

DISCIPLINARY (POLICE STAFF) POLICY

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NORFOLK
CONSTABULARY



SUFFOLK
CONSTABULARY

DISCIPLINARY (POLICE STAFF)

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Legal Basis

Legislation specific to the subject of this policy document:

- Employment Rights Act 1996
- Employment Rights Act 2025

Other relevant legislation which you must check this document against (required by law)

- [Human Rights Act 1998 \(in particular A.14 – Prohibition of discrimination\)](#)
- [Equality Act 2010](#)
- [Health and Safety at Work etc. Act 1974 and associated Regulations](#)

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- [General Data Protection Regulation \(GDPR\) and Data Protection Act 2018](#)
- [Freedom Of Information Act 2000](#)

Other documentation which you must check this document against:

- [College of Policing – Code of Ethics](#)
- [Norfolk and Suffolk Constabularies' Standards of Professional Behaviour](#)
- [College of Policing – Authorised Professional Practice](#)
- The Acas statutory Code of Practice on Disciplinary and Grievance Procedures
- Discipline and Grievances at work: The Acas guide

1. Statement of policy

- 1.1 The Police Staff Council (PSC) Standards of Professional Behaviour set out the high standards of behaviour that the Constabularies and the public expect of police staff. If a member of staff's conduct falls below these standards or we have concerns about their conduct, the procedures in this policy will allow us to deal with matters in a fair, open, proportionate and timely manner.
- 1.2 Norfolk and Suffolk Constabularies ('the Constabularies') are committed to ensuring this policy complies with relevant legislation and that consultation has been undertaken with all relevant staff groups. Unless we have expressly stated that a policy is contractual, all our policies and procedures are non-contractual. We may update them at any time following consultation with UNISON as applicable.
- 1.3 All our policies promote equality and human rights, eliminate unlawful discrimination and actively promote good relations regardless of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, economic or family status. Managers have a specific responsibility to ensure this policy is applied fairly, and all staff have a shared responsibility in ensuring the success of this policy.
- 1.4 This policy has been formally agreed via the approved policy development/review process. It will be maintained by the HR Department, in conjunction with the Central Policy Unit.
- 1.5 The Constabularies will review this policy periodically to ensure that it reflects appropriate standards, continues to meet our needs, and reflects any changes in legislation.
- 1.6 The Director of People has overall responsibility for the effective operation of this policy and for ensuring its compliance with the relevant statutory framework. Day-to-day responsibility for operating this policy and ensuring its maintenance and review has been delegated to the HR Managers, HR Delivery.

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2. Applicability

- 2.1 This policy deals with matters relating to police staff conduct. For matters relating to capability, please refer to the Police Staff Capability (Performance and Attendance) Policy. Some cases however may involve elements of both conduct and capability. HR Advisors can advise managers in determining the appropriate policy to be apply.
- 2.2 Police officer conduct matters will be addressed under the Misconduct (Police Officers) Policy.

3. Key principles

- 3.1 This policy is intended to encourage a culture of learning and improvement and this will always be integral to any misconduct outcome.
- 3.2 We will respond to and deal with all allegations of misconduct or unacceptable behaviour promptly, fairly and proportionately.
- 3.3 Formal action will not be taken until a case has been investigated and all the relevant facts have been considered.
- 3.4 Where appropriate, conduct matters will be referred to the Reflective Practice Review Process.
- 3.5 Every effort will be made to deal with all stages of the formal procedure within the timescales stated and individuals will be kept informed of any delays.
- 3.6 Consideration will be given at all times to any reasonable adjustments that may be necessary for any individual involved in the disciplinary procedure.

4. Responsibilities

All staff

- 4.1 All staff have a responsibility to co-operate during investigations and formal disciplinary proceedings, participating openly and professionally. If a member of staff fails to co-operate or does not engage, a decision will be made based upon the information available. If a member of staff claims they are unfit to participate, we may request a referral to Workplace Health to determine this.
- 4.2 Whether a member of staff is personally facing an allegation of misconduct or is participating in an investigation as a witness, it is important that any information that has been communicated to them in connection with an investigation or disciplinary matter remains confidential. Any breach of this confidentiality obligation could in itself become a disciplinary matter. Any individual who is subject to an investigation or disciplinary matter, or is a witness, will be reminded of the necessity for confidentiality throughout the proceedings.

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Managers

- 4.3 All managers have a responsibility to ensure the procedures are carried out fairly, transparently and professionally.

5. Standards of Professional Behaviour

- 5.1 The Police Staff Council Standards of Professional Behaviour define how police staff should behave, what conduct is acceptable and what is unacceptable. These standards are listed at Appendix A.
- 5.2 A breach of these standards could lead to disciplinary action, and in serious cases could result in dismissal.

