

## Discipline procedure - police staff

### Introduction and aim

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**Introduction** In the workplace, expected standards of conduct are usually maintained through the normal day to day relationships between supervisors and staff. Good management practice should ensure that all staff:

- are aware of the [code of conduct](#) and acceptable standards of behaviour; and
- receive appropriate support to ensure that these are maintained.

This disciplinary procedure is an aid to the effective management of people.

Most minor breaches of conduct can be dealt with successfully in an informal way and will remind staff about the standards of conduct and behaviour that are expected. In these cases early intervention and action are essential to avoid matters escalating.

If a member of staff does not respond to [informal action](#), or there is a more serious allegation of misconduct, then this procedure should be used to ensure managers deal with discipline matters in a fair and consistent way. It should not be used as a means of imposing sanctions or as a lead up to dismissal.

There may well be cases where dismissal is the most appropriate action, however, it is vital that emphasis is placed on the improvement of behaviour or performance and not on punishment.

The procedure must be strictly adhered to by all parties as failure to do so may invalidate the proceedings, though cases would be considered individually.

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**Scope** The procedure applies to police staff, including those in their probationary period, irrespective of role, service and seniority.

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**Compliance** This procedure complies with statutory requirements as laid down in the following:

- Race Relations (Amendment) Act 2000
- Employment Relations Act 1999
- Human Rights Act 1998
- Employment Rights Act 1996
- Disability Discrimination Act 1995
- Employment Protection (Consolidation) Act 1978 (as amended by the Employment Act 1989)

Race Relations Act 1976  
 Sex Discrimination Act 1975  
 Religion or Belief Regulations 2003  
 Sexual Orientation Regulations 2003  
 Employment Act (2002) (Dispute Resolution) Regulations 2004  
 Employment Equality (Age) Regulations 2006  
 Advisory, Conciliation and Arbitration Service (ACAS) code of practice on disciplinary practice and procedure in employment.

**Providing information**

A copy of this procedure must be given to a member of staff who is subject to a discipline.

## Informal action – day to day supervision

**Responsibility of line manager or supervisor**

Part of the normal supervisory process is that staff have failings and unacceptable standards of work or behaviour brought to their attention as soon as these are identified.

It is the responsibility of the line manager or supervisor to:

Step	Action
1	have a meeting and speak to staff and tell them about the issue and give them the opportunity to respond.  NB Informal meetings must not escalate into disciplinary hearings;
2	provide staff with clear instructions on the standards required;
3	in the light of all the circumstances, decide whether it is appropriate to issue an informal warning to staff about their failure to meet the standards of work or conduct required and the possible consequences; and
4	if a warning is given, make and retain a note of it. This may be referred to in the future if staff fail to meet the required standards. It may be that the PDR reflects this, and/or an action plan is used to address concerns. No record will be kept on any personal file but staff should be issued with a PDR example of performance sheet.

**Unsuccessful**

In cases where informal action proves ineffective or the allegation is serious, making the informal approach inappropriate, then a [formal investigation](#) should be started.

## General principles

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**Confidentiality** Wherever possible privacy and confidentiality will be observed in all actions taken using this procedure.

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**Personnel Advisory Team** The Personnel Advisory Team is there to:

- advise the person hearing the case and the investigating officer on procedure; and
- ensure that every case is managed fairly.

Business managers or other senior divisional or departmental officers must liaise with the Personnel Advisory Team in all cases that may result in disciplinary action being taken.

The Personnel Advisory Team will recommend to the division or department whether a formal disciplinary investigation should be undertaken.

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**Meetings** Wherever possible the dates of discipline investigation interviews and hearings should be arranged with mutual consent.

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**Right to representation** In accordance with the Employment Relations Act 1999, s.10, at each stage of this process a member of staff has the right to be accompanied by a recognised Trade Union representative or work colleague.

It is the member of staff's responsibility to seek advice wherever they wish and arrange their own representation. If staff give written permission then copies of the correspondence will be sent to their representative or work colleague.

A member of staff does not have the right to legal representation at the hearing.

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**Grievance** If during the discipline process a member of staff raises a grievance that is related to the case then consideration will be given as to the appropriateness of suspending the discipline procedure for a short period while the grievance is dealt with.

The Director of Personnel will determine whether to suspend the discipline temporarily, depending on the content of the grievance and how it relates to the discipline and after receiving advice from:

- the Personnel Advisory Team;

- the Diversity Unit; and
  - the division or department;
- taking account of any representations from the member of staff's Trade Union representative, if applicable.
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**Elected Trade Union representatives**

No discipline 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 Trade Union official of the union concerned.

