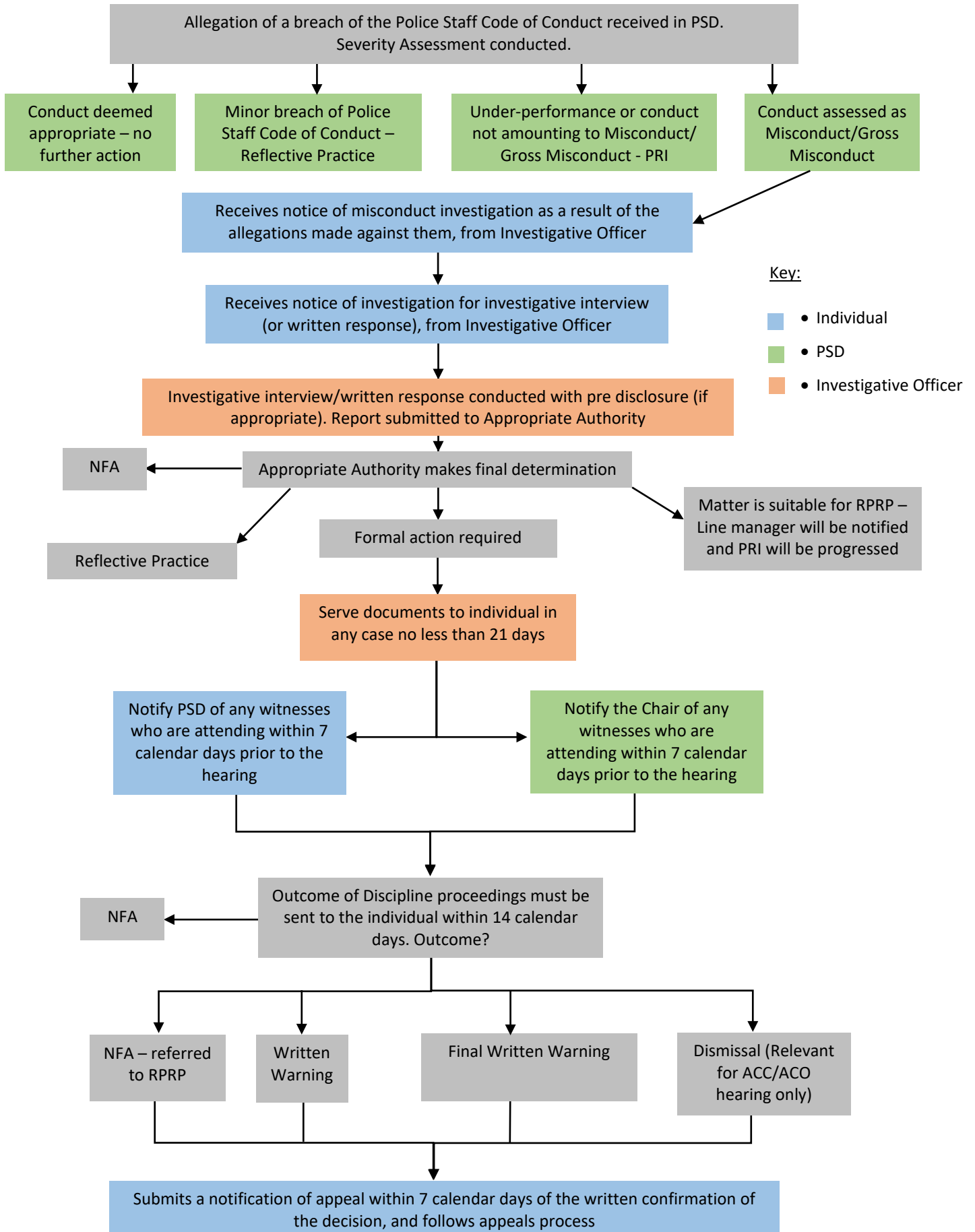


Discipline – Police Staff

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Flowchart – Discipline – Police Staff



Policy Statement

Summary

This policy aims to support the objectives of the Code of Ethics for all West Yorkshire Police (WYP) staff. In order to ensure that allegations of misconduct are investigated appropriately and that the highest standards of professional behaviour are maintained, this policy outlines the discipline procedure, formal and informal action for police staff.

