

Policy & Procedure Title:	Disciplinary Procedure for Police Staff
Workstream/Business Area:	Professional Standards
Policy Author:	DCI Professional Standards
Service Area Approval:	Head of Professional Standards
Chief Officer Approval:	Deputy Chief Constable
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POLICY UPDATES

Version	Date	Comments	Author	Approving Officer
6	28/03/2017		██████████	D/Supt PSD
7	03/07/2025	Periodic review of the policy.	██████████	D/Supt ██████████ - PSD



1. PURPOSE

- 1.1. This is a combined policy and procedure document however for simplicity will hereafter be referred to as 'the procedure'.
- 1.2. The disciplinary procedure set out below is designed to ensure that all employees of Gwent Police are treated fairly and consistently, to ensure the efficient and safe performance of work and to promote the maintenance of good relations between colleagues and between employees and their managers.
- 1.3. The purpose of the procedure is also to:
 - Maintain public confidence in, and reputation of, the police service.
 - To uphold high standards in policing and to deter misconduct.
 - To protect the public.
- 1.4. This procedure applies to members of police staff who are subject to allegations of misconduct or gross misconduct (collectively referred to as misconduct matters) and explains how investigations into such allegations will be assessed, investigated and concluded. If the matter is assessed as performance, this procedure will not apply.
- 1.5. This procedure mirrors in so far as possible the approach taken for misconduct matters involving police officers (set out under police regulations). This is intentional and offers consistency, as many of the provisions within police regulations can be mirrored to police staff procedures - but also as police staff are expected to adhere to the same high standards of behaviour as police officers.
- 1.6. This procedure also reflects the Police Staff Council guidance for police staff in disciplinary matters and its linked guidance note around the Standards of Professional Behaviour (please note that despite the latter's publication date of 2008, this document remains valid and is referenced within the 2020 version of the Police Staff Handbook).

2. RELATED DOCUMENTS

The following force policies & procedures may be relevant to matters engaging this procedure:

- Culture Strategy
- Police Staff Probationary Period procedure
- Capability Procedure for Police Staff
- Fairness at Work procedure
- Absence Management policy
- Suspension & Restriction policy
- Anti-bribery and Corruption policy
- Reporting convictions, cautions and other matters policy
- An Equality & wellbeing Impact assessment accompanies this procedure. This procedure will be operated in line with the principles of the Strategic Equality Plan



3. DEFINITIONS

- 3.1. **Appropriate Authority - known as the 'AA'** - means the final decision maker for Professional Standards Department (PSD) matters. This is the Deputy Chief Constable; however decision making may be delegated to a PSD officer not below the rank of Inspector (the delegated role is usually performed by the DCI within PSD).
- 3.2. **Police Staff Council: Standards of Professional Behaviour** - The 10 Standards reflect the behavioural expectations for police staff. They enable all staff to know what type of conduct is acceptable and what is unacceptable.
- 3.3. **Misconduct** is defined as a breach of the Standards of Professional Behaviour that is so serious as to justify disciplinary action.
- 3.4. **Gross Misconduct** is defined as a breach of the Standards of Professional Behaviour so serious that dismissal would be justified.
- 3.5. **The investigating officer (within PSD) – known as the 'IO'** will undertake an impartial review of the case and summarise the factual findings of the investigation. They will restrict their conclusions to recommendations on whether the force should take formal action, such as holding a disciplinary hearing. The IO should not suggest a possible sanction or prejudge the outcome of the disciplinary hearing.
- 3.6. **Case to Answer Decision** - The purpose of the investigation is to decide if there is a case to answer in respect of all or any of the allegations. The term “case to answer” is a concept used in common law and in disciplinary contexts. There will be a case to answer (made by the delegated AA), where there is sufficient evidence upon which a reasonable misconduct meeting or misconduct hearing, properly directed, could reach a finding of misconduct or gross misconduct on the balance of probabilities.
- 3.7. **Practice Requiring Improvement (PRI)** means behaviours that are identified as sub-optimal and offer opportunity for improvement and learning.
- 3.8. **Reflective Practice** – is the structured meeting process to deal with PRI (to discuss the learning and agree a way forwards), normally conducted by the individuals' line manager. Reflective is not a sanction but a constructive process.

4. LEGISLATIVE FRAMEWORK

- 4.1. Police Staff Council Handbook.
- 4.2. Guidance Note 9 to the Police Staff Council Handbook - Standards of Professional Behaviour (see below).
- 4.3. Home Office Guidance: Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and Integrity in Policing.
- 4.4. Independent Office of Police Conduct: Statutory guidance on the police complaints system.
- 4.5. College of Policing Guidance on outcomes in Police Misconduct Proceedings.
- 4.6. ACAS 'Code of Practice on Disciplinary & Grievance Procedures and ACAS - 'Discipline and Grievances at Work Guide.
- 4.7. Police Appeals Tribunal Rules.
- 4.8. Vetting APP May 2025.



- 4.9. Employment Rights Act 1996 (Section 98).
- 4.10. Equality Act 2010.
- 4.11. The Police (Vetting) Regulations 2025.
- 4.12. The Police (Conduct, Performance and Complaints and Misconduct) Amendment) Regulations 2025.
- 4.13. Welsh Language Standards.

