



College of
Policing

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Professionalising Investigations Programme

Programme policy 2018

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This policy has been developed by the College of Policing Ltd in collaboration with Devon and Cornwall Police on behalf of the police service.

The College acknowledges and thanks all those who contributed to the development of this document and is committed to working collaboratively in the future to develop, deliver and maintain the policy.

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Introduction

The Professionalising Investigation Programme (PIP) was implemented in 2003. Its vision was:

To deliver a professional, ethical and effective investigation capacity for policing in the 21st century by providing robust, national benchmarked standards maintained and overseen by a professional policing institute.

It continues to develop as a programme following the 2013 PIP review. This ensures that PIP remains current and is balanced against the changing landscape of policing, greater accountability, risk management and increasing public expectations.

PIP provides a structured and consistent development and maintenance programme for investigative skills. It delivers the capability to conduct professional investigations at all levels in the police service and in other sectors of law enforcement.

The overarching aim of PIP is to deliver registration, examination, training, workplace assessment and accreditation to a national standard at each level. The PIP levels are:

- PIP 1 – priority and volume crime investigations
- PIP 2 – serious and complex investigations
- PIP 3 – major crime and serious and organised crime investigations
- PIP 4 – strategic management of highly complex investigations.

This policy underpins the PIP, providing clarity on eligibility and career pathways for all levels. Failure to comply with this policy could affect the perception and ability of law enforcement to carry out its function professionally, ethically and effectively in respect of priority and volume, serious and complex, and major crime investigations. The policy reflects best practice across law enforcement.

Professionalising Investigations Programme



Authorised professional practice and the Code of Ethics

The principles detailed in **authorised professional practice (APP) on investigation** and the **Code of Ethics** should form the basis of all investigative activity, regardless of the level of seriousness or complexity. They are used as the foundation of current investigation training and development programmes.

The investigation model outlined in APP is a useful reference point for conducting and managing investigations. It ensures that all actions to collect material relevant to the case are considered and pursued in accordance with the circumstances.

The model does not show investigations as a simple linear process. It is important to identify at which point in the investigation police action has commenced and to then ensure that the preceding and subsequent stages of investigation are completed. This will safeguard collating and evaluating available material. It will also enable objective decision making, appropriate to the circumstances of each investigation, using the **National Decision Model**.

Investigative principles

- Investigations should be undertaken using appropriately skilled staff. PIP is the national standard and applies to investigators at all levels, assessed and registered as competent against the National Occupational Standards (NOS) relevant to their role.
- When operational demands and resources are such that appropriately skilled staff are not available for deployment, forces will apply measures to support the investigation to reduce resulting risk to the public, the individual and the organisation.
- PIP is a development programme rather than a set of training courses. Access to each level of PIP is based on skills, knowledge and experience.
- To achieve accreditation, individuals are required to show evidence of individual performance through the relevant PIP portfolio. Where necessary, line managers should identify and record opportunities for developmental activity.
- Once accredited, the principle of 'gain accreditation and keep it' is applicable to all PIP levels. Investigators are responsible for their own continuing professional development (CPD) and for maintaining competence year-on-year, as applicable to their role, with relevant and sufficient support from the organisation.
- Supervisors and managers are critical to effectively deploying and managing investigators and investigations. They must monitor and review investigations in accordance with relevant policies and ensure that their staff correctly register and maintain annual competence.

Accountability structure

Overall responsibility for PIP lies with the College of Policing's Crime and Criminal Justice faculty and the National Police Chiefs' Council (NPCC) PIP lead. The PIP lead is accountable to the NPCC National Crime Operational Coordination Committee Investigation portfolio.

Heads of crime are responsible for:

- the standards of investigations in their own force
- ensuring that investigators in their areas are involved in the PIP processes and are aware of and comply with investigation policies
- ensuring investigative capacity is appropriate to meet the defined standards
- ensuring that the provision of learning and development is appropriate to enable individuals to achieve competence within the NOS framework
- appointing a force PIP single point of contact (SPOC).

The head of crime, supported by the PIP SPOC, will:

- provide the focal point for all information and advice linked to the PIP assessment and registration process and disseminate information as appropriate in their force
- work with the College to inform the future development of PIP
- ensure compliance with the administration of PIP assessment and registration processes
- ensure ongoing reviews
- ensure quality assurance checks of the PIP assessment and registration processes
- maintain a candidate tracking system, ensuring that sign off for registration is recorded for each candidate at all levels and a complete and up-to-date registration database for the force is maintained, including re-registration
- verify and sign off all PIP 3 registrations prior to advising the College's PIP registrar for registration on the national database
- ensure that a force list of assessors, mentors, and internal verifiers is maintained, together with details of the training given and candidates assessed
- provide appropriate management information
- manage the appeals process
- monitor compliance with grandparent rights.

Departmental heads who have command of investigators at any level are responsible for ensuring that officers and staff adhere to standards of investigation in their business area.

First and second line supervisors of investigators are responsible for ensuring that their personnel are appropriately trained, registered and reregistered when required.

Definition of investigation

An investigation is the action of examining, studying or enquiring into something or someone and evaluating material through a considered systematic approach.

The **Code of Practice to the Criminal Procedure and Investigations Act 1996** defines a criminal investigation as:

an investigation conducted [...] with a view to it being ascertained whether a person should be charged with an offence, or whether a person charged with an offence is guilty of it.

This includes:

- investigations into crimes that have been committed
- investigations to ascertain whether a crime has been committed, with a view to possible criminal proceedings
- investigations which begin in the belief that a crime may be committed, for example, when the police keep premises or individuals under observation for a period of time, with a view to possible criminal proceedings.

While the definition refers specifically to criminal investigations, the principles set out apply equally to other types of investigations, for example, road traffic matters, antisocial behaviour, professional standards enquiries or investigations.

An investigation commences when an allegation of an offence is made or is suspected.

In addition, PIP recognises that investigations support risk management, safeguard the public, disrupt criminality and reduce reoffending.

Definition of an investigator

An investigator should be an appropriately trained individual who carries out an investigation, or elements of it, during the course of the investigative process.

An investigator may be a warranted officer or member of police staff. **Section 38** of the Police Reform Act 2002 (the 2002 Act) allows chief officers to designate police staff as investigating officers.

An investigator may also be a member of any other law enforcement agency or other body with an investigative capacity.

Categories of investigation

Most offences will fall into three main categories:

- priority and volume investigations
- serious and complex investigations
- major crime and serious and organised crime investigations.

PIP is not a crime management model and it is not for PIP policy to determine how forces allocate crime to investigators at any level. Forces should, however, allocate resources based on complexity, threat, risk, harm, vulnerability and impact.

Priority and volume investigations

Volume crime, as defined in the **Volume Crime Management Model**, is any crime that, through its sheer volume, has a significant impact on the community and the ability of the local police to tackle it.

Volume crime will often include priority crimes such as street robbery, burglary and vehicle-related criminality, but can also apply to criminal damage or assaults. This definition can be extended to assist in tackling non-crime issues such as antisocial behaviour.

In today's policing climate, priority and volume crime will often include responding to and protecting vulnerable people and ensuring appropriate safeguarding procedures are instigated.

The following factors may be considered as a basis to allocate or escalate an investigation to a serious or complex investigation:

Consideration	Examples
Community	<ul style="list-style-type: none"> ■ Racially motivated ■ High risk of critical incident ■ Sensitivity regarding individuals involved ■ Media scrutiny
Offence characteristics	<p>Aggravating factors to the offence such as:</p> <ul style="list-style-type: none"> ■ Hate crime ■ Weapons used ■ Injuries sustained ■ Vulnerability of victims/witnesses ■ Priority issue identified within business area ■ Series of offences
Offender characteristics	<ul style="list-style-type: none"> ■ Criminal history ■ Resistance to police ■ Prolific offender ■ Multiple offenders

Serious and complex investigations

The **Serious Crime Act 2007** does not define a serious and complex offence, but in section 2(2) it states that a serious offence is one which:

- is specified or falls within a description specified in **Part 1 of Schedule 1** of the Act
- in the particular circumstances of the case, the court considers to be sufficiently serious to be treated for the purposes of the application or matter as if it were so specified

Factors that may identify an offence as serious include those which:

- involve the use of violence, including the use of weapons and firearms
- are sexual assaults
- result in substantial financial gain
- cause substantial financial loss to the victim
- are conducted by a large number of persons in pursuit of a common purpose.

There is no available definition of what constitutes a serious or complex investigation, but there is an understanding in the police service of the types of investigation that fit this category. This understanding is generally based on experience. Officers and staff should consider the circumstances of each case.

Major crime and serious and organised crime investigations

The main feature in defining a major crime or serious and organised crime investigation is that a nationally registered PIP 3 senior investigating officer (SIO) will be appointed to lead such investigations.

A policy entry should clearly identify the decision to escalate an investigation from the serious and complex category to the major or serious and organised crime category. This should include who is responsible for the decision making and the rationale.

All category A and B homicides should have a registered senior investigator leading the investigation.

