

GWENT POLICE DIRECTION AND CONTROL PROCEDURE



Heddlu
Gwent
Police

SUMMARY

'STAFF 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'

A Direction and Control matter is one that relates to:-

- Operational policing policies (where there is no issue of conduct)
- Organisational decisions
- General policing standards in the Force

Any Direction and Control Complaint will be recorded on **Force form 101/1 (Appendix A)** and forwarded to the D/Superintendent, Standards Unit who will ensure the matter is recorded and correctly categorised.

The D/Superintendent, will review the issue subject to complaint and nominate an officer/staff member to conduct an investigation.

During the investigation process should the investigator consider that the rights of an individual member of staff be in conflict, i.e any alleged disciplinary or criminal issues come to light, then this will be reported to the D/Superintendent, Standards Unit immediately. A decision will be made as to whether the investigation process should continue or whether a formal and appropriate criminal/discipline enquiry should commence.

The extent of the investigation and the appointment of an investigator will depend on the nature of the complaint and it is not possible to be prescriptive. However, as a general rule, where the matter is one of policy, the policyholder will need to be involved.

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

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1.0 Guidance, Procedures, Tactics

1.1 Risk Assessments and Health and Safety Considerations

Police personnel are required to consider making the appropriate risk

assessment when implementing this procedure.

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

1.2 Specific Procedure

1.2.1 Recording and Investigation

Any Direction and Control Complaint will be recorded on **Force form 101/1 (Appendix A)** and forwarded to the D/Superintendent, Standards Unit who will ensure the matter is recorded and correctly categorised.

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The extent of the investigation and the appointment of an investigator will depend on the nature of the complaint and it is not possible to be prescriptive. However, as a general rule, where the matter is one of policy, the policyholder will need to be involved.

1.2.2 Responsibilities

Issues concerning direction and control of a force, by their nature, have the potential to have an impact on a force's efficiency and effectiveness. A police authority has statutory responsibility for the efficiency and effectiveness of its police force and it is also accountable to local communities for the delivery of policing. That is why a police authority has a key role in overseeing and scrutinising force performance in handling complaints about direction and control.

1.2.3 Performance Standards - Timeliness

Complaints regarding Direction and Control should be expeditiously investigated and returned to the D/Superintendent, Standards Unit within 28 days of receipt.

The complainant in the matter should always be kept updated as to the progress of the enquiry on a regular basis. However, any disclosure of information should be subject of a sensitivity test.

Protective Marking should always be used and is an indication of the level of protection and security controls the material requires. It is based on the likely consequence of compromise, and gives an indication of the baseline requirements for its handling, use and ultimately secure destruction and disposal to prevent unauthorised access, alteration or availability.

It is the responsibility of the originator of any information / material to assess the appropriate Protective Marking.

Brief Descriptions of relevant Protective Markings are:

RESTRICTED - Promote discretion in order to avoid unauthorised access by:

- Making accidental compromise or damage unlikely during storage, handling, use, processing, transmission or transport.
- Deterring deliberate compromise or opportunist attack.
- Disposing of or destroying in a manner to make reconstruction unlikely.
- Limiting access, on a "need to know" basis, to those with an appropriate security clearance level.

CONFIDENTIAL - Inhibit casual or wilful unauthorised access by:

- Making accidental compromise or damage unlikely during storage, handling, use, processing, transmission or transport.
- Controlling knowledge of planned movement.
- Offering a degree of resistance to deliberate compromise.
- Detecting actual or attempted compromise and helping identify those responsible.
- Disposing of or destroying in a manner to make retrieval or reconstruction unlikely.

Limiting access, on a "need to know" basis, to those with an appropriate security clearance level.

SECRET and TOP SECRET : Refer to Information Security Officer.

2.0 Procedure Statement & Intentions

2.1 Principle & Scope of Procedure:

This procedure sets out the principles in relation to the recording and investigation of Direction and Control Complaints.

A Direction and Control matter is one that relates to:-

- Operational policing policies (where there is no issue of conduct)
- Organisational decisions
- General policing standards in the Force
- Operational management decisions (where there is no issue of conduct).

Direction and Control of a Police Force by a chief officer shall be taken to include the direction and control by any person serving under the chief officer who operates by virtue of a formal delegated authority from the chief officer, either directly or indirectly. For example, a **Local Policing Unit (LPU) Commander** will have delegated authority and prescribed discretion from the chief officer to provide a policing service in their area. They may develop local policies and operating procedures within the overall force framework. Such local policies and operating procedures are regarded as direction and control of a police force by a chief officer.

2.2 Aims of Procedure

To ensure that Gwent Police deal properly and effectively with all forms of complaints and that the lessons from such complaints are considered and assessed to inform the development of local policy and practice and enhance the effectiveness of local policing.