Representatives must, however, confirm their status as a recognised representative or steward when they are informed, in writing, that they are being investigated for alleged misconduct.

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## Formal investigation

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**IMPORTANT**

When an act of misconduct has been alleged, and the line manager feels that it is serious enough to consider or warrant a formal investigation, then the employee's divisional commander or departmental director or equivalent or business manager will liaise with the Personnel Advisory Team in order to decide if a formal investigation needs to be carried out.

The Personnel Advisory Team will recommend to the division or department whether a formal disciplinary investigation should be held.

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**Referral**

If the division or department decide not to follow the Personnel Advisory Team's recommendation then the matter must be referred to the Director of Personnel or the Head of Personnel who will reconsider the case.

The Director of Personnel or the Head of Personnel will be responsible for making the final decision.

There will be no further opportunity for appeal.

Written submissions from the division or department and the Personnel Advisory Team will be required in order for the Director of Personnel or the Head of Personnel to reach their decision.

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**Investigation**

If it is decided that there is a need for an investigation then:

- a suitable person will be appointed to be the investigating officer; and
- the employee must be given an opportunity to explain their actions and state their case.

No discipline sanction will be taken against the employee until the case has been thoroughly investigated.

**Responsibilities of investigating officer**

The investigating officer must:

No	Responsibility
1	ensure that a formal <a href="#">notice of investigation</a> is served on the employee;
2	undertake a thorough and balanced investigation and quickly establish the facts;
3	maintain a checklist of the documents sent to the employee, all of which will be sent recorded delivery, or handed to the employee in person; and
4	throughout the course of the discipline investigation process (before the discipline panel), maintain a <a href="#">written record</a> of: <ul style="list-style-type: none"> <li>• all decisions or actions made; and</li> <li>• the rationale for those decisions.</li> </ul>

**Action**

The investigating officer should:

No	Responsibility
1	gather all the relevant facts promptly before memories fade;
2	take statements, including speaking with witnesses and obtain relevant documents;
3	ensure that the exact wording of any witness interview is reflected in their statement and signed off as accurate by them wherever possible;
4	conduct an investigative interview as soon as possible;
5	be accompanied on any investigative interview that they conduct with the employee;
6	on conclusion of the investigation prepare a case file.

**Investigative interview**

It is good practice to arrange an interview with the employee during the course of the investigation. The following are general principles which relate to these interviews:

No	Principle
1	The employee should be given reasonable notice of the investigative interview and be advised of their right to be accompanied by their Trade Union representative or a work colleague if the employee so wishes; (see <a href="#">Notice to attend an investigative interview</a> )

**NOT PROTECTIVELY MARKED**

2	The letter inviting the employee to the interview will explain that the interview is being held by way of an investigation into a matter;
3	The investigative interview should begin with the wording:  ‘In accordance with the police staff discipline procedure, we are here today to conduct an investigative interview about your alleged misconduct concerning (the allegation).  This is not a disciplinary hearing.  As a result of this interview and other enquiries, a decision will be made as to whether a formal discipline hearing is held or no further disciplinary action will be taken.’
4	The facts as known or allegation will be put to the employee and they will be invited to offer an explanation. If the explanation is unsatisfactory, incomplete or inconsistent with the known facts then they will ask the employee further questions.
<b>Note:</b> If the employee refuses to attend an investigative interview, a decision to hold a hearing will be made subject to the strength of the evidence available.	

**Preparing a case file**

The case file should include:

No	Item
1	an index for ease of reference;
2	an executive summary which is cross referenced to the documents listed;
3	all investigative interview notes;
4	statements (when applicable);
5	any other documentary evidence that will be relied on at the hearing;
6	copies of all correspondence sent to the employee, e.g. notice of investigation;
7	details of the investigation and the evidence for and against the allegation of misconduct; and
8	an accurate timeline of events that have taken place in order to explain any delays in the process.
<b>Note:</b> The case file should <b>NOT</b> include: <ul style="list-style-type: none"> <li>• any conclusions the investigating officer has drawn about whether the allegation has been proved; or</li> <li>• any recommendation as to the suitable sanction that may be imposed as a result of the investigation.</li> </ul>	

**Informing and** Personnel Advisory Teams should inform Professional Standards

**NOT PROTECTIVELY MARKED**

**recording** Department (PSD) of all formal discipline investigations and the outcome of each investigation. PSD will require details of the investigation including any discipline sanction applied.

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**Further action** If further action is to be taken against the employee, then they should refer to the Formal action section of this document which can be accessed via [this link](#).