Category C homicides can be led by a competent individual with the oversight of a registered senior investigator. This approach provides opportunities for professional development, succession planning and maintaining operational resilience.

The following factors may require the deployment of an SIO and would be used to support a decision to escalate an investigation to the major crime or serious and organised crime category.

Consideration	Examples
Community factors	<ul style="list-style-type: none"> ■ Likely to escalate to a large scale disorder or critical ■ Has escalated from a previous offence ■ Sensitivity regarding individuals involved ■ Media interest
Offence characteristics	<ul style="list-style-type: none"> ■ Aggravating factors to the offence ■ Vulnerability of witnesses and victims ■ Crossed force or national boundaries ■ Forms a series
Offender characteristics	<ul style="list-style-type: none"> ■ Organised crime ■ Terrorism links ■ Resistance to police operational strategies ■ Multiple offenders

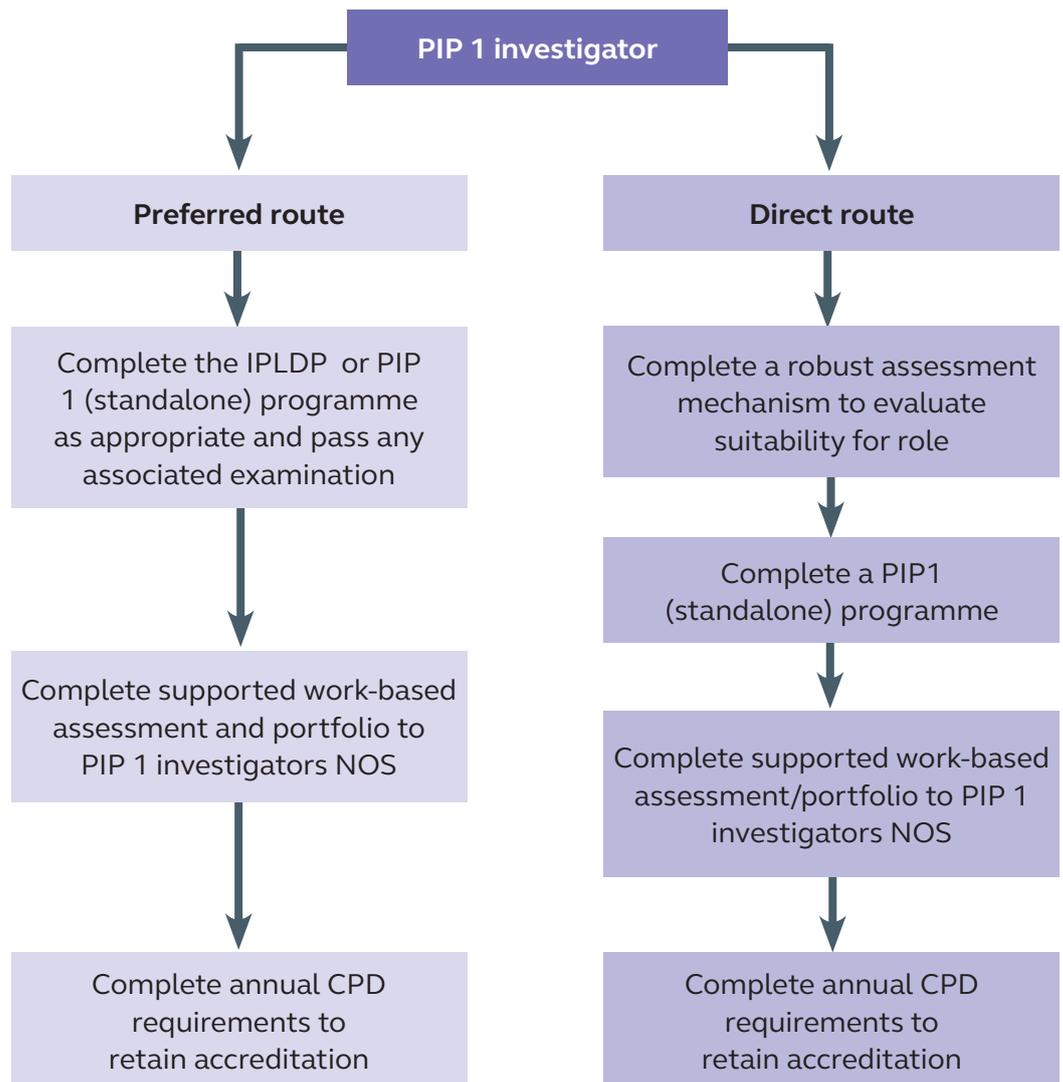
Investigative career pathway

There are currently four levels of accreditation and further specialist roles contained in PIP.

PIP 1 investigators

PIP 1 is the foundation of investigation. It is an essential accreditation for all employees involved in investigating priority and volume crime or incidents at any point, from instigation to finalisation. This will include all individuals not accredited to a higher level and will include their respective supervisors and managers involved in the investigative process.

To obtain PIP 1 accreditation, investigators follow the career pathway:



Newly recruited employees will undertake either the Initial Police Learning and Development Programme (IPLDP) or the PIP 1 standalone programme.

IPLDP student officers will complete a learning and assessment portfolio which incorporates PIP 1. This will be signed off at the end of their two-year probationary period.

Those outside the IPLDP should complete the PIP 1 portfolio within six months of the end date of their PIP 1 standalone programme. 12 months is allowed where circumstances dictate, for example, to accommodate sickness, absences or maternity leave.

Investigators must show competency against the PIP 1 NOS:

- CI101 – conduct priority and volume investigations
- CJ101 – interview victims and witnesses in relation to priority and volume investigations
- CJ201 – interview suspects in relation to priority and volume investigations.

The portfolios allow tutors and supervisors to assess standards in the workplace and ensure that candidates at PIP 1 have the practical experience, skill and understanding of law, procedure and guidance to effectively investigate a crime.

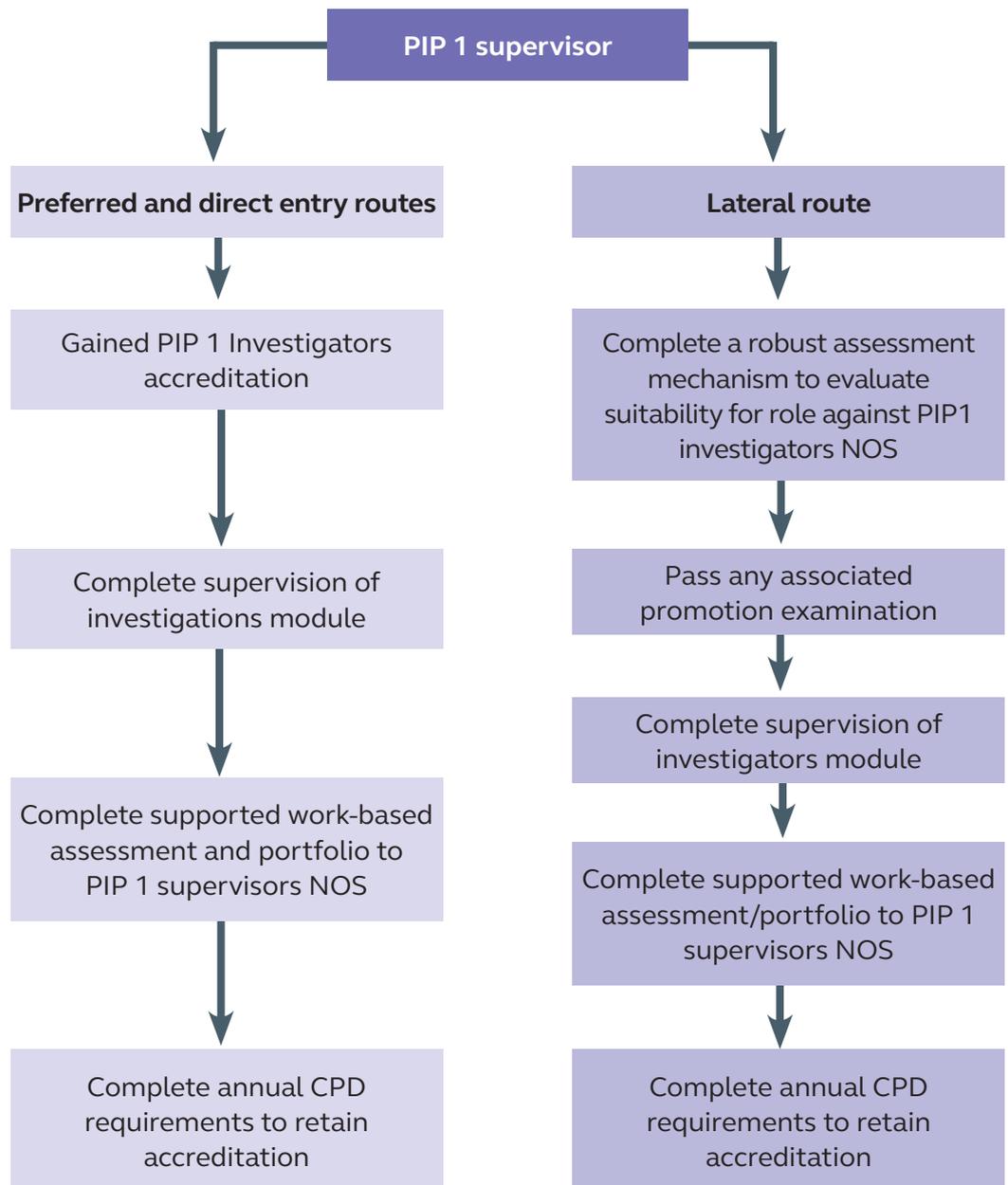
On completion, it is the candidate's responsibility to retain a copy of their final signed portfolio in addition to it being retained on any force recording systems.