The discipline procedure is to investigate alleged or apparent breaches of the standards stated in the Code of Conduct which reflects the Code of Ethics within. The Professional Standards Department (PSD) will be responsible for formal investigations and line managers will conduct informal action.

This policy procedure outlines how police staff will be treated while an enquiry is being conducted into an alleged criminal or disciplinary matter.

Scope

This policy applies to all police staff, irrespective of role or service. This includes staff members in their probationary period, unless otherwise indicated.

Principles

General

- All material relevant to disciplinary investigations will be marked with the GSC marking of '**official**'. Everybody involved in the process will be reminded of the obligation to treat the material in accordance with the marking at all times and in particular at the point the papers are served on the individual in furtherance of misconduct proceedings and any other ancillary or related processes.
- *Misconduct* is considered as a breach of the Police Staff Code of Conduct that is so serious as to justify disciplinary action.
- *Gross Misconduct* is a breach of the Police Staff Code of Conduct so serious that dismissal may be justified.
- All investigative interviews and hearings must be arranged promptly and with mutual agreement. If no agreement can be reached the investigator may specify a date and time, giving at least 10 working days' advance notice. If the individual or trade union representative is not available, the time and date can be postponed to a date proposed by the individual, within 5 working days of the specified date.
- In accordance with the Employment Relations Act 1999, the individual has the right to be accompanied by a recognised Trade Union representative or work colleague at each stage of the process (this does not apply to a PACE interview being conducted in respect of criminal matters). It is the member of staff's responsibility to arrange representation.

- It will not always be necessary to conduct a formal interview with the individual subject to the investigation. In some cases, particularly involving low level misconduct cases, it may be more appropriate, proportionate and timely to request a written account with questions being provided by the investigator for the individual to answer.
- Prior to an interview/written account the investigator must ensure that the individual who is the subject of the misconduct investigation is provided with sufficient information and time to prepare for the interview. The information provided must always include full details of the allegations made against the individual including the relevant date(s) and place(s) of the alleged misconduct (if known) unless the investigator considers there are good reasons for withholding certain evidence obtained. The individual will then have the opportunity to provide their version of the events together with any supporting evidence they may wish to provide.
- Where an individual is alleged or appears to have committed a criminal offence a normal criminal investigation will take place, with the individual being cautioned in accordance with the PACE Code of Practice. Where the matter to be investigated involves both criminal and misconduct allegations, it will be made clear to the individual at the start of the interview whether they are being interviewed in respect of the criminal or misconduct allegations.
- This may be achieved by conducting two separate interviews, e.g. the decision whether to conduct a separate interview will be at the discretion of the Investigating Officer.
- The individual does not have the right to legal representation at any stage of the process under this discipline procedure (there is an entitlement to legal representation in a criminal interview). A Trade Union Representative can attend a criminal interview if requested by the individual.
- No disciplinary action will be taken against a recognised Trade Union representative until the circumstances of the case have been discussed with a senior or full time official of the union concerned.
- Representatives must confirm their status as a recognised representative or steward when they are informed they are being investigated.
- Where necessary, PSD will refer allegations of misconduct/offences to the Independent Office for Police Conduct (IOPC).
- In certain circumstances, in order to conduct essential investigations, it may be necessary for the individual to:
 - Have their duties changed or restricted;
 - Be moved to another post with their consent; or
 - Be suspended from their current role, which is a last resort and will be decided by the Deputy Chief Constable (DCC) or an Assistant Chief Constable following consultation with PSD.These are not disciplinary outcomes.
- The investigator will report any change of duties to the relevant District PSD SPOC and ER SPOC.
- Individuals are able to engage in the grievance process at any time during the discipline process.
- All public complaints made against police staff members, regardless of role

or grade, must be dealt with accordance with the procedure stated within the current complaint legislation.