6. Definitions

- 6.1 Unwanted or unacceptable conduct for the purpose of this policy is defined as follows:
- **General Misconduct** - this occurs when there is a breach of the standards of professional behaviour sufficiently serious to justify disciplinary action.
 - **Gross Misconduct** – this is a breach of the standards of professional behaviour so serious that dismissal, with or without notice, may be justified.
- 6.2 Some examples of the type of behaviour or conduct that may result in a breach of the standards are listed at Appendix B. These are split into 'general misconduct' examples and 'gross misconduct' examples.
- 6.3 An allegation of misconduct may arise from a number of sources, including line management or colleagues, vetting processes, through confidential reporting, or as a result of an investigation into a complaint raised by a member of the public.

7. The right to be accompanied

- 7.1 All members of staff have the right to consult with and be represented at all stages of the formal disciplinary procedure, by either a UNISON representative (if they are a member), a colleague, or a representative of an alternative trade union which they are a member of.
- 7.2 A representative or colleague can only be involved in the Reflective Practice Review Process (RPRP) in a supportive capacity, e.g. to provide encouragement or emotional support. This is because whilst a referral to RPRP may be made as a result of the outcome of a disciplinary meeting, it is not a disciplinary sanction.
- 7.3 There is no right to legal representation at any stage of the procedure.
- 7.4 See FAQ What is the role of my representative?

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- 7.5 For further information regarding UNISON representation, please visit the UNISON intranet site.

8. Dealing with Minor Issues

- 8.1 The formal procedures in this policy should not be used to address minor or low-level conduct issues.
- 8.2 Minor and low-level issues of a non-serious nature should be handled by line managers as part of their normal day to day management responsibilities. Such issues arising should be addressed in a 1:1 confidential conversation with the member of staff concerned, during which the line manager should explain the problem and the improvement needed. As part of the conversation the line manager should also explore with the member of staff any underlying reasons or support they may need. At all times, the conversation must be advisory and supportive, and not investigatory. Any record made of the discussion must be shared with the member of staff to ensure clarity and understanding.
- 8.3 During such a conversation, if it transpires that the matter is potentially more serious than initially believed, the line manager should close the conversation and refer the matter to their HR Advisor. The line manager should advise the member of staff if this is going to happen. At this point, the manager should also advise them of their right to representation should the matter be progressed to the formal procedure.

Formal Disciplinary Procedure

9. Initial Assessment

- 9.1 Where an allegation of misconduct is raised against a member of staff, an initial assessment by HR and PSD will be undertaken to determine if there is potential misconduct, for which an investigation will be required. Where the allegation has been reported by a party other than the member of staff's line manager, the relevant HR Advisor will notify the line manager upon receipt.
- 9.2 Where it is concluded that an investigation is warranted, an Investigating Officer (I.O.) will be appointed to undertake the investigation. The I.O. will be a member of either HR or PSD, depending on the nature of the allegation, as follows:
- PSD investigation:
 - criminal allegations
 - alleged misconduct where the following is indicated:
 - sexual offences
 - fraud
 - corruption

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- death or serious injury
- use of force
- use of delegated powers
- IOPC referral required
- public complaint
- joint officer and police staff allegations
- HR investigation:
 - all other alleged police staff misconduct

9.3 Where it is concluded that the allegation is not a matter of misconduct, and therefore no investigation is required, the relevant HR Advisor will advise the line manager if informal management action is appropriate to address any low-level conduct issues apparent.

10. Suspension

10.1 There are some situations where it might be necessary to suspend a member of staff from work, either prior to or during an investigation. This will only be done after careful consideration, and for the shortest possible period. Suspension is not a disciplinary penalty nor is it a presumption of guilt.

10.2 Suspension will only be used if there are reasonable grounds to do so, including (but not limited to) situations where the effectiveness of the investigation might be prejudiced or compromised if the individual remains at work; where there is a potential threat to the business or other employees; where relationships at work have broken down; or where it is in the public interest to do so. A temporary move to a new location or alternative duties (on existing terms and conditions) must always firstly be considered as an alternative to suspension.

10.3 Suspensions can only be authorised by the Head of Command or Head of Department (this will be a minimum of Superintendent rank or equivalent seniority of police staff), in conjunction with advice taken from an HR professional (or, in exceptional cases, PSD if outside HR working hours).

10.4 Where the decision is made to suspend, the member of staff must be informed of this by an appropriate manager in a meeting for which arrangements must be made, wherever possible, to allow them to be accompanied by a UNISON representative or colleague (or representative of an alternative union which they are a member of). If it is not possible to inform the member of staff in person, every effort will be made to discuss this with them remotely (including their representative).

10.5 Suspension will be for no longer than is necessary and all the arrangements, including the terms of suspension will be confirmed to the member of staff in writing. The decision to suspend will be kept under

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review and the member of staff will be updated accordingly. Normal pay and allowances will continue during the period of suspension. If an individual is off sick, on reduced or nil pay, they will become entitled to full pay again during a period of suspension.

