

GWENT POLICE

PROCEDURE

LAY OBSERVERS



SUMMARY

The purpose of this document is to establish a procedure and provide guidance for:

- 1 police officers and lay observers accompanying police officers on patrol duties
- 2 the carriage of police officers, special constables or other employees of Gwent Police or Gwent Police Authority on police patrol or in a police vehicle in a different role to that which they usually perform.
- 3 The carriage of members of the public as a result of a welfare or safety issue after any police related incident.

Please see section 1.2 for the full procedure and Appendices A to E for forms and advice.

INDEX

1.0 Guidance, Procedures, Tactics

- 1.1 Risk Assessments and Health & Safety Considerations
- 1.2 Specific procedure

2.0 Procedure Statement & Intentions

- 2.1 Principle & Scope of Procedure
- 2.2 Aims of Procedure

3.0 Introduction

- 3.1 Origins / Background Information
- 3.2 The Legal Basis and Legitimate Aims
- 3.3 The Appendices

4.0 Implications of the Procedure

- 4.1 Financial Implications / Best Value
- 4.2 Human Resources / Training
- 4.3 Annual Plan Links
- 4.4 Diversity
- 4.5 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
- 5.6 Procedure Review Date

6.0 Promotion and Distribution

7.0 Monitoring / Review

8.0 Procedure Identification Page

Appendices A to E

1.0 PROCEDURES

1.1 Risk Assessments and Health and Safety Considerations

Police personnel are required to consider making the appropriate risk assessment when implementing this procedure.

Police personnel should apply the Gwent Police Service Dynamic Assessment. A training package in the use of this risk assessment will be provided to all police personnel.

1.2 Specific Procedure

1.2.1 You must be able to show that your actions are justified and proportionate in seeking to achieve your aim(s). Additionally, you must always consider whether the proposed action is the least intrusive and damaging option used to achieve the aim(s).

1.2.2 You should always clearly document the decision-making processes and outcomes of actions.

1.2.3 If you are in doubt you must consult a supervisor

1.2.4 This procedure includes any vehicle or other property owned by Gwent Police Authority or Gwent Police or being used in the course of Gwent Police business.

1.2.5 Please note the arrangements in this procedure to cover:

- Carrying a member of the public as a result of a welfare issue after any incident
- Where Gwent Police or Gwent Police Authority members/employees accompany an officer, in a different role to that which they usually perform.

2 Lay Observers

2.1 The definition of a Lay Observer is wide ranging. It includes any person who is not a member of Gwent Police, who is accompanying a police officer on patrol or engaged in other official police related business

2.2 From a health and safety and legal point of view, it is important to recognise that we must also consider members or employees of Gwent Police Authority or Gwent Police who are carried in police vehicles in a role other than their usual one.

2.3 This procedure does not include the carrying of detainees.

2.4 It should be noted that **under no circumstances** should lay observers be carried in police vehicles with detainee's, unless the detainee is held in a secure cage. This is irrespective of whether there is a pre-arranged agreement or it results from a welfare or safety issue following any incident.

3 Pre-arranged Visits

3.1 Operational, political and community relations' considerations make it advantageous for Gwent Police to allow a wide range of people to be carried as lay observers within police vehicles.

3.2 Adherence to this procedure will contribute to reducing the risk of:

- injury to any person being carried and/or
- litigation and/or
- prosecution under health & safety legislation

3.2 Obvious examples of persons likely to be carried in police vehicles are:

- members of the public
- police authority members
- members of staff
- staff from partner agencies
- journalists and other media workers

4 Restrictions

4.1 The following restriction applies:

- persons under the age of 18 will not be considered for this scheme

5 Risk Assessment

5.1 Police personnel should apply the Gwent Police Service Dynamic Assessment. A training package in the use of this risk assessment will be provided to police personnel. **Appendix D** also gives advice and guidance to officers in relation to Lay Observers.

