

The good, the bad and the ugly

Police officers can end up waiting months to know their fate following a complaint. Have the Taylor reforms on police conduct made a difference? Steve Evans, secretary of the Federation's professional standards subcommittee writes



SUCCESS



FAILURE

It seems to me that we have been waiting for, and talking about, the Taylor reforms to the police conduct and performance regulations forever. Well, they have been in place for over a year now so it is appropriate now perhaps to take stock and ask if they were worth waiting for?

The major tenets of the new system were that it should be swift and proportionate. Officers should not be hanging on for months, let alone years, to know their fate. They should know at an early stage whether they are facing dismissal or a lesser sanction.

There should be more engagement between management and the officer, between the Federation and the management and all cases should be assessed at an early stage by a competent person as to whether the issue is performance or conduct, and at what level, ordinary or gross.

There should be a proportional approach to the conduct or performance with an emphasis on putting things right, of “fixing it” rather than finding someone to blame. The entire approach should give managers the right to manage officers’ confidence in the system and by driving up performance, deliver a better service to the public.

With those three laudable outcomes it would seem a no-brainer to sign up to this and get it running throughout the country. It is pertinent to point out at this stage that many professional standards departments (PSDs) are still dealing with a huge volume of so called “legacy” cases under the 2004 regulations. Nothing screams louder of the need for reform than when forces are still dealing with old cases over one year into the new system. What case is so complicated that it cannot be dealt with in under a few weeks, or months in more complex scenarios?

At our Discipline Liaison Officers seminar held at the end of 2009 we discussed the Taylor reforms, together with Vic Marshall, the leading advocate of the reforms at the Home Office. We noted many instances of excellent practice with PSDs fully communicating with the Federation in an open and honest ways, with regular meetings, discussions and briefings. Severity assessments, where conduct is assessed and appropriate action decided, were made quickly and accurately and investigations were swift and proportionate. More cases were being driven down the performance route, where they belong, rather than wrongly into conduct. Cases were being reviewed and reasoned arguments from representatives are being listened to and acted upon. Net result - officers have more confidence in the system, the bureaucracy burden reduces, money is saved and the public is served.

It is with great regret that I report that this is not the case all over the country and that as always it seems with the police, experiences differ from force to force, from excellence to the downright diabolical. Earlier I spoke of the need for the system to be speeded up and yet we have examples of a hearing date for a case being given five months after the decision to hold one was made despite



Communication is key: management need to engage with officers at an early stage

the regulations stating 30 days; we have had cases where Regulation 15 notices were given with both misconduct and gross misconduct boxes are ticked. How is the officer to know what they are facing? Regulation 15 notices merely stating that the code of conduct has been breached rather than stating in clear terms what the actual conduct was as required by the regulations; we have also had forces making all severity assessments gross misconduct especially if any hint of a criminal offence is involved; failure to give adequate disclosure at key stages of the investigation and hearing process; a readiness to leap to “fast track” procedures inappropriately; issues around fairness of appeals procedure, especially when the officer at the appeal stage has been involved with the severity assessment or the investigation.

There are other examples I could give but I do not wish to paint a doom and gloom scenario. As in all aspects of life, people will quickly tell you what is wrong but remain silent when things work well so it is easy to give a misleading impression.

So in answer to the question I posed at the start – is it working? It is a definite yes and no. Can it work and can it be good for the officers, the service and the public; absolutely. We have examples of it working superbly as the drafters envisaged so there is no doubt it can work and the benefits are there for all to see.

Sadly, what is also plain to see is that not all forces, not all PSDs have fully accepted and engaged in the new regulations and I have highlighted just a few examples of how and where it goes wrong. The Police Federation certainly wishes to work closely with PSDs to make this work, we see it as potentially a win/win situation for all parties and will work with anyone who works towards that goal. There are ample examples of good practice for people to follow, but for some, old habits die hard. It is in everyone’s interest to make Taylor work and it most certainly can, but I remain uncertain whether or not it will.