

GWENT POLICE

'OPERATIONAL ORDER' POLICY



Heddlu
Gwent
Police

SUMMARY

'POLICE PERSONNEL ARE REMINDED THAT THIS SUMMARY IS STRICTLY AN OVERVIEW OF THE KEY ELEMENTS OF THE DOCUMENT AND FOR A MORE COMPREHENSIVE EXPLANATION THE WHOLE OF THE DOCUMENT SHOULD BE READ'

From time to time there is a need for Police Personnel to produce written 'operational orders' in respect of operational matters such as the execution of warrants, local events, and other occasions when officers will be deployed in pre-planned operations. This Policy and associated Procedure document are intended to ensure that those operational orders are produced to a consistent standard with all relevant matters considered.

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

INDEX

- 1.0 Policy Identification Page**
- 2.0 Policy Statement & Intentions**
 - 2.1 Principle & Scope of Policy
 - 2.2 Aims of Policy
- 3.0 Introduction**
 - 3.1 Origins / Background Information
 - 3.2 Motivators / Driving Forces
 - 3.3 The Legal Basis and Legitimate Aims
 - 3.4 Definitions
- 4.0 Implications of the Policy**
 - 4.1 Financial Implications
 - 4.2 Human Resources / Training
 - 4.3 Strategic Plan Links
 - 4.4 Partnership Links
 - 4.5 Diversity
 - 4.6 Consultation
- 5.0 Human Rights Consideration Certification**
 - 5.1 Auditing for Potential Interference and Discrimination
 - 5.2 Key Human Rights Principles
 - 5.3 Rights, Publication, Audit and Inspection
 - 5.4 Certificate of Compliance
 - 5.5 Legal Vetting
- 6.0 Promotion and Distribution**
- 7.0 Monitoring / Review**

1.0 Policy Identification Page

This policy has been drafted in accordance with the principles of Human Rights Legislation. Public disclosure is approved.

Policy Title: Operational Order Policy

Reference: 108/1 a issue 2

Underlying Document: Operational Order Procedure Document

Policy Ownership: Supt. O.S.D.

Portfolio/Business Area Owner: ACPO Operational Support

Policy Written By: Inspector, Uniform Ops and Support

Department Responsible: Uniform Ops and Support

Policy Lead: Inspector, Uniform Ops and Support

Links to other Policies/Procedures Operational Order Procedure: Data Protection, Information Security, Event Planning, Major Incidents, Critical Incidents, Missing Persons, Race Equality Scheme, Health and Safety, Firearms, Interpreters, National Intelligence Model, repeat Victimisation, Searching of Premises, Surveillance, Unarmed Method of Entry.

Policy Implementation Date: 29th Jan 08 OPG

Policy Review Date: Jan 2010

2.0 Policy Statement & Intentions

2.1 Principle & Scope of Policy:

This document describes the policy in respect of the writing of operational orders within Gwent Police, where an operational order is produced to deal with local issues such as the execution of warrants, small scale parades or events etc.

Some specialist orders (such as, but not limited to, firearms operations and major events) are already written to a format or detail that reflects their specialised nature and/or national guidance; and this policy is not intended to alter the current good practice under those circumstances

2.2 Aims of Policy

To ensure that:

- Operational orders are presented in a consistent format that is easily and readily understood by police personnel
- The information contained within the orders is appropriate, sufficient and accurate.
- That the orders consider certain key areas, such as health and safety and human rights issues.

3.0 Introduction

3.1 Origins/Background Information

From time to time there is a need for police personnel to produce written 'operational orders' in respect of operational matters such as the execution of warrants, local events, and other occasions when officers will be deployed in pre-planned operations. Under these circumstances the 'operational order' will normally be used to brief those involved and will be retained for future reference.

Ownership of events

Where an event crosses Divisional boundaries, it will be the responsibility of the Divisional Commander in whose area the event begins, to issue the operational order covering the entire event, in consultation with the Commander(s) of the other Division(s) concerned.

Where the event is a Royal Visit, the Emergency Planning Department will produce the operational order after consultation with key stakeholders, e.g. firearms, roads policing unit, search etc.

In relation to other events where security issues may be involved, Gold will appoint a Security Co-ordinator (SECCO) for the event.

3.2 Motivators/Driving Forces

This policy seeks to ensure that these operational orders are produced to a consistent, high standard, with all relevant issues considered.

3.3 The Legal Basis and Legitimate Aims

The legitimate aim of this policy is to ensure that our actions are proportionate and appropriate, and in accordance with the Human Rights Act 1988.

3.4 Definitions

Definitions are very helpful to persons relying on the policy and will help clarify matters.

The term 'operational order' is a locally used expression, rather than one with a legal definition. In the context of this policy (and accompanying procedure) it refers to a document produced before a pre-planned operation that contains details of the intended operation or action to be taken, which will normally be used to brief police personnel taking part in the operation. Examples of this would include the execution of warrants, pre-planned road traffic enforcement operations, deploying officers to police a parade or local event and the co-ordinated arrest of a number of suspects. Some operations may require additional issues to be considered to those detailed in this procedure because of the specialist nature of the actions. An example of this would be a firearms deployment. This policy is not intended to restrict or replace national or specialist guidance for that type of operation, and Police Personnel compiling operational orders in respect of specialist operations should continue to follow their training in the specialist area.

4.0 Implications of the Policy

4.1 Financial Implications

There are no financial implications for adopting this policy.

4.2 Human Resources/Training

It is not envisaged that the implementation of this policy will require the employment of additional Police Personnel.