6 Initial Responsibility

- 6.1 Legal, health and safety responsibilities require that the full procedure should be followed in each case. Divisional Commanders may deal with each visit request on an individual and local basis and write to prospective individuals as they consider appropriate. ***Suggested letter formats appear in the appendices and are designed to support the process. These formats can be amended to reconcile service and individual requirements.***

7 Administration

- 7.1 The provision of documentation with this procedure is to ensure that a standardised approach is taken in relation to each request (Appendices A to E refer).
- 7.2 Administration will be locally managed.
- 7.3 Except where the prospective lay observer is a journalist or other media worker it will remain a local responsibility to write to the prospective lay observer (see **Appendix A**) and make any necessary arrangements. This will also include responsibility to consider the lay observer's response and decide, seeking any necessary advice, if a visit is appropriate. The letter at Appendix A should include a certificate of indemnity (see **appendix B**) to be signed by the Lay Observer and returned to the author of the letter. Failure to sign the certificate without legitimate reason will result in the application being refused.
- 7.4 If a visit is appropriate local arrangements should be made to identify a suitable police officer to accompany the lay observer, before replying to any request (see **Appendix C**).
- 7.5 Where a visit is inappropriate, a letter should be formulated, giving reasons for refusal. Any appeals against the decision will be a matter for the appropriate Chief Officer.

8. Journalists and other media workers

- 8.1 Where the prospective lay observer is a journalist or other member of staff from the media this should be referred to Corporate Communications, who will deal with the request.

9. Officers accompanying Lay Observers

- 9.1 Each Divisional Commander should appoint officers on a volunteer basis to accompany lay visitors. It is suggested that the number of accompanying police officers is restricted to a minimum, securing benefits in terms of service quality and ensuring that lay observers are aware of legal and health and safety issues.
- 9.2 Accompanying officers when first notified of the visit of a lay observer should be given the Advice Sheet (**Appendix D**) on each occasion that they are responsible for the welfare of a lay observer.
- 9.3 Prior to any visit the lay observer should be given and should read the health and safety instruction sheet (**Appendix E**). The accompanying officer must then read out the script at the bottom of the sheet (in bold print) to the lay observer before they both sign it to endorse that this has been done.
- 9.4 Accompanying officers have the right to terminate the visit if the lay observer ignores instructions or puts themselves or others at risk or in danger.

10. Carrying a member of the public as a result of a welfare or safety issue after any Incident. (Included as additional advice to officers)

- 10.1 Emergency situations and operational considerations may arise, that necessitate the immediate carriage of a member of the public in a police vehicle. Such examples include the removal of a member of the public for welfare or safety considerations or when conducting a witness on a search for offenders.
- 10.2 Clearly the arrangements for pre-arranged visits cannot anticipate every eventuality. Therefore accompanying officers should assess any risks and decide on the most appropriate action to be taken in the circumstances at the time.
- 10.3 Special care **must** be taken when any person being carried in such emergency situations is under the age of 18.

11 Short term attachments

- 11.1 Where a Gwent Police or Gwent Police Authority employee/member accompanies an officer in a different role to that which they usually perform, accompanying officers should consider this situation carefully and

dynamically risk assess any possible hazards or risks likely to occur.

Accompanying officers are advised to consult their line managers if in doubt as to the appropriate action to take. The important aim throughout is to ensure that health and safety regulations and legislative duties are complied with, whilst achieving the benefits that such an attachment will bring.

2.0 Procedure Statement & Intentions

2.1 Principle & Scope of Procedure:

The purpose of this procedure is to give clear guidance to staff engaged in accompanying Lay Observers. This will thereby enable such observers to experience police service life at an operational level. The scope is confined to those persons taking part who are over 18 years of age. Health and Safety and Legislative requirements will be properly risk assessed when adopting this procedure.

2.2 Aims of Procedure

To ensure that Gwent Police makes provision for Lay Observers to experience Police Life.

3.0 Introduction

3.1 Origins/Background Information

The Police Service Parliamentary Scheme, was intended to inform MPs through experiencing police service life at a ground floor level, to further brief themselves on policing issues. This to some extent has been further extended to lay observers who can aid in securing public confidence in the police by questioning issues that are particularly pertinent to the local community.

3.2 The Legal Basis and Legitimate Aims

Police and Criminal Evidence Act 1984

Human Rights Act 1998

Criminal Justice and Public Order Act 1994

Police (Conduct) Regulations 1999

Data Protection Act 1998

Official Secrets Act 1911

Health and Safety At Work Act 1974

Police (Health and Safety) Act 1997

Road Traffic Act 1988

The legitimate aims are to prevent crime and disorder, public safety and protecting the rights and freedoms of others.

