

Discipline – police officers

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Discipline – police officers

Part one - Policy

Policy summary	This policy procedure outlines how officers will be treated while an enquiry is being conducted into an alleged criminal or disciplinary matter.
Aim	<p>The aims of this policy procedure are to:</p> <ul style="list-style-type: none"> • explain the factors considered before an officer is suspended; • explain the review procedure; and • provide general information on the suspension process.
Scope	This policy procedure applies to all police officers, except the chief constable, and all special constables.
Compliance	<p>Police (Conduct, Complaints and Misconduct and Appeal Tribunal) (Amendment) Regulations 2017 Police (Conduct) (Amendment) Regulations 2015 Police (Conduct) Regulations 2012 Police Regulations 2003 Code of Ethics</p>

Chapter 1 Suspension

Introduction	<p>It may be necessary in some cases to remove an officer from operational duty while an enquiry is conducted. This can be extended to include removing them from full operational duties and taking away their police powers, if appropriate. In these circumstances suspension will be used.</p> <p>The decision to suspend an officer is only taken when such action is necessary and justified.</p>
Discipline authority	<p>Any alleged criminal or disciplinary matter will be considered under the Police (Conduct) Regulations applicable to the date of the conduct. These empower a chief constable to suspend an officer and allow this function to be delegated to an assistant chief constable.</p> <p>In West Yorkshire Police, the portfolio owner for Professional Standards Directorate is the Assistant Chief Constable (People).</p>

Criteria The decision to suspend a police officer will only be taken where there is an allegation of gross misconduct and:

No	Criteria
1	an effective investigation may be prejudiced unless the police officer is suspended; or
2	the public interest, having regard to the nature of the allegation and any other relevant considerations, require that the police officer should be suspended*; and
3	a temporary move to a new location or role has been considered but is not appropriate in the circumstances.
NB * This would include any criminal allegations and/or charges.	

Review by the DCC To ensure that the continued suspension (or redeployment) of an officer is necessary, each case will be kept under constant review by the DCC and examined:

Step	Action
1	at the time the report, allegation or complaint is made known;
2	if the circumstances supporting the original reason for suspension change;
3	on receipt of information from or on behalf of the investigating officer (or the Independent Office for Police Conduct supervisor if appropriate) suggesting there is new information which was not available at the time the original suspension was considered;
4	when an officer, who is absent through sickness during an investigation, returns to work;
5	at the time of submission of the completed investigation report;
6	after consideration by the: <ul style="list-style-type: none"> • Crown Prosecution Service; or • Independent Office for Police Conduct (IOPC);
7	when: <ul style="list-style-type: none"> • criminal proceedings are commenced (by way of summons or charge); or • disciplinary charges are preferred; and
8	in all cases, on a regular basis, by the Head of Professional Standards Directorate in conjunction with the investigating officer.

Restrictions

Introduction At times it may not be appropriate for an officer to be suspended. However, the officer's conduct or allegations about them may warrant

restrictions being applied.

Where there are any disciplinary proceedings or potential for them, the head of PSD or their deputy will authorise and apply these restrictions.

Review period The head of PSD or their deputy will review the restrictions every 28 days or sooner and inform the officer.

Chapter 2 Guidance for suspended officers

Introduction There are occasions when the nature of an alleged misconduct requires that an officer should not perform duty while the criminal and/or disciplinary investigation is conducted and until the court process or discipline proceedings have been finalised.

The fact that you have been suspended from duty does not mean that you are presumed to be guilty of an offence. There are many cases where officers have returned to normal duties following the completion of the investigative and/or judicial process.

Discipline proceedings

Introduction The following information has been prepared so that you are aware of the suspension process and how it may affect you.

If you have any queries please contact the Professional Standards Directorate, the Police Federation or Superintendents' Association.

Disciplinary proceedings If you are required to attend discipline proceedings you are advised to consult with your Police Federation or Superintendents' Association representative, if you have not already done so.

You will be notified of the date and time of the proceedings and be served with the required documentation in time to prepare for the proceedings.

Finding The effective date of any outcome is decided by the disciplinary panel. This applies whether you are appealing against the decision or not.

The finding, is made on the last day of the hearing.