For individuals currently in role who have not accredited or reregistered, see **Grandparent rights for those currently in role**.

PIP 1 supervisors

PIP 1 supervisors is an essential accreditation to ensure effective supervision of priority and volume crime investigations or incidents **at any point**, from instigation to finalisation. This will include supervisors not accredited to a higher level.

To obtain PIP Level 1 supervisors accreditation, the career pathway is:



Supervisors of PIP 1 investigators falling under the new **National Police Promotion Framework (NPPF)** will complete the NPPF Supervision of Investigators module and a workplace assessment set against the NOS for supervising priority and volume investigations.

The supervisors' portfolio should be completed within the NPPF 12-month assessment period.

PIP 1 supervisors will be required to show competency against the PIP 1 NOS:

- CI105 – supervise priority and volume investigations and investigators.

Existing supervisors or any supervisors not within the NPPF should complete their portfolio within six months of moving to that role. 12 months is allowed where circumstances dictate, for example, to accommodate sickness, absences or maternity leave.

This applies to any supervisor in a role or moving to a role where they will supervise **any element** of an investigation. Completing the portfolio should be supported by CPD and, where necessary, enrolment on the supervision of crime module.

On completion, it is the candidate's responsibility to retain a copy of their final signed portfolio in addition to it being retained on any force recording systems.

The National Investigators' Examination

The National Investigators' Examination (NIE) is a prerequisite for PIP 2 and entry to the Crime Investigators' Development Programme (ICIDP). The NIE is designed to identify candidates with sufficient levels of knowledge, understanding and application of relevant law and procedure to perform effectively in the ICIDP and as a trainee investigator.

A copy of the **Rules and Syllabus** which apply to all candidates is available on the College of Policing website.

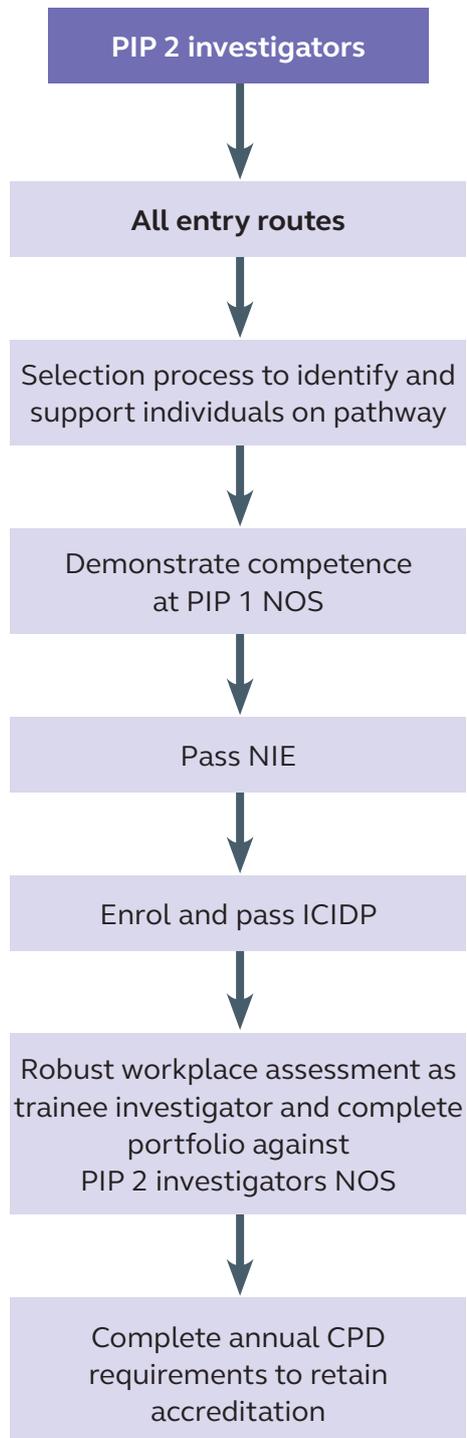
The NIE is valid for three years.

Unsuccessful candidates will have an opportunity, subject to force policy, to resit the examination on the next examination date. Forces should support unsuccessful candidates with a development plan after any failure. After two unsuccessful attempts, candidates will be disqualified from retaking the NIE for 18 months.

Where a candidate fails the NIE for a second time, line managers should hold discussions with the individual as to whether career progression into a PIP 2 investigation role is the most suitable route for them. These discussions should also be accompanied by a development plan for the individual.

PIP 2 investigators

To obtain PIP 2 investigators accreditation, the career pathway is:



Investigators are selected to the role of trainee investigators with a view to becoming PIP 2 investigators on the principle that they have the potential to achieve the occupational standards. Selecting investigators as trainee investigators prior to enrolment on the NIE is a matter of force policy.

Candidates must successfully complete the NIE before registering to undertake the ICIDP as a trainee investigator. Successful completion of the NIE is supported through the Investigator's Distance Learning Workbook and Investigators Manual, published by Oxford University Press in consultation with the ICIDP project team. It will be at forces' discretion as to how these items are provided for individuals.

Individuals should complete the **full** ICIDP programme within a maximum of three years of passing the NIE. Completion of the programme is confirmed when the individual is signed off as a PIP 2 accredited investigator. The majority should be able to complete the programme within twelve months but this three-year period allows for accommodating sick leave, absences, maternity leave or part-time working.

On completing the ICIDP, trainee investigators will be allocated a tutor. A minimum six to twelve-month work place assessment will commence, with the trainee investigator working alongside their appointed tutor. Candidates should complete their PIP 2 portfolio during their work-based assessment, prior to sign-off.

Throughout the workplace assessment, the trainee, tutor and supervisor should meet to discuss the evidence required, how this will be provided and ensure the trainee investigator has a monthly development plan.

Investigators will be required to show competency against the PIP 2 investigator NOS:

- CI102 – conduct serious and complex investigations
- CJ102 – interview victims and witnesses in relation to serious and complex investigations
- CJ202 – interview suspects in relation to serious and complex investigations.

The portfolios will be completed as an ongoing process throughout the trainee's workplace assessment and allow for the assessment of competency against the PIP 2 NOS by tutors and supervisors.

On completing the PIP 2 portfolio, and when signed off as an accredited PIP 2 investigator, only those who have successfully completed the process will be able to use the title of substantive detective or force variation of this.

On completion, it is the candidate's responsibility to retain a copy of their final signed portfolio in addition to it being retained on any force recording systems.

Individuals who fail the NIE or do not demonstrate competency against the PIP 2 NOS should be provided with a development plan and relevant support. If an individual is unable to meet these requirements, they will not be accredited at PIP 2 and should be removed from a PIP 2 role.

Specialist Fraud Investigator Programme specialist elective

The Specialist Fraud Investigator Programme (SFIP) is aimed at individuals working in economic crime units (or equivalent) who have responsibility for investigating economic crime with a focus on fraud, bribery, money laundering and related offences

Following successful completion, an investigator will be able to:

- understand the fraud landscape and the threat fraud poses to the UK economy
- work effectively to minimise the harm, loss and vulnerability in fraud-related cases
- demonstrate operational use of the Fraud Investigation Model to disrupt, prevent and investigate fraud
- apply the investigative mindset in investigating fraud
- develop strategies for preventing, disrupting and investigating fraud
- recognise and effectively work with partner agencies who have a responsibility to counter fraud
- develop strategies to effectively manage and support multiple victims in fraud cases.