- Police staff members who resign or retire during the course of an investigation which could have led to their dismissal if they had still been serving, will be included on the College of Policing's Advisory List.
 - Any individual who is dismissed from a position within policing is included on the College of Policing's Barred List as a result of their dismissal. This will therefore include police staff members who are dismissed under the Police Staff Discipline Policy.
 - If the individual retires or resigns whilst under investigation for gross misconduct and it is determined there is a case to answer for gross misconduct, proceedings will still continue to an ACC or ACO Hearing even though the individual has left the organisation. If the decision of the Chairperson is that the individual would have been dismissed had they still been serving, then they will go on the Barred List.
-

Reflective Practice

Principles

- Reflective Practice is conducted through Line Management with the intention of early intervention designed to prevent matters escalating, however PSD must be informed when the standards have been breached on a continuous or repetitive basis.
 - These matters are usually minor breaches and Line Managers must use the Code of Conduct for Police Staff to determine whether informal action is deemed appropriate.
 - Line Managers must discuss the matter(s) concerned with the individual giving them the opportunity to respond. These informal meetings must not escalate into disciplinary hearings.
 - A performance-related entry must be issued and recorded in the PDR for the individual to meet the standards required.
 - In cases where informal action proves ineffective or the allegation is serious, then PSD must be informed in order to conduct an assessment on severity.
-

Reflective Practice Review Process (RPRP)

Principles

- The Reflective Practice Review Process (RPRP) for dealing with Practice Requirement Improvement (PRI) is a non-adversarial process and is not a formal misconduct outcome.
- PRI is for underperformance or conduct not amounting to misconduct or gross misconduct, which falls short of the expectations of the public and the police service as set out in the Code of Ethics.
- The emphasis of this process is to focus on reflection, learning from mistakes, improvement and required development in order to prevent the

issue from happening again.

- Where PRI is identified the police staff member must be dealt with under RPRP.
 - In this process, the 'participating individual' is the member of police staff whose actions or behaviour is subject to PRI and the 'reviewer' is the line manager. An alternative manager may act as the 'reviewer' providing that they are more senior than the staff member involved in the process.
 - Any account given by the participating individual during the Reflective Practice Review Discussion is not admissible in any subsequent disciplinary proceedings brought against the staff member relating to these matters. This protection provides a safeguard to allow the participating individual to participate openly and fully with the process and to reflect on their individual actions and/or behaviour.
 - The RPRP process does not prevent application for another role/promotion or non-mandatory training.
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Responsibilities

Line Manager

The line manager is responsible for:

- Dealing promptly and effectively with unsatisfactory behaviour/actions and complaints in relation to police staff conduct.
- Ensuring that they understand this policy and apply it in a fair, proportionate and timely manner.
- Acting as the 'reviewer' in the process.
- Providing the staff member with details of the matter that has been referred and requesting that they provide a written account within 14 days of receipt of this request. If the individual has already provided an account as part of a disciplinary investigation it is not necessary to request a written account unless there are specific points that require clarification.
- Making further enquiries into the matter as appropriate in order to establish the facts. Any enquiries must be reasonable, proportionate and relevant to the matter under consideration.
- Re-referring the issue to PSD where new and substantial evidence comes to light as a result of their enquiries.
- Following completion of any enquiries, inviting the individual to a RPRP discussion as soon as practicable.
- Discussing with the individual the issue in detail.
- Identifying whether there are any welfare considerations or personal issues that may have impacted the individual's behaviour/action.
- Identifying the key lessons to be learnt by the police staff member, others involved or the organisation to prevent a recurrence of the issue.
- Producing a Reflective Review Development Report. This must include a summary of the issue, discussions that have taken place, key actions to be undertaken by the staff member with timescales for completion and review date.
- Sending a copy of the Reflective Review Development Report to PSD and

ensuring that a PRI entry has been completed within the PDR.

- Ensuring that the lessons learned and any development actions are discussed with the staff member at relevant meetings, within 12 months from the date of the initial meeting, and recorded in the PDR.
- Referring the matter back to PSD where an individual does not engage with this process or new issues of a similar nature occur during this process.