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**No further disciplinary action** If no further disciplinary action is to be taken against the employee, then:

Step	Action
1	the employee must be informed of this decision by the appropriate person, at the earliest opportunity;
2	the employee will be issued with confirmation of the decision in writing;
3	the employee will be asked to resume the duties of their role, if appropriate;
4	a copy of the written confirmation should be retained with the investigation file and forwarded with all other information to PSD Intelligence Unit. They will decide what information should be retained on their intelligence systems.
Any minor issues will be dealt with through the normal management intervention process.	

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**No further discipline action and suspended** If the employee were suspended then the Personnel Advisory Team will:

Step	Action
1	prepare a report describing the outcome of the investigation;
2	present it to ACC Workforce and Professional Standards or the Director of Personnel, or another Chief Officer; and
3	ask them to consider removing the suspension with immediate effect.

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**Returning from suspension** If the employee has been suspended and is returning to their role they should read [this section](#).

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## Investigations by Professional Standards Department (PSD)

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**Introduction** If it is alleged that the employee has committed a criminal offence which could amount to [gross misconduct](#) or a breach of the police staff [code of conduct](#), there must be a thorough investigation and a discipline hearing held.

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**Case discussion** If it is alleged that the employee has committed a criminal offence while at work or otherwise, this must be referred to PSD. They will investigate in accordance with their [service level agreement](#).

A case discussion will be called to agree:

Step	Action
1	whether the matter is investigated criminally or a decision is taken not to pursue a criminal case, then disciplinary action may follow;
2	who is going to own the investigation;
3	who is going to conduct the investigation; and
4	what action needs to be taken.

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**Equity of approach** Where a crime or discipline allegation is made jointly against police officers and police staff, an early case conference will agree the best method of investigating the matter to ensure parity in enquiry and sanction wherever possible.

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**Membership** The case discussion will take place between a Personnel Advisory Team manager (nominated representative) and a member of PSD management team (normally the head of department or deputy).

The division or department will be notified of the case discussion by the Personnel Advisory Team manager.

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**Timescales** The case discussion will take place by the end of the working day on which the allegation is reported or the end of the next working day if it comes to light out of hours.

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**Formal public complaint** If a formal public complaint is made against the employee, this will be investigated by PSD.

This is the case even if the matters complained of would not amount to a criminal offence. Any matters which come to light as a result of the investigation, which may or may not be criminal, will be the subject of a case discussion to agree the investigation process.

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**Criminal offence and** A criminal conviction or caution or fixed penalty notice (does not include traffic offences) should not automatically be treated as a

**conviction** reason to take discipline action against the employee.

A discipline investigation will not usually be concluded until the criminal investigation has been finalised.

A dual purpose interview may be held to avoid unnecessary duplication, and time delays.

**Out of hours and urgent referrals**

If the matter is urgent, e.g. it has come to light out of normal working hours that the employee has been or are about to be arrested, the matter should be referred, without delay, by the arresting officer to the on call PSD liaison officer (via the Force duty officer).

The PSD liaison officer will

Step	Action
1	review the facts and decide who should progress the investigation: <ul style="list-style-type: none"> <li>• PSD; or</li> <li>• the division or department where the alleged offence has taken place;</li> </ul>
2	consider the wishes of any victim, public interest needs and public perceptions before: <ul style="list-style-type: none"> <li>• deciding if it would be appropriate to deal with the matter as a discipline investigation only; or</li> <li>• suspending any criminal investigation; and</li> </ul> NB The decision will be quality assured at a case conference on the next working day.
3	notify, as soon as possible, a member of PSD's management team to allow a case conference to be arranged.

**Independent Police Complaints Commission**

Some offences will be referred to the Independent Police Complaints Commission ([IPCC](#)) by PSD. The IPCC will:

Step	Action
1	fully review the facts made available to them;
2	decide on how the matter will be investigated; and
3	decide the level of management or supervision.

## Change or restriction of duties or suspension

**Change or restrict**

In certain circumstances, it may be appropriate to remove the employee from their current role:

No	Example
1	changing or restricting the employee's duties in their current role; or
2	removing the employee, with their consent, from their current duties or posting them into a role where the investigation would not be prejudiced in any way.  If the employee does not give their consent then consideration must be given to suspending them.