5. QUALIFICATIONS

- 5.1. The procedure will be used where allegations of misconduct are identified. This procedure does not apply to cases where an employee is in their probationary period and/or fails to perform to the required standard as a result of lack of skill, capability or performance, or has genuine sickness absence. In those cases, reference should be made to police staff procedures dealing with Capability, Absence and Probationary periods as applicable.
- 5.2. All police staff are required to adhere to the Standards of Professional Behaviour as part of their contract of employment with Gwent Police.
- 5.3. Gwent Police reserves the right to make additions or alterations to this policy periodically, and individuals will be notified of any such additions or alterations.
- 5.4. Allegations or concerns relating to members of staff working for the Office of the Police and Crime Commissioner (OPCC) can be raised to PSD, however will be referred to the OPCC Chief Executive for assessment and action.

6. ENTITLEMENT

- 6.1. This procedure applies to police staff employed by Gwent Police on a full time, temporary, fixed term contract, or part time basis, including agency, those seconded out of force, or working on any collaborative unit and volunteers.
- 6.2. This procedure will not apply to police staff within their probationary period – in such cases the Police Staff Probationary Period procedure will apply.
- 6.3. Gwent Police is compliant with the Welsh Language Standards and individuals have the legal right to:
 - Respond in Welsh to any allegations made against them.
 - Use the Welsh language at an interview or disciplinary meeting/hearing.
 - Be informed in Welsh of the outcome of a disciplinary investigation, meeting or hearing.
- 6.4. All processes outlined in this procedure can be completed in Welsh if requested by the individual.

7. RESPONSIBILITIES

All Police Staff are responsible for ensuring they:

- 7.1. **Familiarise themselves with and abide by the Standards of Professional Behaviour**



Public confidence in the police depends on police staff demonstrating the highest levels of personal and professional standards of behaviour as outlined in Guidance Note 9 to the Police Staff Council Handbook.

The 10 Standards of Professional Behaviour are not intended to describe every situation but rather to set a framework which everyone can easily understand.

A breach of these Standards may damage public trust and confidence in Gwent Police and the wider police service and could lead to disciplinary action, which in serious cases may result in dismissal.

Honesty and Integrity

Police staff are honest, act with integrity and do not compromise or abuse their position.

Authority, Respect and Courtesy

Police staff act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.

Police staff do not abuse their powers or authority and respect the rights of all individuals.

Equality and Diversity

Police staff act with fairness and impartiality. They do not discriminate unlawfully or unfairly.

Use of Restraint

Police staff only use restraint as part of their roles and responsibilities to the extent that it is necessary, proportionate and reasonable in all the circumstances.

Instructions

Police staff only give and carry out reasonable instructions. Police staff follow all reasonable instructions and abide by force policies.

Work and Responsibilities

Police staff are diligent in the exercise of their work and responsibilities.

Confidentiality

Police staff treat information with respect and access or disclose it only in the proper course of their work.

Fitness for Work

Police staff when at work are fit to carry out their duties.

Discreditable Conduct

Police staff behave in a manner which does not discredit the police service or undermine public confidence in the police service. Police staff must report any conviction or caution against them for a criminal offence.

Challenging and Reporting Improper Conduct

Police staff whilst at work report, challenge or take action against the conduct of colleagues which have fallen below the standards of professional behaviour expected.



Additionally, all Police Staff are responsible for

- 7.2. Practicing the force values and Code of Ethics during all dealings with each other, our communities and partners.
- 7.3. Participating honestly and openly with any investigation and/or disciplinary procedure in which they are involved.
- 7.4. Attending all meetings, responding to all queries and providing any evidence without unreasonable delay as and when required by PSD or other persons.

All Line Managers are responsible for ensuring they:

- 7.5. Ensure early intervention when low level misconduct or performance is identified to address issues and prevent escalation.
- 7.6. Identify any misconduct to PSD for initial assessment.
- 7.7. Deliver effective support measures to staff who are subject to a misconduct investigation, particularly if appointed as the individual's 'welfare SPOC'.
- 7.8. Engage constructively with requests to deliver any learning outcomes to individuals at any stage of the process.

The Professional Standards Department (PSD) is responsible for ensuring they:

- 7.9. Assess and investigate any allegations of misconduct and gross misconduct, impartially, thoroughly and expeditiously.
- 7.10. Make fair outcome decisions based on the circumstances of the case, and with an overarching regard to promoting public trust and confidence in Gwent Police and the wider police service.

Human Resources are responsible for ensuring they:

- 7.11. Provide appropriate advice and guidance throughout the disciplinary process.
- 7.12. Ensure procedural compliance and fairness during the process.

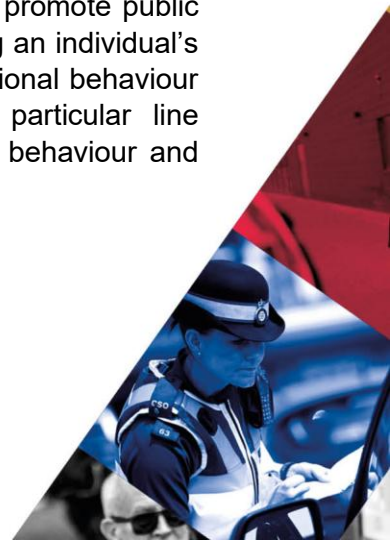
Overarching:

- 7.13. Any person who may have a conflict of interest in any investigation, meeting/hearing or appeal (for example, a current or previous personal relationship with the employee against whom an allegation has been made) must declare this conflict and will be precluded from being involved in any part of that investigation or misconduct process.

8. THE DISCIPLINARY PROCEDURE

General notes:

- 8.1. Gwent Police recognises the importance of dealing with disciplinary matters as expeditiously as possible to reduce the impact on all parties and to promote public and internal trust and confidence. If concerns are identified regarding an individual's conduct that amounts to minor breaches of the standards of professional behaviour or 'sub-optimal' behaviour/performance, then all employees, in particular line managers, have a duty to challenge and intervene to improve this behaviour and prevent the need for formal misconduct procedures.