Statutory powers

Status While you are suspended you will not have the powers to carry out the duties of a police officer. However, you will still be subject to Police Regulations which means you must adhere to the Standard of Professional Behaviour/Code of Ethics and comply with all lawful orders and Force Policy procedures.

In practical terms you will no longer have a warrant card or authorities, access to police computer systems or to police buildings.

Representing the Force You will not be allowed to participate in any Force sporting activities.

Neither will you be eligible for selection by the Police Athletic Association, unless this restriction has been waived by the DCC.

Similarly you must not represent the Force in any capacity, e.g. Force band.

Pay and allowances

Introduction You will receive full pay, access to your payslips will be through the pay portal, the link should be emailed to your personal email address. However, you will not be entitled to any allowances other than housing allowance, transitional rent allowance or compensatory grant.

Exceptions to receiving pay There are exceptions where you will not be entitled to pay which are:

- if you are in prison; or
- another institution to which the Prison Act applies, having been:
 - sentenced by a court; or
 - in custody (whether in prison or elsewhere) having been convicted by a court but awaiting sentence; or
 - if you are absent from duty so that your whereabouts are not known.

If it is later decided that you:

- will not be charged with a disciplinary offence; or
- have already been charged and all the charges have been dismissed; or
- have been charged and the punishment awarded has been a fine, reprimand or caution,

then when you return to duty you will receive the pay and allowances to which you would have been entitled had you not been suspended.

Subscriptions Any sports and social club subscriptions will continue to be deducted at source unless you state, in writing, that you wish to the payments to cease.

Rest days and annual leave Your rest days will automatically revert to being Saturday and Sunday. The working week will be Mon to Fri, 0800 x 1600 unless otherwise stated.

You will retain your annual leave entitlement and you should apply for approval from your district or department in the agreed manner.

Short absences from home, e.g. visits to friends, relatives or dependants for a few days, will not normally be regarded as annual leave. However, other absences from home over and above your normal rest days must be reported to your district or departmental head.

You must notify your district or departmental head about visits to any location outside of the UK.

You are only able to carry five days or less into the next annual leave year. Applications to carry over more than five days can be submitted but will only be granted in exceptional circumstances where the approval would be in the interest of the efficiency of the Force.

Sickness You will need to comply with conditions of service in respect of sickness.

This means that you should:

Step	Action
1	report any sickness or injury you have in the usual way;
2	obtain a medical certificate to cover the illness period if this is longer than seven days; and
3	pay any sickness benefit into your district or departmental receipts account.

Attending at a police station or court

Visits to police premises You will not be allowed in police clubs, as a guest or otherwise, or to sit promotion examinations and assessments unless this has been agreed by the DCC.

You will have access to police owned houses, Occupational Health and the Police Federation or Superintendents' Association offices. If you are required to visit premises other than those specified you must report your presence to the officer in charge on your arrival.

Recall to duty	You can be recalled to duty for certain functions e.g. to give evidence at court. This duty will be subject to overtime regulations and court expenses will be met in the same way as if you were on usual duty.
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Court appearances	<p>Your district or departmental head will ask you for a list of all your pending court cases which will be given to the Crown Prosecution Service. The CPS will decide whether:</p> <ul style="list-style-type: none">• your attendance is essential to prove the case; or• if proceedings can go ahead on the strength of other evidence and other witnesses. <p>Your attendance will probably be cancelled unless it is essential. If you are still required to go to court you should attend court in suitable smart clothing. Your line manager must carry out a risk assessment in order to minimise any threats to you while you are at court.</p>
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Promotion examinations

Information	If you wish to take the police promotion examination(s) you will need to submit your application in accordance with Force policy. This will need to be approved by the DCC.
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Long service and good conduct medal

Information	<p>The Chief Constable must approve the list of names of officers eligible for the award of the long service and good conduct medal before they are forwarded to the Home Office.</p> <p>If you are suspended, your name will be excluded until the discipline allegations are resolved and, if applicable, the outcome is expired.</p>
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Other employment

Introduction	<p>You will not be allowed to undertake any other paid or unpaid employment:</p> <ul style="list-style-type: none">• without the prior approval of the DCC; or• if medical opinion advises against this.
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Business interest of voluntary	Even if you have an existing approved business interest or undertake voluntary work, you must have written approval from the DCC to continue with this arrangement, PSD will facilitate this.
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work

Any new business interest or voluntary work you wish to undertake while suspended, must be authorised in accordance with the Business interests and voluntary working policy procedure.