**Suspension**

Suspension will be a last resort. Suspension from work is a precautionary measure and is not a discipline sanction in itself. The employee will only be suspended if:

No	Reason
1	the allegation made against them involves <u>gross misconduct</u> ; or
2	<ul style="list-style-type: none"> <li>• the employee's continued presence in the workplace may prejudice the investigation, or harm their interests or those of others; and</li> <li>• changes or restriction to the employee's duties or removal to another post has been fully considered and are not appropriate or the employee has refused them.</li> </ul>

**Decision to suspend**

The decision to suspend the employee will be made by ACC Workforce and Professional Standards or, in their absence, the Director of Personnel or, in the absence of both, another Chief Officer.

They will consider the information available, produced by the relevant Personnel Advisory Team, and this will form the rationale for their decision to suspend.

A written record of reasons for the suspension will be retained by the Personnel Advisory Team.

**Written notification**

If a decision is made to suspend, an appropriate Force representative will personally hand the employee formal written notification. This will:

No	Detail
1	outline the reasons for their suspension including initial details of the allegation, as known at this stage;
2	explain the conditions of their suspension;

3	state that consideration was given to restricting the employee's duties or removing them to another role but that neither option was appropriate and state why these options were not possible or appropriate; and
4	contain information on the employee's entitlements.
The employee and the Force representative should sign and date a copy of the written notification.	

**Review of suspension**

At least monthly during the investigation, ACC Workforce and Professional Standards or the Director of Personnel, after updates from the Personnel Advisory Team, will review the decision to suspend.

A written record of the details will be kept by the Personnel Advisory Team who will be responsible for ensuring the employee is informed of the outcome.

**Appeal review decision**

At any time the employee or their Trade Union representative can appeal the decision of the review by writing direct to ACC Workforce and Professional Standards or the Director of Personnel.

## Staff involved in gathering or processing evidence

**Introduction**

If the employee is involved in gathering or processing evidence and it is alleged that they may have committed a discipline offence, relating to a matter of honesty or integrity, then they may:

- have their current duties changed or restricted;
- be removed to another post with their consent; or
- be suspended during the investigation.

This will ensure that the employee is not part of the evidential chain and cannot compromise prosecution cases.

The decision to do this, in these circumstances, is **not** a discipline sanction.

**Decision**

The decision to change or restrict duties or removal from role will be made by the Director of Personnel and the Head of Professional Standards Department with advice from the relevant Personnel Advisory Team.

Further guidance can be accessed via these links:

- [disclosure flowchart](#); and
- [disclosure notes](#).

The views of the employee's divisional or departmental management team will be taken into consideration.

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**Ongoing court cases**

If the employee is suspended, restricted or removed from their post or duties, then the investigating officer will notify the relevant divisional commander or departmental director or equivalent to allow them to assess the impact on ongoing court cases. They may liaise with the head of Criminal Justice Support.

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**Returning to the employee's role**

At the completion of the discipline proceedings, the head of PSD and the Director of Personnel, supported by the Personnel Advisory Team, will decide whether the employee can return to their former role. They will refer to the disclosure [flowchart](#) and [notes](#) when making their decision.

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## Conditions of suspension

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**Identity card, uniform and equipment**

At the time of suspension, the employee must surrender their identity card and any equipment that is considered by the investigating officer to be relevant to the investigation.

Equipment and uniform will not be removed routinely unless there are justifiable grounds for believing the employee may misuse it while they are suspended.

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**Attendance at police premises and clubs**

The employee must not attend police premises while suspended, unless:

- asked to do so by the investigating officer or their line manager; or
- for the purposes of representation.

The employee will not have access to police premises or sports facilities as a member or guest unless this restriction has been waived by the divisional commander or departmental director or equivalent.

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**Access to OHSW and TU premises**

The employee will have access to OHSW and Trade Union services, where applicable.

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**Pay, allowances and benefits**

The employee will continue to receive their normal pay, including:

- all the contractual earnings, allowances and benefits that would be paid during a period of normal working; and
- any incremental progression up to the top of the employee's current

grade.

The employee will not be entitled to any incremental progression from their current grade to a higher grade (this means that if the employee is a scale 4-SO2 and is at the top of scale 5 when they were suspended, they will remain on that pay scale and not progress to the bottom of scale 6 while they remain suspended).

The person hearing the case may authorise payment to be made retrospectively, depending on the outcome of the discipline investigation. Each case will be assessed individually.

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**Subscriptions** Subscriptions will continue to be deducted at source, unless the employee requests, in writing, that payments should cease.

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**Representing the Force** The employee will not:

No	Example
1	represent the Force in any capacity, e.g. Force band; or
2	be allowed to participate in any capacity in Force sporting activities or be eligible for selection by the Police Athletic Association, unless this restriction is lifted by the ACC Workforce and Professional Standards or, in their absence the Director of Personnel.

