

## **Napo concerns in relation to ViSOR Vetting – August 2018**

Over recent months there have been more and more concerns raised by members about the new requirement for all Offender Management staff working in the NPS to undergo ViSOR vetting. Napo has been in ongoing communications about this, meeting with members and reps and with the employers to try to find a resolution. This paper sets out the ongoing work that we are putting in and the efforts being made by the employer to address them.

### **Background**

The introduction of this wider use of ViSOR was part of the E3 phase 2 programme. At the time of the consultation on phase 2 Napo made representations about the mechanism for vetting, the additional workload related to use of ViSOR and the impact of failure of vetting on members. You can find the representations made and the employer's response here. <https://www.napo.org.uk/visor-and-napo%E2%80%99s-position>.

The employers gave some reassurance that anyone who fails vetting for a reason that is not a breach of conduct will not lose their employment. This will be little comfort to members who have significant skills and experience in their current job and want to continue their career in Probation but face being redeployed into a very limited choice of roles and having their future career development restricted as a result of vetting failure.

It is important to note that the increased scope of ViSOR vetting is required so that NPS staff working in Offender Management can use ViSOR to read and record information about those clients who feature on it. This means all clients subject to MAPPA. ViSOR is a Police owned system and the Police control access to it. This is why Police vetting is required, to restrict access to anyone who the Police vetting formula suggests may be a risk to that information. Napo members will be aware that NPS staff are already required to use ViSOR to share information about MAPPA eligible clients but that this is done via specific staff who volunteered for roles that required the vetting. The employers now contend that use of ViSOR is so essential that every member of OM staff needs to be vetted and trained and will be required to use ViSOR in addition to nDelius to record information. There is no requirement for the Police to use nDelius.

### **Impact of vetting failure**

We have a concern that there hasn't been consistent messaging coming from either the centre or through the NPS divisions to make members feel that vetting failure will inevitably happen for some people for reasons beyond their control and that it is OK. When we talk about failing vetting we are of course referring to failure for a reason that isn't a breach of conduct.

The general feeling is that failure of vetting will be hugely stigmatising and will have a significant impact on someone's career. Being moved from their current role will mark someone out as "having failed" and is perceived as a professional insult, especially when most members entered the profession when there was no requirement for this level of vetting. Our view is that the employer needs to do more in terms of communications on this. When Napo representatives have been called to meetings by member's to discuss their concerns about this we have asked if the Divisional management teams have spent time to meet with their staff to discuss concerns. The response has all too often been a resounding "no".

### **Why not make reasonable adjustments?**

The number of roles that can be undertaken without ViSOR vetting has reduced significantly since the original consultation, and it now appears that only Court and Accredited Programmes roles will be suitable for someone who fails. This means that that person's career will be stifled and they will be treated significantly differently from other staff who will be expected to move roles regularly. This will also cause difficulties for the employers in their drive for a flexible workforce. We have asked that the employer considers how staff who fail vetting may be supported to remain in their role, for example by having adjustments made such as colleagues entering data onto ViSOR for them, as happens now for most staff. This approach would recognise that the employer has introduced a requirement to use a system which will not be accessible to some of their staff, due to the requirement to pass Police vetting. In other circumstances where the employer requires the use of systems which are inaccessible to some staff, reasonable adjustments are made to enable those staff to continue to do their job. We believe that failure of ViSOR vetting should be treated in exactly the same way, with reasonable adjustments being made for the small number of staff affected.

### **The vetting process and privacy concerns**

In terms of the vetting process itself these are the key issues that members have referred to us:

#### **Postcode lottery?**

All of the police forces have different forms and some of the questions differ. For example some forms ask for information about being a victim of a crime and some do not. Some ask for details of certain family members and close connections and some ask for a wider circle. We have been told by member's in some areas that there are questions on their form about medication they are taking and other health conditions (including mental health). Members are rightly concerned that they may be subject to discrimination on the grounds of a disability due to the impact of vetting failure. This appears to be a level of intrusion beyond what was expected, and certainly beyond what is being asked by other Police Forces. The fact that some members are being asked for a different level of information has, in itself, caused members to question the legitimacy of the process as it is clearly not uniform and there is the possibility of a "postcode lottery" in terms of decisions made that will have an impact on their career.

