



# Devon & Cornwall Police

<b>Force Policy &amp; Procedure</b>	<b>Disciplinary Policy (Police Staff)</b>
<b>Reference number</b>	<b>D315</b>
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<b>Policy Ownership</b>	<b>Head of People Management &amp; Learning</b>
<b>Portfolio Holder</b>	<b>Director of People and Leadership</b>

## **1.0 Contents List [FOIA Open]**

- 1.0 [Contents List](#)
- 2.0 [Policy Statement](#)
- 3.0 [Introduction](#)
- 4.0 [Principles/Ethos of the Policy](#)
- 5.0 [Audit Compliance](#)
- 6.0 [Review and Ownership](#)
- 7.0 [Useful Links](#)

## **2.0 Policy Statement [FOIA Open]**

- 2.1 Public confidence in the police service depends on police officers/staff demonstrating the highest level of personal and professional standards of behaviour. Devon and Cornwall Police is committed to the ongoing development of all officers/staff enabling them to achieve their full potential and to support the Force's aim to reduce crime/the fear of crime and contribute to the delivery of justice and bring about safer communities.
- 2.2 To provide a fair, open and proportionate method of dealing with any allegations of misconduct. The aim of the policy, and the accompanying procedures, is to achieve appropriate levels of conduct and encourage a culture of learning and development for individuals and/or the organisation.

## **3.0 Introduction [FOIA Open]**

- 3.1 The Force's 'people management' policies reflect the organisation's commitment to its officers and staff, and are underpinned by the highest standards of integrity. They provide a high-level set of principles, which are supported by procedures, working practices and guidance. By nature,

however, it is not possible to cover every eventuality that may occur within the context of ‘people management’. It may be necessary to vary the approach to ensure matters are dealt with in the most efficient/appropriate way whilst maintaining equity and fairness. Any variance from the stated practice should be justifiable in these terms.

### 3.2 This policy:

- Supports legislation and guidelines contained within (but not limited to): The Employment Act 2008, the Equality Act 2010 and it enshrines the principles of the ACAS Code of Practice – Disciplinary and Grievance Procedures 2009.
- Has been drawn up after consultation with the Trade Unions. Employees are encouraged to feed back to the Head of People Management and Learning and make any suggestions they have regarding its content and to help develop this Policy’s rules and procedures.
- Applies to all disciplinary action commenced on or after 6 April 2009. Performance concerns will be addressed in line with the Force Capability Policy.
- Applies to all employees who have been confirmed in post following their probationary period, including employees on fixed-term contracts. During an employee’s probationary period conduct, attendance and performance will be monitored and managed through the probationary review process that forms part of the Force Induction programme.

## 4.0 Principles/Ethos of the Policy [FOIA Open]

### Disciplinary Process Defined

- 4.1 Disciplinary procedures provide a clear and transparent framework to deal with difficulties that may arise as part of the working relationship from the employer's perspective. They are necessary to ensure that everybody is treated in the same way in similar circumstances, to ensure issues are dealt with fairly and reasonably, that employers are compliant with current legislation and follow the ACAS Code of Practice for handling disciplinary issues. (Source: CIPD).
- 4.2 The Force is committed to finding positive means of overcoming any areas of concern relating to employee conduct and to create a working environment, in which employees are aware of the standards of conduct expected of them. Employees will receive support, assistance and corrective coaching as appropriate, therefore enabling service delivery of the highest possible standard.
- 4.3 Through proactive management line managers will identify potential areas of concern at an early stage, working with employees informally in the first instance, formally where appropriate, to assist them in delivering to the required standard. Where disciplinary action is required all cases will be handled openly, fairly, proportionately and equitably.

