Derbyshire Constabulary

DISCIPLINARY PROCEDURE – POLICE STAFF

POLICY REFERENCE 06/106

This procedure is suitable for Public Disclosure

Owner of Doc: Head of Department, Human Resources

Review Date: December 2018
## INDEX

<table>
<thead>
<tr>
<th>Heading</th>
<th>Page No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Procedure Identification Page</td>
<td>3</td>
</tr>
<tr>
<td>2. Legislative Compliance</td>
<td>4</td>
</tr>
<tr>
<td>3. Introduction</td>
<td>4</td>
</tr>
<tr>
<td>4. Procedure</td>
<td>4</td>
</tr>
<tr>
<td>5. Investigation</td>
<td>5</td>
</tr>
<tr>
<td>6. Principles</td>
<td>6</td>
</tr>
<tr>
<td>7. Informal Verbal Warning</td>
<td>7</td>
</tr>
<tr>
<td>8. Disciplinary Measures and Procedures</td>
<td>8</td>
</tr>
<tr>
<td>9. Stage 1 - First Written Warning</td>
<td>8</td>
</tr>
<tr>
<td>10. Stage 2 - Final Written Warning</td>
<td>9</td>
</tr>
<tr>
<td>11. Stage 3 - Dismissal</td>
<td>10</td>
</tr>
<tr>
<td>12. Gross Misconduct</td>
<td>11</td>
</tr>
<tr>
<td>13. Suspension</td>
<td>12</td>
</tr>
<tr>
<td>14. Authority Levels for Disciplinary Action</td>
<td>13</td>
</tr>
<tr>
<td>15. Appeals</td>
<td>13</td>
</tr>
<tr>
<td>16. Trade Union Representatives</td>
<td>15</td>
</tr>
<tr>
<td>17. Appendices</td>
<td>16</td>
</tr>
</tbody>
</table>

Appendix 1 – Overview of Standards of Professional Behaviour
Appendix 2 – Statutory Right to be accompanied
Appendix 3 – Relationship with Dispute Resolution Process
Appendix 4 – Guidance for those Police Staff suspended from duty
Appendix 5 – Guidance for Managers of suspended staff
Appendix 6 – Examples of Misconduct and Gross Misconduct
1. Procedure Identification Page

Procedure title: Police Staff Disciplinary
Registry Reference number: 06/106

Procedure review date: December 2018

Department / Division responsible: Human Resources
Procedure owner: Head of Department
Last reviewed by: Gemma Johnson Date last reviewed: July 2017

Impacts on other policies / guidance / documents (list):
- Police Staff Probationary Procedure
- Unsatisfactory Performance Procedure
- Performance Development Review (PDR) Policy

Disclosable under FOI Act: YES
Procedure to be published on Intranet YES
Procedure to be published on Force Website YES
2. Legislative Compliance

This document has been drafted to comply with the principles of the Human Rights Act. Proportionality has been identified as the key to Human Rights compliance, this means striking a fair balance between the rights of the individual and those of the rest of the community. There must be a reasonable relationship between the aim to be achieved and the means used.

Equality and Diversity issues have also been considered to ensure compliance with the Equality Act 2010 and meet our legal obligation in relation to the equality duty. In addition, Data Protection, Freedom of Information and Health and Safety Issues have been considered. Adherence to this policy or procedure will therefore ensure compliance with all relevant legislation and internal policies.

3. Introduction

3.1 All employees are expected to meet the required standards of conduct, attendance and job performance. In applying these standards the organisation will have regard to the requirements for reasonableness and equity in each case. The Procedure is designed to help and encourage all police staff to achieve these standards and ensure consistent, fair and transparent treatment.

3.2 It is recognised that discipline is essential for the proper conduct of the organisation’s affairs in terms of its obligations to the public it serves and for the safety and well-being of its staff.

3.3 The Procedure sets out the disciplinary framework and the ‘Standards of Professional Behaviour’ (see – Appendix 1), which apply to Police Staff. Employees will not be subject to the police conduct regulations which regulate police officers. The Procedure may be implemented at any stage if the employee’s alleged misconduct or gross misconduct warrants such action.

4. Procedure

4.1 The procedure does not apply in respect of employment terminating when employees are dismissed on the basis of unsuitability for confirmation of employment at the end of the probationary period (Police Staff Probationary Procedure refers).

4.2 This procedure is to be used in matters which relate to an employee’s conduct and applies to formal disciplinary action. If the matter in question relates to an individual's capability and/or performance, then this procedure should not be used. You should refer to the separate procedure for ‘Unsatisfactory Performance Procedure’.

4.3 In some cases, managers will consider counselling and/or training and development measures which may be more appropriate as a means of addressing performance which is below standard or for minor matters of unsatisfactory conduct. In this respect, the Performance Development Review (PDR) should be utilised should these informal measures not resolve the problem it may be necessary for more formal action to be invoked. Managers should ensure that standards of work and behaviour are clearly communicated to staff.
4.4 Staff contracted as Home Workers are subject to the disciplinary procedure but there will be matters that are specifically relevant to this group of staff.

4.5 Records will be kept detailing the nature of any breach of disciplinary rules, the employee’s mitigation, the action taken and the reasons for it, whether an appeal was lodged, its outcome and any subsequent developments. These records will be retained on the employee’s personal file in accordance with The Procedure and subject to any statutory requirements, such as the Data Protection Act 1998 or the Police Reform Act 2002.

5. Investigation

5.1 An appropriate manager will be assigned to investigate an allegation of misconduct. The purpose of the investigation is to establish the facts surrounding the alleged misconduct.

5.2 The investigation may be required to be conducted in accordance with The Police Reform Act 2002 (The Act). The Act sets out a framework governing how complaints by members of the public against employees or conduct matters arising out of civil proceedings should be dealt with.

5.3 The Act created the Independent Police Complaints Commission (IPCC). Certain complaints or conduct matters, of a serious nature, will be investigated by the IPCC, or supervised by them. Matters of a less serious nature will be investigated internally.

5.4 At the end of an investigation pursuant to the Act, the Investigating Officer is required to inform the member of the public making the complaint of the conclusions from the investigation. The member of the public may be informed that: -

   (a) There is not enough evidence to uphold their complaint. In such circumstances, no formal disciplinary action would be taken against the employee subject of the complaint.

   (b) The Constabulary has decided to improve or amend its procedures in response to the complaint. In such circumstances, no formal disciplinary action would be taken against the employee subject of the complaint.

   (c) The Constabulary intends to take formal disciplinary or other management action against the member of staff. In such circumstances, either disciplinary action in accordance with procedure would be taken against the employee subject of the complaint, or advice may be given including the development of an action plan in accordance with the procedures governing the PDR.

