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DOCUMENT TITLE:

**POLICE STAFF
DISCIPLINARY
PROCEDURE**

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About this Policy:

Our policy is to help you, your manager and representative's deal with disciplinary situations in the workplace, to ensure that every disciplinary matter will be dealt with fairly and sensitively and that everyone understands the standards of conduct the Forces expect of their staff.

Questions...?

Frequently Asked Questions relating to this policy are available on the intranet. If you would like to speak to someone about this policy please contact a member of the HR Operations Team or e-mail hroperations@norfolk.pnn.police.uk

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Disciplinary Matters

Our Policy

The policy provides you and your manager a framework to work to, so where necessary we can help you improve and maintain satisfactory standards of conduct.

The Force is committed to ensuring the policy complies with relevant legislation and that consultation has been undertaken with all relevant staff groups. Unless we have expressly stated that a Force policy is contractual, all policies and procedures are non-contractual, which means we can change our policies at any time following consultation with UNISON on any significant changes.

All Force policies are intended to promote equality, eliminate unlawful discrimination and actively promote good relations regardless of a person's gender, race, ethnic origin, colour, nationality, gender reassignment, sexual orientation, religion or belief, or marriage and civil partnership, trade union or staff association or support group activity, disability or age.

We will make every effort to deal with stages of this procedure within reasonable timescales and keep you advised of any anticipated delays.

This procedure deals with issues relating to allegations of misconduct and gross misconduct. This procedure does not apply to cases involving sickness absence, performance concerns or proposed redundancies.

Throughout the disciplinary procedure consideration will be given to any reasonable adjustments that may be necessary.

If you are facing disciplinary action, it is very important that you familiarise yourself with this policy and procedure and you should read this policy in conjunction with the Police Staff Disciplinary Procedure FAQ's which you can click onto throughout this document.

Standards of Professional Behaviour

The Force has core expectations of all their employees which are set out in the Standards of Professional Behaviour. See what are the Standards of Professional behaviour

Whilst we have set out a guide to what could be regarded as misconduct and gross misconduct, we cannot provide you with a definitive list of examples, and each case will be assessed on its own facts.

See what may amount to misconduct or gross misconduct?

Our Procedure

Your line manager will carry out a fact finding investigation along with an HR Advisor into any potential disciplinary allegations to get a fair and balanced review of the facts about the allegations against you.

If the matter is to be investigated further by PSD the findings of the fact finding investigation by your manager will be recorded in an investigation report that will be provided to an allocated Investigation Officer (IO) in PSD to carry out a full investigation into the allegations.

The extent and length of any investigation will depend on the type of allegation, and varies case by case. The investigation conducted by the IO will usually involve taking statements from you and any witnesses, and they may also need to review any relevant documents. See how can I put forward witnesses?

Following the investigation, the IO will provide their casefile which will include their report along with statements and evidence to the HR Advisor at a case review meeting. The IO's report will stipulate whether they believe that there is a case to answer and whether the matter should be considered at a disciplinary hearing.

The HR Advisor will review and provide the IO's investigation casefile to a manager of a higher level for them to decide whether or not to proceed with a disciplinary hearing.

Informal Management Action

Singular, minor conduct issues should be resolved informally between you and your line manager. Discussions dealing with informal management action should take place promptly following the issue(s) arising and be kept confidential. The line manager will review the information in conjunction with the HR Advisor. If following the informal management action meeting your line manager considers that despite attempts the issue is not resolved, your line manager may need to take more formal steps and will follow the

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investigation procedure as stated in the Our Procedure paragraph of the policy. Informal resolution is not appropriate in certain situations (for example, due to the seriousness of the allegations) in which case the formal disciplinary procedure will be followed.

Invitation to the hearing

Once the investigation has taken place by the IO and the investigation casefile has been passed to the manager of a higher level, they will decide if there are grounds for formal disciplinary action to take place. If they decide that there are no grounds then you will be informed of this in person and in writing and the case will be closed. If the manager believes that there are grounds for formal disciplinary action, you will be asked to attend a disciplinary hearing. We will write to you setting out all the important information relating to the allegations and details about the hearing itself. See [What will an invitation to a hearing contain?](#)

It is important that the hearing takes place as soon as reasonably possible, but you will be given reasonable time to prepare for the hearing based on the information we have given you.

Right to be accompanied

You can choose to bring a companion to any investigation meeting, disciplinary or appeal hearing under this procedure. The companion can be either a UNISON representative or a colleague. See [What is the role of my companion?](#)

Included within the FAQ of [what is the role of my companion](#) is a link to the Employee Assistance Programme – Validium intranet site should you need any welfare support.

The disciplinary hearing

At the disciplinary hearing, we will go through the allegations against you and the evidence that we have gathered. The manager of a higher level will chair the hearing, accompanied by a HR Advisor who will ensure the hearing is conducted fairly. The HR Advisor will also record the hearing on a recording device provided by the HR Operations Team.

You will have the opportunity to ask questions, respond to the allegations and present any evidence of your own. You will also be given the opportunity to respond to any information given by a witness and to present any witness evidence you have obtained.

You will be informed of the decision and the reasons, in writing within a reasonable timeframe. Where possible, we will also explain the decision in person.