All candidates wanting to undertake the SFIP specialist elective must be:

- an accredited PIP 2 investigator, having followed the PIP 2 investigator career pathway (or equivalent)

or

- an accredited financial investigator (AFI) recognised by the NCA Proceeds of Crime Centre

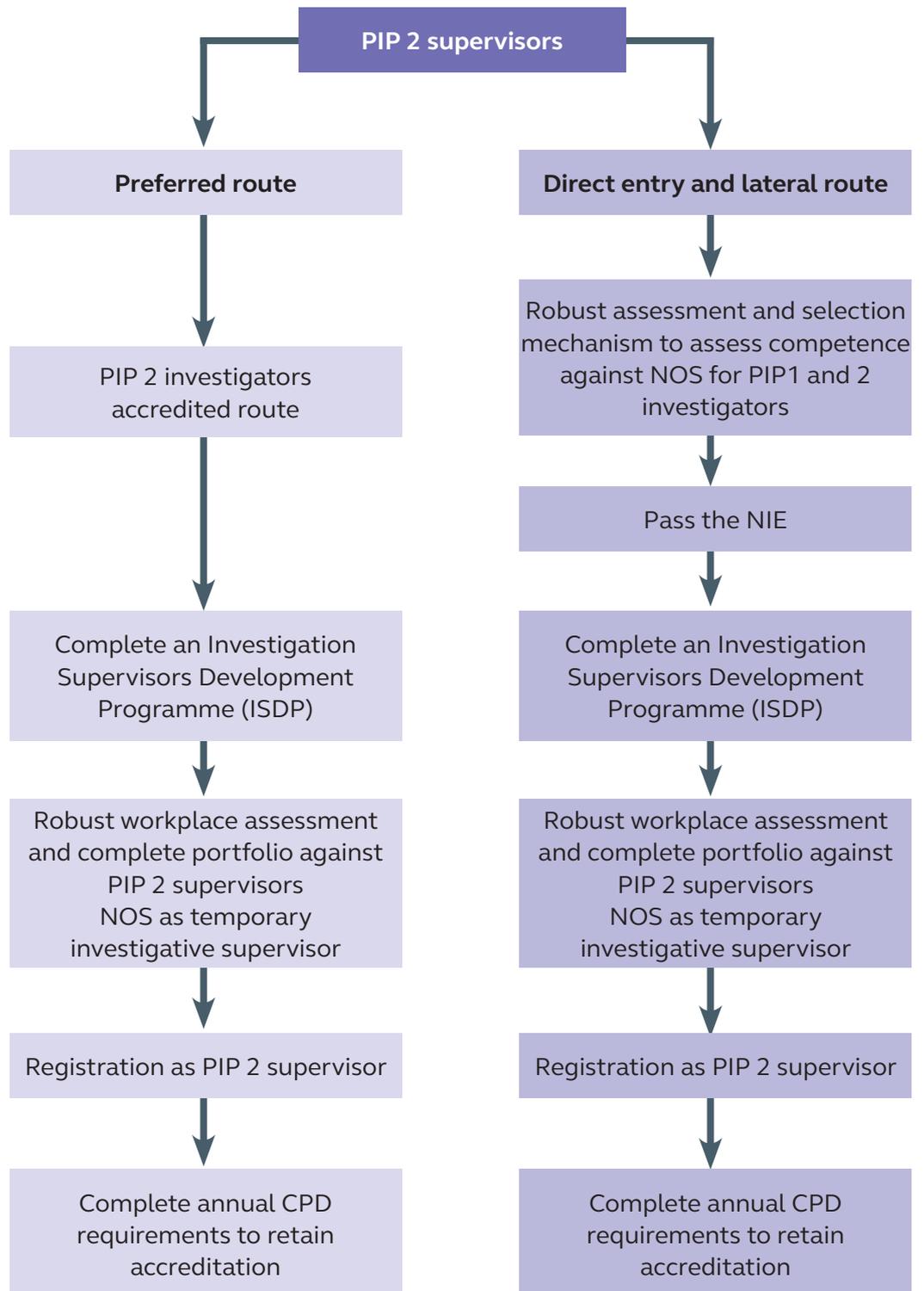
and

- have demonstrable experience of investigating serious and complex crime investigations.

PIP 2 supervisors

Employees whose role includes supervising serious and complex investigations should be accredited as a PIP 2 supervisor.

To obtain PIP 2 supervisor accreditation, the career pathway is:



Supervisors posted to a PIP 2 role under the new NPPF should complete the requirements for PIP 2 pathway within the 12-month NPPF assessment period.

Existing supervisors moving laterally into a PIP 2 supervisory role should complete the requirements for PIP 2 pathway within 12 months of being placed in role. In all cases, candidates should complete their portfolio for assessment and sign off within six months of completing the ISDP. Twelve months is allowed where circumstances dictate, for example, to accommodate sickness, absences, maternity leave or part-time working.

Supervisors will be required to show competency against the PIP 2 supervisors NOS:

- CI105 – supervise serious and complex investigations and investigators.

If training calendars do not allow an individual to complete their portfolio within the 12-month period/prior to NPPF sign-off, an individual will not be registered as a PIP 2 supervisor until their PIP 2 portfolio has been submitted.

On completing the PIP 2 supervisors portfolio, and when signed off as an accredited PIP 2 supervisor, only those who have successfully completed the process will be able to use the title of a substantive detective or force variation of this.

On completion, it is the candidate's responsibility to retain a copy of their final signed portfolio in addition to it being retained on any force recording systems.

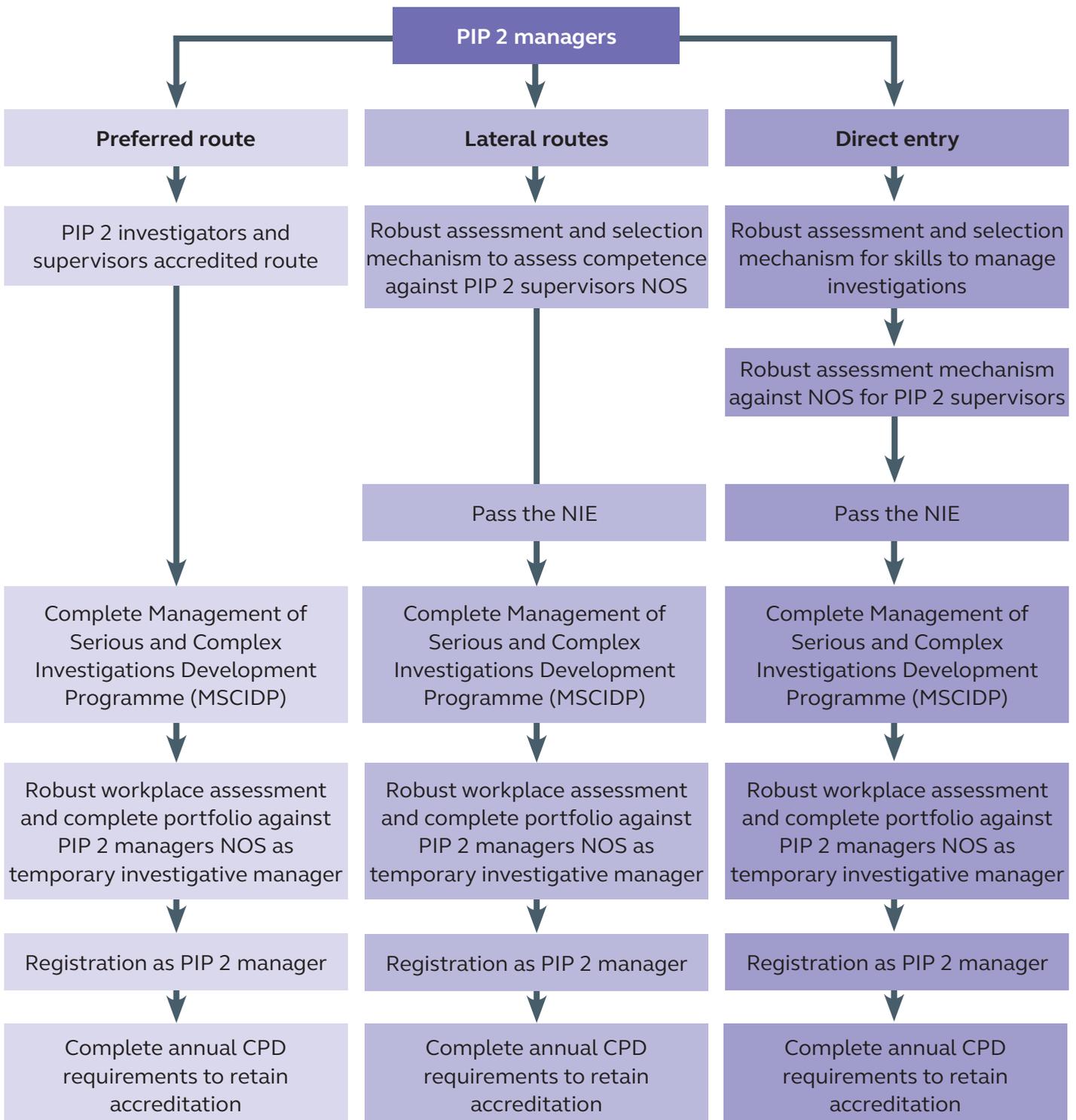
For individuals currently in role who have not accredited or reregistered, see **Grandparent rights for those currently in role.**

If individuals fail the NIE or do not demonstrate competency against the PIP 2 NOS, line managers should provide them with a development plan and relevant support. If an individual is unable to meet these requirements, they will not be accredited at PIP 2 and should be removed from a PIP 2 role.

PIP 2 managers

Employees whose role includes managing serious and complex crime should be accredited as a PIP 2 manager within a crime investigation department, specialist department or law enforcement agency.

To obtain PIP 2 manager accreditation the career pathway is:



Managers posted to a PIP 2 role under the new NPPF should complete the requirements for PIP 2 pathway documented above within the 12-month NPPF assessment. Existing managers moving laterally into a PIP 2 role should complete the requirements for PIP 2 pathway within 12 months of being placed in a role.