   (d) The complaint may be referred to the Crown Prosecution Service for advice on criminal prosecution. However, in such circumstances, disciplinary action in accordance with this procedure may still be taken against the employee without waiting for the outcome of any criminal investigation.

5.5 If a member of the public is not satisfied with the manner in which their complaint has been dealt with they may appeal to the relevant appeal body (Chief Constable) or the IPCC.

5.6 The IPCC can direct the organisation to take further action including disciplinary action against an employee. Such action will be taken in accordance with this procedure.
5.7 When arranging disciplinary hearings and providing notice of such, special arrangements may have to be made where employees work in isolated locations or on shifts extending beyond the normal working day.

5.8 Whilst the presumption will be that any warning or dismissal issued in accordance with this procedure will be confidential, disclosure may be necessary in accordance with the policies of the organisation, statutory or court requirements.

5.9 Complaints against police staff investigations and management intervention can be investigated simultaneously.

5.10 A member of the public may complain about the behaviour of a police staff member and decide to informally resolve the complaint by means of management advice given to that member of police staff. However, the line manager may have concerns about the manner and seriousness of the conduct/behaviour which prompts the manager to instigate formal misconduct/unsatisfactory performance procedure.

6. Principles

6.1 No disciplinary action will be taken against an employee until the case has been investigated and all relevant facts have been considered.

6.2 An Investigating Officer will conduct the investigation and will be appointed by the relevant senior manager.

6.3 Suspension from duty on full pay or transfer to another role or department may be considered as a precautionary measure during the investigation (see section 11).

6.4 The investigation should aim to be completed at the earliest opportunity. The investigation, where appropriate, should be completed within 90 days and be subject to regular reviews within that time frame in accordance with IPCC guidelines.

6.5 In the event of a perceived breach of the Standards of Professional Behaviour it may be necessary to seek specialist advice which should be sought at the earliest opportunity. This is to ensure that appropriate advice is provided regarding the nature and seriousness of the breach and to consider if any criminal investigation is necessary.

6.6 The investigator will give the member of staff a ‘written notice’ informing them of the investigation. This will be supplied at the earliest opportunity and no later than 4 weeks, except in exceptional circumstances such as where disclosure may prejudice an on-going criminal investigation.

(a) Within 10 working days of receipt of the ‘written notice’ (unless the period is extended by the investigator) the staff member (or representative) may provide an explanation or a written report and or any relevant documents. This will be supplied to the investigator.

6.7 At all stages of disciplinary hearings and interviews the employee will have the right to be accompanied by a recognised UNISON representative or work colleague employed by the Force (not acting in a legal capacity) (see Appendix 2).

6.8 (a) the employee and their representative will be updated every 4 weeks as to the progress of the investigation.
(b) When an investigator wishes to interview the staff member, they will mutually agree a time and date for the interview. However, the staff member may suggest alternative times and dates, within 5 working days of the original date specified by the investigator. Then the investigator will consider the alternative.

6.9 Upon conclusion of the investigation, the investigator will refer their investigation to the Head of PSD and/or HR who will notify the member of staff of the outcome within 15 working days that:

(a) No action should be taken.

(b) The employee should receive a verbal warning.

(c) The employee should appear before a disciplinary panel.

(d) If there is a failure to reach a decision, then the Employee will be informed of the reason for this.

6.10 When the case is referred to a Discipline Hearing:

(a) The staff member will be given a written notice, copies of any statements, the investigators reports and any other relevant documentation.

(b) The staff member may object to any person of whom he is informed is conducting or advising the Discipline Panel. This objection must be given in writing with reasons, no later than 3 working days after the staff member is notified. Any such objection will be considered.

6.11 Within 14 working days of the date on which the documents are supplied to the staff member, they may in writing accept or dispute their conduct along with any mitigating factors.

7. Informal Verbal Warning

7.1 Minor breaches of conduct should be dealt with where appropriate, by means of information action by the employee’s line manager. Informal action is intended to be corrective and to encourage and to encourage the employee to achieve and maintain the required standard of conduct, where reasonably practicable, without recourse to the formal disciplinary procedure. An Informal Warning should be issued in a timely manner.

After establishing the facts, there may be no need to implement the formal disciplinary procedure. A verbal warning may be given to provide the opportunity for improvement or for a matter to be corrected. If an action plan is implemented as a result of the informal verbal warning, it should be ensured that the member of staff knows what is expected and that reasonable and attainable targets are set.

Whilst there is no statutory right for employees to be accompanied as a result of a verbal warning it has been agreed that police staff employees will be afforded the right to be accompanied by a Trade Union representative or work colleague.

7.2 A record of the reasons for giving an informal verbal warning (see verbal warning document attached) should be provided by the line manager and given to the employee in writing and a copy retained on the personal file. The record will contain the name of the employee, the fact that it is a verbal warning, the nature of the warning, the date of the warning and the
date the warning will expire subject to satisfactory conduct and performance. The note will record or refer to the action plan, if any that has been agreed for the employee’s PDR. Any action plan will be constructed in accordance with the practices governing the PDR but will identify the improvement(s) required. This period of review will be influenced by work requirements and individual circumstances and is intended to provide a reasonable time for the improvement to be achieved, sustained and monitored. The warning will remain active for a period of six months. This may be extended depending upon individual circumstances and dealt with on a case by case basis. The employee has the right to appeal against the warning which should be directed in the first instances to the HR department who will request the appeal be dealt with by the second line manager and an independent representative from HR. The employee will be asked to sign a copy of the record. Action may also be taken in conjunction with the development of an action plan under the PDR process and in such circumstances a copy of the record should be placed on the PDR file. The Line Manager will provide a copy of the record to the HR department to ensure any action plans arising from the verbal warning are implemented and reviewed.

7.3 At the end of the specified period of review, the Line Manager will, if the required improvement(s) is achieved, inform the employee accordingly. The record of the verbal warning will be regarded as spend after six months subject to satisfactory conduct and performance (for example, if the employee has been absent for a prolonged period from the workplace and there has not been opportunity to assess improved performance, the warning may be extended) but in any case no more than 12 months. The employee has the right to appeal against the extension. The warning will be removed from the employee’s file after it is spent and the employee informed in writing when this is done.

Where more serious matters arise and/or where informal action does not succeed, then the formal disciplinary procedure (outlined below) will apply.

8. Disciplinary Measures and Procedures

8.1 There are three formal stages within the Disciplinary Procedure. Where formal disciplinary action is taken it will take one of the following forms: -

Stage 1 – First Written Warning
Stage 2 – Final Written Warning
Stage 3 – Dismissal

9. Stage 1 – First Written Warning

9.1 If misconduct is more serious or if there is no improvement in performance/conduct following a verbal warning, an Investigating Officer will be appointed in accordance with Section 5. This may not always be required if the evidence has already been collected and the facts of the case are readily available. However, in this instance, a limited investigation should be considered as best practice.