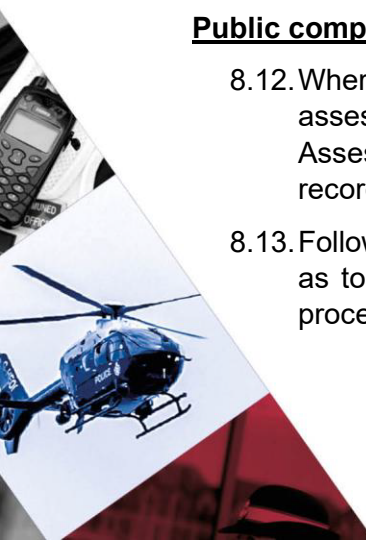
- 8.2. At each stage of the procedure, Gwent Police welcomes representations and will consider whether there are any reasonable adjustments that could be made to assist any person subject to the procedure or their representative.
- 8.3. The purpose of the investigation is to establish all the relevant facts, to allow the staff member to provide an explanation and to determine if there is a case to answer at a disciplinary meeting/hearing in respect of all or any of the allegations. The Investigating Officer (IO) will undertake an independent review of the case, carry out reasonable lines of enquiry and interview or otherwise obtain an account from the individual who is subject of the allegations.
- 8.4. The exact nature and extent of the investigation will depend on the circumstances and the seriousness of the matter.

Initial review following receipt of allegations of misconduct or gross misconduct

- 8.5. Where allegations of potential misconduct are identified, PSD will carry out an initial severity assessment (SA) to determine (on the facts known at that time) whether the allegations justify disciplinary procedures and, if proven, would amount to misconduct or gross misconduct.
- 8.6. If a case to answer decision is made at the conclusion of the investigation, 'misconduct' allegations will normally be dealt with via a disciplinary 'meeting' (unless the individual has a live final written warning). 'Gross misconduct' allegations (or where the individual already has a final written warning in place) will be dealt with via a disciplinary 'hearing'.
- 8.7. The SA will be kept under review. At any time prior to formal disciplinary proceedings commencing the SA can be revised should new information or evidence become available.
- 8.8. Where the early SA identifies less serious breaches that would not justify disciplinary procedures, these may be resolved at an early stage using other outcomes (in the same manner as provided for within police officer regulations) namely **Reflective Practice and Learning upon Reflection**. These are not formal misconduct outcomes and are designed to promote learning and improvement in a constructive way.
- 8.9. Reflective Practice may also be the outcome of a police staff misconduct or gross misconduct investigation at the (later) case to answer stage or at a meeting/hearing if misconduct is not found proven.
- 8.10. At whatever stage a learning outcome is applied, a willingness by individuals and the organisation to continuously improve is critical to promoting a progressive learning culture.
- 8.11. During the SA stage, some matters may also be assessed as being suitable for performance procedures and will be referred accordingly.

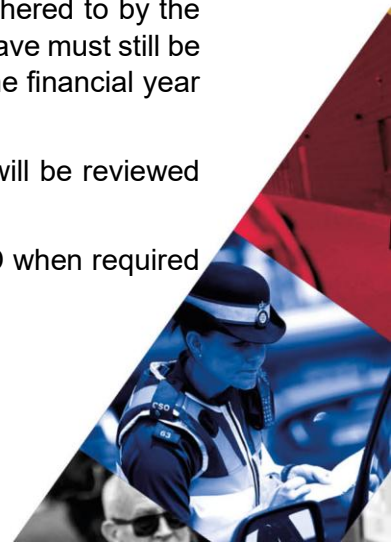
Public complaints made against police staff

- 8.12. Where a public complaint is made against a member of police staff - an initial assessment of the complaint will be made by PSD - known as a Preliminary Assessment (PA). This will establish the appropriate method of handling and recording the complaint.
- 8.13. Following the complaint handling and fact-finding phase, an assessment will be made as to whether any misconduct has been identified, if so, the Severity Assessment process (noted above) will take place.



Suspension from duty and restricted duties

- 8.14. Any suspension from duties and/or a move to restricted duties will be considered in accordance with the force suspension and restriction policy.
- 8.15. Suspension/restriction is a neutral act to manage risk or public confidence issues. It does not imply that any decision has been taken about the individual or the outcome pre-determined.
- 8.16. More details can be found within the suspension and restriction policy, however in summary **restrictions** may be applied to mitigate risks such as:
- Protecting the individual from any further allegations of a similar nature.
 - Protecting disruption to an on-going investigation.
 - Protecting witnesses from the risk of perceived intimidation.
 - Protecting the reputation of Gwent Police
 - Protecting against any further misconduct.
 - Protecting force assets, or the integrity of other investigations
- (This is not an exhaustive list)
- 8.17. **Suspension** will only be considered when the following criteria is met:
- Where an effective investigation may be prejudiced unless the individual is suspended (including to prevent interference with or intimidation of a witness).
- Or:
- The public interest, having regard to the nature of the allegation and any other relevant consideration, requires that the officer should be suspended.
- And:
- A temporary move to a new location or role has been considered but is not appropriate in the circumstances.
- 8.18. Only a Chief Officer may decide upon suspension. A 'Delegated Appropriate Authority' (Inspector or above within PSD) may decide on restriction.
- 8.19. Suspended and restricted individuals will receive their normal pay, including all contractual earnings, allowances and benefits and any incremental progression whilst under investigation.
- 8.20. Individuals who have been suspended or restricted remain required to comply with the requirements of the Standards of Professional Behaviour and all force policies and procedures during the period of their suspension or restriction.
- 8.21. Normal sickness, absence and annual leave procedures must be adhered to by the individual whilst suspended or restricted. When suspended, annual leave must still be requested and authorised, and leave carry over limits at the end of the financial year continue to apply (37hrs for police staff).
- 8.22. The decision to suspend or place an individual on restricted duties will be reviewed every 28 days.
- 8.23. An individual on suspension must make themselves available to PSD when required during their normal working hours (for example, for an interview).



