

GUIDANCE & PROCEDURE SUMMARY

Please note this document is a summary of the Force's Discipline (Police Staff) guidance and procedure. Full copies can be obtained via a Freedom of Information request.

Title:	Discipline (Police Staff)	
Practice / Business Area:	Personal Development	
Department Responsible:	Human Resources	
First Published:	02-11-99	
Last Reviewed:	25-01-17	
Next review date:	January 2020	This document applies to individuals of the:
Version Number:	1(summarised)	Chief Constable
SOUTH WALES POLICE PROCEDURE OBJECTIVE:		
<p>The aim of the disciplinary procedure is to ensure that disciplinary action is applied fairly, consistently and without undue delay. It is not primarily a punitive process but one designed to improve conduct, performance and to set appropriate standards of discipline. All members of staff should ensure that they follow the College of Policing Code of Ethics</p> <p>The Code of Conduct for Police Staff highlights (as per the recommendations of the ACAS Handbook on disciplinary procedures) those matters which are likely to be considered to amount to misconduct or gross misconduct, but this list is not exhaustive.</p> <p>Staff must ensure that they are fully familiar with this Guidance and Appendices.</p>		
GENERIC RISK ASSESSMENT:		
No H&S risk assessment required.		
PROCEDURE:		
<p>1. <u>Investigation of Potential Misconduct / Gross Misconduct</u></p> <p>1.1 The Force may take disciplinary action against any member of staff where there are reasonable grounds to believe that a member of staff has acted contrary to the Police Staff Code of Conduct and/or where the member of staff's conduct is alleged to have fallen short of the standards reasonably expected of him/her by SWP, or where there may be reputational harm/risk to SWP if such allegation(s) were proved. Where a matter arises which is suspected to amount to misconduct under the Police Staff Code of Conduct, the matter will be reported by the supervising officer to the Assistant Director Human Resources who in consultation with the Head of Professional Standards will decide who is best placed to investigate the matter.</p> <p>1.2 The proportionate investigation procedure may be used in relation to public complaint cases, after consultation with the individual member of staff. This is not intended to replace the discipline procedure but is intended to assess the severity of the allegation.</p> <p>1.3 As part of any investigation into alleged misconduct the member of staff may be interviewed. The employee will be informed of the nature of the allegation(s) in writing prior to the interview and pre-interview disclosure will be provided (if any documentation exists at</p>		

this stage). This interview will not be a disciplinary interview or hearing but will be for the purpose of fact finding and in making a decision as to whether disciplinary action may need to be considered and whether the remainder of the disciplinary procedures need to be instigated. A trade union representative or willing work colleague may accompany the member of staff if he/she so wishes. Notes of the meeting should be taken by a nominated person.

- 1.4 The investigating officer, on completion of his/her investigation, shall prepare an Investigation Report, with supporting appendices which should comprise of witness statements collated (which may be in an anonymised format if the witness so requests) and/or supporting documentation collated during the interview and set out in the report to the Assistant Director Human Resources whether they reasonably believe there is a case of misconduct to answer. In the event that the Investigation Report recommends the instigation of the disciplinary procedures, the Human Resources Department will inform the member of staff in writing of the outcome of the investigation and invite the member of staff to attend a Disciplinary Hearing.
- 1.5 Where disciplinary action may be contemplated by SWP on the basis of a criminal offence that a member of staff has committed outside employment, particular consideration will be taken as to whether there is an adverse connection between the offence and the employment and where the offence is one which could potentially make the member of staff unsuitable for his/her type of work.

2. Conduct of Hearing

2.1 The Disciplinary Hearing will, ordinarily, be before an officer of at least Chief Inspector rank, or a Police Staff member with a Senior Management responsibility. In cases of alleged gross misconduct or when the sanction **may** be dismissal a Chief Officer will preside. Those persons conducting a Disciplinary Hearing will be assisted by a Human Resources Business Partner acting as HR Adviser. A note-taker should also be present in order that an accurate record is kept of the hearing.

2.2 A hearing should be held without unreasonable delay whilst allowing the employee reasonable time to prepare the case.