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**Attendance at court** The employee should have been informed at the time of their suspension that they are still required to attend court should they be required to give evidence. Failure to do so could result in a witness summons or warrant of arrest.

As there is a possibility that the employee's credibility as a witness may be undermined if they have submitted any statements of evidence on any court files and are then subject to investigation under this procedure, the disclosure officer in each case:

- must reconsider the employee's position as a witness; and
- will, if necessary, reveal that fact to the prosecutor in accordance with the Criminal Procedure and Investigations Act 1996.

In these circumstances, the employee's divisional or departmental personnel officer should notify the CJS Witness Care Bureau. They will search all outstanding cases to find those in which the employee has submitted statements and forward details to the officers in charge of each so that the case can be reviewed to determine if progress can be made without the employee's witness evidence.

If the discipline proceedings are considered to be of such a serious nature that the employee has been suspended, in order to prevent any

logistical or legal problems, the Crown Prosecution Service should be informed at the earliest opportunity.

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**Annual leave** The employee may take holidays while suspended but they must inform their line manager and provide full contact details. No deduction will be made from the employee's annual leave entitlement.

Annual leave entitlement will continue to accrue during the employee's suspension.

The employee should be aware that they must be available to attend relevant discipline investigation interviews and hearings.

If the suspension is lifted, then normal annual leave carry over arrangements at the end of the leave year will apply.

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**Colleagues** Work colleagues should not be discouraged from maintaining contact with you.

The divisional or departmental personnel officer should arrange for them to be updated regularly with appropriate information. This can be achieved by an agreed process with the nominated welfare contact.

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**Nominated welfare contact** The divisional or departmental management team will nominate a suitable welfare contact. They will be responsible for:

No	Responsibility
1	updating the employee regarding work related issues;
2	if the employee requests, forwarding copies of the Weekly Bulletin, The Beat newspaper, etc. for their information; and
3	answering any welfare concerns the employee may have during the suspension.

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**Sickness reporting** If the employee becomes ill, they should follow the normal sickness reporting procedures. It does not, however, override the conditions of their suspension.

The employee will continue to receive normal pay as outlined above under [pay, allowances and benefits](#).

If the suspension is lifted and the employee is still off work due to sickness, then normal sickness rules will apply from the date of their reinstatement.

If the employee submits a medical certificate then this must be recorded on NSPIS HR as 'sickness while suspended.' The medical

certificate should be retained on the employee's personal file.

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**Holding  
hearings in  
their absence**

Sickness absence does not necessarily excuse the employee from attending a discipline hearing and advice may be sought from the Force Medical Officer to determine if they are fit to attend. If this view differs from the employee's own GP's or consultant's, then independent advice may be sought.

The hearing may be heard in the employee's absence if:

No	Example
1	the person hearing the case reasonably believes that the employee is fit enough to attend; or
2	the employee is unlikely to be able to attend for an indefinite or protracted period.

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## Formal action

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**Introduction**

The employee's business manager or personnel officer is responsible for seeking a decision from the Personnel Advisory Team, based on information provided by the investigating officer, before starting this part of the process.

The divisional commander or departmental director or equivalent or business manager will determine whether a disciplinary hearing should be held:

- based on information provided by the investigating officer; and
- following consideration of the Personnel Advisory Team's recommended way forward.

NB This decision must always be made in liaison with the Personnel Advisory Team.

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**Referral**

If the division or department decide not to follow the Personnel Advisory Team's recommendation then the matter must be referred to the Director of Personnel or the Head of Personnel who will reconsider the case.

The Director of Personnel or the Head of Personnel will be responsible for making the final decision.

There will be no further opportunity for appeal.

Written submissions from the division or department and the Personnel Advisory Team will be required in order for the Director of

Personnel or the Head of Personnel to reach their decision.

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**Hearing** Where the investigation has established that there is a case to answer and formal action is to be taken against the employee, then a discipline hearing will be arranged as soon as practicable.

This will normally be within one month of the completion of the investigation, unless there are exceptional circumstances.

The employee will be [notified by letter](#) of the date and time of the hearing.

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**Police officer and police staff involved** Whenever possible, in cases when police officers and police staff is jointly involved, efforts should be made to hold the two separate hearings on the same day.

However, this arrangement should not cause unreasonable delay for either party.

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**Discipline panel** The panel should comprise of the person hearing the case and a member of the relevant Personnel Advisory Team, both of whom are independent of the investigation.