Documentation provided during the misconduct process (general note)

8.24. Throughout the process, information and documentation will need to be provided to the individual, these can be provided in the following ways:

- Given to the individual in person
- Given to their representative
- Left with a person at the individual's last known address
- Sent to the individual's last known address by 1st class post by recorded delivery or other service which provides for delivery on the next working day
- Given in any other agreed manner – for example via email

8.25. All information provided during the investigation and/or proceedings will be subject to the harm test ((see regulation 6 The Police (Conduct) Regulations 2020).

Notice of Investigation

8.26. As soon as practicable following the completion of the SA the individual will be provided with a written notification containing the following information (this may be delayed if doing so could frustrate the investigation):

- The allegations against the police staff member.
- Whether the matter is initially assessed as misconduct or gross misconduct (the SA).
- Details of the IO.
- The terms of reference for the investigation.
- Details of the right to a companion/representative,
- That the individual may be invited to attend an interview/or provide written responses as part of the investigation.
- Outlining that any statement made, orally or in writing, may be used in proceedings.
- Information regarding the welfare support available to the individual.

8.27. A 'welfare SPOC' (normally the individual's line manager unless they are witness) will also be appointed at, or by the point of, serving the investigation letter.

8.28. Any appropriate manager can serve this letter with guidance from PSD, however it is normal practice for PSD to do so in cases where suspension also applies. Unless exceptional circumstances apply, the investigation letter and any suspension/restriction papers must be served in person.

Welfare Support

8.29. Gwent Police has a duty of care towards individuals subject to misconduct investigations. Welfare support will be offered via the force Wellbeing team, through line managers or utilising external services contracted by the force (e.g. Vivup). Human Resources Business Partners (HRBPs) must also play a role in supporting the individual and line managers during these procedures.



Police Staff Representation

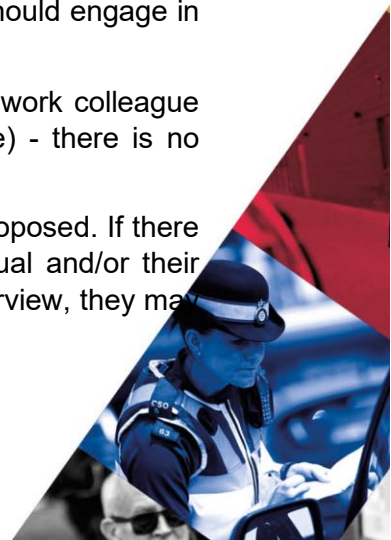
- 8.30. A police staff member may have a representative with them to support them throughout the misconduct process including for any linked criminal matter.
- 8.31. Details in relation to this representation, including who can carry out the role can be found at paragraph 10.1.
- 8.32. Please note there is no entitlement to legal representation in police staff disciplinary proceedings (meeting or hearing).

Sub-judice - Delaying misconduct investigations pending a criminal outcome

- 8.33. The term 'sub-judice' applies when there is a criminal offence allegation being investigated alongside and linked to a misconduct matter. The term relates to the potential delaying of the misconduct investigation and/or proceedings if not to do so may prejudice the criminal investigation.
- 8.34. For example, a staff member is alleged to have committed an assault offence whilst on a night out. They have been charged to court by police (outside of PSD). The alleged behaviour raises misconduct allegations; however, it may be prejudicial to proceed to a misconduct hearing until the criminal trial is complete. Alternatively, a public complaint has been made regarding a member of police staff (that amounts to misconduct) regarding their handling of an incident which is progressing through the criminal courts. It may be necessary to delay progressing the misconduct case until the criminal matter is concluded.
- 8.35. In such cases, the misconduct investigation may, in effect, be 'paused' until conclusion of the criminal matter, following which a review and case to answer decision will be made to determine if the police staff member should face misconduct proceedings.
- 8.36. Please note even if an individual is not charged, or is acquitted for a criminal matter, it may still be justified to hold misconduct proceedings as the burden of proof for criminal matters is 'beyond all reasonable doubt', and for misconduct proceedings it is the lower standard of 'on the balance of probabilities.'

Invitation to attend an Interview / submit a written response

- 8.37. If the investigating officer decides that the individual should be interviewed in relation to the allegations, the individual will be notified in writing containing the following information:
- The time, date and location for the interview.
 - Confirmation of who will conduct the interview (normally the IO).
 - The reason for the interview and whether the allegations are considered to constitute misconduct or gross misconduct.
 - That, in line with the expectations of this policy, the individual should engage in the interview process or written responses if this is agreed.
 - That they are entitled to be accompanied by a representative (work colleague not involved in the investigation, or trade union representative) - there is no entitlement to legal representation at a meeting/hearing.
- 8.38. Police staff must attend an investigation interview at the date/time proposed. If there are legitimate reasons (including medical reasons) why the individual and/or their representative are unable to attend on the proposed date for the interview, they may

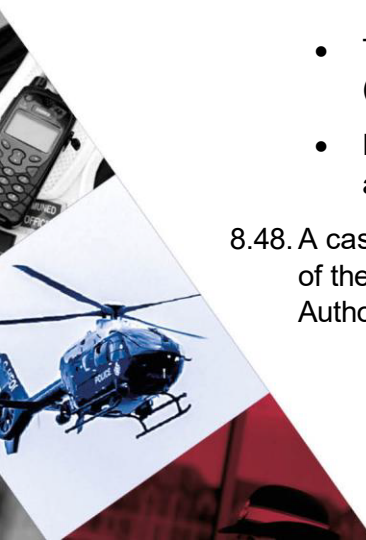


suggest a reasonable alternative date, which must be within 10 working days of the date first proposed (only one deferral of this nature will be permitted). They may also propose any reasonable adjustments that may make attending possible.