Discipline – police officers

Part two – Policy procedure

Chapter 1 Responsibilities

Officer

Information If you are suspended, you are responsible for:

Step	Action
1	informing your line manager about: <ul style="list-style-type: none"> • holidays; • sickness; • pending court cases; and • changes in your personal circumstances; and
2	surrendering your: <ul style="list-style-type: none"> • warrant card; • uniform; • pocket notebooks; • radios; • mobile data devices and • any other electronic or digital devices.

District or departmental head

Information As the officer's district or departmental head, you are responsible for:

Step	Action
1	ensuring the welfare of the officer by appointing a trained and approved welfare supporter.
2	keeping in contact with the officer, if you wish;
3	ensuring mechanisms are in place to update the officer regarding organisational changes and any other Force issues; and
4	ensuring appropriate risk assessments are carried out, e.g. during court appearances.

Welfare Supporter

Information As the officer's welfare officer, you must:

Step	Action
1	support the officer;
2	put the officer in contact with internal support providers, e.g. Occupational Health; and
3	update the officer regarding PSD progress and organisational changes, if asked to do so by the officer.

Professional Standards Directorate (PSD)

Information PSD is responsible for:

Step	Action
1	taking possession of the officer's warrant card and equipment as listed above;
2	notifying internal departments and sections, as appropriate e.g.: <ul style="list-style-type: none"> • Vetting Unit; • Police Pay Section; • Employee Relations; and • Police Federation and Superintendents' Association;
3	keeping the suspended officer, welfare officer, DCC, district and departmental head/line manager and Police Federation or Superintendents' Association (if requested by the officer) updated regarding progress; and
4	providing information to the DCC with which to review the officer's suspension.

Assistant chief constables

Information ACCs are responsible for authorising an officer's suspension.

Deputy chief constable

Information The DCC is responsible for:

Step	Action
1	authorising an officer's suspension;
2	reviewing suspensions every 28 days or sooner;

3	<p>authorising the officer's:</p> <ul style="list-style-type: none"> • attendance at sporting events; • request to represent the Force at other events; • entry into police premises; • application for promotion; • undertaking of paid or unpaid work or continuing with their business interest or voluntary work; and • request to start a new business interest or undertake voluntary work.
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Chapter 2 Support available

Welfare needs Your district or departmental head is responsible for risk assessing your welfare needs and those of your immediate family are considered throughout the period of your suspension.

Welfare supporter You district or departmental head should nominate a welfare supporter to assist you while you are suspended. Their role is to provide you, and your immediate family, with moral support, practical help, advice, guidance and contact if you need it.

Contact with management You are entitled to contact any member of your district or departmental leadership team, duty inspector or line manager etc., if you wish to do so. They are responsible for overseeing your welfare needs and those of your family and they must keep in regular personal contact with you.

You can, if you prefer, keep in contact with them via your welfare supporter.

Colleagues Your district or departmental head will ensure that your colleagues are made aware of your position and any developments. Your welfare supporter can perform this task if you prefer.

Your colleagues can maintain contact with you, including visits, as long as you agree to this. You can also be included in off duty activities, and receive information about what is happening within the Force e.g. Weekly Bulletin, Force newspaper and other periodicals.

You should discuss the nature and frequency of contact with our district or departmental head and welfare supporter, so that everyone is clear about your wishes.

Monitoring and review The DCC will review suspensions every 28 days or sooner, should circumstances change, based on information provided by PSD.

Specialist help

There is specialist help available from the Force:

- psychologist, a valuable source of professional guidance, support and advice, who can help you and your family cope with the unusual circumstances of your suspension from duty and its effects. The psychologist can be contacted directly or via Occupational Health; and
- chaplains, who have proved to be of great benefit to some officers. They provide an independent source of advice and moral support which is outside the disciplinary culture of the service.

The telephone numbers of the Force psychologist and the Force chaplains can be obtained from the Occupational Health Unit.

Updates

The investigating officer will provide you (via your welfare supporter, if required) and your district or departmental head with updates on the progress of the investigation every 28 days.

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