- 4.4 This policy is supported by a series of practical procedures to assist with its effective/consistent implementation. The Force will act in line with the ACAS Code of Practice and the following principles:
- **Act reasonably** - Both employer and employee will act reasonably when dealing with disciplinary issues and endeavour to resolve any disciplinary issues in the workplace. Informal action will be considered initially, as appropriate, to resolve problems of misconduct. No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty may be dismissal without notice or payment in lieu of notice.
  - **Deal with matters promptly and avoiding unnecessary delays** - Discipline issues will be dealt with in a proportionate and timely way. Neither employer nor employee should unreasonably delay meetings, decisions or confirmation of those decisions.
  - **Handle matters consistently** - Each disciplinary case will be handled in line with the Force Disciplinary Procedure, ensuring consistency and fairness in approach.
  - **Carry out disciplinary investigations** - No formal disciplinary action will be taken against an employee until the case has been investigated. The manager handling the case may convene an investigatory meeting with the employee, as a preliminary step and if thought necessary.
  - **Inform employees of the areas of concern/alleged misconduct in good time** - The employee will always be advised of the nature of the misconduct or the basis of the problem. Both employer and employee will, save in exceptional circumstances, provide each other with copies of evidence they rely on and relevant witness statements in advance of a disciplinary meeting/hearing.
  - **Provide an opportunity for the employee to respond at a formal meeting** - The employee will be invited to a disciplinary meeting/hearing in writing in good time and will be given the opportunity to state his/her case, raise points, ask questions and call witnesses before any decision is made.
  - **Offer the employee the right to be accompanied** - Whenever any disciplinary meeting/hearing is convened, the employee will have the right to be accompanied by a work colleague or a trade union representative.
  - **Provide an opportunity to appeal against the outcome** - The employee will be notified of the decision promptly and in writing. Employees have the right to appeal against any disciplinary penalty imposed.
- 4.5 The standard of proof in disciplinary procedures is “on the balance of probabilities” (see separate guidance note held by People Services).
- 4.6 The Disciplinary Policy may be implemented at any stage if the employee’s alleged misconduct warrants this.
- 4.7 If, in the course of a disciplinary case, an employee raises a grievance that is related to the case, the disciplinary process may be temporarily suspended in order to deal with the grievance or it may be appropriate to deal with both issues concurrently.

## **Responsibility and Monitoring**

- 4.8 The Head of People Management & Learning, in consultation with Professional Standards, has overall responsibility for overseeing the Disciplinary Procedure and will ensure:
- Consistency and fairness; identifying trends and patterns,
  - Records are kept of all disciplinary action,
  - A suitable marketing/communication strategy is in place across the Force.
- 4.9 The individual has a responsibility to behave in a professional manner at all times, to co-operate fully with disciplinary procedures, including investigations, to attend meetings as required and to maintain effective communications throughout.
- 4.10 Line managers will adopt a fair, open and proportionate method of dealing with any allegations of misconduct and will adhere to the principles of the policy.
- 4.11 All managers will deal promptly and effectively with unsatisfactory behaviour or complaints about the conduct of police staff from members of the public and/or colleagues. Managers who do not take appropriate action will themselves be open to disciplinary action in that they are neglecting their responsibilities and not taking account of the effect of such actions on the remainder of staff or on the service.
- 4.12 The line manager (or manager handling the case) will be responsible for monitoring the process locally at each stage, ensuring it is handled effectively, that timescales are being adhered to, as well as ensuring all parties are kept informed of progress/the outcome of the process.
- 4.13 The line manager will ensure that all parties, involved in the Disciplinary Procedure, are aware that they have access to the Employee Assistance Programme (EAP) for support.

## **5.0 Audit Compliance [FOIA Open]**

- 5.1 This policy has been drafted in accordance with principles of Human Rights legislation, the Race Relations (Amendment) Act 2000, Disability Discrimination Act 1995, Policing Bureaucracy Gateway & Freedom of Information Act 2000. Under the Freedom of Information Act 2000, the document is classified as 'OPEN'.

## **6.0 Review and Ownership [FOIA Open]**

- 6.1 This policy is owned by the Head of People Management & Learning, with a review undertaken on a two yearly basis.

## **7.0 Useful Links [FOIA Open]**

Official – Open  
FOIA - Open

- 7.1 Practical procedures to assist with the effective and consistent implementation of the policy can be accessed via the following link: [Police Staff Discipline Step by Step](#)
- 7.2 For enquiries relating to this policy contact HR Operations (People Portfolio) on extension 302900 (internal) or 01392 225900 (external) or via e-mail by selecting HR Operations (D&C) – Admin