3.3 The Appendices

Appendix A – Letter to prospective lay observer in first instance together with an Agreement indemnifying the force against any claim or civil action

Appendix B - Letter to prospective lay observer confirming details of the visit

Appendix C – Advice to accompanying officer

Appendix D – Health and safety Instructions

4.0 Implications of the Procedure

4.1 Financial Implications/Best Value

Any financial implications arising out of this procedure will be met locally.

4.2 Human Resources/Training

The general training given to all staff and guidance contained within this procedure should be sufficient to ensure positive outcomes. Although Managers and Supervisors should actively monitor and review the implementation of this procedure.

4.3 Annual Plan Links

This procedure aims to ensure it contributes to delivering justice in a way, which secures and maintains public confidence.

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 and 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 Consultation

This document has been circulated to the Police Authority, ACPO and Divisional Departmental Heads

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?

As vetting is intrusive there is always the potential to discriminate but if the procedures outlined in this procedure are implemented in a proportionate manner it is unlikely that any infringement of the individuals rights will occur but:

" In the application of this procedure 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 procedure?
Section 3.3.

Q2. Does the procedure 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 procedure? 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.

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 staff has behaved incorrectly or unfairly has the right to make a complaint. Initial action should be taken in one of the following ways:

- Complaint in writing or in person to the Senior Officer at the appropriate police station or in writing to the Chief Constable of the force concerned.
- Visit a local Citizens' Advice Bureau.
- Contact a solicitor.
- Appeal to IPCC

Gwent Police staff who feel they have grounds for concern in relation to the implementation of policies/procedures 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 procedure made available to the public?

The procedure is disclosable to the public.

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

This procedure 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 procedure and related procedures with the Human Rights Act by the procedure 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 procedure under ECHR, which cannot be resolved.

This procedure has been vetted.

5.6 Procedure Review Date

The procedure will be subject to ongoing consultation and review following the initial period of implementation.

6.0 Promotion and Distribution

In order to highlight the existence of this procedure to staff there will be the following :

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

7.0 Monitoring / Review

Monitoring

A review of decisions and records kept should be locally audited on a regular basis.

Monitoring will be in line with the principles of the Race Relations (Amendment) Act 2000.

8.0 PROCEDURE IDENTIFICATION PAGE

Procedure Title: Lay Observers

Procedure Reference No: 202/2 b issue 1

Procedure Ownership: Head of Community Safety

Portfolio/Business Area Owner: ACPO Operations

Procedure Written By: Inspector Corporate Services/Policy Officer

Department Responsible: Citizen Focus and Partnerships

Procedure Lead:

Links to other Policies: Information Security, Data Protection, Health and Safety, Professional Standards, Complaints and Discipline, Press and Public Relations, Race Equality Scheme, Freedom of Information, Independent Advisory Group, Health and Safety.

Procedure Implementation Date: Authorised by Chief Officers 2nd September 2005

Procedure Review Date: The procedure will be subject to ongoing consultation and review following the initial period of implementation.

APPENDIX A

Dear (name of lay observer)

I am very pleased to receive your request to patrol.

As an organisation that prides itself on the quality of service that it provides to the public Gwent Police takes pleasure in offering you the opportunity to patrol with its officers.

One of the attractions of police work is its varied nature. I suspect that many members of the public would think that every day police officers will be arresting violent criminals or attending serious incidents involving death or serious injuries. While police officers do attend such incidents the bulk of their duty revolves around helping people and can be described as 'routine'.

However, policing can be hazardous. Clearly the welfare of individuals is of great importance to Gwent Police and we must properly consider legal requirement and health and safety regulations before agreeing to take anybody on patrol.

I should advise you that you could see sights you would not normally expect to encounter, such as aggressive behaviour by members of the public or the scene of a serious collision, where there may be dead or seriously injured people. Additionally, the police vehicle may be required to get to an incident scene as quickly as possible, with the use of its emergency lights and sirens and travelling at high speed.

If you have doubts concerning the effect that attending an incident may have on you, or any other concerns about patrolling in a police vehicle, you should consider whether to go ahead with the patrol or not.

Being carried in a police vehicle may result in you witnessing incidents. As such you should note that you might be called upon to act as a prosecution or defence witness.

Information you may become aware of as a Lay Observer must not be divulged to any other person. This is not only because it may have implications for court proceedings but because those with whom we deal with have a right to expect that we will respect their confidentiality.