3.0 Introduction

3.1 Origins/Background Information

The introduction of the IPCC (Independent Police Complaints Commission) and the implementation of the Police Reform Act 2002 **and the Police (Conduct) Regulations 2008** brings in legislative requirements in respect of complaints against police that have been established to create a more open and transparent system.

Details of recording public complaints alleging misconduct are not covered by this procedure and are dealt with in accordance with the provisions of the Police Reform Act 2002 and **the Police (Conduct) Regulations 2008**.

However, there are other matters that are brought to the police that are not

recordable misconduct matters. Section 14(2) of the Police Reform Act 2002 (remains unaffected by the Police (Conduct) Regulations 2008) provides the power for the Secretary of State to issue guidance to Chief Officers and the Police Authority concerning Direction and Control complaints.

The precise nature of the investigation or consideration of each complaint, which relates to the Direction and Control of the force will be determined by the terms of the complaint itself.

Heads of Service Area, Local Policing Unit Commanders and Departmental Heads should therefore consider this on a case by case basis. Nevertheless, the same principles should apply as they do to any other type of complaint – namely, that each complaint is considered carefully and on its individual merits. Timely responses, to meet our current correspondence handling standards, should be provided to each and every complaint relating to Direction and Control of the force, which should provide as full a response or explanation as is reasonably possible to provide.

The effect of the Police Reform Act 2002 and the formation of the IPCC is to create three basic areas of complaint

- Misconduct
- Civil Claims
- Direction and Control

In addition to these there are the normal day to day contacts with Gwent Police by the public regarding questions and queries about our work, policies, procedures and practices. Nothing in this procedure is designed to change the way we deal with those issues.

This procedure details the recording procedures to be adopted when dealing with matters of complaint that fall outside recordable misconduct complaints. It is not intended to significantly alter the way these issues are resolved **within the relevant Service Areas, Local Policing Unit and Department**. It is merely to create a corporate method of recording to meet the legal requirements. A significant benefit will be that themes and corporate issues will be able to be identified across the Force.

Nothing in this procedure affects the way that Service Areas, Local Policing Units and Departments currently handle enquiries, questions, communications and requests through normal correspondence channels.

3.2 Motivators/Driving Forces

This procedure is intended to set out clear direction as to how the organisation will deal with direction and control complaints.

3.3 The Legal Basis and Legitimate Aims

Section 14 of the Police Reform Act 2002.

3.4 The Appendices

Appendix A - DIRECTION AND CONTROL – PRACTICAL EXAMPLES
(Including Direction and Control Complaint Form)

4.0 Implications of the Procedure

4.1 Financial Implication

There will be financial implications with the introduction of these procedures.

4.2 Human Resources/Training

There should be no human resource or training implications

4.3 Strategic Plan Links

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

4.4 Consultation

A summary of the extent of consultation should be recorded here.

Police Authority
Chief Officers
Heads of Service Area and Departmental Heads
Information Security Officer/Data Protection Officer
Superintendents Association
Police Federation
UNISON
Force Solicitor
Freedom of Information Officer
Gwent Police Women's Association
Gwent Black Police Association
Gwent Disability Network

5.0 Human Rights Consideration Certification

5.1 Auditing for potential interference and discrimination

Article 3 Inhumane or degrading treatment European Convention

Article 5

Article 8 Right to Family and Private Life European Convention

Article 9

Article 10

Article 11

Article 14 Prevention of discriminatory behaviour European Convention

Every consideration should be given to an alternative posting during the investigation or proceedings, if the continued duty of that officer would be detrimental to the investigation.

" 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?

A. See 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?

A. 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
1. The prevention of disorder or crime
2. The protection of the rights of others.

This procedure will be operated in a proportional and fair manner within the terms set out in the force procedure on equality

5.3 Rights, Publication, Audit and Inspection

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

Officers who wish to make representations regarding the operation of this procedure will have recourse to both formal, informal and organisational complaints procedures in respect to the operation of this procedure.

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

The procedure is disclosable to the public. Where copies of this procedure are requested they can be made available from the Standards Department.

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, Her Majesty's Inspector of Constabulary or the Independent Police Complaints Commission.

5.4 Certification of Compliance

Consideration has been given to the compatibility of this procedure and related policies and procedures 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 procedure under ECHR, which cannot be resolved.

This procedure has been vetted.

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 of this procedure will be the responsibility of the Detective Superintendent Standards Unit H.Q and will be reviewed in accordance with time scales laid down by the Force.

Data will be published in line with the specific duty under the Race Relations (Amendment) Act 2000.

Monitoring will be in line with the specific duty on employment as laid down in the Race Relations (Amendment) Act 2000.