We will not issue a disciplinary sanction until a disciplinary hearing has taken place, unless you fail to attend. See [What if I cannot attend a hearing?](#)

Appeals

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If you feel that the disciplinary outcome is wrong or unfair, you should send your appeal to the HR Operations Team, in writing, within 7 calendar days of receiving the decision letter, which will also set out details of how you can appeal. In your appeal letter, you will need to state your full grounds of appeal. While you are appealing, the original decision will remain in place. See [On what grounds can I appeal?](#)

Following receipt of the appeal letter we will write to you to confirm the date, time and place of the appeal hearing.

The appeal hearing will be conducted impartially, usually by a more senior manager who has not been previously involved in your case. They will normally be joined by another HR Advisor or HR Business Partner. The appeal hearing will be recorded on a recording device provided by the HR Operations Team.

You will be informed of the final decision in writing as soon as possible. Where possible, we will also explain this to you in person. There will be no further right of appeal. See [What are the possible outcomes of an appeal?](#)

Adjournments

If we discover that we need to investigate further, then we may need to adjourn the hearing. You will be given reasonable opportunity to consider and respond to any new information that we obtain.

Suspension

There are some situations where we might need to suspend you from work. The suspension will be for no longer than necessary and we will confirm all the arrangements, including the terms of suspension to you in writing. We will keep our decision to suspend you under review. Suspension of this kind is not a disciplinary penalty and it does not mean that any decision has already been made about the allegations. You will continue to receive your full pay entitlement including any applicable allowances throughout the suspension.

See [What will happen if I am suspended from work?](#)

Criminal Investigations

Where there are potential or pending criminal proceedings against you, consideration must be given as to whether the matter warrants investigation under the disciplinary procedure because of the implications for you and/or the Force. The disciplinary standards in this policy will apply if the investigation suggests an impact upon your employment relationship.

Potential or pending criminal proceedings against you will not normally delay the disciplinary investigation. The manager should seek advice from Legal Services before proceeding with any disciplinary action. The presumption is that disciplinary action should be taken prior to, or in parallel with, any criminal proceedings. Where potential prejudice to any criminal proceedings is identified the disciplinary matter will still, in most cases, be investigated, however, if following the investigation it is determined that a formal

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disciplinary hearing is appropriate, the matter will not take place if this would prejudice the criminal proceedings.

Disciplinary hearings will not be held by a manager who is involved in the criminal investigation process.

In the event that you remain silent in order not to prejudice a criminal case, the manager of the disciplinary hearing will seek advice from the HR Advisor and Legal Services.

In line with the requirements of the Criminal Procedure and Investigations Act (CPIA) 1996 the HR Advisor will ensure that the Professional Standards Department is notified of any member of police staff who is subject to disciplinary proceedings, in case they are required to attend court (this will need to be disclosed to the court).

Confidentiality

Whether you are facing a disciplinary allegation or you are participating in an investigation as a witness or otherwise, it is important that any information that has been communicated to you in connection with an investigation or disciplinary matter remains confidential. If you breach this, it could itself become a disciplinary matter.

Grievances

If you raise a grievance whilst the disciplinary process is underway, we will review the nature of your grievance. Depending upon the issues you raise, it may either be necessary to temporarily suspend the disciplinary process or we may deal with the issues concurrently. We will discuss with you the appropriate process to be followed and our reasoning for doing so.

Disciplinary sanctions

The chair will listen to your response at the hearing and based on the evidence provided will make a fair balanced decision as to whether to impose a sanction. If the chair decides that there is no case to answer then no sanction will be imposed.

We have listed the usual sanctions for misconduct/gross misconduct below. We would not impose any sanction without a hearing, and we aim to treat everyone fairly and consistently. Depending on the seriousness of your misconduct, any of these sanctions can be considered.

Written Warning

A written warning will usually be appropriate for:

- Misconduct that we believe is serious enough to deserve a written warning, even though you do not have any other active warnings on your record.

Final Written Warning

A final written warning will usually be appropriate for:

- Misconduct when there is already an active formal written warning on your record
- Misconduct that we believe is serious enough to deserve a final written warning, even though you do not have any active warnings on your record.

Dismissal

Dismissal will usually only be appropriate for:

- Further misconduct when there is already an active final written warning on your record
- Any gross misconduct, regardless of whether there are active warnings on your record

Gross misconduct usually results in immediate dismissal without notice or payment in lieu of notice (summary dismissal)

Effect of a warning

All warnings will set out the nature of your misconduct, the change in your behaviour we require, the period of time the warning remains active, and what will happen if there is any further misconduct during the active period.

First Written warnings will remain active for 12 months and a Final Written Warning will remain active for 18 months. In exceptional cases, a Final Written Warning could state that it will remain active for a longer period or indefinitely.

Barring and Advisory List

If you are dismissed from the Constabularies you will be placed on the College of Policing (COP) Barred List, this will act as a bar on you working within policing and certain law enforcement bodies.

The advisory list is a private list which is maintained by the COP and made available to law enforcement bodies. You will be placed on this list if you resign or retire whilst under investigation for a misconduct issue. More information can be found See Barring and Advisory Policy