There is the very real risk that someone being vetted by their local Police Force may fail when they would not have done, had they been vetted by another Force in a neighbouring county.

### **Lack of support for staff**

When members have been sent the vetting application forms to fill in this has often been done by a colleague in the admin team. This isn't necessarily a problem in itself, but when there are queries a colleague from the admin team is not always best placed to deal with them. In some areas, communications have been difficult due to the very real concerns that staff have about the process and tensions have arisen between colleagues as a result. This is unfair to everyone involved and it is very concerning to hear reports that senior leaders in divisions are not taking staff concerns seriously, and are not communicating directly with their staff about this other than to write to them threatening disciplinary action if the forms are not completed.

### **What happens to the information?**

Many questions are arising about what the Police will do with the information they are gathering, in bulk, on Probation staff. In some cases there will be a significant body of information and intelligence, and there is deep concern amongst members about how this may be used in future by the Force. Members know that the Police collect intelligence constantly that is used in investigating crime. We have had reports of members being contacted at weekends by the Police via their personal mobile phone about a client they are supervising. When they asked how the Police had their number they were informed it was because of a report the member had made (as a private citizen not a member of Probation staff) previously. This illustrates how the boundaries between members' personal and professional lives are eroded by the Police practice of collecting intelligence on Probation staff. If the Police later have access to significantly more information about NPS staff and their networks, including very personal information about relationships, finances and health, how will this be used? Will the name and personal details of NPS staff forever be linked via Police intelligence systems to those we have had to disclose a connection to (however distant or tenuous)?

### **Is the paperwork safe?**

There is also concern about how the copied identification documents will be held and stored by NPS and later by the Police if they are passed on. We know that constant office moves and the drive to reduce the amount of office space the NPS occupies affects the proper storage of paperwork but equally we do not want to see members having to produce their identification each time they need to be re-vetted. We have had differing messages about how frequently vetting will be undertaken, the official line from the Police is that this exercise will be done every three years but the employers have suggested they will try to change this to every five years. There is no clarity about what happens to those who fail vetting and whether they will have to repeat the ordeal.

## **Do we need to use ViSOR?**

There remains at the heart of this matter a question about whether this is really necessary, especially on such a scale. We note that there will be additional work for NPS staff created by the requirement to enter data into ViSOR that has already been entered onto nDelius and interpreted into OASys and ARMS assessments. We understand that the format for ViSOR entries is different to that used in nDelius and this simply creates additional work for our staff which is not covered by the workload measurement tool. The principle of improved information sharing between agencies will be welcomed by most members, however the disruption and cost (which we understand is around £70 per member of staff) for ViSOR vetting begs the question “Why doesn’t the HMPPS just give the Police access to nDelius?”.

## **Latest engagement with senior NPS Management**

As has been reported, we have regularly taken the direct experiences of members during our engagement with senior HMPPS management. At the last meeting between trade unions and HR leads we made it absolutely clear that urgent action is required to prevent the possibility of a National Dispute having to be declared as we receive more and more reports from members who are worried about facing the prospect of a blighted career through no fault of their own.

The urgency of the situation has at least been acknowledged by the Director of Probation Sonia Crozier, who has offered to host a special meeting involving senior decision makers where more time can be spent examining these issues to try and find a way forward. Napo are totally committed to the maintenance of an accurate and effective data base which helps to protect our communities, but is equally determined to ensure that the welfare of our members is taken seriously.

More news will follow after this meeting, but meanwhile members are asked to continue to forward us information (ideally via your Napo Link Officer) so that we can continue to build a picture of the impact of the new ViSOR vetting requirements.

**Ian Lawrence**

**General Secretary**

**Katie Lomas**

**National Vice-Chair**

**1<sup>st</sup> August 2018**