9.2 The employee will be informed in writing that this has been done. The written notice will state the details of the complaint/disciplinary allegation made. This will be issued not less than 5 working days before any investigatory interview.

9.3 Arrangements will then be made for the employee to be interviewed, informed of the complaint/allegation and given the opportunity to reply.
9.4 The employee will receive not less than 5 working days’ notice of the disciplinary hearing and he/she may be accompanied at this hearing by a recognised trade union representative, or fellow worker employed by the Force. The panel having reviewed the available information and if it is considered to be justified, will inform the employee that a First Written Warning will be issued. Alternatively, a decision may be reached that:

(i) A verbal warning will be issued and considered more appropriate or;

(ii) Informal management advice;

(iii) The case against the employee is not proven to the satisfaction of the Panel, in which case the employee will be informed accordingly; or

(iv) The case may need to be referred to another panel if, during the proceedings, it is identified that the breach is at a more serious level.

9.5 If a First Written Warning is administered, it will be confirmed in writing, normally within 5 days of the hearing. The employee will be advised of the reason for the warning, that it is the first stage of the Disciplinary Procedure and of his/her right to appeal. It will warn that action under Stage 2 will be considered if there is not a satisfactory improvement or if there is any further misconduct or poor performance.

9.6 The warning will record the name of the employee, the fact that it is a First Written Warning, the nature of the warning, the date of the warning and the date the warning will expire subject to satisfactory conduct and performance. The note will record or refer to the action plan that has been agreed for the employee’s PDR. Any action plan will be constructed in accordance with the practices governing the PDR, but will identify the improvement(s) required. This period of the action plan will be influenced by work requirements and individual circumstances and is intended to provide a reasonable time for the improvement to be achieved, sustained and monitored. A further long term plan for PDR may also be implemented.

9.7 The employee is required to sign a copy of the written warning to confirm his/her understanding of the terms of the warning.

9.8 At the end of the specified period, the Line Manager will, if the required improvement(s) is achieved, inform the employee accordingly. The First Written Warning will remain active for 12 months, subject to satisfactory conduct and performance. The warning will be removed from the employee’s file after it is spent and the employee informed in writing when this is done.

If the required improvement(s) is not achieved, Stage 2 may be implemented.

10. STAGE 2 – FINAL WRITTEN WARNING

10.1 If there is still no improvement and conduct or performance is still unsatisfactory, or if the misconduct is sufficiently serious to warrant only one written warning but insufficiently serious to justify dismissal, a Final Written Warning will be considered an Investigating Officer will be appointed.

10.2 The employee will be informed in writing that this has been done. The written notice will state the details of the complaint/disciplinary allegation.
10.3 Arrangements will then be made for the employee to be interviewed, informed of the complaint/allegation and given an opportunity to reply.

10.4 The employee will receive no less than 5 working days notice of the disciplinary hearing and he/she may be accompanied at this hearing by a recognised trade union representative or fellow employee from the Force. The panel having reviewed the available information and if it is considered to be justified, will inform the employee that a Final Written Warning will be issued. Alternatively, a decision may be reached that:

(i) A First Written Warning should be issued in accordance with Stage 1 of the procedure; or

(ii) The case against the employee is not proven to the satisfaction of the Panel, in which case the employee will be informed accordingly; or

(iii) The case may be referred to a higher panel if a higher penalty is deemed appropriate following the hearing or;

(iv) If the panel consider it appropriate the full range of sanctions available at a Stage 1 meeting.

10.5 If a Final Written Warning is administered (normally within 5 days) it will be confirmed in writing, with details of name, nature of warning, date of warning and the date the warning will expire, (subject to satisfactory conduct and performance). The employee will be advised of the reason for the warning, that it is the third stage of the Disciplinary Procedure and his/her right to appeal. It will warn that dismissal will be considered if there is no satisfactory improvement.

10.6 The employee is required to sign a copy of the written warning to confirm his/her understanding of the terms of the warning.

10.7 At the end of the specified period, the supervisor will, if the required improvement(s) is achieved, inform the employee accordingly. The Final Written Warning will remain active for 18 months, subject to satisfactory conduct and performance. The warning will be removed from the employee’s file after it is spent and the employee informed in writing when this is done.

10.8 If the required improvement(s) is not achieved, Stage 3 may be implemented.

11. STAGE 3 - DISMISSAL

11.1 If there is still no improvement and conduct or performance is still unsatisfactory, such that Dismissal will be considered. An Investigating Officer will be appointed.

11.2 The employee will be informed that this has been done. The written notice will state the details of the complaint/disciplinary allegation.

11.3 Arrangements will then be made for the employee to be interviewed, informed of the complaint/allegation and given the opportunity to reply.

11.4 The employee will receive not less than 5 working days’ notice of disciplinary hearing*, and he/she may be accompanied at this hearing by a recognised trade union representative or fellow employee from the Force. The panel having reviewed the available information and if
it is considered to be justified, will inform the employee that they will be dismissed from the Force.

11.5 In determining the disciplinary sanction, account should be taken of the extent to which standards have been breached, the employee’s general employment record and any mitigating factors which may make it appropriate to adjust the severity of the penalty.

The disciplinary panel may consider the following alternatives to dismissal, where the circumstances warrant and the opportunity exists. This will be in conjunction with a Final Written Warning.

(i) Transfer to another post/location – consideration will be given to personal circumstances.

(ii) Permanent transfer to a post at a lower salary scale/demotion.

(iii) Withholding of incremental progression.

The panel may also consider whether it is appropriate to utilise any of the sanctions available at Stage 2 of this procedure.

Employees with one years’ continuous service or more have the right, on request, to a written statement of particulars of reasons for dismissal.

11.6 The staff member will be informed of the result of the misconduct hearing and disciplinary action as soon as possible and in any event will be provided with a written notice with a summary of reasons within 5 working days.

11.7 Where appropriate the employee may be given the appropriate pay in lieu of notice and will be asked to leave the premises following the decision.

11.8 The employee is required to sign a copy of the dismissal to confirm his/her understanding.

11.9 Whilst the presumption will be that the dismissal will be confidential, disclosure may be necessary in accordance with policy, statutory or court requirements.

12. GROSS MISCONDUCT (Stage 3)

12.1 In the event of gross misconduct on the part of an employee being reported, the relevant senior manager will immediately report the matter to the Head of PSD, DCC (or another NPCC Officer in his or her absence). An Investigating Officer will be appointed.

The employee will be informed in writing that this has been done. The written notice will state the details of the complaint/disciplinary allegation made.