In all cases, individuals must submit their portfolio for assessment and sign-off within six months of completing the MSCIDP. 12 months is allowed where circumstances dictate, for example, to accommodate sickness, absences, maternity leave or part-time working.

If training calendars do not allow an individual to complete their portfolio within the 12-month period/prior to NPPF sign-off, they will not be registered as PIP 2 manager until their PIP 2 managers portfolio has been submitted.

Investigators will be required to show competency against the PIP 2 managers NOS:

- CI106 – manage investigations in your area of responsibility
- CI107 – develop and evaluate strategies to manage investigations
- CI104 – manage the initial response to major investigations.

On completing the PIP 2 managers portfolio and when signed off as an accredited PIP 2 manager, only those who have successfully completed the process will be able to use the title of substantive detective or force variation of this.

On completion, it is the candidate's responsibility to retain a copy of their final signed portfolio in addition to it being retained on any force recording systems.

If individuals fail the NIE or do not demonstrate competency against the PIP 2 NOS, line managers should provide them with a development plan and relevant support. If an individual is unable to meet these requirements, they will not be accredited at PIP 2 and should be removed from a PIP 2 role.

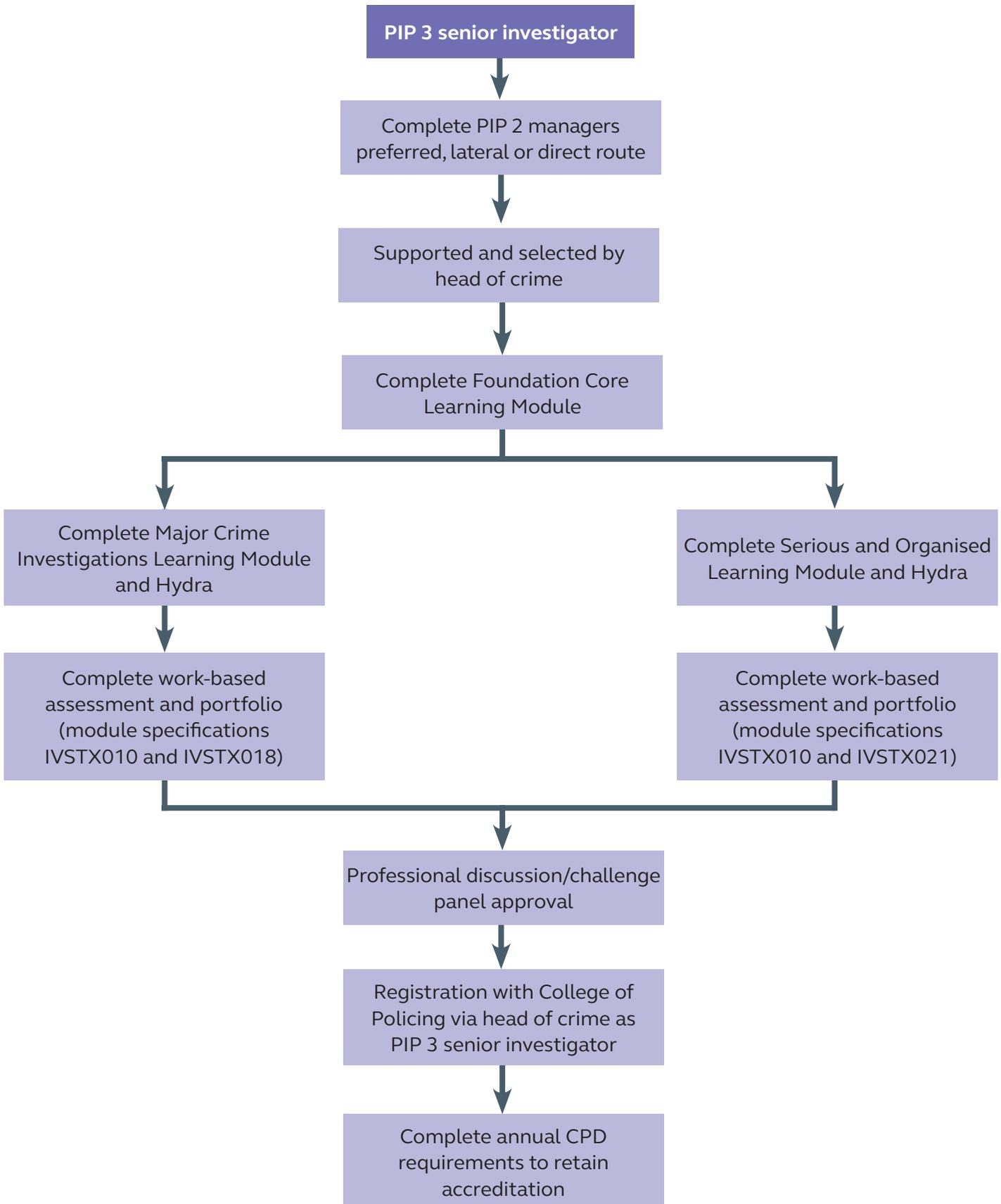
PIP 3 senior investigators, major crime or serious and organised crime

The role of a senior investigator is to lead investigations for major crime or serious and organised crime investigations. This includes those that are reactive, proactive or crimes in action.

PIP 3 SIOs should:

- manage the investigative response to reactive, proactive and crimes in action
- assess threat, risk and harm and any vulnerability factors that may affect the investigation
- perform the role of officer in charge of an investigation as described in the **Code of Practice** under **Part II** of the Criminal Procedure and Investigations Act 1996
- develop and implement the investigative strategy
- develop the information management and decision-making systems for the investigation
- manage the resources allocated to the investigation
- be accountable to chief officers for the conduct of the investigation
- act as review officer for major crime enquiries, as directed
- ensure that safeguarding procedures have been put in place.

To obtain accreditation as a senior investigator, the career pathway is:



Individuals should be selected to enter the Senior Investigator Officers Development Programme (SIODP) on the principle that they have the potential **and** are in a position to achieve the required assessment criteria for the **full** programme within six to twelve months of commencing the foundation course. 18 months is allowed where circumstances dictate, for example, to accommodate sickness, absences or maternity leave. It is expected the majority of the evidence to show competence will be obtained during the work-based assessment phases of the programme.

The selection of senior investigators is, however, a matter of force policy.

All candidates entered onto the SIODP must:

- be PIP level 2 competent, having completed the PIP manager's programme (MSCIDP or DIDP or equivalent)

and

- have an awareness of HOLMES 2 or major incident room standardised administrative processes principles for effective case management

and

- have experience of managing serious and complex investigations.

In addition, candidates accessing the major crime programme must:

- have completed the SIODP Core Learning (IVSTX010)
- have access to major crime investigations, eg, homicide, complex child sexual abuse investigations
- complete the relevant outcomes of the DVI Core Knowledge (ENPSX039) and DVI Senior Identification Manager (ENPSD003) learning.

Candidates accessing the serious and organised senior investigators programme must have:

- completed the SIODP Core Learning
- experience of managing covert operations
- completed the Management of Major Counter Terrorism Investigations – counter terrorism SIOs only

and

- have access to investigations of serious organised crime, eg, organised crime group target operations, counter terrorism or corruption.

The College reserves the right to reject candidates if they cannot evidence the programme requirements.

On entry to the SIODP, senior investigators will complete:

- a two-week foundation course
- one-week specialist major or serious and organised crime module
- one-week Hydra exercise.

This will be underpinned by a work-based assessment and development of a portfolio against relevant assessment criteria.

A senior investigator will be required to show competency against the assessment criteria relevant to their chosen programme.

Final assessment will be a professional discussion/challenge panel prior to accreditation and entry onto the professional register. This approach provides flexibility for aspiring SIOs who will come through the programme from a variety of disciplines and may not have access to the full breadth of work-based learning opportunities to demonstrate competency by way of a portfolio alone. The professional discussion will allow the portfolio content to be tested and theoretical examination of any gaps. This, coupled with CPD, will ensure that delegates achieve and maintain competency relevant to their role.

Completed SIODP portfolios must be submitted through force heads of crime to the College PIP 3 registrar for registration.

On completion, it is the candidate's responsibility to retain a copy of their final signed portfolio in addition to it being retained on any force recording systems.

Only those who have successfully completed the process and registered with the College PIP registrar will be able to use the titles associated with the role.

If individuals fail the NIE or do not demonstrate competence against the assessment criteria, line managers should provide them with a development plan and relevant support. If an individual is unable to meet these requirements, they will not be accredited as a PIP 3 senior investigator.

Counter Terrorism SIO specialist elective

The Counter Terrorism SIO (CTSIO) specialist elective is aimed at individuals operating in counter terrorism and Special Branch units.

Level 1 – At this level, a CTSIO is expected to:

- manage critical or imminent threats to life
- manage higher-priority covert CT investigations in conjunction with MI5 (P1, P2H/M and any other investigations which have a high level of complexity (1-3) as per the Cat-Tracker database) and domestic extremism (DE) investigations of an equivalent priority
- manage **Terrorism Act 2000** (TACT) arrests and larger-scale executive action
- manage other covert CT/DE investigations such as undercover officer deployments
- work with a CT operations room/fusion cell environment.

