Discipline – police officers

**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**
The aims of this policy procedure are to:
- 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**
Police (Conduct) (Amendment) Regulations 2014
Police (Conduct) Regulations 2012
Police (Conduct) Regulations 2008
Police Regulations 2003
Code of Ethics

**Chapter 1 Suspension**

**Introduction**
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.

The decision to suspend an officer is only taken when such action is necessary and justified.

**Discipline authority**
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.

In West Yorkshire Police, the portfolio owner for Professional Standards is the Deputy Chief Constable (DCC).
Criteria

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

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<tr>
<th>No</th>
<th>Criteria</th>
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<tbody>
<tr>
<td>1</td>
<td>an effective investigation may be prejudiced unless the police officer is suspended; or</td>
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<tr>
<td>2</td>
<td>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</td>
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<td>3</td>
<td>a temporary move to a new location or role has been considered but is not appropriate in the circumstances.</td>
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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:

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<tr>
<th>Step</th>
<th>Action</th>
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<tr>
<td>1</td>
<td>at the time the report, allegation or complaint is made known;</td>
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<td>2</td>
<td>if the circumstances supporting the original reason for suspension change;</td>
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<td>3</td>
<td>on receipt of information from or on behalf of the investigating officer (or the Independent Police Complaints Commission supervisor if appropriate) suggesting there is new information which was not available at the time the original suspension was considered;</td>
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<tr>
<td>4</td>
<td>when an officer, who is absent through sickness during an investigation, returns to work;</td>
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<td>5</td>
<td>at the time of submission of the completed investigation report;</td>
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<td>6</td>
<td>after consideration by the:</td>
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<td></td>
<td>• Crown Prosecution Service; or</td>
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<td></td>
<td>• Independent Police Complaints Commission (IPCC);</td>
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<td>7</td>
<td>when:</td>
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<td></td>
<td>• criminal proceedings are commenced (by way of summons or charge); or</td>
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<td></td>
<td>• disciplinary charges are preferred; and</td>
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<td>8</td>
<td>in all cases, on a regular basis, by the Head of Professional Standards Department in conjunction with the investigating officer.</td>
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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.

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**Review period**

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

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**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.

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**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 Department, the Police Federation or Superintendents' Association.

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**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.

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**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 and your pay slips will be delivered to your home 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 an 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:

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

Court appearances
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:
• your attendance is essential to prove the case; or
• if proceedings can go ahead on the strength of other evidence and other witnesses.

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.

Promotion examinations
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.

Long service and good conduct medal
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.

If you are suspended, your name will be excluded until the discipline allegations are resolved and, if applicable, the sanction is expired.

Retirements and resignations
If your conduct is assessed as gross misconduct (if proven) or where your conduct is assessed as misconduct (if proven) and you are already in receipt of a live final written warning, then you may not retire or resign from the Force without the consent of the Chief Constable. The Chief Constable can only consent in limited exceptional circumstances.

If there is a change in the severity assessment and it is revised downwards from gross misconduct to misconduct, provided that the...
revised assessment determines that the likely form of any misconduct proceedings would be a misconduct meeting, then you can give notice to resign or retire without the consent of the appropriate authority.

The Police (Conduct) (Amendment) Regulations 2014 are not retrospective and only apply to cases which have come to the attention of the Force on or after 12th January 2015. Any matter prior to this date will continue to be dealt with under the old Regulations.

For further information or exemptions please refer to the Regulations.

Other employment

Introduction
You will not be allowed to undertake any other paid or unpaid employment:
• without the prior approval of the DCC; or
• if medical opinion advises against this.

Business interest of voluntary work
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.

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.

Admin
Last reviewed: January 2015
Scheduled for review: January 2019