12.2 Arrangements will then be made for the employee to be interviewed, informed or the complaint/allegation and given an opportunity to reply.

12.3 The employee will receive not less than 5 working days notice of the disciplinary hearing, and he/she may be accompanied at this hearing by a recognised trade union representative or fellow employee from the Force. If, on completion of a full investigation and the full Disciplinary Procedure, the panel considers that the act of misconduct irreparably damages the relationship with the employee (i.e. repudiates the contract of employment) so that there
ceases to be a position of trust between them, the result will normally be summary dismissal without notice or payment in lieu of notice.

The following may also be considered: -

(i) A First Written Warning.

(ii) A Final Written Warning.

(iii) Any of the sanctions available at Stage 1 or Stage 2 of this procedure where the circumstances support this.

(iv) The case against the employee is not proven to the satisfaction of the Panel in which case the employee will be informed accordingly.

12.4 The disciplinary panel may consider the following alternatives to dismissal, where the circumstances warrant the opportunity exists. This will be in conjunction with a Final Written Warning:

(i) Transfer to another post/location – consideration will be given to personal circumstances.

(ii) Permanent transfer to a post at a lower salary scale/demotion.

(iii) Withholding or incremental progression for a specified period. Incremental progression will then resume as at paragraph 11.5 (iii).

12.5 On dismissal the employee will be asked to leave the premises following the decision. The decision to dismiss will be confirmed in writing within 5 days of the hearing, that it is the final stage in the Disciplinary Procedure and the employee advised of the right to appeal.

12.6 The employee is required to sign a copy of the dismissal to confirm his/her understanding.

13. SUSPENSION

13.1 Where an employee is suspected of an act of gross misconduct he/she may be suspended from work on full pay, whilst investigation of the alleged offence is conducted. Consideration may also be given to transferring the employee to an alternative role, department or location.

13.2 Likewise, suspension may also be considered if there would be a risk to the investigation by the employee remaining at work, or if there has been a potential major breach leading to a breach of trust and confidence or security. The purpose and reason for suspension must be clear.

13.3 Following consultation with the Head of PSD and an NPCC Officer, suspension can be authorised by a Head of Department/Divisional Commander. The purpose of such a period of suspension is to enable a full and fair examination of the facts to proceed and to determine whether any offence has been committed.

13.4 During suspension it must be emphasised that the act of suspension is neutral and carries no implication of guilt against the individual concerned. Every endeavour will be made to keep the period of suspension to a minimum.
13.5 It is important that the decision to suspend is made quickly and the individual will be instructed not to visit the premises or contact staff whilst on suspension unless required to attend as part of the investigation. The Employee Assistance Provider/Occupational Health and UNISON services will continue to be available and access to premises will be granted for staff to avail themselves of these services.

13.6 The staff member will be informed in person and in writing that they are suspended and provided with a summary of reasons.

13.7 The member of staff (or their representative) may make representations against the initial suspension within 7 working days of being suspended and at any time during the suspension if it is they reasonably believed that circumstances relevant to the suspension have changed.

13.8 The use of suspension must be reviewed every 4 weeks by the Head of PSD or the DCC (or sooner where facts have become known which suggest that suspension is no longer appropriate).

13.9 Following the suspension review, the staff member will be informed in writing within 3 working days with result and a summary of reasons.

See Appendix 4 for additional notes of the guidance of police staff suspended from duty and their managers.

14. NORMAL AUTHORITY LEVELS FOR DISCIPLINARY ACTION

<table>
<thead>
<tr>
<th>TYPE OF ACTION</th>
<th>DISCIPLINARY DELEGATED AUTHORITY/PANEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stage 1 – First Written Warning</td>
<td>Section Head &amp; representative from HR</td>
</tr>
<tr>
<td>Stage 2 – Final Written Warning</td>
<td>Head of Unit &amp; representative from HR</td>
</tr>
<tr>
<td>Stage 3 – Dismissal/Gross Misconduct</td>
<td>Independent Head of Department/Divisional Commander plus one other senior manager and a representative from HR</td>
</tr>
</tbody>
</table>

Each department will maintain a schedule of delegated authority for all posts and will lodge a formal copy with the Head of PSD. It may be necessary to change the composition of the panel depending upon circumstances.

15. APPEALS

15.1 An employee who wishes to appeal against a disciplinary decision should do so in writing within 7 working days of receiving the letter confirming the disciplinary action. All appeal decisions are final.

15.2 The employee will be required to identify the criteria for appeal. The reasons for appeal may be for one of the following criteria:

   (i) Appeal against the facts that the decision was based upon.

   (ii) Appeal against the sanction imposed.
Appeal on procedural grounds.

15.3 Appeals will normally be heard within 21 days of receipt of the appeal with the exception of appeals against dismissal, which will take place within 28 working days of receipt of appeal.

15.4 Written submission outlining the basis of the appeal, together with any documentation to be presented to the appeal hearing, must be submitted to the HR department (for Stages One – Three) or Hearing and Appeals Officer, PSD (for dismissals) at least 7 working days prior to the hearing.

15.5 Extensions to the time limits will be through mutual agreement.

15.6 (a) Employees have the right to be accompanied at the appeal hearing by UNISON or a work colleague employed by the Force (not acting in a legal capacity).

(b) The staff member may object to any person they are notified is conducting or advising the Discipline Panel. Any objection must be given in writing with reasons, no later than 3 working days after the member of staff is informed. Any such objection will be considered.

15.7 (a) The Appeal Panel will reconsider the case on the grounds stated above and determine the appropriate penalty. This will be to either confirm or reverse the findings of the original panel, or to reduce the penalty as appropriate. Where an alternate penalty is imposed it will be implemented in accordance with the appropriate stage of the procedure.

(b) The appeal decision and a written summary of the reasons will be supplied to the staff member within 3 working days of the Appeal.

15.8 Where new evidence arises during the appeal from the employee or the employer’s side, all parties should be provided with the opportunity to comment before any action is taken. It may be appropriate to adjourn the appeal in order to investigate or consider such new evidence. The employee should be informed in writing of the adjournment and the reasons for this.

15.9 NORMAL AUTHORITY LEVEL FOR APPEAL HEARINGS

<table>
<thead>
<tr>
<th>TYPE OF ACTION</th>
<th>APPEAL HEARINGS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stage 1 – First Written Warning</td>
<td>Head of Unit (or independent Section Head if no Head of Unit) &amp; a representative from HR</td>
</tr>
<tr>
<td>Stage 2 – Final Written Warning</td>
<td>Head of Department (or Deputy Head/Superintendent or equivalent Police Staff) &amp; a representative from HR</td>
</tr>
<tr>
<td>Stage 3 – Dismissal/Gross Misconduct</td>
<td>NPCC and Head of HR</td>
</tr>
</tbody>
</table>

*It may be necessary to change the composition of the panel depending upon circumstances.*
16. TRADE UNION REPRESENTATIVES

16.1 Disciplinary action against a Trade Union official can lead to a serious dispute if it is seen as an attack on the Union’s function. Although normal disciplinary standards should apply to their conduct as employees, no disciplinary action beyond a verbal warning should be taken until the circumstances of the case have been discussed with a Senior Trade Union Representative or full time official.

