gross misconduct. Although the individual was a member of police staff, the case was dealt with by PSD as the issue was raised as a complaint. The IO report re-categorised the conduct as misconduct and noted that there were no aggravating factors.</p> <p>A Severity Assessment was not required as the individual is a member of police staff and does not come under the Police (Complaints and Misconduct) Regulations 2012. The matter was therefore referred back to HR following investigation and a first written warning was issued by HR.</p> <p>In the remaining one instance, the case was categorised as potential misconduct or gross misconduct in the IA. However, from review of the Centurion files, there was no severity assessment documented on file. For all cases where misconduct or gross misconduct are considered, a severity assessment must be completed as per the regulations.</p>	Medium	<p>A severity assessment will be completed in all cases where misconduct or gross misconduct is considered.</p> <p>Implementation date</p> <p>29 February 2020</p> <p>Responsible owner</p> <p>Head of Professional Standards</p> <p>Detective Chief Inspector – Professional Standards</p>				
				<table border="1"> <thead> <tr> <th>Risk exposure</th> <th>Root cause</th> </tr> </thead> <tbody> <tr> <td>Where misconduct or gross misconduct are considered and a Severity Assessment is not completed, there is a risk that the Force have not</td> <td>The Force do not have completed severity assessments on file.</td> </tr> </tbody> </table>	Risk exposure	Root cause	Where misconduct or gross misconduct are considered and a Severity Assessment is not completed, there is a risk that the Force have not	The Force do not have completed severity assessments on file.		
Risk exposure	Root cause									
Where misconduct or gross misconduct are considered and a Severity Assessment is not completed, there is a risk that the Force have not	The Force do not have completed severity assessments on file.									

Ref	Control	Adequate control design (yes/no)	Controls complied with (yes/no)	Audit findings and implications	Priority	Action for management				
				appropriately assessed the severity of a conduct or complaint case. There is a further risk that the Force are non-compliant with the Police (Conduct) Regulations 2012 and the Police (Complaints and Misconduct) Regulations 2012.						
7	<p><u>Professional Standards Department</u></p> <p>It will not always be necessary to conduct a formal interview with the police officer subject to the investigation.</p> <p>Under Regulation 17 of The Police (Conduct) Regulations 2012, where a formal interview is felt to be necessary, the investigator should attempt to agree a time and date for the interview with the police officer concerned and their police friend, if applicable.</p>	Yes	No	<p>From a sample test of 10 closed PSD conduct investigations, there were five instances in which an interview was conducted.</p> <p>From these five cases, the following was noted:</p> <ul style="list-style-type: none"> • In one case, there was a completed Regulation 17 notice documented on file. The officer was provided with sufficient details; • The officer was provided with 17 days' notice; • In the remaining four cases, there was no Regulation 17 documented on file. <p>Through discussions with the Detective Chief Inspector (DCI) – Professional Standards, it was noted that the interviews were most likely organised through the Police Federation. However, it was agreed that officers should be provided with formal written notification of an interview as per the Police (Conduct) Regulations 2012 and the Police (Complaints and Misconduct) Regulations 2012.</p>	Medium	<p>All officers interviewed as part of misconduct proceedings will be issued a Regulation 17 notice to inform them of the time and date of interview and provide sufficient details in preparation for the interview.</p> <p>Implementation date</p> <p>31 March 2020</p> <p>Responsible owner</p> <p>Detective Chief Inspector – Professional Standards</p>				
				<table border="1"> <thead> <tr> <th>Risk exposure</th> <th>Root cause</th> </tr> </thead> <tbody> <tr> <td>Where officers are not provided within written notice of an interview, there is a risk that the Force have not complied with the statutory duty as defined under Regulation 17. There is a further risk that an officer has not been provided with sufficient notice or detail of the case</td> <td>Officers are not provided within written notice of conduct interviews as stated under Regulation 17.</td> </tr> </tbody> </table>	Risk exposure	Root cause	Where officers are not provided within written notice of an interview, there is a risk that the Force have not complied with the statutory duty as defined under Regulation 17. There is a further risk that an officer has not been provided with sufficient notice or detail of the case	Officers are not provided within written notice of conduct interviews as stated under Regulation 17.		
Risk exposure	Root cause									
Where officers are not provided within written notice of an interview, there is a risk that the Force have not complied with the statutory duty as defined under Regulation 17. There is a further risk that an officer has not been provided with sufficient notice or detail of the case	Officers are not provided within written notice of conduct interviews as stated under Regulation 17.									

Ref	Control	Adequate control design (yes/no)	Controls complied with (yes/no)	Audit findings and implications	Priority	Action for management
	The officer concerned shall be given written notice of the date, time and place of the interview.			and could appeal a decision where the Force have not complied with all regulations.		

APPENDIX A: SCOPE

The scope below is a copy of the original document issued.