Professional Standards

Professional Standards are responsible for:

- Undertaking the initial severity assessment and determining when an issue is appropriate to be dealt with under the RPRP.
- Referring via email to the line manager issues to be dealt with under the RPRP.
- Receiving the completed Reflective Review Development Reports and recording them at PSD.

Formal Investigation

Principles

- If the individual refuses to attend an investigative interview, a decision to hold a hearing will be made on the strength of the evidence available.
- Sickness absence does not necessarily excuse the individual from attending an investigative interview and advice may be sought from Occupational Health to determine if they are fit to attend. Any advice from the individual's own GP will be taken into consideration.
- In some cases it will be reasonable to postpone the hearing. This decision will be made on an individual basis taking account of the likely duration of the absence and the absence reason.
- Investigators must be aware of and operate to the principles contained within the ACAS 'Conducting Workplace Investigations' guidance document.
- The same investigator may undertake both the criminal and misconduct aspects of any investigation.

Change in Duties or Suspension

Change in Duties

- If the person is subject of a formal investigation, it may be appropriate to change or restrict the duties of the individual in their current role.
- The individual must consent to their removal from their current position and to being placed in alternative position.
- If the individual does not give their consent, then consideration may be given to their supervision.

Suspension

- It is important to remember that suspension from work as a precautionary

measure is not a discipline sanction in itself.

- The individual will only be suspended if:
 - The allegation made against them involves gross misconduct;
 - The individual's presence in the workplace may prejudice the investigation or harm their interests or those of others; or
 - Changes or restrictions of their duties have been considered and either are not appropriate or the individual has not consented.
- The decision to suspend an individual is made by the Deputy Chief Constable (DCC) or, in their absence, a member of the Chief Officer Team (COT). PSD will provide advice and a written rationale must be recorded.
- The individual must be personally handed a written notification outlining the details of their suspension (see supporting information).
- The suspension decision will be reviewed monthly and the individual will be updated accordingly.

**Suspension
Restrictions**

- At the time of suspension, the individual must surrender their identity card and any equipment that is considered by the investigator to be relevant to the investigation.
- The individual must not attend police premises whilst suspended, unless asked to do so for the purposes of the investigation or in circumstances similar to the public, e.g. reporting a crime, however the individual will still have access to Occupational Health and Trade Union services, where applicable.
- The individual will not have access to police premises or sports facilities as a member or guest unless this restriction has been waived by the District Commander/Departmental Head.
- Whilst suspended, the individual will continue to receive their normal pay including all contractual earnings, allowances and benefits and any incremental progression up to the top of the current grade, as if they are in their normal working period. There is no entitlement to progression to a higher grade. Each case will be assessed individually with the person hearing the case able to authorise payments retrospectively.
- Subscriptions will continue to be deducted at source, unless the individual requests in writing that the payments should cease.
- The individual must not represent the Force in any capacity or be allowed to participate in any Force sporting events. The DCC is able to lift the restriction at their choosing if this is requested.
- The individual must be informed at the time of their suspension that they are still required to give evidence at court if required and that failure to do so may result in a witness summons or warrant of arrest.
- If the suspended individual has submitted witness statements then, subject to their investigation, their position as a witness must be reconsidered. If necessary this must be reported to the prosecutor under the Criminal Procedure and Investigations Act 1996. If the discipline proceedings are of such a serious nature, the Crown Prosecution Service must be informed at the earliest opportunity by PSD.
- Annual leave entitlement will continue to accrue during the individual's

suspension. Requests must be made for annual leave in the same way as if the individual was at work, but through line managers to register on CARM, as they are unable to enter police premises.