Level 2 – At this level, a CTSIO is expected to:

- manage priority CT (P3 and P4) cases and any other investigations that are categorised as lower complexity (4-5 as per the Cat-Tracker database) and equivalent DE investigations
- manage or coordinate smaller-scale executive action (such as **Police and Criminal Evidence Act** 1984 (PACE) arrests for TACT offences) with oversight and support from a relevant partners
- where required, act as a deputy CTSIO to Level 1 CTSIOs in P2 and higher complexity investigations.

All candidates wanting to undertake the CTSIO specialist elective must be:

- an accredited SIO, having followed the SIODP career pathway for either major crime or serious and organised crime

and

- have experience in investigating serious crime

and

- be able to use experience, knowledge and resources when exploiting opportunities for gathering covert or overt evidence in counter terrorist investigations

and

- be able to identify and manage safeguarding issues.



Registration – all levels

Following assessment and sign-off against the relevant NOS, the candidate's details will be placed on a professional register. This will be maintained to identify the PIP registration status of all individuals who have successfully achieved accreditation.

This will be inclusive and maintained on the force PIP register by the force SPOC or representative. At Levels 3 and 4, registration is maintained by the College of Policing.

Registration status

There are four categories of registration at all levels:

- workplace assessment
- active
- inactive – failed to reregister but within three-year window
- unregistered – out of three-year period or not registered.

Workplace assessment extensions

The head of crime or force PIP SPOC should consider any request for an individual to extend the period for completing their portfolio to ensure consistency. They should record the rationale for this appropriately.

Reregistration and continuing professional development

Reregistration and CPD are linked at all PIP levels.

Individuals are required to reregister through completing CPD and checking competence against the NOS on an annual basis. Failure to do so will result in the investigator being registered as 'PIP inactive'.

PIP accreditation will remain current for a maximum of three years from last registration. If an individual is not an active participant in investigations and is not able to evidence ongoing CPD within this three-year period, their accreditation will expire. To reregister after this three-year period, an individual will need to resubmit the relevant PIP portfolio for their level.

To generate ownership, corporate and personal responsibility officers and staff must maintain their accreditation through their CPD and, where required, undertake activities to achieve reregistration. Failure to do so will result in losing their accreditation and PIP status. Ongoing maintenance of skills is a national and organisational requirement.

For example, if an individual moves out of an investigative role for more than three years, they should develop themselves annually through CPD to retain accreditation and annual registration. Where the absence from role is due to maternity, they could continue to maintain accreditation through completing CPD on their 'keeping in touch days'.

On deployment back to an investigative role, there should be an initial supervisor appraisal of competence against the relevant NOS. This should be followed by an appropriate period of professional development where required, with evidence of competence recorded through a work-based assessment portfolio.

If an individual is unable to fulfil all the NOS requirements and has not completed their CPD, any accreditation and PIP branding associated with their title and investigative role should be removed.

Specialist roles – retaining accreditation

There are a wide range of specialist and support skills which can be applied to any category of investigation. This will include individuals who have developed additional skills, eg, interviewing, family liaison and those supporting serious sexual offence investigations.

At PIP 2 and PIP 3, there are additional portfolios to be completed by those with specialisms, eg, serious child abuse (SCAIDP) at PIP 2 and covert tactics at PIP 3. These portfolios are not separate PIP accreditation levels but are specialist electives required to demonstrate competency for these business areas.

Some individuals will have specialised to such a degree within their role that they do not meet all the core NOS for a period, eg, in a major investigation team.

Where such specialisation is evident, the following applies:

- to retain PIP accreditation, investigators should be competent in the NOS at the level at which they investigate.
- where an individual is performing a specialist role or in an investigative role not using all the relevant NOS for their PIP level, they must maintain accreditation through annual CPD focused on the NOS where weaknesses have been identified.

For example, if within major crime an individual is not an advanced interviewer and therefore does not undertake suspect interviews, CPD could be focused on a short attachment to a general investigation department to maintain this skill and promote sharing skills and knowledge across departmental areas.

Having attained accreditation, an individual does not immediately lose the skills achieved in this area. To remain accredited, however, an individual must show continued competence in all the relevant NOS. Within specialist investigative roles there will be ample opportunity to show competence for PIP 2 standards.

This policy also applies to those who have moved to a non-investigative role for an extended period.

Grandparent rights for those currently in role

PIP 1

All employees involved in any element of investigating priority and volume crime, from instigation to finalisation, should be PIP 1 accredited. This includes all individuals not accredited to a higher level and their respective supervisors and managers.

Individuals currently in role, or who require development to meet the NOS requirements, will work to a development plan set by their supervisors using the PIP 1 standalone programme and/or CPD. This allows the individual to demonstrate competence against the NOS and for any areas of weakness to be managed. Individuals should be able to meet the NOS standards and complete their portfolio within six months of setting their development plan.

PIP 2

The fact that individuals are working within an investigative arena does not in itself automatically show competency.

Individuals currently in a PIP 2 role who have not followed the career pathway will need to complete the following to obtain accreditation:

PIP 2 investigator

Individuals should complete the PIP 2 investigators pathway.

The PIP board accepts that many individuals have completed their PIP 2 portfolio but in recent years have failed to reregister. To address this gap in registration during 2016 only individuals who:

- are currently working in a PIP 2 investigative department
- and**
- have followed the PIP 2 investigator pathway
- and**
- have previously completed their PIP 2 investigator's portfolio
- and**
- hold a PDR under their last force PDR process confirming competence

can reregister using their original portfolio **and** last PDR.

The original portfolio and PDR must be produced and stored, should future dip sampling be required.

Individuals who have previously followed the investigators pathway **and** completed a PIP 2 portfolio **but have not reregistered annually** and have left a PIP 2 department will need to resubmit a PIP 2 investigator's portfolio should they return to a PIP 2 role.

If working to meet NOS requirements on their return, they will work to a CPD development plan set by their tutor/mentor or line manager. This enables individuals to show competence against the NOS. Individuals should be able to meet these standards within six months of setting their development plan.

PIP 2 supervisor/manager

Individuals should:

- have been working as an investigative supervisor/manager for a minimum of two years
- and**
- provide evidence of knowledge through successfully completing of the NIE or previous equivalent
- and**
- provide evidence of competency through the work-based assessment portfolio for the NOS level they are currently working against
- and**
- have areas of weakness in achieving the NOS identified and accompanied by a personal development plan and CPD set by their supervisor or manager.

Individuals should be able to meet these standards within six months of being set a development plan.

PIP 3 senior investigator serious and organised crime

Individuals operating as an SIO in serious and organised crime investigations for a minimum of two years are able to accredit as a PIP 3 serious and organised crime SIO if they:

- are currently performing the role or have done within the last three years
- and**
- have experience of managing covert operations, including evidence of risk management and deploying assets, such as, conventional surveillance, directed surveillance and lawful intercept
- and**
- have completed the SIO course (course only), or NCA equivalent
- and**
- provide truncated evidence of competence through the work-based assessment portfolio for the area they are currently working
- and**
- have their accreditation agreed by the force ACC crime.

This process will only be available for 2017 and is only for those SIO SOCs who have significant operational experience.

Individuals who have previously completed the homicide SIODP (including accreditation), but have not previously worked in a SOC environment will be required to complete:

- SIO SOC Learning module and Hydra
- and**
- a work-based assessment, portfolio and professional discussion/challenge panel.

Assessment and verification process

The robustness of the assessment and verification processes is paramount to PIP's success. Assessment against any of the NOS will be based on the candidate's demonstration of their capability in a work context, drawing on their workplace and organisational experience.

The professional development portfolio is an integral part of the programme allowing for testing of skills and knowledge and assessment in the workplace.

The assessor will usually be the individual's first line supervisor. Under the ICIDP, tutors will carry out the assessor's role.

Assessor

An assessor must:

- understand the content and meaning of the standards against which assessments are to be carried out
- know and be able to explain the assessment and registration process
- know the assessment documentation
- demonstrate that they have sufficient technical competence to evaluate and judge evidence for the PIP level they are assessing
- follow the assessment process, eg, provide advice on evidence collation, make judgements and give feedback to the investigator
- determine that sufficient evidence exists of competence for both performance and knowledge requirements of the investigative units
- ensure consistency of the assessment for different types of investigators, eg, differing service length, and be consistent in assessment between other assessors
- ensure consistency of assessment decisions with other assessors
- have occupational competency (demonstrated by being currently accredited in a role that reflects the PIP level being assessed)
- be familiar with the terminology and requirements of the standards assessed
- have completed assessor training, either standalone or in another programme.

The College of Policing has developed a standard for those carrying out an assessor role.

Assessors should remind candidates that it is the candidate's responsibility to retain a copy of their final signed portfolio on completion in addition to it being retained on any force recording systems.

Tutor (PIP 2 investigators – ICIDP only)

Trainee detective investigators will be tutored throughout the programme. The tutor will be a role model with a proven investigative background and who constantly demonstrates best practice.

