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GWENT POLICE **PERSONAL AND OPERATIONAL SAFETY POLICY**

**(INCLUDING APPOINTMENTS, HANDCUFFS,
INCAPACITANTS)**



SUMMARY

This policy aims to ensure, that where police officers or police staff carry appointments they are provided with all the relevant personal safety training, and equipment to ensure a positive outcome in relation to:-

- reducing crime and the fear of crime
- contributing to the delivery of justice in a way that secures and maintains public confidence in the rule of law.
- ensuring the protection of life

The following items of equipment are the operational appointments of Gwent Police:

- Warrant Card.
- The Speedcuff rigid handcuff.
- The ASP 21 inch expandable baton.
- PAVA Incapacitant spray.

All officers will carry their Warrant Card when on duty. All members of police staff will carry their force identification card when on duty.

Please visit the front page of the intranet/policies site for detailed procedure located at Section 1.2 within the document.

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1.0 Policy Identification Page

This policy has been drafted in accordance with the principles of Human Rights Legislation. This policy can be disclosed to the public.

Policy Title: PERSONAL AND OPERATIONAL SAFETY POLICY

Reference: 122/3 a issue 3

Historical Reference: Operational Safety Training Oct 2000 issue 2, previous policy and procedure Nov 1998 issue 1. Also Operational Appointments Sept 1998 issue 1, previously Standing Order 122.

Underlying Documents: Appointments, Handcuffs, Incapacitant Procedures(replaced by this policy and accompanying procedure) ACPO approved Personal Safety Manual of Guidance and ACPO approved First Aid Manual. These can be accessed via the policies site front page intranet.

Policy Ownership: HQ Uniform Operations and Support

Portfolio/Business Area Owner: ACPO Operations Support

Policy Written By: Sergeant Operational Safety Training Unit, Policy Officer

Department Responsible: Training

Policy Lead: Head of Training

Links to other Policies/Procedure: Health and Safety, Operation Orders, Event Planning, Wearing of Uniform - Extraneous to Normal Duties, Critical Incident Reporting, Information Security, Data Protection,

Policy Implementation Date: Approved by STCG 26th September 2005

Policy Review Date: Bi Annually

2.0 Policy Statement & Intentions

2.1 Principle & Scope of Policy:

Gwent Police will provide all police officers with operational appointments, and where appropriate support staff will be issued with the necessary appointments to aid them in their role and provide for their personal safety. Gwent Police will ensure that staff are properly informed and trained of when to carry appointments in order to protect both the officer's and the public's health and safety.

The ACPO approved Personal Safety Manual of Guidance will be consulted in relation to the following important areas:-

- Use of Force
- Medical Implications
- Personal Management Skills
- Communication skills
- Searching skills
- Use of force reporting and writing skills
- Handcuff skills
- Unarmed skills
- Incapacitant skills
- Limb Restraints
- Baton skills
- Edged weapon skills
- Custody office skills
- Vehicle skills

The ACPO approved First Aid Manual will be consulted in relation to the following important areas:

- First Aid Skills for Police Staff and Officers
- First Aid Skills for Custody Unit Staff
- Enhanced First Aid Skills (First Aid at Work)
- Specialist First Aid Equipment
- Water Awareness Training

Risk assessments in relation to implementing the above must be undertaken.

2.2 Aims of Policy

The aims of this policy are, that where police officers or police staff carry appointments they are provided with all the relevant personal safety training, and equipment to ensure a positive outcome in relation to:-

- reducing crime and the fear of crime
- contributing to the delivery of justice in a way that secures and maintains public confidence in the rule of law.
- ensuring the protection of life

3.0 Introduction

3.1 Origins/Background Information

Since July 1998, by virtue of the Police (Health and Safety) Act 1997, police officers are regarded as 'employees' for the purposes of the Health and Safety Act 1974. This has increased the importance of proper risk assessments. The reason behind this policy is to ensure the health and safety of staff, particularly when facing violent situations. The Human Rights Act 1998 has increased the focus on this responsibility since, in their position as 'public authorities'; police forces are, amongst other things under a duty to protect the human rights of their staff.

Equally, individual members of staff are under a legal obligation to co-operate with their employer.

Gwent Police will ensure that adequate training and periodic refresher training is provided.

3.2 Motivators/Driving Forces

It is essential that officers co-operate with the organisation in the following:-

- In having awareness of the safety measures set out in risk assessments and co-operate in putting them into practice.
- In Making quick mental assessments of risks before entering dangerous situations
- In wearing protective equipment where this is required and making sure that defects are brought to notice, and equipment checks at the end of operations
- In taking appropriate preventative action to deal with any hazards so that matters can be put right before anyone is injured. In some circumstances this may mean drawing the situation to the attention of managers and safety representatives
- In being aware of responsibility for the safety of other people affected by activities, such as prisoners and visitors
- In promptly reporting any injuries, dangerous occurrences or near misses

3.3 The Legal Basis and Legitimate Aims

The legal basis for the carrying of operational appointments is found in the following legislation:

Section 6 Police Act 1996
Section 3 Criminal Law Act 1967
Section 117 Police and Criminal Evidence Act 1984
The Criminal Code Commission Bill 1897
Common Law
Section 54 Firearms Act 1964
Prevention of Crime Act 1953
Health and Safety Act 1974
The Police (Health and Safety) Regulations 1997
Human Rights Act 1998 Articles 2 to 14

3.4 Definitions

Baton – ASP expandable 21 inch baton and the Arnold baton for P.S.U. public disorder use only.

