



Enabling Guidance

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This enabling guidance is suitable for public disclosure under the Freedom of Information Act 2000

This document sets out principles to help guide decision making and in some parts may be quite prescriptive. However, it is vital that officers and staff have the freedom to innovate, exercise discretion and take risk based decisions centred on the needs of the victim and the merits of each case.

There may be occasions when a member of staff is considered to have acted outside of the content of this document but if they have done so with honesty, integrity and professionalism, to make the best decision for the community we serve, they will be trusted and supported. On the occasions when this is the case, the rationale for it must be properly recorded.

This document should be read in conjunction with the Force Policy Statement.

Introduction

Debt that becomes unmanageable can place officers and members of police staff in a vulnerable position and more likely to become engaged in corrupt activities in order to try and improve their financial position. It is suggested that those who identify themselves as having problems with debt are more likely to seek to deal with their indebtedness by lawful means than those who attempt to conceal the issue. The emphasis of this document therefore is on encouraging staff to disclose their debt problems at the earliest opportunity, in order that the force may provide help, welfare and advice before any individual's financial difficulties deteriorate to such a level that formal court proceedings become likely or inevitable.

This guidance covers police officers, police staff and special constables and provides guidance to individuals whilst also ensuring that the integrity, reputation and security of Derbyshire Police is protected. Police officers and members of police staff are expected to discharge all lawful debts in accordance with the terms and conditions directed by the lender. If the level of debt owed by an individual becomes unmanageable, then he or she is to be encouraged to seek advice, help and guidance at the earliest opportunity.

It is recognised that those who seek to disclose and deal appropriately with debt problems at an early stage are doing so in a lawful and ethical manner in accordance with current legislation.

Guidance

Police officers must be aware that any unmanageable debt problem may account to breach of Police Regulations and the Standards of Professional Behaviour, particularly where any court or other formal proceedings are necessary to deal with their debts, such as bankruptcy, County Court Judgements and Debt Relief Orders. This may result in a misconduct investigation being instigated and conclude with a disciplinary outcome. It must be borne in mind that neither bankruptcy nor a Debt Relief Order amounts to the discharge of a debt; they merely discharge (release or free) the debtor from their liability or responsibility. In order to discharge a debt, the debt must actually be paid.

In some circumstances, police staff with unmanageable debt could be considered to be in breach of the Police Staff Council Standards of Professional Behaviour and subject to consideration of their role and responsibilities may become subject to a misconduct investigation.

Definition of Unmanageable Debt

Personal debt can be considered to be unmanageable when the level of required repayments cannot be met through normal income streams. This would usually occur over a sustained period of time, causing overall debt levels to increase to a level beyond that which somebody is able to pay.

Aims and Objectives

- a. To encourage police officers or police staff who are carrying unmanageable levels of debt to disclose their circumstances in order that they can be offered appropriate help, welfare and guidance.
- b. To assist those who disclose their circumstances by ensuring that they deal with their debt in accordance with current legislation and procedures.
- c. To advise on the facilities afforded by Health Assured and the Staff Associations.
- d. To allow Derbyshire police to conduct a risk assessment in relation to each individual case, therefore protecting the integrity and reputation of both the individual and the organisation.

- e. To prevent individuals from suffering unnecessary stress and health problems associated with carrying unmanageable debt.
- f. To raise awareness amongst staff of the vulnerable position they may be in if they carry unmanageable levels of debt.
- g. To prevent individuals from attempting to deal with debt issues by corrupt, unlawful or unethical means.
- h. To identify and deal appropriately with any breaches of Police Regulations, the Standards of Professional Behaviour for Police Officers or the Police Staff Council Standards of Professional Behaviour.

Unmanageable Debt Recording

Where a police officer or member of police staff is responsible for a level of debt that either is or is likely to become unmanageable, then he or she should: -

- a. Disclose the situation in writing to the Head of Department, Organisational Learning, Culture and Ethics (OLCE) and provide relevant updates, particularly in relation to any court or other formal proceedings. In any case, police officers must report any conditions imposed by any court, as required by the Standards of Professional Behaviour.
- b. Consider seeking advice and guidance from Health Assured or appropriate staff association or welfare representative.
- c. Ensure that all methods employed to resolve the situation are lawful and in accordance with current recognised procedures.

OLCE

The Head of OLCE must be notified in writing by any member of staff responsible for a level of debt that is unmanageable. It is recommended that this information should be shared with the individual's Divisional Commander/Head of Department.

In general, unmanageable debt issues will be considered in purely welfare terms, therefore, any police officer or member of police staff subject to an Individual Voluntary Arrangement or any other agreement with the creditors, or otherwise experiencing difficulty in managing their finances, will not normally be subject to a misconduct enquiry. However, each case will be assessed and treated on its merits in relation to whether there has been any alleged criminal conduct or breach of Police Regulations, the Standards of Professional Behaviour or the Police Staff Council Standards of Professional Behaviour.

In circumstances where the case involves potential criminality, bankruptcy, a County Court Judgement, Debt Relief Order or any similar Orders of the Court, then: -

- a. Where any of these factors apply to a police officer, a misconduct enquiry should be commenced along with a criminal investigation where appropriate.
- b. Where the matter relates to a member of police staff, a misconduct enquiry may be considered along with a criminal investigation where appropriate.

Business Interests

The permission to hold an outside business interest granted to an individual suffering from unmanageable debt will be subject of an immediate review. This will be completed by the Head of

OLCE, who should decide whether the permission should be reviewed.

Vetting

Where a police officer or member of police staff is identified as having excessive or unmanageable debt, a risk assessment and vetting review will be undertaken by the Head of Vetting. A case conference with the relevant Human Resources Manager and Divisional Commander/Head of Department will be convened where the risk assessment can be considered and whether control measures can be introduced that will allow continuation of employment in the current role. If the police officer or member of police staff concerned occupies a post which is the subject of enhanced vetting and has become unable to meet the requirements of an enhanced vetting status, a less sensitive and alternate posting may be considered for that person.

Police officers or members of police staff who have been identified as carrying unmanageable levels of debt may be unable to meet vetting requirements and this could disadvantage them in applying for roles requiring an enhanced level of vetting. Where a member of staff who is or has been the subject of unmanageable debt applies for a post/role requiring management vetting clearance or above, the following will apply: -

- a. Applicants who are assessed to have or likely to have unmanageable debts outstanding should not be considered.
- b. Applicants who have Debt Relief Order in force should not be considered.
- c. Applicants who have existing County Court Judgements outstanding against them should not be considered.
- d. Applicants who have been registered bankrupt and their bankruptcy has been discharged should not be considered until three years after the discharge.

Vetting will be carried out in accordance with Home Office Guidelines and NPCC Policy.