- Individuals must be available to attend the meetings required, so leave must be requested for period of time the individual would be unavailable. Taking leave without authorisation may lead to further disciplinary proceedings.
- There will be a nominated welfare contact for the individual suspended, in order to update the individual regarding work related issues and answer any welfare concerns that arise. Other colleagues must not be discouraged from maintaining contact with the individual, but the integrity of the investigation is of crucial important and contact may not be advisable.
- The normal sickness reporting procedure must still be adhered to, and they will receive normal pay. This does not override the conditions of the suspension. If the individual is still off work due to sickness and their suspension has been lifted, then the normal sickness rules will apply from the date of reinstatement.
- Sickness absence does not necessarily excuse the individual from attending the discipline hearing and advice may be sought from Occupational Health to determine if they are fit to attend. Advice from the individual's own GP may be taken into consideration.

Responsibilities

Investigating Officer

The Investigating Officer is responsible for:

- Ensuring the individual is served with a Notice of Investigation. If the individual is convicted or cautioned as a result of the conduct described within the original Notice of Investigation, it will not be necessary to serve an additional notice or undertake a misconduct interview to confirm the outcome of criminal proceedings, however this may still feature as part of any misconduct hearing.
- Ensuring the individual is served with the Terms of Reference for the investigation within five days of service of the Notice of Investigation.
- Undertaking a thorough and balanced investigation.
- Gathering information promptly, to establish the basic facts, making a note of all the documents sent to the individual and the method in which they were delivered.
- Serving the individual with a notice to attend an investigative interview, if appropriate, and reminding them of the right to be accompanied;
- Conducting an investigative interview as soon as possible. This may not be necessary if the conduct under investigation has been addressed in a criminal interview.
- Taking statements, witness and individual, and obtaining the relevant documents, ensuring the written records are accurate and signed off.
- Maintaining a written record of all decisions and actions throughout the course of the investigation process and the rationale behind them.

- Preparing a case file containing all the recorded information, conversations, statements and documentation that may be needed for a hearing. Opinions on whether the individual has a case to answer or not can be made but **MUST NOT** feature in any paperwork presented to the Chairperson.

A copy of the report and all documents obtained as part of the investigation will be submitted to the Appropriate Authority (AA). The AA is the Head of PSD who may delegate any function within this policy to a member of their staff within PSD who is of at least a similar level of seniority to an Inspector.

Employee Relations

Employee Relations are responsible for:

- Advising the investigator in PSD during the investigation and assessment stage where necessary.
- Advising the person hearing the case where a discipline meeting is chaired by a Chief Inspector or police staff equivalent.

Senior Employee Relations are responsible for:

- Advising the person hearing the case where a discipline hearing is chaired by an Assistant Chief Constable or Assistant Chief Officer.
-

Determination of the investigation

Following the consideration of the investigation report, the AA may determine the following:

- No further action will be taken.
 - The matter can be dealt with at a local level under Reflective Practice or the Reflective Practice Review Process (PRI).
 - The matter must be referred to the Force Performance Management Procedures.
 - The issue, if proven, amounts to misconduct and must progress to a misconduct meeting where the maximum sanction would be a Final Written Warning.
 - The issue, if proven, amounts to misconduct but the individual has a current live Final Written Warning and as such this must progress to a Gross Misconduct Hearing where the maximum sanction would be dismissal without notice.
 - The issue, if proven, amounts to gross misconduct and must progress to a Misconduct Hearing where the maximum sanction would be dismissal without notice.
-

No Further Action

Principles

If as a result of the formal investigation, the AA determines that no disciplinary action is to be taken against the individual, then:

- They must be informed of this decision through written confirmation at

the earliest opportunity to allow for the resumption of their duties in accordance with their role.

- A copy of the written confirmation must be retained with the case file.
- Any minor issues must be dealt with, through the normal management intervention process or RPRP.

Formal Action

Misconduct Meeting

- A misconduct meeting will be held where it has been determined there is a case to answer in relation to misconduct.
- The highest sanction available as a result of a misconduct meeting will be a Final Written Warning.
- A misconduct meeting will be:
 - Conducted by a Chief Inspector or police staff equivalent who will Chair the meeting, who is at least one rank above the individual and the investigating officer.
 - Assisted by an ER Advisor to advise on employment law and procedure /policy.