- 10.6 The individual's appointed welfare SPOC will make initial contact with them to undertake a welfare check and agree a communication plan whilst they are suspended. Support is also available from the HR Advisor.
- 10.7 The member of staff must remain contactable and available for interview during their suspension. It is expected that the individual will continue to manage and take their annual leave in the usual way as if they were at work, however before approving leave requests the line manager (or appointed welfare contact) should check with HR that this will not impede the progress of the disciplinary investigation.
- 10.8 See FAQ: What will happen if I am suspended?

11. Investigation

- 11.1 Where a misconduct allegation is to be investigated, a written notice will be sent to the member of staff setting out the basis of the allegation(s). Wherever possible this will be provided to them in person by their line manager. Where this is not possible, the written notice will be sent by recorded delivery to their home address.
- 11.2 The appointed welfare SPOC will undertake a welfare check at this stage, and on an on-going basis throughout the investigation and subsequent proceedings where applicable.
- 11.3 The aim of the investigation will be to establish the facts as quickly as possible and this will usually involve obtaining statements from the member of staff who is the subject of the allegation(s), and any witnesses, and gathering any other relevant information and evidence.
- 11.4 The extent of the investigation will be proportionate to the nature and seriousness of the allegation(s) and this will vary case by case. The terms of reference for the investigation will be provided to the member of staff together with the written notice of the misconduct allegation. A copy will be placed on the individual's personal file.
- 11.5 If an interview with the member of staff is necessary as part of the investigation, a time and date will be arranged between the I.O. and the individual. The individual will be informed of their right to be accompanied. The interview will be audio recorded (subject to the member of staff's consent) or a written record made.
- 11.6 It will not, however, always be necessary to hold an interview, in some cases it may be more appropriate for the I.O. to ask the member of staff to provide a written account.

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- 11.7 The I.O. will advise the member of staff and their line manager of the anticipated timeframe for completing the investigation and will keep them updated on the progress.
- 11.8 Once the I.O. has completed their investigation they will prepare a report of their findings with evidence, confirming the facts that have been established, the facts that have not been established and any mitigating factors.
- 11.9 Based upon their findings from their investigation, the I.O. will take a reasoned decision to determine whether or not there is a misconduct case to answer, and recommended next steps (no further action required, informal management action, formal action required). They will not suggest a possible sanction or pre-judge the outcome to a disciplinary meeting/hearing.
- 11.10 The I.O.'s report and determination will be provided to the management team of the member of staff, and the HR Advisor managing the case.

12. Severity Assessment

- 12.1 Where the I.O. has concluded that there is a misconduct case to answer and has recommended formal action, the line manager will ensure they review the report and the relevant evidence to make an assessment on the severity of the allegations and determine the appropriate action to be taken, the formal options being a disciplinary meeting for misconduct, or a disciplinary hearing for gross misconduct. A standard 'severity assessment template' will be provided to the line manager by HR to complete.
- 12.2 The line manager will be responsible for informing the member of staff of the outcome of the severity assessment and action to be taken. For next steps regarding practical arrangements please see Formal disciplinary proceedings below.

13. Informal management action

- 13.1 Where the I.O. concludes that the matter should be dealt with through informal management action, the line manager should arrange a 1:1 meeting with their member of staff to discuss this and explain what improvement is required.
- 13.2 Together, the line manager and member of staff should explore ways in which the necessary improvement can be achieved and how this will be reviewed to monitor/assess progress. The discussion should also involve any appropriate support mechanisms and any learning points to be addressed.
- 13.3 The line manager should make and retain a written record of the issues raised and discussed, including any agreed actions and support. A copy

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of this should be shared with the member of staff to support the process and ensure understanding.

13.4 The line manager should keep the matter under review for a reasonable time (a one-month period is recommended). If the required improvements are made there is likely to be no requirement for any further action to be taken. However, if there is not sufficient improvement or if the same issues arise again, formal action may need to be considered. Where formal action might be considered as the next step, this should be made clear to the member of staff.

13.5 Line managers may wish to seek further guidance on informal management action from an HR Advisor as appropriate and to ensure consistency in their approach.

14. Formal action

14.1 There are two types of formal disciplinary proceedings:

- A **Disciplinary Meeting** is for cases of general misconduct. The maximum outcome of a disciplinary meeting is a final written warning.
- A **Disciplinary Hearing** is either for cases of gross misconduct or where the member of staff already has a live final written warning in place and there are allegations of further misconduct. The maximum outcome at a disciplinary hearing is dismissal, with or without notice.

14.2 Following completion of an investigation and where the case has been referred to the formal procedure, a disciplinary meeting, or hearing (as applicable), will be arranged as soon as reasonably practicable, ensuring sufficient time is given for the member of staff to prepare. The meeting date and time will be notified to the individual, and their representative/colleague if they are being accompanied. A disciplinary meeting will normally be held within 20 working days, following notice of referral to the meeting, and a disciplinary hearing normally within 30 working days of notice of referral to the hearing. However, if this is not possible for operational reasons, the member of staff will be informed and kept up to date in respect of likely timescales for the meeting/hearing to take place.