They are selected on the following criteria:

- PIP 2 accredited
- able to communicate effectively with individuals, orally and in writing
- attended an approved national training course, and/or a recognised programme for PIP 2 investigators
- attended an in-force development programme for tutor officers.

To ensure consistency and support throughout an individual's tutorship, one tutor should be used during this period.

Mentor

At any PIP level, candidates may choose to have a mentor if they believe it will assist their assessment process.

The mentor must:

- know the content and meaning of the relevant NOS units against which assessments are to be carried out
- know the assessment and registration process
- know the assessment documentation
- demonstrate that they have sufficient technical competence to identify evidence which will support accreditation
- provide advice, information and feedback to the investigator
- demonstrate that they have sufficient technical competence to identify development opportunities
- be occupationally knowledgeable and competent
- have undertaken training in mentoring practice (such as that provided by the College of Policing's Police Training Roles Learning and Development Programme module in **Coaching and Mentoring**).

Internal verifier

The internal verifier role is critical to the assessment process. They are responsible for carrying out the internal quality assurance process. This role is performed, in most circumstances, by the investigator's second line supervisor.

The head of crime should be the internal verifier for all PIP 2 managers and PIP 3 SIOs or appoint a delegate with occupational competency and accreditation of a level above that being verified.

The role of the internal verifier is to:

- ensure that all assessors are working in line with PIP assessing standards
- dip sample action and development plans (at least 10%) to ensure that the assessor is complying with the process
- quality control the assessment process, checking such matters as equal opportunities, assessment decisions and that quality feedback is being provided
- ensure consistency of the assessment by the assessor for different types of investigator, eg, differing service length, disability and ethnic minority
- ensure consistency of assessment between assessors
- provide advice and guidance for assessors on the assessment process
- manage the PIP appeals process.

The College of Policing has developed a standard for those carrying out an internal verifier role.

Quality assurance

As with all assessment processes, quality assurance should provide support to ensure the smooth running of the process

The role of quality assurance is to

- administrate PIP assessment, verification and registration processes
- ensure ongoing reviews
- ensure quality assurance checks of the PIP assessment, verification and registration processes
- provide the focal point for all information linked to the PIP assessment and registration process and disseminate information as appropriate
- ensure that all assessors, verifiers and mentors meet the requirements of the role
- maintain an investigator tracking system, ensuring that sign-off for registration is recorded for each candidate. and a complete and up-to-date registration database for the force is maintained
- advise the College of Policing of all Level 3 registrations for the national database.

External verification

The College reserves the right to conduct external verification and quality assurance.

Appeals procedure

The PIP appeals procedure does not preclude an individual from invoking force grievance procedures where deemed necessary. Candidates should be provided with a fair and transparent process to appeal any assessment/verification decision made by their assessor/verifier.

The majority of disputed decisions will be resolved without resort to the appeals procedure and such resolutions do not need to be recorded. The appeals procedure should only be invoked where initial dialogue between candidates and assessor has failed to lead to a resolution.

Individuals must submit all appeals in writing to their line manager within three months of the issue in question.

The verifier's role is to gather information surrounding the complaint and conduct a full investigation in a timely manner.

Verifiers should:

- convene a meeting with the complainant to establish facts
- attempt to resolve the issue informally
- confirm receipt of the appeal within seven days of personally receiving it
- create an appeal file, incorporating relevant evidence
- invite the individuals to a PIP stage 2 appeal meeting to discuss findings, providing adequate notice and reminding of them of their right to representation by trade unions/Police Federation/a work colleague
- provide a decision within 28 days unless an extension is provided.

If an individual disputes the appeal decision, the PIP SPOC will convene an independent stage 3 appeal panel within two weeks. As chair, the PIP SPOC or representative will consider the grounds for appeal and will confirm the final decision.

The PIP SPOC or their appointed delegate is responsible for monitoring the process at each stage. They must ensure that it is handled effectively, that timescales are adhered to and all parties are kept informed.

Unsatisfactory performance procedure

Failing to demonstrate competency does not necessarily mean a candidate should be the subject of an unsatisfactory performance procedure (UPP). UPP will usually only be invoked when a personal development plan and CPD have not enabled performance to be improved to a consistently satisfactory level.

Once the formal stage of UPP has been invoked, the PIP assessment and accreditation process will be suspended until the outcome of the UPP is known. At that stage, and depending on the outcome of the period under UPP, the accreditation process will resume.

Police staff investigators

This section provides forces with advice on employing police staff investigators, designating police powers under the 2002 Act and the **Policing and Crime Act 2017** (the 2017 Act).

The 2002 Act introduced four descriptions of officers that a chief officer could designate as a police staff employee:

- community support officer
- investigating officer
- detention officer
- escort officer.

The 2002 Act also lists the specific powers that can be conferred by a chief officer on their police staff in these roles. These powers and duties are specified in the legislation and are broken down by each individual role.

Consultation during the PIP review found there was widespread but inconsistent use of police staff in investigative roles around the country. The majority of police staff investigators had backgrounds in other police staff roles or external investigative roles in the fraud, benefit, bank, insurance and legal sectors. What they didn't have was access to the same training, accreditation and accountability as their PIP accredited colleagues.

There was also a lack of consistency about how police powers were designated and the types of role profiles police staff were being given.

The PIP review recommended that police staff investigators be given the same access to the PIP development programme as their warranted colleagues.

Police staff investigators can join the police service at any level and can be used as a supporting role, a PIP 1 volume and priority crime investigator or as a PIP 2 serious and complex crime investigator. Ultimately, there is no reason why a police staff investigator could not progress to PIP 3 SIO. In November 2015, the NIE was opened up to police staff and therefore they can progress through the PIP development programme alongside warranted colleagues.

The Policing and Crime Act 2017

The 2017 Act received royal assent on 31 January 2017. **Part 3** of the Act relates to the powers of police civilian staff and police volunteers. **Section 38** amends the 2002 Act to replace the categories of investigating officer, detention officer and escort officer into the single category of **policing support officers**, who would then be designated with the necessary powers to carry out their particular roles. This does not preclude continuing to refer to policing support officers as police staff investigators.

The 2017 Act also amends the 2002 Act regarding the powers and duties that can be conferred on a person designated under **Section 38** of the 2002 Act. The amendment provides that such a person may be given any power or duty of a constable, other than a 'core' power as specified in Part 1 of new Schedule 3B to the 2017 Act (see **annex A**). The extent to which these police powers or duties may be exercised can be limited by the chief officer.

Section 38 of the Policing and Crime Act came into force on 15 December 2017.

Transitional provisions have been made in the commencement regulations so that designations made prior to 15 December 2017 remain effective until they are amended, repealed or revoked.

This does not, however, apply to the designation of any police power included in the list of excluded powers specified in Schedule 3B. These powers will cease on commencement (see **annex A**).

The commencement regulations (which were amended to specify a commencement date of 15 December) can be accessed in full at:

<http://www.legislation.gov.uk/ukxi/2017/1139/contents/made>

Learning and development

A police staff investigator joining the police service is expected to do so as either a PIP 1 or PIP 2 investigator. Therefore, their learning and development should reflect that given to warranted officers in those roles.

If joining in a PIP 1 role, police staff will be required to complete the learning outcomes for the PIP1 programme. This should include knowledge-based classroom learning and a practical work-based assessment, including completing PIP1. Police staff investigators will be required to adhere to the same registration requirements as sworn officers:

Those joining in a PIP 2 role must complete the NIE and ICIDP. On completion, forces may wish to consider further specialist electives relevant to deployment, eg, specialist child abuse training (SCAIDP):

Designated powers

Under **paragraph 16** and **paragraph 24A** of Part 2 of Schedule 4 to the 2002 Act, as amended by **section 122** and **Schedule 7** of the Serious Organised Crime and Police Act 2005, a chief constable is allowed to designate relevant police powers to a police staff investigator.

These powers apply to any investigator, eg, support officer, PIP 1 volume and priority investigator and PIP 2 serious and complex investigator designated before 15 December 2017.

The below list is indicative of the powers that can be designated and forces should always refer to the primary legislation for the full list of relevant powers. See also commencement regulations relating to the 2017 Act.

Powers

Applying for a warrant for entry and search

The individual may apply as if they were a constable for a warrant under **section 8** PACE (warrants for entry and search) in respect of any premises, whether in the relevant police area or not.

Safeguards following an application for a warrant

Section 15 PACE (safeguards) has effect in relation to issuing a warrant to the individual in the same way as issuing a warrant under section 8 PACE to a constable.

Seizing and retaining items

Section 8(2) PACE enables a constable to seize and retain things authorised in a search of any premises/the relevant police area.

Executing warrants

Section 16 PACE has effect in relation to any warrant to enter and search premises that is issued to a designated person or any other person, but in respect of premises in the relevant police area only, as if references in section 16 to a constable included references to the designated officer.