- 8.39. If the matter includes a criminal allegation (and is also being investigated by PSD), an interview for the criminal offence will be conducted under the Police and Criminal Evidence Act 1984 during which the individual will be entitled to legal representation.
- 8.40. The individual will be provided with pre-interview disclosure at least 3 working days prior to the date of the interview (save for exceptional circumstances where this period may be reduced if there is a risk to others or the investigation by not doing so).
- 8.41. If the IO decides it is not necessary to conduct a formal interview the individual may be requested to provide a written account, or responses to a series of written questions. The written response and any supporting documents submitted by the individual must be returned within 10 working days of the request made by PSD (this may be extended with the agreement of the Appropriate Authority).
- 8.42. If the individual is initially invited to an interview, however feels that a written response should be considered by the IO/PSD as an alternative, they may submit representations to the IO to request this. The Appropriate Authority or delegated Appropriate Authority within PSD will decide if the request is reasonable.
- 8.43. All information will be provided in line with the harm test (see regulation 6 Police (Conduct) Regulations 2020).
- 8.44. Please also note section 8.54 below dealing with non-participation / medical unfitness – the principles of which apply to this section also.

Conclusion of the investigation

- 8.45. When the investigation is concluded a report will be sent to the Appropriate Authority (or delegated). They will decide if there is a case to answer in relation to the allegations, if the case to answer for misconduct or gross misconduct is met, they will then decide if the matter should proceed to a misconduct meeting or gross misconduct hearing. If there is no case to answer, or the conduct falls short of justifying formal misconduct proceedings, the matter may be dealt with via performance procedures, vetting procedures, referred to the reflective practice review process (RPRP), or there may be no further action.
- 8.46. If there is no case to answer, or an outcome of referral to RPRP, the individual is entitled to a copy of the investigation report (subject to redactions relating to the private information of others).
- 8.47. If there is a case to answer decision and the matter is to proceed to a meeting or hearing the individual will be provided with a written notification outlining:
 - That a case to answer decision has been made
 - That they are to attend a meeting or hearing and the available sanctions at each (if proven)
 - Reminding the individual of the right to be accompanied at the meeting/hearing by a work colleague not involved in the investigation or trade union representative
- 8.48. A case file bundle will then be created by PSD as soon as possible containing copies of the witness statements and any other supporting evidence on which the Appropriate Authority intends to rely. The bundle will also include a schedule of unused material and



copies of any material capable of assisting the individual's case or undermining the Appropriate Authority's case.

8.49. Once complete, the individual will receive a further written notification of proceedings outlining:

- The date, time and location of the meeting/hearing
- The chair and panel composition
- The allegation(s) for which a case to answer decision has been made and which will be heard at the meeting/hearing
- Reminding the individual of the right to be accompanied at the meeting/hearing by a work colleague not involved in the investigation or trade union representative
- A copy of the case file bundle will also be provided at this stage.

8.50. The meeting or hearing will take place at a date not less than 15 working days from the notification of proceedings.

8.51. The individual and/or their representative may respond in writing to the notification of proceedings within 10 working days, the response should include:

- Whether they accept the conduct amounts to misconduct/gross misconduct.
- Where they do not accept that the conduct amounts to misconduct/gross misconduct, details of the allegations they dispute and any arguments they wish to raise with regard to them not amounting to misconduct/gross misconduct.
- Any broader written mitigation they wish to submit.
- Any information or document that they may wish to rely upon at the meeting/hearing.
- Any witnesses they intend to call/rely upon at the meeting/hearing.
- Representations for any redactions within the case file bundle relating to non-relevant or prejudicial content.

Joint Misconduct Proceedings

8.52. Where matters include several individuals the presumption is that all evidence will be heard at one meeting/hearing.

Police staff fitness and participation in misconduct interviews and misconduct proceedings

8.53. If there are legitimate reasons (including medical reasons), why the individual and/or their representative are unable to attend an interview, or meeting/hearing on a specified date and time, the individual and or their representative may suggest a reasonable alternative date, within 10 working days of the date first proposed (only one deferral of this nature will be permitted). They may also propose any reasonable adjustments that may make attending possible.

8.54. Where an individual reports that they are medically unfit to attend or engaged in a misconduct interview or meeting/hearing, or rescheduled interview/meeting/hearing - it is for the individual concerned or their representative to make the case that they are medically unfit to participate, or there are other exceptional circumstances that prevent them participating.