14.3 At least 14 calendar days' written notice of the date of the meeting or hearing will be provided, confirming the allegation(s), the basis for the allegation(s), and what the likely range of consequences will be if it is found that the allegations are true. A copy of the written evidence including any witness statements and a copy of the I.O.'s report will also be included with the written notice.

14.4 The member of staff will be required to provide any documentation or witness details to the HR Advisor managing their case within 7 calendar days of receiving written notice to attend a meeting or hearing.

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- 14.5 Disciplinary meetings will be conducted by an appointed senior manager. This will normally be the member of staff's second line manager (or another police staff manager or officer of equivalent seniority). Disciplinary hearings will be conducted by a Head of Department (or person of equivalent seniority). If that individual is an officer, they will be of at least Superintendent rank. An HR professional with no previous involvement in the case will attend in all cases for advice on procedural matters, and the I.O. will also attend. Meetings and hearings will normally be conducted without witness attendance.
- 14.6 At the meeting/hearing, the details of the facts of the case will be put to the member of staff and any evidence gathered as part of the investigation will be discussed.
- 14.7 The member of staff will have the opportunity to respond to the allegations against them, ask questions, and present evidence of their own including any witness evidence they have obtained. Any witness you have requested to attend who is a fellow work colleague will be given a reasonable amount of time off work to prepare for and attend the hearing.
- 14.8 Meetings and hearings will be audio recorded (subject to the member of staff's consent) or a written record made.
- 14.9 At the end of the meeting/hearing if any further investigations are necessary before reaching a decision, the member of staff will be advised and the anticipated timeframe for these, and a further meeting will be arranged to reconvene.
- 14.10 See FAQs:
- What information will be in the notice to attend a disciplinary meeting or hearing?
 - What happens if I cannot attend the meeting/hearing?
 - What happens if my companion cannot attend the meeting/hearing?
 - Who will be at the meeting/hearing?

15. Reaching a decision

- 15.1 Following the meeting or hearing, the appointed senior manager will consider all the evidence presented and reach a decision on whether the member of staff is guilty of the alleged misconduct on the 'balance of probabilities'. If so, they will decide what penalty should be applied, e.g. disciplinary sanction, and how severe.
- 15.2 If it is found that misconduct did not occur, it may be decided that no further action is to be taken. If it is decided that the conduct fell short of the standards of professional behaviour and there is an element of capability involved, the member of staff may be referred to the Reflective Practice Review Process.

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15.3 The member of staff will be informed of the outcome and sanction to be applied, or other action to be taken, either on the same day or as soon as possible thereafter. This will include notification where they will be referred to PSD for a vetting review (see paragraph 16.7 below). This will then be confirmed in writing to them.

16. Sanctions

16.1 If the member of staff is found guilty of wrongdoing, the following are the possible sanctions that may be applied:

Written warning

16.2 A written warning will usually be appropriate for an outcome of misconduct where no other live disciplinary warnings are in place on the member of staff's record. A written warning will remain live for a period of 12 months. This means that any finding of further misconduct during the next 12 months is likely to lead to a final written warning.

Final written warning

16.3 A final written warning will usually be appropriate for an outcome of misconduct where there is already a live written warning on the member of staff's record, or where the outcome of misconduct is serious enough to warrant a final written warning even though they do not have any active warnings on record. A final written warning will remain live for a period of 12 months. This may be extended to a maximum period of 2 years in exceptional circumstances. Any future misconduct whilst a final written warning is live may result in dismissal.

Dismissal (disciplinary hearing only)

16.4 Where a hearing confirms an outcome of further misconduct and the member of staff already has an active final written warning, this may warrant their dismissal. There may also be occasions when, depending on the seriousness of the misconduct involved, it will be appropriate to consider dismissal even if a warning has not already been received.

16.5 There may also be occasions when, depending on the seriousness of the misconduct involved, it will be appropriate to consider dismissal without notice. Acts of gross misconduct usually result in immediate dismissal without notice, or payment in lieu of notice.

16.6 Alternatives to dismissal may also be considered at the discretion of the chair.

Vetting Review

16.7 Where a member of staff is subject to a finding of misconduct or gross misconduct, they will be referred to PSD for a review of their existing vetting clearance, regardless of the disciplinary sanction (if any) imposed.

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The vetting review will be conducted separately from the disciplinary process and in accordance with the with the College of Policing Authorised Professional Practice (APP) on Vetting. The outcome of any vetting review will be considered independently of any disciplinary finding or sanction.