8.0 Procedure Identification Page

Procedure Title: Direction and Control procedure

Procedure Reference No: 101/8 b issue 3

Procedure Ownership: Detective Superintendent Standards Unit

Portfolio/Business Area Owner: Chief Officer Operations

Procedure Written By: Detective Sergeant Standards

Department Responsible: Professional Standards Unit

Procedure Lead: Detective Superintendent Standards Unit

Links to other Policies: Professional Standards Reporting, Staff Monitoring, Information Security, Access to Medical Reports, Sickness Absence, Management of Records Including Disposal and Retention, Freedom of Information, Crime Recording, CHIS, Confidential Contacts, Press and Public Relations, Health and Safety, [Equal Opportunities Policy & Strategy](#), [Employment of Transgender People](#).

Procedure Implementation Date: PSG 19th August 2005 reviewed February 2009

Procedure Review Date: two years from approval

APPENDIX A

DIRECTION AND CONTROL – PRACTICAL EXAMPLES

Complaints regarding the Direction and Control of a force relate directly to the personal actions or decisions of the Chief Constable. For example, complaints directly concerning a force-wide policy, or accepted practice and procedure..

The following are practical examples are outlined in the following scenarios:

Example 1

An owner complains that their stolen vehicle was recovered without their consent and they have been subsequently billed for the storage charges.

This is a Direction and Control issue over the implementation of Gwent Policies.

Example 2

A Force-wide crime initiative authorised by the Chief Constable leads to complaints that road safety issues have been neglected.

This is a Direction and Control issue over the implementation of Gwent Policies.

Tactical Operations

This will refer to complaints that are not about the actions of individuals, but relate to local operational decisions and practices.

Example 1

A decision at a football match to hold back away supporters at the end of the match.

This is a Direction and Control issue arising from Local Tactical/Operational Decision making

Example 2

A decision by the **Local Policing Unit Commander** to deploy officers into a specific residential area on high profile policing to prevent anti-social behaviour. If a letter was received commenting that a person felt this was oppressive or an over reaction then this could be categorised under this section.

This is a Direction and Control issue regarding local Tactical/Operational decision making

Resource Allocation

Complaints relevant to this heading would relate to local management decisions concerning deployment or re-deployment of resources.

Example 1

The Chief Constable receives a letter from a local councillor complaining that the withdrawal of a Community Constable to work on a force-wide initiative has led to increased crime within their ward.

Resource Allocation is a Direction and Control issue relating to Divisional/Departmental decisions on Resource Allocation)

Example 2

A letter is received stating that since the withdrawal of the local Community Constable and the move to centrally based teams, problems had increased.

This would primarily relate to local policy on community policing interpreted at a local level and therefore is Direction and Control – Resource Allocation.

Quality of Service / Service Delivery

Complaints concerning organisational quality of service matters which do not relate to actions or decisions of the Chief Constable, i.e. where the perception of a member of the public is that Gwent Police has failed to provide the expected level of service.

These relate to procedural or quality of service issues and not to the attitude, demeanour or conduct of an individual member of staff.

They will include issues surrounding the operation of our processes, systems and facilities. For example:

- Correspondence handling and timeliness of replies both written and electronic.
- Timeliness in payment of invoices.
- Facilities such as multi-lingual leaflets.
- Call handling issues such as call-back, transmission and receipt of messages.
- Access issues such as disabled toilets, ramps and hearing loops.
- Witness facilities such as privacy, comfort and welfare.

This list is not exhaustive but serves to illustrate some areas.

Example 1

A letter states that the author has made numerous reports to the Division but has never received a reply. Also there is no information as to whom their Community Constable is.

This is primarily a complaint regarding the Quality of Service provided in terms of correspondence and information.

Example 2

A letter of complaint regarding delays in answering calls.

This is primarily a complaint regarding the Quality of Service provided in terms of call handling.

DIRECTION AND CONTROL COMPLAINT FORM 101/1

This form must be completed when a complaint is made against any member of staff (Including Special Constables and Volunteers) where the actions complained of relate to:

- Operational policing policies (where there is no issue of conduct)
- Organisational decisions
- General policing standards in the Force
- Operational management decisions (where there is no issue of conduct)

Complaints can originate from internal or external sources.

It is important that such matters are recorded and fed back to the Policy and Procedure owner to review matters and consider concerns raised.

Name of Complainant:	Date of Birth:
	Occupation:

PNC ID Code	<input type="text"/>	Self Defined Ethnic Code	<input type="text"/>
If not stated reason: Called Away	<input type="text"/>	Pub. Ord Situation	<input type="text"/>
Declined:	<input type="text"/>	Couldn't Understand:	<input type="text"/>

Details:.....
.....

Address:

Contact Number:

Complaint:

This form is to be forwarded to the D/Superintendent, Standards Unit who will record, categorise and nominate an individual to investigate the matter in accordance with Local Guidance.

Officer Submitting:	Station/Division:
Date:	

May