Trade Union Disclaimer:

Any complaints/allegations regarding Trade Union officials acting in their capacity as an official must be addressed with the Union concerned.
Appendix 1

Overview of Standards of Professional Behaviour

Honesty and Integrity
Police staff are honest, act with integrity and do not compromise or abuse their position.

Authority, Respect and Courtesy
Police staff act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.
Police staff do not abuse their powers or authority and respect the rights of all individuals.

Equality and Diversity
Police staff act with fairness and impartiality. They do not discriminate unlawfully or unfairly.

Use of Restraint
Police staff only use restraint as part of their roles and responsibilities to the extent that it is necessary, proportionate and reasonable in all the circumstances.

Instructions
Police staff only give and carry out reasonable instructions.
Police staff follow all reasonable instructions and abide by force policies.

Work and Responsibilities
Police staff are diligent in the exercise of their work and responsibilities.

Confidentiality
Police staff treat information with respect and access or disclose it only in the proper course of their work.

Fitness for Work
Police staff when at work are fit to carry out their duties.

Discreditable Conduct
Police staff behave in a manner which does not discredit the police service or undermine public confidence in the police service.
Police staff report any conviction or caution against them for a criminal offence.

Challenging and Reporting Improper Conduct
Police staff whilst at work report, challenge or take action against the conduct of colleagues which have fallen below the standards of professional behaviour expected.
Guidance on the Standards of Professional Behaviour

Those entrusted to supervise and manage others are role models for delivering a professional, impartial and effective policing service. They have a particular responsibility to maintain standards of professional behaviour by demonstrating strong leadership and by dealing with conduct which has fallen below these standards in an appropriate way, such as by management action or the formal disciplinary process. Above all else managers should lead by example.

In carrying out their work in accordance with these standards, police staff have the right to receive the full support of the police service. It is recognised that the ability of police staff to carry out their work to the highest professional standards depends on the provision of appropriate training, status, pay and reward, equipment and management support.

The police service has a responsibility to keep police staff informed of changes to terms and conditions of employment, laws/legislation, local policies and procedures also to provide training and familiarisation when such changes necessitate. Police staff have a duty to keep themselves up to date on the basis of the information provided by the employer, as far as it relates to them personally.

Where these Standards of Professional Behaviour are being applied in any decision or disciplinary process, they shall be applied in a reasonable, transparent, objective and proportionate manner. Due regard shall be paid to the nature and circumstances of the individuals conduct, including whether his or her actions or omissions were reasonable at the time of the conduct under scrutiny.

This guidance gives examples to help police staff interpret the standards expected in a consistent way. They are not intended to be an exclusive, prescriptive or exhaustive list.

Where the disciplinary procedure is being used, it is important to identify the actual behaviour that is alleged to have fallen below the standard expected of an individual, with clear particulars and evidence describing that behaviour.

It should be remembered that other procedures exist to deal with poor performance and issues of capability.
Honesty and Integrity

**Police staff are honest, act with integrity and do not compromise or abuse their position.**

Police staff act with integrity and are open and truthful in their dealings with the public and their colleagues, so that confidence in the police service is secured and maintained.

Police staff do not knowingly make any false, misleading or inaccurate oral or written statements or entries in any record or document kept or made in connection with any police activity.

Police staff neither solicit nor accept the offer of any gift, gratuity or hospitality that could compromise their impartiality. Police staff always consider carefully the motivation behind such an officer and any risk of being seen or perceived to be improperly beholden to a person or organisation.

During the course of their duties police staff may be offered light or inexpensive refreshments and this may be acceptable as part of their role. It is not anticipated that inexpensive or trivial gifts would compromise the integrity of a police member, such as those from conferences (e.g. promotional products) or discounts aimed at the entire police force (e.g. advertised discounts through police publications). All gifts, gratuities and hospitality other than those mentioned above must be declared in accordance with local force policy where authority to accept may be required from a manager, a Chief Officer or local policing body. If a police staff member is in any doubt over the propriety of any such offer, they should seek advice from their manager.

Police staff never accept any gift or gratuity that could compromise their impartiality. During the course of their work police staff may be offered hospitality (e.g. refreshments) and this may be acceptable as part of their role. However, police staff always consider carefully the motivation of the person offering a gift or gratuity of any type and the risk of becoming improperly beholden to a person or organisation.

It is not anticipated that inexpensive gifts would compromise the integrity of a member of police staff, such as those from conferences (e.g. promotional products) or discounts aimed at the entire police force (e.g. advertised discounts through police publications). However, all other gifts and gratuities must be declared in accordance with local force policy where authorisation may be required from a manager, or Chief Officer to accept a gift or hospitality. If an individual is in any doubt then they should consult with their manager.

Police staff never use their position or force identification card to gain an unauthorised advantage (financial or otherwise) that could give rise to the impression that the individual is abusing his or her position. An identification card is only for identification or to express authority.

Authority, Respect and Courtesy

**Police staff act with self-control and tolerance, treating members of the public and colleagues with dignity, respect and courtesy.**

**Police staff do not abuse their powers or authority and respect the rights of all individuals.**

In carrying out their role, police staff should never abuse their authority or the powers entrusted to them. They have been given specific powers and responsibilities due to the complex and difficult situations they deal with. The public have the right to expect that such powers are used professionally, impartially and with integrity, irrespective of an individual’s status.
Police staff do not harass or bully colleagues or members of the public.

Police staff do not, under any circumstances inflict, instigate or tolerate any act of inhuman or degrading treatment.

Police staff, recognise that some individuals who come into contact with the police, such as victims, witnesses or suspects, may be vulnerable and therefore may require additional support and assistance.

Police staff do not use their professional position to establish or pursue a sexual or improper emotional relationship with a person with whom they come into contact with in the course of their duties and who is vulnerable to an abuse of trust or power.

Police staff use appropriate language and behaviour in their dealings with their colleagues and the public. They do not deliberately use any language or behave in a way that is offensive or is likely to cause offence.

Equality and Diversity

Police staff act with fairness and impartiality. They do not discriminate unlawfully or unfairly.

Police staff respect all individuals and their traditions, beliefs and lifestyles provided that such are compatible with the rule of law. In particular police staff do not discriminate unlawfully or unfairly when exercising any of their roles, discretion or authority.