17. Reflective Practice Review Process

- 17.1 The Reflective Practice Review Process (RPRP) is a process for handling conduct matters where a member of staff's conduct falls short of the standards of professional behaviour but does not meet the threshold of misconduct. A referral to the RPRP will only be made following a disciplinary meeting or hearing. RPRP is not a disciplinary sanction. The focus of this process will be on reflection, learning from mistakes, and on action to improve.
- 17.2 Where a referral has been made to RPRP, the line manager (or other appropriate supervisor), known as the 'reviewer', will provide the member of staff with details of the matters being considered under the process (as identified through the disciplinary investigation) and will give them the opportunity to add any further details if they wish.
- 17.3 The reviewer will then arrange a RPRP discussion with the member of staff to discuss the key learning points and the actions and development required to improve and to prevent the issues from happening again. The discussion should also include whether there are any welfare considerations or wider factors, including personal circumstances, that may have affected their behaviour, and any appropriate support put in place. Information discussed during the RPRP is not admissible in any subsequent disciplinary proceedings, allowing the member of staff to contribute freely and openly.
- 17.4 Following the RPRP discussion the reviewer will produce a report which may be discussed as part of the member of staff's PDR during the following 12 months. Here again, discussion should focus on lessons learnt/actions to be taken. The report, together with the review notes and actions taken, will be held on the member of staff's personal file.
- 17.5 If a member of staff fails to engage with the process or there is evidence of further related issues, this will be referred back to the assigned HR Advisor for a new assessment of the conduct matter.
- 17.6 The HR Advisor must take appropriate action to ensure that any lessons identified for management as part of the RPRP, or the wider Constabulary, are addressed.

See FAQ: What is included in the Reflective Practice Review Process Report?

18. Appeal Process

- 18.1 All staff have the right to appeal if they feel their disciplinary finding or outcome is wrong or unfair.

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18.2 To submit an appeal, the member of staff should write to or email the HR Advisor, as directed in their outcome letter, within seven calendar days of receiving their letter.

18.3 In their appeal submission they will need to say on what grounds they are appealing, provide an outline of the basis of their appeal, and enclose any new relevant documentation. Any additional evidence or papers for the appeal must be exchanged with HR before an appeal hearing takes place.

18.4 Appeals may take the form of either a review or rehearing.

- A review will not re-examine the evidence presented at the disciplinary meeting or hearing but will examine whether there were reasonable grounds for reaching the decision, whether the procedure was carried out correctly and whether the penalty was too severe.
- A rehearing will involve going through all of the available evidence and reaching a decision based on this. A rehearing will usually only be appropriate where significant procedural errors exist or where new evidence is presented.

18.5 Where new evidence that results in new or more serious allegations being levelled against the member of staff comes to light during the appeal process, the appeal hearing will be adjourned and then a disciplinary investigation commenced into the new allegations. If there is a case to answer, this will result in a new disciplinary hearing being convened.

See FAQ: What grounds can I appeal on?

18.6 An appeal hearing will be arranged with the member of staff, and the details confirmed in writing. The hearing will be held as soon as is practicable.

18.7 Where a member of staff has appealed against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if the appeal is successful the individual will be reinstated with no loss of continuity of service or pay.

See FAQ: What happens if I can't attend on the date arranged?

18.8 The appeal hearing (either a review or re-hearing) will be conducted by an impartial manager who will normally be more senior than the manager who chaired the disciplinary meeting or hearing. An HR Advisor (or other HR professional) unconnected with the case will attend for procedural matters.

18.9 The format of the appeal hearing will depend on whether the appeal hearing manager is being asked to review the previous disciplinary decision or rehear the case. Typically, the member of staff who is appealing will be asked to go through their grounds of appeal and the manager conducting the appeal hearing will carefully scrutinise these.

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- 18.10 In the case of a re-hearing it might be necessary for the manager conducting the appeal to carry out further investigations before being able to reach a decision – the findings of any such investigations must be made known to the member of staff appealing so that they have the opportunity to comment further, before deciding the appeal.
- 18.11 The appeal hearing will be audio recorded (subject to the member of staff's consent) or a written record made.
- 18.12 The member of staff will be notified of the outcome in writing within 3 working days of the appeal hearing. Where possible this will also be explained to them in person.
- 18.13 The appeal hearing may confirm or reverse the finding or outcome, or an alternative sanction may be imposed. The organisation reserves the right to impose an increased sanction where this is justified. In this case, a further right of appeal will be allowed.
- 18.14 This is the final stage of the procedure and there is no further right of appeal.

19. Record Keeping

- 19.1 Where formal disciplinary action has been taken, records will be held on the member of staff's personal file. Any warnings imposed will remain live on file for the duration as stated in the outcome letter.
- 19.2 If the meeting or hearing has been audio recorded this will be retained by the HR Department on the individual's personal file and made available to them upon request.
- 19.3 All records will be processed and retained in accordance with UK GDPR and Data Protection Act 2018.

Who will know that I am going through the disciplinary procedure?

20. Raising a grievance during a disciplinary procedure

- 20.1 If a member of staff raises a grievance during disciplinary proceedings, depending on the issues raised, proceedings may be temporarily suspended in order to deal with the grievance.
- 20.2 Where the grievance and disciplinary cases are related it may be appropriate to deal with both concurrently.
- 20.3 The member of staff will be informed of how matters will be dealt with if this situation arises.