Misconduct Hearing

- A misconduct hearing will be held where it has been determined that there is a case to answer in relation to gross misconduct or where the individual has a live final written warning and there is a case to answer in respect of a further act of misconduct.
- The maximum outcome at this hearing will be dismissal from the police force without notice.
- A misconduct hearing will be:
 - Conducted by an ACC or ACO who will Chair the hearing.
 - Assisted by a senior ER Advisor to advise on employment law and procedure/policy.

Preparation for the Misconduct Meeting/Hearing

Principles

- In cases where the investigation has established that there is a case to answer and formal action is to be taken against the individual, then a discipline hearing/meeting must be arranged as soon as practicable.
- The individual must be served all documentation as soon as possible, but in any case no less than 21 calendar days before the hearing/meeting date. Mutual agreement can provide for this period to be shorter to allow the hearing to be held sooner.
- This disciplinary procedure must be followed. The reason(s) for any departure must be recorded.
- Whenever possible, in cases involving police staff and police officers, efforts must be made to hold the two separate hearings on the same day.

However, this arrangement must not cause unreasonable delay in proceedings.

- If the individual is in their probationary period at the time of the alleged breach of standards the provisions of the Probationary Procedure for Police Staff will apply.
- Before the disciplinary hearing the person hearing the case will, after discussion with both parties, if necessary, determine the number of witnesses that each side can bring to the hearing. The evidence from other witnesses must be presented in writing.
- Meetings/Hearings may be rearranged to accommodate the individual, however there may be circumstances when the hearing will continue in the individual's absence, e.g. in the case of long term sickness, and/or if the individual repeatedly fails to attend and all reasonable attempts have been taken to ensure their attendance.
- Normally a hearing will not be rearranged more than twice, unless there are exceptional circumstances. If the individual cannot attend on the second occasion, the person hearing the case has the authority to decide to proceed in their absence, in which event the individual will be notified in writing and offered the opportunity to be represented.

**PSD
Responsibilities**

PSD are responsible for:

- Providing the individual with all the relevant details of the hearing and their right to be accompanied by a Trade Union representative or workplace colleague.
- Ensuring that copies of all correspondence with the individual are stored within the discipline file.
- Notifying the individual of the attendance of any witnesses that they intend to call within a minimum of 21 calendar days, subsequently notifying the Chair of the witnesses who will be attending within 7 calendar days.

**Investigating
Officer
Responsibilities**

The Investigating Officer is responsible for:

- Ensuring the discipline papers are served on the police staff member concerned.

**Individuals
Responsibilities**

The Individual subject to the discipline hearing is responsible for:

- Providing the details of their Trade Union representative or work colleague who will be accompanying them to their hearing, requesting their witnesses and subsequently notifying the Chair of the witnesses who are to be called, at least 7 calendar days before the hearing.
- Providing copies of any documentation to be presented at the hearing to the Chair and investigator, at least 7 calendar days before the hearing.

Following service of the notice of a referral to a meeting/hearing, the individual may object to the person(s) appointed to conduct the meeting/

hearing. Any objection must be provided in writing, detailing the grounds of the objection, and submitted to the AA within 3 working days, commencing the first working day following referral of the notice.

If the objections are upheld, the individual will be advised of the replacement person(s). If the individual again objects to the replacement person(s), then the same limits apply regarding submission of objections, the grounds and referral to the AA.

At the Misconduct Meeting/Hearing

Process

- The discipline meeting/hearing will initially involve the person hearing the case introducing all parties present, confirming the purpose of the hearing, clarifying the nature of the allegation(s) of (gross) misconduct, describing the process by which the proceedings will take, and confirming the nature of any disciplinary action that may be taken if the allegation is proven.
- The investigator will start by presenting the facts and information that has been gathered during the investigation. Questions may then be asked by the individual and/or their representative or any member of the panel.
- Witnesses who are called on to give evidence may also be asked questions based on their statements.
- The individual will then be given the opportunity, along with their representative, to respond. Questions may then be asked by the investigator or the Chair. Witnesses called by the individual may also be asked questions.
- The proceedings may be adjourned and reconvened at a later time/date if the person hearing the case requests further information. Any such enquiries/information must be disclosed to the individual before the proceedings reconvene.
- The person hearing the case will then adjourn the proceedings to consider all the facts and make a decision. This may require the proceedings being adjourned and reconvened at a later date.