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**Person hearing the case** The person hearing the case will be a manager senior to:

- the investigating officer; and
- the employee, the member of staff subject to the discipline.

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**Command Team involvement** The person hearing the case will be a Command Team member if the employee is subject to:

- a live final written warning;
- suspension; or
- an allegation of [gross misconduct](#).

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**Duties of person hearing the case** The person hearing the case must:

- ensure that copies of all correspondence with the employee is held on file; and
- within 14 calendar days of the decision to hold a discipline hearing:

Step	Action
1	provide the employee with written notification of the date and time of the hearing;
2	provide the employee with details of the nature of the allegation; and

3	inform the employee of their right to be accompanied by a Trade Union representative or a work colleague.
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**Serving of papers**

All documents from the Force's side, relating to the hearing must be served on the employee as soon as possible, but in any case, no less than 21 calendar days before the employee's hearing.

By mutual agreement this period can be decreased to allow the hearing to be held sooner.

The documents served will include details of all witnesses who is being relied on, including those who are called and their statements.

**Duties of investigating officer**

The investigating officer must:

Step	Action
1	notify the employee of the attendance of any witnesses that they intend to call within a minimum of 21 calendar days before the hearing;
2	notify the Personnel Advisory Team member no later than 7 calendar days before the hearing of the names of any witnesses that are to be called; and
3	inform the witnesses accordingly.

**Duties of member of staff**

At least 7 calendar days before the hearing, the employee must:

Step	Action
1	circulate copies of all documents;
2	provide details of their Trade Union representative or work colleague, if they are to be accompanied at the meeting;
3	request the attendance of any witnesses;
4	notify the Personnel Advisory Team member of the names of any witnesses that are to be called; and
5	disclose any documentation to be presented at the hearing to the Personnel Advisory Team member.

**Witnesses**

Before the disciplinary, 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, taking into account their relevance to the case.

The evidence of other witnesses will be presented in writing.

**Rearranging hearings**

Hearings may be rearranged to accommodate the employee, however, there may be circumstances when the hearing will continue in the employee's absence, e.g. where:

- long term sickness prevents the employee's attendance;
- the employee is repeatedly unavailable or fail to attend; and
- all reasonable attempts have been taken to ensure the employee's attendance.

Normally a hearing will not be rearranged more than twice, unless there are exceptional circumstances. If the employee cannot attend on the second occasion, the person hearing the case may decide to proceed in their absence and they will be notified in writing and offered the opportunity to be represented instead.

**At the discipline hearing**

**Introduction**

The person hearing the case will explain the purpose of the hearing and the process that will be followed. This will include:

Step	Action
1	introducing all parties and their role in the hearing;
2	confirming the purpose of the hearing, clarifying the nature of the allegation of misconduct;
3	explaining the procedure the hearing will follow; and
4	clarifying that if the allegation is proven, discipline action will be taken.

**Presentation of the case**

At the hearing, the investigating officer will present facts, witnesses and materials to support the allegation.

**Questions**

Questions may then be asked by:

No	Person
1	the person hearing the case; or
2	the employee; or
3	the employee's Trade Union representative; or
4	the Personnel Advisory Team member.

**Questioning of witnesses**

Witnesses who are called on to give evidence may also be asked questions by the above people.

**Employee's**

The employee and their Trade Union representative will be given the

**response** opportunity to respond. The employee may be asked questions by the following:

No	Person
1	the person hearing the case;
2	the investigating officer; or
3	the Personnel Advisory Team member.

**Questioning of witnesses** Witnesses the employee calls on to give evidence may also be asked questions by the above people.

**Adjournment** The person hearing the case will adjourn to consider all the facts and come to a decision with advice from the Personnel Advisory Team member.

If more information is required the hearing may be adjourned and reconvened at a later date.

**Balance of probabilities** The person hearing the case:

No	Action
1	must decide whether on the <b>balance of probabilities</b> the employee has committed the act of misconduct that has been alleged; and
2	does not need to be satisfied beyond reasonable doubt of the employee's guilt.

**Considerations** In reaching a decision on the case the person hearing the case should ask themselves the following questions:

No	Question
1	Has there been as much investigation as is reasonable in the circumstances?
2	Have the requirements of the discipline procedure been met?
3	Have I paid sufficient regard to any explanation put forward by the employee or on their behalf?
4	Do I believe that the employee has committed the misconduct as alleged?

**Decision** The person hearing the case must:

Step	Action
1	give a verbal summary of what factors and considerations influenced their final decision and, wherever possible provide the employee with the verbal decision of the hearing; and

2	send the employee written confirmation of their decision within 14 calendar days of the hearing by recorded delivery and this should provide details of any discipline sanction and inform the employee that they have a right to appeal within 7 calendar days of receipt of this notice.
NB 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.	