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21. Criminal proceedings

- 21.1 Where there are potential or pending criminal proceedings against a member of staff, consideration must be given as to whether the matter warrants investigation under the disciplinary policy because of the implications for the individual and/or Constabulary. The procedures in this policy will be applied if the findings of an investigation suggest an impact upon the employment relationship.
- 21.2 If there are potential or pending criminal proceedings against the member of staff this will not necessarily delay progression of formal disciplinary action, however advice will be sought through Legal Services Department on whether it is appropriate to continue. Where disciplinary proceedings may potentially compromise any criminal proceedings an investigation will still take place. Where a member of staff is unable or has been advised not to attend a disciplinary meeting or hearing or say anything about a pending criminal matter, a decision may have to be taken based on the available evidence.

22. IOPC Referrals

- 22.1 In accordance with Independent Office for Police Conduct (IOPC) guidance, conduct allegations which constitute or involve criminal behaviour will be subject to mandatory referral to the IOPC. For further information please visit: www.policeconduct.gov.uk/our-work/investigations.
- 22.2 In such circumstances, the I.O will keep the member of staff informed of any updates in respect of the IOPC referral.
- 22.3 PSD are responsible for making any referrals.

23. Criminal Procedure and Investigations Act (CPIA) 1996

- 23.1 In line with the CPIA 1996, it may be necessary to report disciplinary issues to other parties where a member of staff has appeared or is due to appear as a witness at court on behalf of the police service. Therefore, at the point the decision is made to progress to a disciplinary meeting or hearing, the HR Advisor will ensure PSD are notified of this.

24. College of Policing Barred and Advisory List

- 24.1 If a member of staff is dismissed for misconduct or gross misconduct they will be placed on the College of Policing's barred list. This will bar them from working within policing and certain law enforcement organisations in the future.
- 24.2 If a member of staff resigns whilst under investigation for misconduct or gross misconduct, they will be placed on the advisory list until disciplinary proceedings are concluded. The advisory list acts as a safeguard made available to future employers where proceedings are yet to be concluded.

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- 24.3 If a member of staff resigns when disciplinary proceedings are pending, the Director of People will advise the line manager whether or not to continue with the proceedings through to their conclusion or if to withdraw the proceedings, in which case the individual will not appear on either list. As a result of a finding of “would have been dismissed”, they will be included on the barred list.
- 24.4 A member of staff who is dismissed in a secondary role as a Special Constable, and is consequently placed on the Barred List, will be unable to continue their employment in their police staff role. This means that the individual will be dismissed from their employment either due to misconduct, or for ‘some other substantial reason’, in accordance with the appropriate procedure.
- 24.5 A member of staff who successfully appeals against their dismissal will be removed from the Barred List.

Application review process for removal from the list

- 24.6 You can apply to be removed from the barred list after a minimum of five years.
- 24.7 To request a review read the application guidance and complete an application form both of which are held on the College of Policing website. You will need to provide clear evidence as to why you are now suitable to re-join policing.
- 24.8 Submit your application to the College of Policing by email at barredlistreviews@college.police.uk.
- 24.9 The College will carry out checks and liaise with the force from which you were dismissed. The force will consider the application and make a recommendation to the College, taking into account:
- whether you have demonstrated suitability to return to policing
 - the circumstances that led to the original decision or finding
 - the impact that removing your barred status might have on public confidence in the police
- 24.10 The College of Policing makes the final decision about whether it is appropriate for your details to be removed from the barred list and allow a possible return to policing, or if the application should be rejected.
- 24.11 This process does not review the reasons for the original dismissal. It only considers whether it is proportionate for you to remain on the barred list.
- 24.12 If your application is rejected, you will be notified of the earliest date that you can request a further review.

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25. References

- 25.1 If a member of staff is dismissed for misconduct or gross misconduct following disciplinary proceedings, this will be stated in any future employment reference provided for them. No information shall be given in the reference concerning the circumstances leading to the dismissal.
- 25.2 If a member of staff resigns before disciplinary proceedings are concluded and a decision is made to withdraw proceedings, no information relating to such proceedings shall be given in any future employment reference. If proceedings are continued to their conclusion and the member of staff is placed on the College of Policing's barred or advisory list as a result, this information shall be confirmed in any future employment reference.

26. Welfare Support

- 26.1 It is recognised that staff going through the disciplinary procedure may require welfare support. Every individual who is subject to the disciplinary procedure, including those who are subject to an investigation, or suspended, will be appointed a welfare SPOC. This will usually be the individual's line manager, or an alternative manager where appropriate.
- 26.2 Any manager who is concerned about a member of staff's welfare should submit a management referral to Workplace Health. If the concern relates to the immediate safety of an individual who may be at risk of self-harm or suicide, a suicide notification form must be completed as soon as this is identified. The Wellbeing Team can offer support, signposting and training for individuals; this can be accessed by emailing wellbeing@norfolk.police.uk
- 26.3 Where the disciplinary has resulted from a traumatic police incident, managers should offer a TRiM debrief to the member of staff. More information can be found by emailing trim@norfolk.police.uk

See also FAQ: Where can I go for support?