- 8.55. In such a scenario, specific and specialist medical evidence will be required to justify delaying an interview or meeting/hearing on the grounds of ill-health or fitness. This will require evidence from a medical practitioner specialising in the relevant area of treatment (e.g. mental health services) that specifically comments on the individuals' ability to participate in an interview/meeting/hearing. A general 'FIT' note from a GP will unlikely be sufficient for this purpose. Once such evidence is received, the AA may consider it necessary to obtain independent corroborative evidence of the individual being medically unfit.
- 8.56. **Interviews** - where the individual has not provided evidence meeting the requirement within 8.55, and the AA determines based on this or any other evidence available that it is not justified to delay an investigative interview, the AA may decide to offer the opportunity for written questions and responses. If this is not elected, the AA may choose to continue with the investigation without such an interview taking place or obtaining such a response.
- 8.57. **Meeting/Hearing** - where the individual has not provided evidence meeting the requirement within 8.55, and the AA determines based on this or any other evidence available that it is not justified to delay the meeting/hearing, the AA may decide to continue with the meeting/hearing in the individual's absence. The individual will be informed in writing if this is the case and will be offered an opportunity to make written submissions to the meeting/hearing.
- 8.58. For both interviews and meetings/hearings, at any point the individual may request, and the AA may propose, any reasonable adjustments that could assist the individual or their representative in participating in the interview/meeting/hearing and to allow proceedings to continue, for example, participation via video link.

Unannounced non-attendance at and interview / misconduct proceedings

- 8.59. **Interviews** - where an individual fails to attend an investigation interview where their attendance was otherwise expected, or does not provide an otherwise expected written response, the AA may decide to continue with the investigation without such an interview taking place or obtaining such a response. However, the IO investigator must first demonstrate to the AA that:
- The person was notified of the interview date, time and location in writing (even if it was a date they proposed on re-arrangement).
 - That they are aware of the severity of the allegations.
 - That they were aware of the deadline for the written response (the AA will decide on any reasonable extension period to cater reasonably for the response being late, but without notice from the individual).
 - Any reasonable adjustments that may persuade attendance have been considered and/or offered (if applicable).
- 8.60. **Proceedings** - where an individual fails to attend a meeting/hearing where their attendance was otherwise expected, the chair will decide if the proceedings will proceed in their absence. However, the IO must first demonstrate to the chair that:
- The person has been notified of the meeting/hearing's date, time and location in writing (even if it was a date they proposed on re-arrangement).
 - That they are aware of the severity of the allegations.
 - That checks have been made to identify their location, their welfare and to discover why they are not in attendance.



- That prior to the meeting/hearing the individual was offered the option to make submissions in response to the allegations.
- Any reasonable adjustments that may persuade attendance have been considered and/or offered (if applicable).

Police Staff Misconduct Meetings

- 8.61. The chair will be a police officer of at least the rank of chief inspector or police staff equivalent and regardless will be one rank or grade above the individual. An adviser from HR, will support the chair, it will be for the chair to make the decision on finding and sanction. No panel member will have been involved in the investigation.
- 8.62. Witnesses do not routinely give evidence at a misconduct meeting. Any representations to hear evidence in person must be made in advance in writing to the chair. The chair of the meeting can reject the request for a witness to attend to give evidence. If the request is rejected the rationale will be supplied to the AA and the individual.
- 8.63. Any witness the individual has requested to attend the meeting (who is an employee of Gwent Police) will be given a reasonable amount of time off work to prepare for and attend the meeting.
- 8.64. At the meeting the AA (normally represented by the IO) will present the case against the individual. The individual will then have opportunity to state their case in relation to the allegations and challenge any evidence produced in support of the allegations and to question witnesses if present (though as per 8.63 witnesses are not routinely permitted at misconduct meetings).
- 8.65. The meeting is held in private.
- 8.66. An audio recording of the meeting will be made.

Outcomes available at Police Staff Misconduct Meetings

- 8.67. The outcome of whether the individual's conduct amounted to misconduct or not will be decided on the balance of probabilities.
- 8.68. The chair may take account of previous written warnings and mitigating factors in relation to the individual's record of service, including any disciplinary outcomes that have not been expunged.
- 8.69. The AA, the individual and their representative may make representations in relation to the outcome. Those available at a misconduct meeting are:

Misconduct proven:

- Written warning (for 12 months)
- Final written warning (for 18 months)

Misconduct not proven:

- No further action
- Reflective practice
- Referral to performance procedures
- Referral to vetting procedures



8.70. At the end of the meeting, the chair may issue an oral decision. If the chair is unable to reach an immediate decision following the meeting, they are entitled to deliberate prior to issuing a decision in writing. In any event, written notification of the outcome will be sent to the individual within 10 working days of the meeting, or as soon as reasonably practicable, together with an explanation of any disciplinary action to be taken and notification of the right to appeal.

Police Staff Misconduct Meeting Appeals

8.71. An individual can appeal on the following grounds:

- The finding or disciplinary action imposed at the meeting was unreasonable.
- There is evidence that could not reasonably have been considered at the meeting, which could have materially affected the finding or decision on disciplinary action.
- There was a serious breach of the procedure or other unfairness at the meeting, which could have materially affected the finding or decision on disciplinary action.

8.72. Where the individual admitted their conduct amounted to misconduct, the appeal can only be in relation to the level of sanction given.

8.73. The individual must submit their appeal to the AA, including their grounds for the appeal, in writing and within 10 working days from the date they were sent a copy of the hearing outcome.

8.74. An officer of at least a rank above the original chair will consider representations from the individual in relation to the grounds for appeal. The HR adviser advising them will be different from the adviser during the meeting. If the reviewing officer determines that the grounds are met, they will conduct the appeal. If they determine the grounds are not met, the individual will be informed in writing and there is no further right of appeal.

8.75. The appeal is not a repeat of the original meeting; it should examine any aspects which are under question and may affect the outcome. If this relates to new evidence or a procedural breach, it will be necessary to hear this in detail. However, Gwent Police may also, at its sole discretion, deal with the matter as a re-hearing where necessary and appropriate.