4.3 Strategic Plan Links

The operational orders to which this policy refers may cover a variety of force targets. This will assist the organisation to achieve targets set in the annual plan.

4.4 Partnership Links

Certain entertainment events will require a license from the Local Authority before they can take place. When writing an operational order for an event such as this, close liaison with the local authority and safety advisory group will be of benefit. The police national legal database (accessed via the force intranet) contains details of the legislation in this area, and the force licensing department can provide advice. The safety advisory group also provides the link between the police and other emergency services to consider the safety issues surrounding entertainment events. The Health and Safety Executive publish 'The Event Safety Guide' (usually known as 'The Purple Guide') which outlines safety advice at music and similar events. A similar publication by the Department of Culture, Media and Sport called 'Guide to Safety at Sports Grounds' (the 'Green Guide') covers sporting events.

4.5 Diversity

In the application of this policy consideration must be given to the possible social impact of this policy on the community. A social impact assessment is a requirement to ensure all issues are considered. This is also a requirement of the Gwent Police Race Equality Scheme. Social impact assessments must be undertaken before and after the application of this policy.

Under the Race Relations (Amendment) Act 2000 Gwent Police is required to undertake proactive work to meet the General Duty of :

- Eliminating unlawful racial discrimination;
- Promoting equality of opportunity;
- Promoting good relations between people of different ethnic groups.

The General Duty is outlined in Section 71 (1) of the Act, and must be met in its entirety.

Monitoring must be undertaken to ensure that there is no adverse impact either positive or negative upon any one particular social group or individual. The results of monitoring must be analysed and be available for publication, and appropriate changes made.

All individuals using this policy must be aware of the potential impact that this policy has on the individuals to whom it is applied. The following strands of diversity and their corresponding pieces of legislation must be considered when answering these questions.

- Welsh Language Act 1993
- Race – Race Relations Act 1976
- Race Relations Amendment Act 2000
- Disability - Disability Discrimination Act 1995
- Gender – Sex Discrimination Act 1975
- Equal Pay Act 1970
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Age) Regulations 2006

4.6 Consultation

Police Authority

ACPO

Divisional and Departmental Heads

Information Security Officer/Data Protection Officer

Superintendents Association

Police Federation

UNISON Trade Union

Force Solicitor

Freedom of Information Officer

Gwent Police Women's Association

Gwent Black Police Association

Gwent Disability Network

Gwent Police Gay Support Network

5.0 Human Rights Consideration Certification

5.1 Auditing for potential interference and discrimination

Q1. What articles of the Human Rights Act 1998 may be engaged?

Article 2, Article 3, Article 6, Article 8, Article 9, Article 10, Article 11, Article 14

Q2. Where individual rights are engaged what is the potential to discriminate against the parties involved?

Enquiries may be intrusive and there is always the potential to discriminate but if

this policy is implemented in a proportionate manner it is unlikely that any infringement of the individuals rights will occur but:

" In the application of this policy the Force will not discriminate against any persons regardless of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status as defined under article 14 of the European Convention on Human Rights ".

5.2 Key Human Rights Principles

Q1. What is the legal basis for your policy?

Section 3.3. refers

Q2. Does the policy provide details of what could be considered as a legitimate aim for the potential interference with an individual's rights, through the exercising of this policy? Restrictions on the rights protected in articles 8 - 11 in the Human Rights Act will be compatible with the convention only if they are aimed at protecting one of the interests listed in articles 8(2), 9(2), 10(2) and 11(2) respectively. The interest protected are broadly the same and generally include:

1. National Security
 2. Public Safety
 3. The protection of health or morals
 4. The prevention of disorder or crime; and the protection of the rights of others.
- This policy aims to provide clear aims and to prevent undue interference to individual rights.

5.3 Rights, Publication, Audit and Inspection

Q1. What rights to make representation and appeal process are available?

Anyone who feels that a member of Gwent Police personnel has behaved incorrectly or unfairly has the right to make a complaint. Initial action should be taken in one of the following ways:

- Complaint to senior officer
- Visit a local Citizens' Advice Bureau.
- Contact a solicitor.
- Appeal to IPCC

Persons who wish to make representations regarding the operation of this policy should contact the Superintendent Uniform Operations and Support. Gwent Police Personnel who feel they have grounds for concern in relation to the implementation of this policy may:

- Pursue concerns through their line manager.
- Pursue a grievance formally through the Fairness At Work Procedure

- Seek advice from their staff association or trades union.

Q2. Apart from the Gwent Police Publication Scheme how is the policy made available to the public?

The policy is disclosable to the public. Where copies of this policy are requested they can be made available from the Superintendent Uniform Operations and Support.

Q3. What internal review and audit process is in place or is proposed?

This policy has been drafted in accordance with the principles and rights contained within the Human Rights Act 1998. It will be reviewed and continuously assessed in the light of any relevant changes and developments in the application of the Act.

Q4. What external independent scrutiny is recommended?

Independent scrutiny can be where required conducted by the Police Authority and Her Majesty's Inspector of Constabulary.

5.4 Certification of Compliance

Consideration has been given to the compatibility of this policy with the Human Rights Act by the policy officer; 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.

5.5 Legal Vetting

There are no issues in this policy under ECHR, which cannot be resolved. This policy has been vetted.

6.0 Promotion and Distribution

In order to highlight the existence of this policy to Police Personnel there will be the following :

- GO entry following ratification
- Publication on the Force Intranet and internet

7.0 Monitoring / Review

The Superintendent Uniform Operations and Support will be responsible for ongoing and interim monitoring and review of this policy.