

GWENT POLICE

GWENT POLICE LICENCE TO LEAD POLICY



1.0 Policy

Staff employed by Gwent Police can apply their professional judgement and discretion in acting outside existing policies, procedures or practices, provided their action they take is necessary, reasonable, proportionate, legal and justifiable in line with the procedure set out below.

1.1 Procedure

1.1.1 The procedure explains the key elements to help staff to use their professional judgement and use their common sense and discretion in policing the communities of Gwent.

Information

1.1.2 It is crucial that staff feel supported and empowered to make the right decisions in the situations they face in their professional lives with as little bureaucracy as possible. However it is an important element of any process to gather all available information in order that a balanced decision is taken on the facts available. Officers and staff must be able to justify why they are taking a particular course of action and how they have gathered all the relevant information in the time available to them to assist to decide on the approach they will take.

Assessment

1.1.2 Staff must be able to demonstrate how they have actively considered and assessed the available information and be able to show why they have or haven't shared this information with others e.g. supervisors, interested parties.

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UP TO DATE VERSION CAN BE FOUND ON THE INTRANET POLICIES SITE.

1.1.4 They should demonstrate how they have weighed up the balance of success against the potential risk, harm or threat. This should include consideration of the likely positive or negative consequences of their action or inaction. An assessment of the rationale for the action or inaction should be recorded where appropriate to demonstrate it was necessary, reasonable, proportionate, legal and justifiable.

Options

1.1.5 . Whilst it is recognised that many decisions can be immediate with limited information, resources and support, where an individual chooses an alternative option to current policy, procedure or practice it is essential that they can demonstrate why they made that decision and why this decision was likely to lead to the best possible outcome based on the facts available to them.

Actions, Review and Record

1.1.6 Although not essential , where practicable the recording of decisions and the reasons for actions taken should be made such as in a pocket book or other record specific for the purpose. This will serve to ensure transparency, review and reflection, if necessary at a later date.

1.1.7 Where lessons can be learnt for the future, such as what worked well and what could be improved, this should be fed by the individual through their line manager to the appropriate forum.

Accountability

1.1.8 Provided an individual has an honest belief that their action or inaction in acting outside of existing organisational policies, procedures or practices is the best lawful, justifiable and reasonable option then they will be supported by the organisation in their decision making.

1.1.9 In certain circumstances, the nature of the situation and the particular seriousness of situation will determine whether discretion should be used. In some cases where there may be a threat to life or the safety of an individual, particularly the most vulnerable, strict adherence to Force policy should be complied with. Examples of this would include Child Abuse, Hate Crime, Terrorism or Domestic violence (the list of which is not exhaustive). The underpinning principles of this are set out in the attestation of constables and the police service statement of common purpose and values.

General Principles

1.1.10 Gwent Police is committed to making the best use of resources as part of its strategic plan.

1.1.11 The use of discretion should be viewed as a core management function, which is a key element of corporate governance and must be an integral part of the planning and management process undertaken within each Service Area/Department.

1.1.12 This procedure is necessary to ensure that a corporate approach is taken across the Force when using discretion. Management will need to ensure that credit is given in the form of positive comment in Performance Development Review for positive and courageous decision making, in the form of recognition and reward.

1.1.13 Whilst this procedure is aimed at improving the quality of service and user experience of those services we provide, it is also an opportunity for police personnel to develop their skills and abilities as individuals thereby reconciling individual skills and abilities to organisational needs.

Implications

1.1.15 The positive outcomes are that service provision can be enhanced rather than be constrained by bureaucratic processes, which are often adhered to at the expense of service to the public. The use of discretion brings with it some inherent risks to both the member of staff acting outside existing policies, procedures and practices and the organisation in so far as public confidence and reputation. Therefore the clear and consistent standards set out in this document must be complied with to allow discretion to be applied ethically, legally, proportionately, reasonably and only where necessary.

Management and training

1.1.16 This policy and procedure is to be referred to in any planned management training as well as the personal development review of police personnel.

1.1.7 Consideration for the use of discretion in decision making should be employed in relation to partnership and collaborative agreements.

2.0 The Legal Basis

This policy is required by the organisation to ensure an efficient and effective police service in accordance with section 6, Police Act 1996.

3.0 Human Rights Certificate of Compliance

The policy has been checked for compliance with the Human Rights Act; with particular reference to the legal basis of its precepts: the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making process's and outcomes of actions.

4.0 Compliance with The Welsh Language Scheme

This policy aims to comply with the organisations Welsh language Scheme in terms of dealing with the Welsh speaking public, impact upon the public image of the organisation and the implementation of the language scheme.

5.0 Risk Assessment and health and safety Considerations

The Gwent Police Service Dynamic Assessment should be applied as necessary. A training package in the use of risk assessment will be provided to all police personnel if requested or required.

6.0 Identification Section

Policy Title: Licence to Lead

Reference: 101/19 a issue 1

ACPO LEAD: DCC

Service Area Owner: ACPO

Department Responsible: Service Development

Links to other Policies/Procedure: Direction and Control, Misconduct, Police Staff Disciplinary, Fairness at Work, Professional Standards Reporting, PDR, FOI, Hate crime, Information Security, Data Protection, NIM, Stops, Searching of premises, Method of Entry, CHIS, Child Protection, Domestic Abuse, Public Protection, Serious Sexual Offences, Misper, Repeat Victimisation, Critical Incidents, Operational Orders, Surveillance, Threats to Kill, Management of Threats.

Policy Implementation Date: 12th October 2010

Policy Review Date: October 2012