Police staff pay due regard to the need to eliminate unlawful discrimination and promote equality of opportunity and good relations between persons of different groups.

Supervisors and managers have a particular responsibility to support the promotion of equality and by their actions to set a positive example.

Use of Restraint

Police staff only use restraint as part of their roles and responsibilities to the extent that it is necessary, proportionate and reasonable in all the circumstances.

Police staff in specific designated roles may need to use restraint in carrying out their work. It is for the individual to justify his or her use of force but when assessing whether this was necessary, proportionate and reasonable, all of the circumstances should be taken into account and especially the situation which the individual faced at the time. Police staff use restraint only if other means remain ineffective or without any realistic prospect of achieving the intended result.

As far as it is reasonable in the circumstances police staff act in accordance with their training in the use of restraint i.e. by applying the management/conflict resolution model to decide what restraint may be necessary, proportionate and reasonable. Section 3 of the Criminal Law Act 1967, Section 76 of the Criminal Justice and Immigration Act 2008 and common law make it clear that force may only be used when it is reasonable in the circumstances.

Police staff respect everyone’s right to life and do not, under any circumstances, inflict, instigate or tolerate any act of torture, inhuman or degrading treatment or punishment.
Instructions

*Police staff only give and carry out reasonable instructions.*

*Police staff follow all reasonable instructions and abide by force policies.*

Police staff do not give or carry out instructions which an individual would conclude were unreasonable.

Two factors should be considered when assessing if it was reasonable not to follow an instruction. First of all, was the instruction reasonable having regard to all the circumstances and secondly, did the individual have a good and sufficient reason not to comply having regard to all the circumstances and possible consequences.

Police staff, to the best of their ability, support their colleagues in their work.

Police Staff abide by terms and conditions of employment.

Work and Responsibilities

*Police staff are diligent in the exercise of their work and responsibilities.*

Police staff do not knowingly neglect their work or responsibilities.

When deciding if an individual has neglected his or her work or responsibilities, all of the circumstances should be taken into account. Police staff have discretion and may have to prioritise the demands on their time and resources. This may involve leaving a task to do a different one, which in their judgement is more important. This is accepted and in many cases essential for good working.

Police staff ensure that accurate records are kept of the exercise of their work and powers as required by relevant legislation, force policies and procedures.

In carrying out their work police staff have a responsibility to exercise reasonable care to prevent injury, loss of life or loss of damage to the property of others (including police property).

Confidentiality

*Police staff treat information with respect and access or disclose it only in the proper course of their work.*

The police service shares information with other agencies and the public as part of its legitimate policing business. Police staff never access or disclose any information that is not in the proper course of police work. Police staff who are unsure if they should access or disclose information always consult with their manager or department that deals with data protection or freedom of information before accessing or disclosing it.

Police staff do not provide information to third parties who are not entitled to it. This includes for example, requests from family or friends, approaches by private investigators and unauthorised disclosure to the media. Certain disclosures may be covered by the Public Interest Disclosure Act.
Fitness for Work

*Police staff when at work are fit to carry out their duties.*

Police staff do not make themselves unfit or impaired for work as a result of drinking alcohol, using a substance for non-medical purposes or intentionally misusing a prescription drug.

Police staff with a drink or drugs misuse problem will be supported if they demonstrate an intention to address the problem and take steps to overcome it. However, the use of illegal drugs will not be condoned.

Police staff who are aware of any health concerns that may impair their ability to perform their work should seek guidance from the occupational health department or line manager and if appropriate reasonable adjustments can be made.

Police staff who are unexpectedly called to attend for work should be able to say that they are not fit to perform the required work as a result of having consumed alcohol without risk of bringing discredit on themselves or the police service or being subject to any disciplinary procedure.

Police staff when absent from work, on account of sickness, do not knowingly engage in activities which could impair their return to work. Police staff will engage with the force medical officer of other member of the occupational health team if required.

Discreditable conduct

*Police staff behave in a manner which does not discredit the police service or undermine public confidence in the police service.*

*Police staff report any caution or conviction against them for a criminal offence.*

Discredit can be brought on the police service by an act itself or because public confidence in the police is undermined. In general, it should be the actual underlying conduct of the individual that is considered under the disciplinary procedure. However, where a member of police staff has been convicted of a criminal offence that alone may lead to disciplinary action irrespective of the nature of the conduct itself. In all cases it must be clearly articulated and evidenced how the conduct or conviction has discredited the police service.

In the interests of fairness, consistency and reasonableness the test is not solely about media coverage and perception but has regard to all the circumstances and evidence.

Police staff do not purchase or consume alcohol when performing their duties, unless specifically authorised to do so or it becomes necessary for the proper discharge of a particular function.

Police staff when at work whether in uniform or not, display a positive image of the police service in the standard of their appearance which is appropriate to their individual role.

Police staff attend punctually when rostered for work or other commitments (e.g. attendance at court).
Challenging and Reporting Improper Conduct

Police staff report, challenge or take action against the conduct of colleagues which have fallen below the standards of professional behaviour expected.

Police staff are expected to uphold the standards of professional behaviour in the police service by taking appropriate action if they come across the conduct of a colleague which has fallen below these standards. They never ignore such conduct.

Police staff who in the circumstances feel they cannot challenge a colleague directly, for example if they are in a more junior role and are not confident, report their concerns, preferably to a line manager. If they do not feel able to approach a line manager with their concerns, they may report the matter through the force's confidential reporting mechanism, or to the Independent Police Complaints Commission (IPCC) or under the Public Interest Disclosure Act.

Police staff will be supported by the police service if they report conduct by an individual which has fallen below the standards expected unless such a report is found to be malicious or otherwise made in bad faith.

It is accepted that the circumstances may make immediate action difficult but managers are expected to challenge or take action as soon as possible.

It is accepted however that it will not always be necessary to report an individual's conduct if the matter has been dealt with appropriately by a manager in the police service.
Appendix 2

The Statutory Right to be accompanied at Disciplinary Hearings

What is the right?

Workers have a statutory right to be accompanied by a fellow worker or Trade Union official where they are required or invited by their employer to attend certain disciplinary hearings and when they make a reasonable request to be so accompanied. This right is additional to any contractual rights.

To whom does the right apply?

The statutory right to be accompanied applies to all workers, not just employees working under a contract of employment. ‘Worker’ is defined in the legislation and includes anyone who performs work personally for someone else, but is not genuinely self-employed. There are no exclusions for part-time, casual workers, or those on short-term contracts. For the purpose of this appendix, reference will be made to the ‘Worker’ and ‘Constabulary’.

Application of the statutory right.