**No sanctions** If the person hearing the case concludes that no sanction is appropriate then they should follow the process for [no further disciplinary action](#).

The employee must return to work on the next normal working day after a suspension has been lifted unless the person hearing the case tells the employee otherwise.

## Warnings

**Introduction** All warnings should state the:

Step	Action
1	nature of the misconduct;
2	rationale for the decision taken by the person hearing the case;
3	discipline action taken;
4	improvement expected and the timescales (if appropriate);
5	consequences of failing to attain the required change or improvement;
6	the employee's right of <a href="#">appeal</a> ; and
7	confirmation of the period for which the discipline will remain live.

**Verbal warning** For minor breaches a verbal warning will be given. A letter will be issued to the employee confirming that a verbal warning has been issued but indicating that the letter does not in itself constitute a written warning.

A copy of the letter will be placed on the employee's personal file.

Verbal warnings remain live for a period of 6 months from the date of issue.

After the live period, the letter confirming that a verbal warning has been given must be removed from the employee's personal file unless

the breach was a matter of honesty and integrity.

Details of the verbal warning will be retained by the Personnel Advisory Team.

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**Written warning**

Where a matter is considered to be of a sufficiently serious nature, the employee will be given a written warning.

A letter will be issued to the employee confirming that a written warning has been issued.

A copy of the letter will be placed on the employee's personal file.

Written warnings remain live for a period of 12 months from the date of issue.

After the live period, the letter confirming that a written warning has been given must be removed from the employee's personal file unless the breach was a matter of honesty and integrity.

Details of the written warning will be retained by the Personnel Advisory Team.

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**Final written warning**

If a written warning has not been effective or where a matter is considered to be of a sufficiently serious nature, the employee will be given a final written warning.

A **final written** warning will remain live for a period of 18 months. However, if the misconduct is deemed to be exceptionally serious, this period may be extended by the person hearing the case.

A copy of the letter will be placed on the employee's personal file.

After the live period, the letter confirming that a final written warning has been given must be removed from the employee's personal file unless the breach was a matter of honesty and integrity.

Details of the written warning will be retained by the Personnel Advisory Team.

The employee must be clearly informed that a further infringement could result in their dismissal.

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**Dismissal**

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**Introduction** This section applies if the employee has already had a final written

warning which is still live, or in cases of gross misconduct, where the person hearing the case has the power to dismiss.

**Decision** The decision to dismiss rests with ACC Workforce and Professional Standards or, in their absence, the Chief Officer hearing the case.

**Repeated acts of misconduct** The employee may be dismissed if they have committed repeated acts of misconduct.

In these circumstances the employee would be dismissed but would be given contractual paid notice.

**Gross misconduct** If a decision has been made to dismiss the employee following an act of **gross misconduct** then there will be an immediate dismissal and no payment will be made in lieu of notice.

In gross misconduct cases the employment contract will cease from the date of the discipline decision.

**Letter of dismissal** Where the employee is to be dismissed, a letter of dismissal, including the rationale, will be issued to them within 14 calendar days of the decision being made.

This will be sent by recorded delivery.

## Other sanctions

**Alternatives** Where the circumstances warrant it and the opportunity exists, the person hearing the case may consider the following alternatives, in conjunction with a final written warning:

No	Option
1	suspension without pay for a specified period;
2	salary may be reduced or increments withheld permanently or for a specified period;
3	demotion or transfer to a post at a lower grade (the person hearing the case will determine the specified demoted grade); or
4	transfer to another location or post at the same grade.
<ul style="list-style-type: none"> <li>• Options 3 and 4 will be dealt with under the <b>Capability procedure</b>.</li> <li>• Protection of earnings, enhancements and allowances and secondary redeployment will not apply.</li> </ul>	

**Proportionate sanction** Any discipline sanction imposed must be reasonable, fair and proportionate.

If a decision is made to transfer the employee to another location or post then consideration should be given to their domestic circumstances.

**Restrictions for duration of sanction** For the duration of the sanction the employee may:

- apply for other roles within the Force, at their new ‘demoted grade’ role; but
- **not** apply for any role that is a promotion from their ‘demoted grade’ role.