Should you decide that you wish to take part in a patrol as a lay observer I ask that you read and sign the attached certificate of indemnity and return it to me to the above address. I am afraid that I will be unable to proceed with your request until I have received it.

In order to arrange a visit that is best suited to you I would be grateful if you would indicate the purpose of your visit, what part of our activity you want to see and raise any concerns that you may have regarding the visit. Please also indicate dates and times that are convenient. I ask for two weeks notice of your visit.

If I feel that your requested visit is not appropriate I will write to you giving my reasons. It may be that we will make alternative arrangements thereafter.

Should you not wish to take part in a patrol I will be happy to arrange a visit within a police station. Our aim and focus is to work in partnership and provide an excellent service for our local community, therefore we would welcome any feedback in respect to how you feel we could best improve that service.

Please do not hesitate to contact me if you have any queries.

(signed)

Appendix B



INDEMNITY FOR USE OF FACILITIES

I, *(insert name)*

OF *(insert address)*

HEREBY UNDERTAKE not to claim against Gwent Police as a result of my participation in accompanying a Police Officer on patrol duties.

I **ALSO** indemnify the Police against any claim or civil action in negligence, contract or whatsoever, as a result of any damage or physical harm occasioned by any authorised use of Police patrol property. In particular I **ACCEPT** all responsibility for any harm occasioned by my being on Police property whether occasioned by Police personnel or detainees.

I **HEREBY CERTIFY** that I do not suffer from any known illness or have any propensity to epilepsy, asthma, claustrophobia or any other physical, psychological or psychiatric disease or disorder that may make me vulnerable in any way whatsoever.

Signed:

Date:

APPENDIX C

Dear (name of the lay observer)

Thank you for your recent application to take part in a patrol with Gwent Police.

I am pleased to offer you a visit on *(date)*, when you will be patrolling with *(police officer)* in the *(name)* area. Your visit will begin at *(time)* and finish at *(time)*. Obviously you may conclude the visit earlier if you wish.

Please wear flat shoes or boots and bring a jacket or anorak suitable for wet weather conditions.

I ask that you contact me on *(telephone number)* to confirm that you are attending.

Yours sincerely,

APPENDIX D

ADVICE TO ACCOMPANYING POLICE OFFICER

Introduction

At various times Officers are expected to take people on visits to demonstrate the type of activities undertaken by Gwent Police. These visits have long been seen as a valuable opportunity to educate and inform members of the public, personnel from other emergency services and colleagues from other departments within the Force. Gwent Police wholeheartedly supports this activity.

Over the years questions have been asked about the Health and Safety implications and the responsibilities of the accompanying officers. This document has been designed to reassure officers regarding their liabilities and to clarify the boundaries as to what types of activities the lay observer can or cannot become involved in during the visit.

It should be noted that those under the age of 18 will not be considered for this scheme.

Liability

Where an officer is acting within the performance or purported performance of his functions, the Chief Constable will be vicariously liable for his actions pursuant to section 88 of the Police Act 1996. Nevertheless, whilst a lay observer is in their care, the officer will be responsible for undertaking on the spot assessment of any hazards as they present themselves and taking appropriate action. The officer as a minimum will be expected to take reasonable care of the lay visitor and instruct them clearly and courteously on what action they must take.

Conduct of the Visit

Lay observers can expect to observe any operational activity the officer is involved in, including attending serious collision scenes. They can also be driven on emergency calls as long as normal safety rules are applied. The officer will **not** be expected to drop the guest off in a place of safety before going on a call.

At the beginning of the visit before leaving the police station the accompanying officer must:

1. Give the lay observer a letter explaining the standards that are expected of them during the visit. The accompanying officer **must** read the instructions written at the bottom of the instruction letter to the guest. The guest must sign to acknowledge that they have been given these instructions.
2. At the start of their tour of duty inform the Control Room that they are carrying a lay observer.

The lay observer may have to remain in the vehicle if the accompanying officer considers it may be unsafe to leave it. This decision will be dependent on a number of factors, such as:

- the activity being undertaken
- the perceived level of risk
- environmental considerations
- the personality of the individual lay observer

If the lay observer ignores your instructions or acts in a manner that jeopardises their or any others safety you have the right to end the visit.

Attending Incident Scenes

Lay observers should be placed in the safest location at incident scenes.