The statutory right applies where a worker:

(i) Is required or invited to attend a disciplinary hearing, and;

(ii) Reasonably requests to be accompanied at the hearing.

What is a disciplinary hearing?

Whether a worker has a statutory right to be accompanied at a disciplinary hearing will depend on the nature of the hearing. The Constabulary often chooses to deal with disciplinary problems in the first instance by means of an informal interview or counselling session. So long as the informal interview or counselling session does not result in a formal warning or some other action, it would not generally be good practice for the worker to be accompanied, as matters at this informal stage are best resolved directly by the worker and manager concerned. Equally, Heads of Department or Investigating Officers should not allow an investigation into the facts surrounding a disciplinary case to extend into a disciplinary hearing. If it becomes clear during the course of the informal or investigative interview that formal disciplinary action may be needed, then the interview should be terminated and a formal hearing convened, at which the employee should be afforded the statutory right to be accompanied.

The statutory right to be accompanied applies specifically to hearings, which could result in:

(i) The administration of a formal warning to a worker by his or her employer (i.e. a warning, whether about conduct or capability, that will be placed on the worker’s record); or

(ii) The taking of some other action in respect of a worker by his employer (i.e. suspension without pay, demotion or dismissal); or

(iii) The confirmation of a warning issued or some other action taken.
What is a reasonable request?

In order for workers to exercise their statutory right to be accompanied they must make a reasonable request to their employer. Workers are free to choose any one fellow worker or Trade Union official (not acting in a legal capacity). However, in making their choice workers should bear in mind that it would not be appropriate to insist on being accompanied by a colleague whose presence would prejudice the hearing, or who might have a conflict of interest. Nor would it be sensible for a worker to request accompaniment by a colleague from a geographically remote location when someone suitably qualified was available on site. The request to be accompanied need not be in writing.

The accompanying person.

A worker has a statutory right to be accompanied at a disciplinary by a single companion who is either a: -

(i) Fellow worker i.e. another of the organisations workers; or

(ii) A full-time official employed by a Trade Union; or a lay union official, so long as they have been reasonably certified in writing by their union as having experience of, or as having received training in, acting as a worker’s companion at disciplinary or grievance hearings.

Workers are free to choose an official from any Trade Union to accompany them at a disciplinary or grievance hearing regardless of whether the union is recognised or not. However, where a Trade Union is recognised in a workplace, it is good practice for an official from that union to accompany the worker at the hearing.

There is no duty on a fellow worker or Trade Union official to accept a request to accompany a worker and no pressure should be brought to bear on a person if they do not wish to act as a companion.

A worker who has been requested to accompany a colleague employed and has agreed to do so is entitled to take a reasonable amount of paid time off to fulfil this responsibility. The times off will not only cover the hearing, but will also allow a reasonable amount of time off for the accompanying person to familiarise themselves with the case and confer with the worker before and after the hearing.

A lay Trade Union official is permitted to take a reasonable amount of paid time off to accompany a worker at a hearing so long as the Chief Constable employs the worker.

The worker has no right to be accompanied by a lawyer or someone acting in a legal capacity. As the Disciplinary Procedure is an internal process, the presumption of the organisation will be that it will not accede to a request for the worker to be accompanied by a lawyer or someone acting in a legal capacity.

The statutory right in operation.

It is good practice for the organisation to try to agree a mutually convenient date for the disciplinary or grievance hearing with the worker and their companion. This is to ensure that hearings do not have to be delayed or postponed at the last minute. Where the chosen companion cannot attend on the date proposed, the worker can offer an alternative time and date, so long as it is reasonable and falls before the end of the period of five working days, beginning with the first working day after the day proposed by the organisation. In proposing an
alternative date the worker should have regard to the availability of the relevant manager or individual(s) presiding over the hearing. For instance, it would not normally be reasonable to ask for a new date for the hearing where it was known the manager/individual was going to be absent on business, or on leave, unless it was possible for someone else to act at the hearing. The location and timing of any alternative hearing should be convenient to both worker and employer.

Both the organisation and worker should prepare carefully for the hearing. The organisation should ensure that a suitable venue is available and that, where necessary, arrangements are made to cater for any disability the worker or their companion may have. Where English is not the worker’s first language there may also be a need for translation facilities. The worker should think carefully about what is to be said at the hearing and should discuss with their chosen companion their respective roles at the meeting. Before the hearing, the worker should inform the organisation of the identity of their chosen companion. In certain circumstances, for instance where the chosen companion is an official of a non-recognised Trade Union, it might also be helpful for the organisation and chosen companion to make contact with each other before the hearing.

The chosen companion has a statutory right to address the hearing, but no statutory right to answer questions on the worker’s behalf. Companions have an important role to play in supporting the worker and to this end should be allowed to ask questions and should, with the agreement of the employer, be allowed to participate as fully as possible in the hearing. The companion should also be permitted reasonable time to confer with the worker, either in the hearing room, or outside.

The organisation must be careful not to place any worker at disadvantage for exercising or seeking to exercise their right to be accompanied. Equally, the organisation must not place at a disadvantage those who act or seek to act as the accompanying person.
Appendix 3

Relationship with the Dispute Resolution Process

(i) There may be occasions where an issue that initially appears to be suitable for the Dispute Resolution Procedure leads to an emergence of potential disciplinary issues. In such cases, the Stage Manager will consult the HR department.

(ii) Except in cases of gross misconduct, which will be dealt with immediately under this procedure, or where action is required by the Police Reform Act 2002, the disciplinary procedure will not commence until the dispute resolution process has been resolved. This could result in a delay in any disciplinary procedure for a maximum of six weeks. Following resolution of the dispute resolution process, it may be necessary to appoint an Investigating Officer and for disciplinary action to be taken in accordance with this procedure.

(iii) It is acknowledged that an aggrieved member of staff under the dispute resolution process may not wish to make disciplinary allegations against another member of staff. However, whilst their views will be taken into consideration, there may be circumstances where the disciplinary process may need to be instigated. Such occasions will be where the allegation is serious, or there are compelling issues of public or organisational interest, the matter has worsened since the original grievance was made, or the matter is one of a series of incidents or is subject to investigation under the Police Reform Act 2002.
Appendix 4

SUSPENSION

Notes for the guidance of police staff suspended from duty

General

The following notes have been compiled to assist employees suspended from duty and to remind them of their entitlements, conditions and responsibilities whilst suspended. Suspension will be immediate following the service of the Notice. It must be emphasised that the act of suspension is neutral and should not be regarded as a presumption of guilt.

Pay and Allowances

Police staff suspended from duty will receive full basic pay. This will exclude shift allowances, standby etc. unless consolidated as part of pay. Other allowances will be suspended.