Decision – Balance of Probabilities

- The person hearing the case must decide whether on the balance of probabilities the individual has committed the act(s) of misconduct alleged.
- In reaching a decision, the person hearing the case must consider the following questions:
 - Has there been a reasonable and sufficient investigation in all the circumstances?
 - Have the requirements of the discipline procedure been met?
 - Has sufficient regard been paid to the explanations given by the individual and/or their witnesses and any representations made on their behalf?
 - Do I believe that the individual has committed the misconduct alleged?
- The person hearing the case must give a verbal summary of what factors

and considerations influenced their final decision. The individual must be sent written confirmation of the decision by recorded delivery or other appropriate means, within 14 calendar days of the hearing. This must state details of any outcomes and also the right of appeal.

- Evidence of proven previous similar acts may be considered by the Chair when determining whether the case is proved on the balance of probabilities.
 - If the person hearing the case concludes that no sanction is appropriate, then they must follow the 'no further action' process. The individual must return to work the next normal working day after any suspension has been lifted unless the person hearing the case states otherwise. There must be a structured return to work plan implemented.
 - Should the Chair find that the allegation is proven, the staff member and/or their Trade Representative can make oral or written representations regarding suitable outcome. The Appropriate Authority may also make representations at this time as to their view on the appropriate outcome.
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Outcomes

Outcomes available at a misconduct meeting

Information

- Following a misconduct meeting, the Chair may determine the outcome as follows:
 - The matter does not amount to misconduct and no further action should be taken.
 - The matter does not amount to misconduct and should be referred to the Reflective Practice Review Process.
 - The matter amounts to misconduct and a written warning should be issued.
 - The matter amounts to misconduct and a final written warning should be issued.
 - Where on the date of the severity assessment the individual had a written warning in force, a written warning must not be given.
 - Written warnings shall remain live on the personal file of the individual for a period of 12 months from the date the warning is given.
 - Any future misconduct following a written warning that is 'live' may result in a final written warning being issued.
 - Final written warnings will remain live on file for a period of 18 months from the date of the final written warning is given.
 - Any future misconduct following a final written warning whilst that warning is 'live' may result in dismissal.
 - Only warnings which are live at the time of a subsequent discipline offence will be taken into account in determining the appropriate level of discipline sanction.
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Outcomes available at a misconduct hearing

Information

Following a misconduct hearing, the Chair may determine the outcome as follows:

- The matter does not amount to gross misconduct or misconduct and no further action should be taken.
- The matter does not amount to gross misconduct or misconduct and should be referred to the Reflective Practice Review Process.
- The matter amounts to gross misconduct and, in addition to the outcomes available at a meeting, persons conducting the hearing will also have available the outcome – dismissal without notice.
- Final written warnings may be extended, by the person considering the question of disciplinary action, to a maximum period of 3 years in exceptional circumstances.

Dismissal without notice will mean that the police staff member is dismissed from the police service with immediate effect.

Warnings

Information

- All warnings must state:
 - The nature of the misconduct;
 - The rationale for the decision taken by the person hearing the case and the discipline action taken, confirming also the period in which the discipline will remain live;
 - The improvement expected, and timescales where necessary, stating the consequences of failing to attain the required change; and
 - The individual's right of appeal.
- The outcome of the misconduct proceedings must be sent to the individual and a copy will be placed on the individual's personal file.
- If a warning has been issued, the individual must be informed the date on which it will commence. A copy of the letter will be placed on the individual's personal file.
- After the live period, details of the warning must be removed from the individual's personal file, unless the breach was a matter of honesty and integrity.
- Confidentiality will be maintained between ER, PSD and the individual in relation to any sanctions/outcomes. However, it may be appropriate in some cases to notify the individual's Senior Leadership Team and any other interested parties.
- If a staff member is found proven to have misconducted themselves and is given a written warning or final written warning, they may be required to disclose this information in subsequent criminal proceedings which are involved in the evidential chain. A decision will be made by the AA at the conclusion of any discipline proceedings as to whether the finding should

be disclosed to the Crown Prosecution Service under s18 of the Manual of Guidance. This decision will be reviewed at the conclusion of any written or final written warning by the AA to consider whether any further disclosure is required.