**Recording a demotion on NSPIS HR** Personnel officers will record a demotion on NSPIS HR as follows:

Step	Action
1	click on Assignment;
2	click in the box on the bottom right hand side of this page;
3	in the Additional details box choose the line Assignment change reason;
4	click on the pick list and choose (the timescale of the sanction that is appropriate, i.e. 12, 18 or 24 months): Demotion (12); Demotion (18); or Demotion (24); and
5	save.

## Appeal process

**Introduction** The employee has a right of appeal against all sanctions imposed under this procedure.  
The appeal hearing will determine whether the decision taken by the person hearing the original case was fair and reasonable.  
The sanction can remain the same or be decreased or increased.  
Discipline sanctions will remain in force pending the outcome of the employee’s appeal.

**Written notification** The employee should personally submit, or send by recorded delivery, written notification of their intention to appeal against any sanction, including dismissal, to the Director of Personnel. This should be within 7 calendar days of receiving written confirmation of the sanction.

**Grounds for appeal**

Within 28 calendar days from the date of the hearing, the employee must submit a written statement, providing a detailed explanation of their grounds and underlying reasons for the appeal. This should state whether they are appealing on one or more of the following:

<b>No</b>	<b>Reason</b>
1	against the finding of misconduct;
2	against the severity of the sanctions; or
3	in relation to a procedural irregularity.

**Appeal hearing**

Following the receipt of the written notification of appeal, an appeal hearing will be arranged to sit within 2 months.

Priority over appeal hearing dates will be given to appeals against dismissal.

**Appeals panel**

The members of the panel hearing the appeal will:

- not have been involved in the original discipline investigation or sanction; and
- will be selected depending on the sanction imposed at the original hearing as follows:

<b>Sanction</b>	<b>the appeal panel will consist of</b>
Verbal warning	<ul style="list-style-type: none"> <li>• an independent person of at least the same level as the person hearing the original case; and</li> <li>• a Personnel Advisory Team member.</li> </ul>
Written warnings	<ul style="list-style-type: none"> <li>• the ACC Workforce and Professional Standards or another Command Team member; and</li> <li>• a Personnel Advisory Team manager.</li> </ul>
Dismissal	<ul style="list-style-type: none"> <li>• the DCC, or in exceptional circumstances the CC;</li> <li>• another Command Team member; and</li> <li>• the Director of Personnel or Head of Personnel as an advisor.</li> </ul>
<p>The appeals panel has the discretion to reconsider the case in its entirety and determine the appropriate penalty for the behaviour demonstrated. They may, if they feel it is appropriate:</p> <ul style="list-style-type: none"> <li>• consider any evidence not considered at the original hearing; and</li> <li>• decide to exclude evidence that was considered at the original hearing.</li> </ul>	

**Witnesses**

Witnesses may be called to give evidence.

All parties must be notified in advance if the employee or the investigating officer requires witnesses to attend.

New witnesses, i.e. witnesses who were not asked to attend the

discipline hearing, may be required to attend the appeal hearing.

This may include written witness statements.

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**At the hearing** The employee and/or their representative and the investigating officer will present submissions. The person who heard the original case may be called to outline the reasons for determining that on the balance of probabilities the employee was guilty of the misconduct alleged and why the discipline sanction was imposed.

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**Decision** The panel will consider the evidence presented and will be tasked with reaching a fair outcome, taking into account all circumstances. For example, an irregularity in procedure during the initial investigation will be taken into account, but will not automatically overturn a decision where the panel is satisfied that the:

- misconduct took place; and
- the sanction is proportionate.

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**Notification of outcome** The employee will be informed verbally of the outcome of the appeal and the reasons for the decision. This will be confirmed in writing within 14 calendar days of the hearing by the person advising the panel.

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**Sanction changes** If the sanction changes, then the live period, e.g. 6, 12 or 18 months, for the warning should be checked and adjusted to account for any time already elapsed.

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**Discipline withdrawn** If discipline action is reconsidered and withdrawn, any written reference to it will be removed from the employee's personal file.

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**Further appeal** Any decision of the panel will be final.

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## Policy database administration

### Document information

The table below lists the details relating to this document.

Item	Details	
Document Title	Discipline procedure - police staff	
Owner	Personnel	
Author / Reviewer	Martin Terrell	
Date of last review	28/02/2008	
Date of next review	27/02/2010	
Equality Impact Assessment relevance test	Completed:	Enter: Yes / No Yes
Full Equality Impact Assessment	Completed:	Enter: Yes / No / Not relevant No
Compliant with Human Rights Act 1998	Enter: Yes / No Yes	

### Revision information

The table below details revision information relating to this document.

Topic Title	Date of last update
Director of Personnel and Training changed to Director of Personnel	02/06/2009