General power to seize property and request information from a computer

Section 19 PACE creates a general power to seize property. **Section 20** relates to seizing computerised information. It also relates to the power to require any information stored in any electronic form and accessible from the premises to be produced in a form in which it can be taken away and in which it is visible and legible or from which it can readily be produced in a visible and legible form.

Entry and search after arrest

The designated person may enter and search premises after arrest and seize and retain anything for which they can search under **section 18** PACE. The power to search premises after arrest but before arrival at a police station falls under section 18(5) PACE.

General powers of seizure

Paragraph 19 of Part 2 of Schedule 4 to the 2002 Act enables a suitably designated person, when lawfully on any premises, to exercise the same general powers to seize things as are available to a constable under **section 19** PACE. In addition, there is power to require, in certain circumstances, the production

of electronically stored material in a form that can be taken away. The standard PACE protections and obligations apply.

Accessing and copying material

Paragraph 20 of Part 2 of Schedule 4 to the Police Reform Act 2002, and **section 21** PACE provide a person, from whom material has been lawfully seized by the police, with certain rights to access to and/or copies of it. This confers the same powers as a constable for supervising access to material and photocopying such material.

Extended powers of seizure

Paragraph 24 of Part 2 of Schedule 4 of the 2002 Act and **section 50** of the Criminal Justice and Police Act 2001 allow for seizing bulk material/sifting through it at another place, where it is not reasonably practicable for it to be sifted through in the place where it was found. Investigators can remove 'the whole thing' where it is not reasonably practicable to separate the part legally seized from the rest, eg, where the material is on a computer.

Access to excluded and special procedure material

Section 9 PACE provides the procedures to be adopted in order to gain access to excluded material and special procedure material. The individual may obtain access to excluded material or special procedure material for the purposes of a criminal investigation by making an application under **Schedule 1** and in accordance with section 9 PACE. They may seize and retain anything for which a search has been authorised.

Power to require arrested persons to account for certain matters

The power to request a person to account for objects, marks or substances found on them at the time of arrest under **section 36** of the Criminal Justice and Public Order Act 1994 (CJ&POA). The power to request a suspect to account for their presence in suspicious circumstances at the time of arrest falls under **section 37** CJ&POA.

Control of detainees while in custody

Paragraph 22A of Part 2 of Schedule 4 of the 2002 Act, inserted by **section 122** and **Schedule 8** of the Serious Organised Crime and Police Act 2005, places a general duty on investigating officers to assist officers and other designated staff with keeping control of a detainee or preventing them from escaping. This applies regardless of whether that individual is under their control at the time and enables the designated officer to use reasonable force. In the case of investigation officers, this power can only be used in the police station.

Power to transfer a detained person into the custody of an investigating officer

Paragraph 22 of Part 2 of Schedule 4 of the 2002 Act grants the custody officer for a designated police station in the relevant police area the power to transfer or permit the transfer to them of a person in police detention for an offence which is being investigated by the person to whom this paragraph applies.

Exercising designated powers

When a chief officer designates powers to a police staff investigator, the following must be considered:

Evidence of designation

Under **section 42(1)** of the 2002 Act, a person who exercises or performs any power or duty with reliance on their designated powers or who purports to do so must be able to produce evidence of their designation, if requested to do so.

Therefore, police staff investigators must carry evidence of the powers they have been designated so that they can produce it on request.

Uniform

Under **section 42(2)**, the individual also needs to wear a uniform at any time they are exercising any designated power. In this context, the uniform will be determined or approved by the chief of police and identified in the designation.

The only exception to this is section 42(2A), when a police officer of or above the rank of inspector can authorise for a specific operation that a uniform should not be worn where it would be undesirable for anyone to be obviously identifiable as a member of the police.

A uniform is only required when exercising a designated power. If the individual is not exercising a designated power, eg, taking a witness statement, plain clothes may suffice.

It is not within the College's remit to give prescriptive advice on the definition of a uniform.

There is no definition of a uniform in the legislation and, following advice from Home Office solicitors, the Home Office suggests that smart business attire and a name badge do not meet the requirement of a uniform. Forces should consider the dictionary definition of a uniform, for example, **distinctive clothing worn by members of the same organisation or body or by children attending certain schools**.

When considering what constitutes a uniform, forces may wish to take into account the legislative requirements in other cases, where in some cases, a constable may only exercise their powers when in uniform. For example, **section 163** Road Traffic

Act 1988 (stopping vehicles), **section 60** CJ&POA and **section 47A** TACT (stop and search powers) and **section 17(1)(c)(ii), (iv) or (vi)** PACE (entry and searching premises to arrest).

A uniform should be **no less distinctive** than that worn by a constable when in uniform **or** by a PCSO.

A chief officer needs to decide whether a particular style of clothing would be sufficiently distinctive to be a uniform and, if unsure, should seek legal advice.

Exercising powers outside their force area

Under **section 38(6F)** of the 2017 Act, police staff can exercise their powers in another force area where the chief constable includes this in the designation and they have the agreement of the other forces identified.

The changes in the new Act are intended to preserve the current situation in sections 38B and 38C of the 2002 Act, as inserted by **Paragraph 3** of Schedule 13 to the Police Reform and Social Responsibility Act 2011. In this case, chief constables can designate powers for use in other force areas, but only where a collaboration agreement exists. The new power will not require a formal collaboration agreement (a more informal agreement would be acceptable).

Frequently asked questions

Is the PIP accreditation mandatory for police staff investigators?

The College of Policing cannot mandate PIP as a development programme for police staff investigators. It is a decision for individual forces and agencies whether they wish to develop police staff in this way:

The College provides the opportunity for police staff to progress their investigative career in a manner that is equitable with warranted officers. If forces decide that this is something they wish to adopt locally, they must ensure they consider the implications for their staff.

Police staff who do not pass the NIE will not be able to progress to PIP2 or above.

What if you are employing someone who was previously PIP accredited?

Individual competence should be assessed against current assessment criteria/NOS. See **grandparent rights**:

What if the role requires NIE but the individual fails the exam?

For external candidates, consider if the exam should be taken prior to taking up role or as a condition of recruitment/probation.

For internal candidates, consider holding previous roles open until they successfully complete the NIE, or require completion of the NIE before transfer.

What staff conditions could affect costs?

Consider working locations – keep them central and flexible, as these can affect pay and conditions.

Consider hours of operation – would they require out of hours or shift allowance?

Consider what level PIP and powers are required for the role – additional accreditation and powers can enhance pay.

Can staff who aren't in these roles study/prepare?

PIP1 is licensed for local delivery and so is only available in force. As part of an individual's PDR/CPD, consider mentoring/attachments for individuals.

PIP 2 – Support from the local force will be required to register for the NIE. Currently, individuals cannot apply without support. As part of CPD/PDR, consider mentoring/attachments for individuals.

Review and ownership

The content of this policy is owned by the College of Policing and PIP national policing lead. It will be reviewed annually to ensure it is up-to-date.

Annex A

The content of this policy is owned by the College of Policing and PIP national policing lead. It will be reviewed annually to ensure it is up-to-date.

Policing and Crime Act 2017

Schedule 3B: DESIGNATIONS UNDER SECTION 38

PART 1

EXCLUDED POWERS AND DUTIES OF CONSTABLES

- 1 Any power or duty of a constable to make an arrest.
- 2 Any power or duty of a constable to stop and search an individual or a vehicle or other thing.
- 3 The power of a constable, under section 36(4) of the Police and Criminal Evidence Act 1984, to perform the functions of a custody officer at a designated police station if a custody officer is not readily available to perform them.
- 4 Any power that is exercisable only by a constable of a particular rank.
- 5 Any power of a constable under—
 - (a) the Terrorism Act 2000;
 - (b) the Terrorism Act 2006;
 - (c) the Counter-Terrorism Act 2008;
 - (d) the Terrorism Prevention and Investigation Measures Act 2011;
 - (e) the Counter-Terrorism and Security Act 2015.
- 6 Any power of a constable under the Official Secrets Acts 1911 to 1989.
- 7 The power of a constable to make an application on behalf of the Commissioner of Police of the Metropolis under section 19 or 21 of the Investigatory Powers Act 2016 (applications for warrants under Chapter 1 of Part 2 of that Act).

PART 2

APPLICATION OF LEGISLATION

- 8 (1) Where a power or duty of a constable is conferred or imposed on a person designated under section 38—
- (a) a reference to a constable (however expressed) in legislation relating to the power or duty includes a reference to the person designated under section 38;
 - (b) a reference in legislation to anything done in the exercise or purported exercise of the power, or in the performance or purported performance of the duty, includes a reference to anything done in the exercise or purported exercise of the power, or the performance or purported performance of the duty, by the person designated under section 38.
- (2) The Secretary of State may by regulations make provision for legislation relating to a power or duty of a constable specified in the regulations to apply in relation to a person designated under section 38 in a way that modifies or supplements the effect of subparagraph (1).
- (3) In this paragraph, “legislation” means any provision of—
- (a) an Act;
 - (b) subordinate legislation within the meaning of the Interpretation Act 1978;
 - (c) a Measure or Act of the National Assembly for Wales or an instrument made under a Measure or Act of that Assembly.

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