Dismissal

Information

- Dismissal can only occur at a hearing.
 - For individuals in their probationary period, the provisions of the Probationary Procedure for Police Staff will apply.
 - In cases where an individual is dismissed due to repeated acts of misconduct, they may be given contractual paid notice.
 - In cases where an individual is dismissed due to an act of gross misconduct, they may be immediately dismissed in which event no payment will be made in lieu of notice.
 - A letter of dismissal must be sent to the individual, by recorded delivery, within 14 days of the decision being made. This must state clearly the rationale for the decision.
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Appeal

Principles

- The appeal hearing will determine whether the decision taken by the person hearing the original case was fair and reasonable. The outcome imposed can remain the same or be decreased, but not increased. Discipline outcomes will remain in force pending the outcome of the appeal.
- Within 7 calendar days of receiving written confirmation of the outcome, the individual must personally submit, or send by recorded delivery, written notification of their intention to appeal. The notification must be submitted/sent to PSD.
- Within 28 calendar days from the date of the initial hearing, the individual must submit a written statement, providing a detailed explanation of their grounds and underlying reasons for the appeal. It must state whether they are appealing against either one or more of the following:
 - The finding of misconduct (this may include where it is contended that a decision has been based upon a flawed process i.e. procedural irregularity); and/or
 - The severity of the outcome.
- An appeal hearing must be arranged within two months of the written notification being received. Priority will be given to appeals against dismissal.
- All parties must be notified in advance if the individual or the investigator requires witnesses to attend. New witnesses not party to the initial hearing may be asked to attend the appeal hearing. Written witness statements

may also be considered at the appeal hearing.

Decision

- The individual, representative and investigator all have the opportunity to present submissions. The person who heard the original case may be called to outline the reasons for determining the individual was proven of the misconduct alleged and why the outcome was imposed.
 - The appeal Chair will consider the evidence presented and will be tasked with reaching a fair outcome, taking into account all circumstances. Their decision is final.
 - If the Chair determines that any of the grounds of appeal are substantiated this will not automatically result in the original decision being overturned if the panel is satisfied the misconduct did take place and the outcome was proportionate, e.g. an irregularity in the process.
 - The individual must be informed verbally of the outcome of the appeal and the rationale for the decision. Within 14 days of the proceedings, this must also be confirmed in writing to the individual.
 - If the outcome changes, then the live period of the warning may be adjusted to account for any time already elapsed.
 - If the discipline action, after reconsideration, is withdrawn, any written reference to it must be removed from the individual's personal file.
 - The person appointed to hear the appeal will be based on the outcome imposed at the original hearing as follows:
 - Outcomes – Final written warnings – independent person at least at the same level as the person hearing the original case and a Senior ER Advisor to advise on policy/procedure.
 - Appeals against dismissal – the DCC or in exceptional circumstances the CC with another COT member (where necessary for complex cases) and a member of the ER Senior Leadership Team as an advisor.
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Additional Information

Compliance

This policy complies with the following legislation, policy and guidance:

- College of Policing - Code of Ethics
 - Code of Conduct for Police Staff policy
 - Public Complaints policy
 - Capability Procedure Performance policy
 - Probationary Procedure – Police Staff policy
 - Equality Act 2010
 - Employment Relations Act 1999
 - Human Rights Act 1998
 - Employment Rights Act 1996
 - Employment Protection (Consolidation) Act 1978 (as amended by the Employment Act 1989)
 - Data Protection Act 2018
 - Advisory, Conciliation and Arbitration Service (ACAS) code of practice on disciplinary practice and procedure in employment
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Supporting Information

The supporting information for this policy can be accessed online.