8.76. The appeal outcome may confirm or reverse the decision appealed against; the sanction will not be increased.

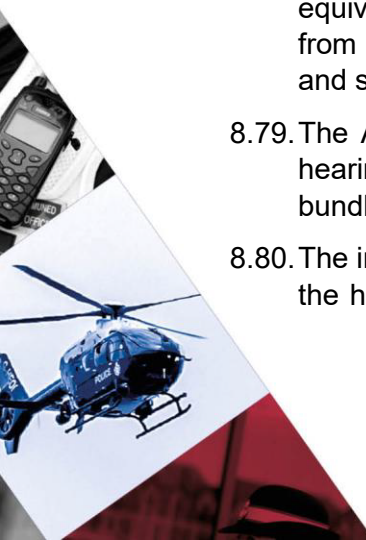
8.77. The appeal chair will confirm to the individual in writing the outcome of the appeal hearing within 10 working days of the appeal hearing, or as soon as is reasonably practicable. The appeal chair's decision will be final. There is no further right of appeal.

Police Staff Gross Misconduct Hearings

8.78. The chair will be a police officer of at least the rank of Superintendent or Police Staff equivalent and regardless will be one rank or grade above the individual. An adviser from HR, will support the chair, it will be for the chair to make the decision on finding and sanction. No panel member will have been involved in the investigation.

8.79. The AA will supply the individual with a list of witnesses they intend to call to the hearing at the time of providing the formal written notice of proceedings and case file bundle to the individual.

8.80. The individual must then share a list of their suggested witnesses with the AA prior to the hearing. The list must include brief details of the evidence that the witness can



provide. It will be for the individual to ensure that any witnesses they call to the hearing attend at the allotted time, date and location.

8.81. The AA will then provide the details of all the witnesses and the evidence (inclusive of redactions agreed with the individual or their representative). The chair of the hearing will decide which witnesses they feel are necessary to attend.

8.82. The chair may reject the request for a witness to attend the hearing to give evidence (for example if their evidence is not disputed). If the request is rejected the rationale will be supplied to both the AA and the individual.

8.83. At the hearing the AA (normally represented by the IO) will present the case against the individual. The individual will then have opportunity to state their case in relation to the allegations and challenge any evidence produced in support of the allegations and to question witnesses.

8.84. The meeting is held in private.

8.85. An audio recording of the meeting will be made.

Outcomes available at Police Staff Gross Misconduct Hearings

8.86. The Chair may consider any previous written warnings along with any mitigating factors in relation to the individual's record of service, including any disciplinary outcomes that have not been expunged.

8.87. The AA, the individual and their representative may make representations in relation to the outcome. Those available at a misconduct hearing are:

Gross Misconduct Proven:

- Final written warning (for 18 months)
- Dismissal without notice

Misconduct (only) Proven:

- Written warning (for 12 months)
- Final written warning (for 18 months)
- Dismissal without notice **if an existing final written warning is live**

Gross Misconduct / Misconduct not Proven:

- No further action
- Reflective practice
- Referral to performance procedures
- Referral to vetting procedures

8.88. At the end of the hearing, the chair may issue an oral decision. If the chair is unable to reach an immediate decision following the hearing, they are entitled to deliberate prior to issuing a decision in writing. In any event, written notification of the outcome will be sent to the individual within 10 working days of the hearing, or as soon as reasonably practicable, together with an explanation of any disciplinary action to be taken and notification of the right to appeal.



Police Staff Gross Misconduct Hearings Appeals

- 8.89. An individual can appeal on the following grounds:
- The finding or disciplinary action imposed at the hearing was unreasonable.
 - There is evidence that could not reasonably have been considered at the hearing, which could have materially affected the finding or decision on disciplinary action.
 - There was a serious breach of the procedure or other unfairness at the hearing, which could have materially affected the finding or decision on disciplinary action.
- 8.90. Where the individual admitted their conduct amounted to misconduct/gross misconduct the appeal can only be in relation to the level of sanction given.
- 8.91. The individual must submit their appeal to the AA, including their grounds for the appeal, in writing and within 10 working days, from the date they were sent a copy of the hearing outcome.
- 8.92. An officer of at least a rank above the original chair will consider the representations from the individual in relation to the grounds for an appeal, the HR adviser advising them will be different from the adviser during the hearing. If the reviewing officer determines that the grounds are met, they will conduct the appeal. If they determine the grounds are not met, the individual will be informed in writing. There is no further right of appeal.
- 8.93. The appeal is not a repeat of the original hearing, it should examine any aspects which are under question and may affect the outcome. If this relates to new evidence or a procedural breach, it will be necessary to hear this in detail. However, Gwent Police may, at its sole discretion, deal with the matter as a re-hearing where necessary and appropriate.
- 8.94. The appeal outcome may confirm or reverse the decision appealed against; the sanction will not be increased.
- 8.95. The appeal chair will confirm to the individual in writing the outcome of the appeal hearing usually within ten working days of the appeal hearing, or as soon as is reasonably practicable. The appeal chair's decision will be final. There is no further right of appeal.

Proceedings for Police Staff who Resign or Retire during investigation or prior to Proceedings

- 8.96. If the individual resigns or retires during an investigation assessed as gross misconduct, the investigation will continue. At the end of the investigation the AA will decide if there is a case to answer for gross misconduct in the normal manner.
- 8.97. If there is a case to answer, a hearing may still be held if the Appropriate Authority deems this necessary to provide outcomes for victims and witnesses and to promote internal and/or public trust and confidence owing to the nature of the conduct alleged.
- 8.98. The hearing will be held in private. The individual and their representative will be invited to participate in the 'former' staff hearing and the procedures outlined above for the hearing (reasonable adjustments etc...) will apply as normal.
- 8.99. The meeting is held in private.
- 8.100. An audio recording of the meeting will be made.