Incapacitant Spray – P.A.V.A. spray (Trade name – Captor)

Handcuffs – Rigid style handcuff

The following items of equipment are the operational appointments of Heddlu Gwent Police:

- (i) Warrant Card.
- (ii) The Speedcuff rigid handcuff.
- (iii) The ASP tactical baton.
- (iv) PAVA Incapacitant spray.

4.0 Implications of the Policy

4.1 Financial Implications/Best Value

The benefits to the organisation in implementing this policy are ensuring that the public has confidence and reassurance in Gwent Police in delivering the service. That criminal or civil actions resulting from incidents will be reduced. That improvements in management, supervision and training will achieve a more efficient outcome. That the day to day abstractions for training will be efficiently managed to reduce unnecessary abstractions from the workplace and maximise training outcomes.

4.2 Human Resources/Training

The organisation will continue to deliver a programme of training and refresher training to those staff identified as requiring such training. Training standards will be monitored and evaluated in line with National Guidelines by the Operational Safety Training Manager. This will include a Training Needs Analysis, assessment of staff and those being trained.

Where an officer is not currently trained, or where they have not attended all aspects of training or refresher training, consideration will be given to whether they should be allowed to perform operational duties and continue to possess items of protective equipment already issued.

Any officer not attending or participating in training may not only compromise their ability to protect themselves and others, but may also leave themselves liable to committing a disciplinary offence and a breach of their individual obligation under health and safety legislation. Such non-attendance must be brought to the attention of the appropriate line manager for appropriate action to be taken. The standards that an officer is required to achieve during personal safety training will be clearly defined and documented.

4.3 Strategic Plan Links

Strategic links are as follows :-

- the reduction of crime and the fear of crime and
- contributing to the delivery of justice in a way that secures and maintains public confidence in the rule of law.

4.4 Diversity

In the application of this procedure consideration must be given to the possible social impact of this procedure 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 procedure.

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 procedure must be aware of the potential impact that this procedure 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 – Sexual Discrimination 1995
- Equal Pay Act 1971
- Age – Article 13 Treaty of Amsterdam (2006)
- Sexual Orientation – Article 13 Treaty of Amsterdam (2003)
- Religion – Article 13 Treaty of Amsterdam (2004)
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003

4.5 Links to Other Policy/Procedures

ACPO Personal Safety Manual of Guidance
ACPO Guidelines on the use of Handcuffs and Incapacitant Spray
ACPO First Aid Manual of Guidance
Gwent Police Health and Safety Policy

4.6 Consultation

Independent Advisory Group
Police Authority
ACPO
Divisional Departmental Heads
Staff Associations
Gwent Women Police Association
Gwent Black Police Association
Gwent Disability Network
Gwent Gay Network
Freedom of Information Officer
Information Security
Data Protection

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?

Articles 1 to 14

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

As well as details of the potential to discriminate, the policy should include a generic statement.

" 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?

See paragraph 3.3.

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
5. The protection of the rights of others.

5.3 Rights, Publication, Audit and Inspection

Q1 Are there any sections of the document which should not be disclosed to the public on the Force Publication Scheme; because they consist of tactical or operational procedures, that would inhibit the apprehension or prosecution of offenders if publicly known, or would compromise the ability of the force to carry out its duties? Please outline the relevant sections that cannot be disclosed.
This document can be disclosed to the public.

Q2. What rights to make representation and appeal process are available?

Persons who wish to make representations regarding the operation of this procedure will have recourse to both civil and criminal law. There is also the right to use both formal, informal and organisational complaint procedures in respect to the operation of this procedure.

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.

Q4. What external independent scrutiny is recommended?

Independent audit will be through the Best Value Fundamental Performance Review regime/HMI

5.4 Certification of Compliance

A member of the Policy and Planning Team will complete this section following a Human Rights audit.

Consideration has been given to the compatibility of this policy and related procedures 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.

5.5 Legal Vetting

There are no issues in this policy under ECHR which cannot be resolved.

Policy Officer

This policy has been vetted.

5.6 Policy Review Date

Bi Annually

6.0 Promotion and Distribution

This policy will be promoted and distributed as follows:-

- General Orders
- Internet
- Intranet
- Operational Safety Training Courses
- First Aid Training Courses

7.0 Monitoring / Review

7.1 Monitoring

The following model will be used :-

- A monitoring system will be employed
- Staff will be briefed
- Data will be collected and analysed
- Any issues/problems will be identified
- The reasons behind any problems will be investigated
- Action required will be implemented

The areas considered for monitoring will be determined by the Head of Training who will report to the relevant committee.

The principles of the Race Relations Amendment Act 2000 must be adhered to in that any recognisable adverse impact should be identified and appropriate action taken.