Scope of the review

The scope was planned to provide assurance on the controls and mitigations in place relating to the following area:

Objectives of the area under review

The Force has an adequate framework in place to ensure unsatisfactory conduct is identified in a timely manner and staff members are treated in a fair, reasonable and consistent manner.

When planning the audit, the following areas for consideration and limitations were agreed:

Areas for consideration:

Our review will consider disciplinary process for police staff and officers and thus our review will be undertaken with PSD and HR. In particular, our review will consider the following areas:

- Disciplinary policies and procedures are in place, are up to date and are available to all staff.
- Line managers have received coaching / mentoring or training in the organisation's disciplinary procedure as appropriate.
- Management and recording of minor conduct issues (informal management action) and how these are recorded at a local level.
- Severity assessment is undertaken by the line manager, HR / PSD professional and other relevant parties to determine the level of misconduct.
- Individuals are provided with sufficient notice of the interview and are supplied with details of the allegation.
- Final report, following investigation, is reviewed and approved prior to progressing to a formal hearing.
- Progressing to a formal hearing is communicated in a timely manner.
- Sanctions are undertaken and communicated following formal disciplinary investigation.
- Misconduct hearings are undertaken in accordance with established procedures.
- Gross misconduct hearings are undertaken in accordance with established procedures.

We will consider the application of Force procedures against represented and under-represented groups to ensure a consistent approach is applied.

Limitations to the scope of the audit assignment:

- We will not make an assessment of whether there is potential inequality between officers and staff. We will only confirm the Force's processes have been followed as described.
- We will not review the appraisal process as part of this review.
- We will not consider the misconduct process for officers who have left the Force.
- Testing will be completed on a sample basis.
- As testing will be completed on a sample basis, we will not confirm all misconducts have been undertaken in accordance with the Home Office guidance.
- We will not review policies and procedures for adequacy.
- We will not comment on the appropriateness of the actions taken, but confirm they are in place or being worked towards.
- We will not interview staff as part of the audit.
- Our work does not provide absolute assurance that material errors, loss or fraud do not exist.

APPENDIX B: FURTHER INFORMATION

Persons interviewed during the audit:

- Lead HR Consultant
- HR Consultant
- HR Consultant
- Detective Chief Inspector
- Force Vetting Manager

Documentation reviewed during the audit:

- Police Staff Disciplinary Procedure
- Police Staff Disciplinary Guidance
- Police Staff Discipline Assessments
- Discipline Investigation reports (including judgement of Senior HR Manager)
- The Police (Conduct) Regulations 2012
- The Police (Complaints and Misconduct) Regulations 2012
- Home Office Guidance on Police Officer Misconduct, Unsatisfactory Performance and Attendance Management Procedures
- The Police Reform Act 2002
- IPCC Statutory Guidance to the police service on the handling of complaints
- IOPC Guidance on the recording of complaints under the Police Reform Act 2002
- IPCC guidelines for handling allegations of discrimination

FOR FURTHER INFORMATION CONTACT

Dan Harris, Head of Internal Audit

Tel: 07792 948767

Daniel.Harris@rsmuk.com

Angela Ward, Senior Manager

Tel: 07966 091471

Angela.Ward@rsmuk.com

Philip Church, Client Manager

Tel: 07528 970082

Philip.Church@rsmuk.com

rsmuk.com

This report is solely for the use of the persons to whom it is addressed.

To the fullest extent permitted by law, RSM Risk Assurance Services LLP will accept no responsibility or liability in respect of this report to any other party.

The matters raised in this report are only those which came to our attention during the course of our review and are not necessarily a comprehensive statement of all the weaknesses that exist or all improvements that might be made. Actions for improvements should be assessed by you for their full impact. This report, or our work, should not be taken as a substitute for management's responsibilities for the application of sound commercial practices. We emphasise that the responsibility for a sound system of internal controls rests with management and our work should not be relied upon to identify all strengths and weaknesses that may exist. Neither should our work be relied upon to identify all circumstances of fraud and irregularity should there be any.

Our report is prepared solely for the confidential use of **The Chief Constable of North Yorkshire**, and solely for the purposes set out herein. This report should not therefore be regarded as suitable to be used or relied on by any other party wishing to acquire any rights from RSM Risk Assurance Services LLP for any purpose or in any context. Any third party which obtains access to this report or a copy and chooses to rely on it (or any part of it) will do so at its own risk. To the fullest extent permitted by law, RSM Risk Assurance Services LLP will accept no responsibility or liability in respect of this report to any other party and shall not be liable for any loss, damage or expense of whatsoever nature which is caused by any person's reliance on representations in this report.

This report is released to you on the basis that it shall not be copied, referred to or disclosed, in whole or in part (save as otherwise permitted by agreed written terms), without our prior written consent.

We have no responsibility to update this report for events and circumstances occurring after the date of this report.

RSM Risk Assurance Services LLP is a limited liability partnership registered in England and Wales no. OC389499 at 6th floor, 25 Farringdon Street, London EC4A 4AB.