27. Useful Documents

- Standards of Professional Behaviour (Appendix A)
- Examples of potential Misconduct and Gross Misconduct (Appendix B)
- Frequently Asked Questions

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Appendix A – Standards of Professional Behaviour

The following is an overview of the standards of professional behaviour.

Full guidance on the standards can be found [here](#).

Honesty and Integrity

Police staff are honest, act with integrity at all times 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.

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Appendix B – Examples of Potential Misconduct and Gross Misconduct

The lists are not exhaustive and any determination will take into consideration the circumstances and severity of the incident

Misconduct examples:

- Unauthorised or unexplained absence from work
- Persistent poor time-keeping
- Time wasting
- Minor breach of your contract
- Minor breach of force policy, rules or procedures
- Lack of due effort or care in carrying out duties
- Failure to follow a reasonable request or instruction
- Use of bad language, swearing or insulting behaviour to colleagues
- Repeated failure to produce identification card/badge on constabulary premises
- Minor breach of health and safety rules and procedures
- Excessive personal use of internet or other constabulary information technology
- Damage to constabulary property through negligence or carelessness
- Undertaking additional employment or a business interest without obtaining prior permission
- Smoking in no-smoking areas on constabulary premises (see Smoke Free Policy).
- Repetition of misconduct or behaviour that led to a previous written warning being issued whilst that warning remains live

Gross Misconduct examples:

- Serious or deliberate breach of force policy, rules or procedures
- Serious or deliberate breach of your contract
- Conduct or behaviour which is subject to a criminal investigation, charge or conviction that in our opinion may affect our reputation or our relationships with our staff, officers or the public, or otherwise affects your suitability to continue to work for us

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- Conduct or behaviour which brings or has the potential to bring the constabulary into serious disrepute
- Fraudulent time-keeping
- Unauthorised disclosure of confidential information
- Unauthorised access to systems
- Being under the influence of alcohol during working hours (staff will be supported if they demonstrate an intention to address the problem and take steps to overcome it)
- Possession, use or supply of illegal drugs
- Serious insubordination
- Severe breach of health and safety rules and procedures or acting in a way that puts others at risk of harm
- Any form of discrimination which is unlawful
- Making a disclosure of false or misleading information maliciously, for personal gain, or otherwise in bad faith (see our policy 'Confidential Reporting and Whistleblowing')
- Indecent behaviour or sexual misconduct or circulation of offensive material
- Dangerous behaviour, fighting or physical assault
- Theft, fraud, misappropriation of money
- Deliberate damage to constabulary property
- Gross negligence which causes unacceptable loss, damage or injury
- Acts considered a serious breach of trust, honesty or integrity
- Making covert electronic recordings of any meetings or hearings conducted
- Making malicious or unfounded allegations against a colleague
- Bullying, harassment or victimisation (see our policy 'Anti-bullying, Harassment and Victimisation in the Workplace')
- Serious breaches of security procedures
- Falsification of records for personal gain or otherwise eg on job application forms, expense claims
- Engaging in other employment or a business interest during hours when contracted to work for the Constabulary
- Unauthorised use or misuse of Constabulary vehicles, equipment, property or materials

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- Serious misuse of Constabulary systems such as e-mail or internet for offensive, indecent or illegal purposes
- Serious misconduct outside the workplace where we believe this to have an effect on the employment relationship
- Repetition of misconduct or behaviour that led to a previous final written warning being issued whilst that warning remains live

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Police Staff Disciplinary Policy

Frequently Asked Questions

What is the role of my UNISON representative or colleague if I choose to be accompanied?

Your chosen representative or colleague may:

- advise and confer with you throughout disciplinary proceedings;
- attend any meetings, hearings or investigation interviews with you;
- address the meeting or hearing to both state and sum up your case;
- provide any relevant documentation to the investigating officer or meeting/hearing chair who will give full consideration to such documents;
- respond on your behalf to any views expressed at the misconduct meeting/hearing;
- during misconduct meetings/hearings, ask questions of any witness present;
- make representations to the HR professional concerning any aspect of the procedure.

They cannot, however, normally answer questions that are directed to you during the investigation interview or the disciplinary meeting/hearing as it is important that you give us your version of events.

In some circumstances, we may not be able to allow your choice of colleague: for example, anyone who may have a conflict of interest (including everyone directly involved in the disciplinary proceedings) or whose presence may prejudice the meeting/hearing.

For further information regarding UNISON representatives please visit the UNISON site on the intranet.

What will happen if I am suspended?