Police staff who are absent from duty (other than by reason of sickness below or because of other authorised absences) and whose whereabouts are unknown to the Chief Constable or who are in custody in pursuance of a court sentence or between conviction by a court and sentence, are not entitled to pay.

Annual Leave

Where suspended, police staff will be expected to be able to return to work immediately if the suspension is lifted, or it is necessary or desirable, to interview or question them about any matters in relation to the disciplinary investigation or the police staff’s day to day working.

If a member of police staff wishes to take a holiday or otherwise wishes to be unavailable they should take annual leave in relation to this period. Requests will go to the Line Manager in consultation with the Head of PSD.

Sickness

If an employee becomes ill during disciplinary proceedings, including during the investigation process, they must report the sickness absence in the usual way. Employees should report their sickness in compliance with policy as if on normal duty.

Status

Suspended employees are reminded that they are not empowered to carry out the duties of their post.

Other Employment

Employees are not permitted to take other employment whilst suspended from duty without the consent of the Chief Constable.

Employee Assistance Provider/Occupational Health

All facilities of the Force are available to suspended police staff.
Nominated Contact

A member of staff will be nominated by the Chief Officer with HR Portfolio to maintain contact with you for welfare, personal or other reasons, which may be necessary in any particular case.

Recall to Duty

The police staff member may be recalled to duty whilst under suspension, for instance to give evidence at Court or for interview regarding the matter for which he/she was suspended, or for any other reason. Expenses will be met as if the staff member was not suspended.

Uniform and Equipment

The identity card, appointments, standard keys and any official authorities (including pocket books) issued to police staff will be withdrawn on his/her suspension. Uniform may be required to be surrendered as appropriate.

Visits to Police Premises

A suspended police staff member will not be allowed to enter police premises unless so instructed by a senior officer, in which case he/she will report on arrival to the officer in charge.

UNISON

The suspended police staff member will be permitted unrestricted access to UNISON representatives.

Further information

These notes are not intended to be comprehensive and do not cover every eventuality. Suspended police staff members may contact the PSD at Headquarters by telephone for further advice.

Reinstatement to Duty

You will remain suspended until you are notified otherwise. This will normally occur when either:- the Chief Constable or a Senior Officer with delegated responsibility decides otherwise, OR it has been decided you will not be charged with a disciplinary offence, OR you have been dealt with upon a disciplinary charge(s) (dependent upon the Appeals process).
Appendix 5

Notes of Guidance for Managers of Police Staff Suspended from Duty

1. Where practicable, prior to suspension, the following should be informed to ensure advice, guidance and support is available to the suspended employee:

   - UNISON (if employee is a member) or relevant Trade Union.
   - Head of Department/Divisional Commander.

2. A copy of the letter of suspension should be endorsed by the server and signed on receipt by the police staff member.

3. The name of the contact officer should be given to the police staff member and notes of guidance issued.

4. Supervisors should ensure that the police staff members’ outstanding work is catered for and that the police staff member is aware that his/her work will be actioned.

5. The police staff members’ identity card, name badge, standard keys, any authorities should be withdrawn on suspension. Depending on the circumstances pocket books and uniform may also be withdrawn.

6. A suspended police staff member will not be allowed to enter police premises unless the appointment is approved by the appropriate line manager. The police staff member will have access to his/her UNISON representative and the Employee Assistance Provider. Should the employee visit police premises for the above purposes he/she should report to the line manager.

7. Advice should be given to the suspended employee regarding avoiding contact with colleagues who may be witness to the alleged breach of discipline.

8. There are no restrictions on visiting suspended police staff but supervisors should be aware of any difficulties for those who are witnesses. Witnesses should seek advice from their supervisors prior to visiting.

9. The need for continued suspension will be regularly reviewed and the individual kept informed of the situation by the line manager.

10. Memoranda relating to the suspension will be forwarded to:

    - Shared HR Service Centre
    - Criminal Justice (in criminal matters)
    - UNISON
    - Divisional Commander/Head of Department
    - Information Services

11. On reinstatement the notice of withdrawal of suspension will be issued and identity cards, keys, etc. will be returned. Written notification will be as above.
Appendix 6

Examples of Misconduct and Gross Misconduct

Examples of Misconduct
(This list is not exhaustive)

- Poor time keeping, late attendance for duty or return to duty.
- Unjustifiable absence from work.
- Insubordination.
- Unapproved employment.
- Wilful negligence or failure in performance of duties.
- Failure to comply or breach of policies or procedures.
- Misuse of the organisation through media.
- Failure to maintain satisfactory working relationships.
- Dangerous or unsafe working practices.

Examples of Gross Misconduct
(This list is not exhaustive)

- Serious or wilful refusal to undertake tasks relevant to the post or to obey reasonable instructions.
- Fighting or assault on another person whilst on duty.
- Serious misconduct at work which would bring disrepute to either the employee’s position, or the organisation.
- Deliberate damage to property owned by the organisation or that of other employees.
- Serious incapability through alcohol or being under the influence of illegal drugs whilst on duty.
- Serious misuse of Force information systems and/or unauthorised access and/or use of computer records, fraud and deliberate falsification of records. Advice from the Force Security Officer and Data Protection Officer should always be sought and details reported to the Data Protection Officer.
- Breach of duty or trust regarding disclosure of confidential information (subject to the Public Interest (Disclosure) Act 1998).
- Discrimination, harassment or victimisation on the grounds of race, sex, disability, sexuality or religion or in any other circumstances likely to bring disrepute to either the employee’s position or the organisation.
- Serious infringement of safety rules.
- Failure to disclose unspent criminal convictions or in respect of a post exempt from the provision of Rehabilitation of Offenders Act 1975, any convictions whether spent or not (including failure to notify line manager of any charges, actual or pending).
- Theft from the organisation and/or other employees/office holders/members of the public.
- Major breach of documented policies and procedures.
- Falsely claiming to hold academic and/or professional qualifications or experience required for safe and effective performance within the role.
Examples of Misconduct away from the Workplace

The off duty conduct of an employee may have an unfavourable effect on the Force. Such conduct will be the concern of the organisation and may be subject to disciplinary action (including gross misconduct) where:

- It is relevant to the position of trust and/or the nature of the specific post that the employee holds within the organisation.
- It affects the integrity of the employee in a way that is prejudicial to their carrying out the duties associated with that specific position.
- It affects the working relationship with other staff or the public.
- It affects the employee’s continued ability to practice his/her profession.
- All employees must not subordinate their duty to their private interests or put themselves in a position where duty and private interests conflict.

Examples of Gross Misconduct Relevant to Home Workers
(This list is not exhaustive)

- Falsification of records.
- Use of the property of the organisation and time for purposes other than those of the organisation.
- Failure to attend premises when required to do so.
- Fighting or assault on another person.