3. Arranging the Hearing

3.1 The letter inviting a member of staff to attend a formal Disciplinary Hearing shall:

- 3.1.1 Give a minimum of seven days' notice of the date, time and place of the Disciplinary Hearing (unless an alternative timescale has been mutually agreed). It is advisable to contact the relevant Trade Union representative to discuss a mutually acceptable date prior to setting a date. The employee may offer a reasonable alternative time within 5 days of the original date if their chosen companion cannot attend. You may also arrange another meeting if an employee fails to attend through circumstances outside of their control, such as sickness.
- 3.1.2 Name the person and reference rank/seniority who will conduct the Disciplinary hearing, and confirm that a person will be present to take notes/minutes of the Disciplinary hearing to ensure a fair and accurate record is kept of what is said;
- 3.1.3 Set out the matters/allegations to be considered at the Disciplinary hearing which may

be considered to amount to misconduct/gross misconduct;

- 3.1.4 Inform the member of staff that they have a statutory right to be accompanied by a Trade Union representative or a willing work colleague;
- 3.1.5 Enclose copies of the investigation report and any supporting documentation which will be referred to/relied upon at the hearing.
- 3.1.6 Inform the member of staff that in exceptional circumstances (that is, where there are clear disputes of fact/evidence), either side may ask witnesses to attend the Disciplinary Hearing to give evidence/be cross-examined in relation to their witness statement;
- 3.1.7 Offer the confidential counselling services of the divisional/departmental welfare officer;
- 3.1.8 Enclose a copy of this Disciplinary Guidance;
- 3.1.9 Ask if any special arrangements need to be made to ensure the member of staff's attendance at the Disciplinary hearing, e.g. if any reasonable adjustments need to be made;
- 3.1.10 Set out what the potential outcome may be if an allegation were to be proved.
- 3.1.11 If the person involved is a trade union representative discuss the case with a trade union full-time official after obtaining the employee's agreement. This is because the action may be seen as an attack on the union.

4. **Adjournment of Hearing**

- 4.1 A member of staff must take reasonable steps to attend a Disciplinary Hearing and only in exceptional circumstances will a Disciplinary Hearing be rearranged. A member of staff who cannot attend a Disciplinary Hearing must inform the person who will be chairing the Disciplinary Hearing (or their Secretary/Personal Assistant) as soon as possible if an unforeseen circumstance arises which may prevent them from attending a Disciplinary Hearing and the reasons for this. If the member of staff who fails to attend through circumstances outside their control and unforeseeable at the time the meeting was arranged, e.g. illness, the person chairing the Disciplinary Hearing may exercise his/her discretion to arrange another Disciplinary Hearing. A date for a re-arranged hearing should be issued within not less than 7 days. It is advisable to discuss dates beforehand with the relevant Trade Union representative or a willing work colleague.
- 4.2 If the person holding the Disciplinary Hearing reasonably believes that there are no exceptional circumstances for rearranging the Disciplinary Hearing and/or that the member of staff has not taken every reasonable step to attend the same, or has unreasonably failed to attend a rearranged Disciplinary Hearing, he/she may decide to hold the Disciplinary Hearing in the member of staff's absence.
- 4.3 If the member of staff is unable to attend the rearranged Disciplinary Hearing and cannot provide a valid reason/explanation for not being able to attend, the hearing may proceed in his or her absence. However, his or her representative may present the member of staff's case on his or her behalf either verbally or by submitting written representations to be taken into account. Any written representations which are to be taken into account by the Chair of the Disciplinary Hearing need to be submitted not less than 3 clear days prior to the date of the Disciplinary Hearing.

4.4 If a member of staff's representative/companion cannot attend the Disciplinary Hearing on a proposed date, another date will be arranged not less than 7 days after the date originally proposed. This seven day time limit may be extended by mutual agreement or if reasonable to do so.

The Force also offers further guidance on:

- Suitable advice
- Suspension or temporary redeployment
- Accredited trade union representatives
- Sickness absence
- Anonomised statements
- Grievances
- Disciplinary sanctions
- Appeals
- Monitoring

LEGISLATION & REGULATION:

- Employment Rights Act 1996
- Equality Act 2010
- Police Staff Council – Pay and Conditions of Service Handbook (April 2004)
- ACAS Disciplinary and Grievance procedures
- College of Policing – Code of Ethics