If it is considered necessary to suspend you, wherever possible a meeting will be held to inform you of this in person. You can choose to be accompanied by a representative of UNISON (or other union you are a member of) or a colleague, unless there are exceptional circumstances that prevent this. If we are unable to advise you of the suspension in person every effort will be made to discuss this with you via other means such as telephone or Teams.

The suspension will be confirmed to you in writing.

If you are suspended you will be required to return your ID and security passes to your manager and must not return to the workplace without permission.

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Whilst suspended you must remain contactable and available for any meetings if required. You will have a welfare point of contact, which will normally be your line manager.

What information will be in the notice to attend a disciplinary meeting or hearing?

A notice to attend a disciplinary meeting or hearing will be provided in writing and will include:

- date, time and venue/location;
- name of chair of the meeting/hearing;
- other attendees – HR professional and Investigating Officer;
- confirmation of the misconduct allegations;
- documentation to be referred to at the meeting/hearing;
- details of witnesses and any witness statements (except where a witness's identity is to be kept confidential, in which case we will give you as much information as possible);
- the maximum possible outcome that can be issued;
- your right to be accompanied;
- your right to call relevant witnesses;
- your right to submit documentation including witness statements.

With your permission a copy of the above will also be provided to your representative/colleague (if applicable).

What happens if I cannot attend the meeting/hearing?

You should tell us as soon as possible. The hearing can be postponed and rescheduled for a suitable alternative date and time, usually not more than five calendar days after the original date proposed. If the failure to attend is due to short-term illness, we will postpone the meeting until you are well enough to attend.

We may request medical evidence on your fitness to attend a disciplinary meeting, if necessary.

If you are unable to attend the meeting/hearing in person, we will consider what other arrangements or means are possible for you to participate for example, a conference telephone or Teams call. Written representations can also be considered as an alternative.

Whilst all reasonable adjustments will be considered and accommodated wherever practicable, if you or your representative/colleague are repeatedly unable or unwilling to attend or participate in the meeting/hearing without good reason, we may have to proceed in your absence and a decision will be made based on the information available. You will be told if this is going to happen.

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Your representative/colleague is still able to attend to represent you, with your permission, in the event that you are unable to attend.

What constitutes a “good reason” for being unable to attend or participate in the meeting/hearing?

A ‘good reason’ might arise, for example, from the requirement to provide necessary care for a dependant in unforeseen circumstances; from assisting or dealing with an emergency incident; or as a result of health problems. This list is not exhaustive. If such circumstances arise which prevent your attendance, we will consider all the facts and come to a reasonable decision on how to proceed. We will consider whether or not adjustments can be made to the process to enable you to attend the meeting/hearing. We may also reschedule the meeting on further occasions, depending on the circumstances.

What happens if my representative/colleague cannot attend the meeting/hearing?

Every reasonable effort will be made to arrange the meeting/hearing for when you know your representative/colleague is available to attend. If they are unable to attend, you should tell us as soon as possible. The meeting/hearing can be postponed and rescheduled for an alternative suitable time, usually not more than five calendar days after the original date proposed. If they are subsequently unable to attend the re-arranged time and date, you might have to ask someone else, or attend unaccompanied.

Who will be at the meeting/hearing?

The manager chairing the meeting/hearing, you, your representative or colleague, (if applicable), an HR Advisor (or other professional) to provide procedural advice, the investigating officer and possibly any witnesses that have been asked to attend (although meetings and hearings will be held without live witness evidence wherever possible).

On what grounds can I appeal?

The grounds on which you can appeal are:

- You think the outcome is unreasonable and/or the outcome applied is too severe
- There was a serious breach in the disciplinary procedure
- There is new evidence about the case that was not available at the time of the meeting/hearing, which could have affected the outcome
- There was other unfairness that could have affected the outcome applied

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You will need to set out your grounds of appeal in writing. It is not sufficient to say that you are unhappy with the disciplinary decision generally, so this means you will need to explain the reason you are appealing and the facts that support your appeal. You should submit any relevant documents with your appeal.

Who will know that I am going through the disciplinary procedure?

Only those who are involved or who need to know will be informed of the details.

Where can I go for support?

Advice and support including a counselling service is available through the Constabularies' Employee Assistance Programme (EAP)

This service is 24/7/365, free of charge, totally confidential and separate to work.

UNISON

For current contact details please see the UNISON site on the force intranet.

What is included in a Reflective Practice Review Process Report?

The report will contain:

- a summary of the issue and any relevant background circumstances;
- a summary of the Reflective Practice Review Discussion;
- key actions to be undertaken by the participating individuals within a specified time period;
- any lessons identified for the individual;
- any lessons for the line management or wider organisation;
- a specified period of time for reviewing the report and the actions taken;

The HR Advisor will take appropriate action to ensure that any lessons identified for the line management or the organisation

will be addressed.

The report and review notes may be discussed as part of the individual's PDR during the 12 month period following the report.