9. Vetting, Barred List and Advisory List

- 9.1. **All individuals subject of misconduct investigation and/or proceedings will be subject of a vetting review at the conclusion of the misconduct process.**
- 9.2. **The barred list** is a list of individuals, who at a hearing for a gross misconduct matter, have been dismissed from any force (with or without notice). **The advisory list** is a list of individuals who are under investigation for matters assessed as gross misconduct that could have led to their dismissal had they not resigned prior to the misconduct investigation or proceedings reaching a conclusion. Both lists are maintained by the College of Policing.
- 9.3. Where an individual has been dismissed following a disciplinary hearing or resigned prior to the conclusion of a matter assessed as gross misconduct, Gwent Police will send a report to the College of Policing as required. The College will then update the appropriate list with those details.
- 9.4. The individual will be removed from the barred list if there is an appeal hearing and the dismissal outcome is reversed, and they are re-instated.
- 9.5. Unlike for police officers, a police staff member's details will not appear on the public list but will be included on the list accessible to employers (predominately law enforcement agencies) who make access requests to the College of Policing.
- 9.6. Individuals can apply to the College of Policing for a review of their inclusion on the barred list after a period of 5 years; this appeal does not constitute an appeal against the original decision to dismiss them.

10. Further details on Police Staff Representation

- 10.1. A member of police staff can have a representative to support them throughout the discipline process as outlined in this procedure, including in any linked criminal matter. The representative must not be involved in the matter under investigation.
- 10.2. The representative can be:
 - A staff association or trade union representative.
 - A Gwent Police work colleague.
 - A work colleague from another police force.
- 10.3. The representative may act on behalf of the individual in the following capacity:
 - Advise them throughout the proceedings.
 - Provide statements or documents to the investigator on behalf of the individual.
 - Accompany the person at interviews and any meetings.
 - Make representations on the individual's behalf.
- 10.4. At a meeting/hearing the representative may carry out the following:
 - Put forward the individual's case.
 - Sum up the case.
 - Make representations concerning any aspect of the proceedings.



- Confer with the individual.
- Ask questions of any witness, subject to the discretion of the person conducting the proceedings.

10.5. At an interview, meeting or hearing, the representative is not there to answer questions on the individual's behalf. It is for the individual to speak for themselves when asked questions directly.

11. Further detail on misconduct meeting/hearing outcomes

11.1. Not proven outcomes (meetings & hearings):

No Further Action - This outcome could be reached if at any time during the process a decision is made that the conduct of the individual does not reach the threshold for misconduct or gross misconduct and no performance issues have been identified.

Reflective Practice Review Process - RP is not a misconduct outcome and must follow a 'no case to answer for misconduct' decision at the case to answer stage, or a 'misconduct not proven' outcome at meeting or hearing. Its purpose is to address sub-optimal behaviours, mistakes and under performance that falls short of the expectations of the police service. In the scenario of a case to answer decision, there may be identifiable breaches of the Standards of Professional Behaviour, however they are not so serious as to justify progressing to formal misconduct proceedings. The focus of the RP is constructive learning, improving and developing - providing the opportunity for the individual and their line manager to reflect on what has happened. RP is delivered locally by line managers.

Referral to Performance Procedures - In some cases it may be deemed necessary to refer the case to Police Staff Performance Procedures.

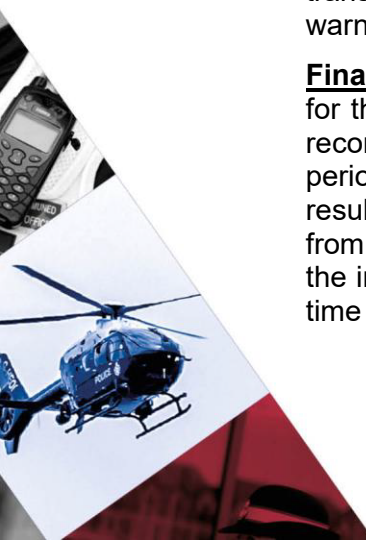
Referral to Vetting Procedures - In some cases it may be deemed necessary to refer the case to Vetting Procedures following a vetting review. As per 9.1, all individuals subject of misconduct investigation and/or proceedings will be subject of a vetting review at the conclusion of the misconduct process.

11.2. Misconduct proven outcomes (meetings & hearings):

Written Warning - The issuing of the written warning is a serious sanction for the police staff member and one that can have an impact on the individual's professional record. This sanction is not available if the individual has a live written warning at the time of the severity assessment. The written warning will remain 'live' on the individual's personal record for a period up to 12 months.

If the individual transfers from one police force to another, the written warning will transfer with them. If the individual takes a career break during the period of the warning, the time taken on the career break will not be included in the 'live' period.

Final Written Warning - The issuing of the final written warning is a serious sanction for the individual and one that can have an impact on the individual's professional record. The final written warning will be 'live' on the individual's personal record for a period up to 18 months. Any further occurrences of misconduct in this period could result in a Hearing where the outcome could be dismissal. If the individual transfers from one police force to another, the final written warning will transfer with them. If the individual takes a career break during the period of the final written warning the time taken on the career break will not be included in the 'live' period.



Hearings only:

Summary Dismissal - If gross misconduct is proven, or misconduct is proven in a case where a final written warning is still live - the sanction of dismissal without notice may be elected by the chair. This means that there will be no obligation on Gwent Police to allow the individual to work their notice period or make a payment in lieu of notice.