When the vehicle is parked in the fend off position to protect the scene, the lay observer should be directed to a suitable location away from on-coming traffic and, preferably, any distressing sights, and told to remain there. When there are lots of hazards at the scene such as broken glass, twisted metal and substances on the road, and the traffic vehicle is parked in a reasonably safe location, it may be better to leave the lay observer in the car.

Lay observers should also be discouraged from undertaking any activity where there is significant potential for them to harm themselves e.g. heavy lifting clearing debris from an overturned lorry.

Roadside Checks

When the accompanying officer is undertaking activity that involves standing on the roadside it would be reasonable for the lay observer to leave the vehicle and watch. In such cases they should stand away from the edge of the kerb where they could still get a good view. When the officer causes a vehicle to stop the lay observer should be told to maintain a position out of the way of on-coming traffic.

People stopped for minor offences may feel that their privacy is being impinged upon if a lay observer is present. Lay observers should therefore

maintain a discrete distance when **any police officer** is dealing with an offender.

If the officer gets involved in a confrontational situation the lay observer should be told to remain in (or return to) the vehicle.

If the officer is in any doubt about a potentially hazardous situation they are to instruct the lay observer to remain in the vehicle.

First Aid

Lay observers should be dissuaded from administering first aid to any injured party unless they are trained and competent and in possession of the relevant protective equipment.

Detainees

It should be noted that **under no circumstances** should lay observers be carried in police vehicles with detainee's, unless the detainee is held in a secure cage. This is irrespective of whether there is a pre-arranged agreement or it results from a welfare or safety issue following any incident.

Health and Welfare Assistance

The Force's Welfare Officer will offer their services to any lay observer who may suffer any reaction to incidents attended during their visit. In cases when the accompanying officer feels that the lay observer has attended a potentially distressing or traumatic incident during the visit they should inform them of the Welfare Services we can offer and how they can access them. The officer should also update the Welfare Officer where necessary.

HEALTH AND SAFETY INSTRUCTIONS

In order to make your visit as safe and enjoyable as possible there are certain rules you **must** observe:

1. Listen carefully and follow the instructions of your accompanying officer at all times. He/she is highly skilled and thoroughly trained and will take care of you to the best of his/her ability.
2. Stay in the vehicle at all times unless your accompanying officer expressly tells you it is safe to leave and observe some aspect of their work.
3. Whilst observing work outside the vehicle, please maintain a discrete distance between yourself and any member of the public. If a member of the public becomes agitated or aggressive, return to the police vehicle immediately and lock the door. This will enable the officer to deal with the situation without worrying about your safety.
4. Please do not attempt to administer first aid to anyone unless you are competent to deal with the injuries and you have the necessary protective equipment such as gloves on your person.
5. In the unlikely event that you become involved in a road traffic collision where the officer becomes incapacitated, try to remain calm. If you can safely go and summon help, do so immediately. Do not return to the vehicle unless it is safe to do so. Try to find a safe place to stand, in the vicinity, away from on-coming traffic and wait for emergency assistance to arrive.
6. Do not touch anything at such scenes unless permitted to do so by your host officer. Be very careful what you touch as you may come into contact with potentially hazardous materials and substances. Also be aware that items, including debris, at such incident scenes may be valuable evidence.
7. You may place yourself in the position of being called as a witness to a particular incident , either by the defence or the prosecution.

- 8 Police have statutory powers to enter private premises in certain circumstances. If you enter private premises without the authority of the occupier, or fail to leave when asked to by the occupier you may become a trespasser.

To be read by the Accompanying Officer:

1. (If applicable) In your initial application you will have included any reasons for not going on patrol with the police force. Are there any changes to the information that you gave at that time?*
2. Whilst on a visit with Gwent Police we have certain obligations towards your welfare. Please advise me of any factors that might affect the conduct of this visit.
3. When on patrol please act on my instructions.
4. Only get out of the vehicle if I say it is safe to do so.
5. If you have any problem concerning the visit, or if any problems arise during the visit please advise me immediately.

Declaration

I have read the above notice and am willing to abide by the conditions.

Signed _____ Date _____

Lay Observer

Signed _____ Date _____

Accompanying Officer

(rank/number/name).....

*(If yes, please note overleaf. If there is any doubt that the visit should go ahead consult a supervisor)