

DURHAM CONSTABULARY



Altogether Better Policing

Ownership of Intellectual Property Rights Policy

Application	Police Officers, Police Staff, Special Constabulary, Apprentices, Volunteers, Students, Work Placements, University Interns, Staff working under collaborative arrangements, other Force Staff and Agency Staff
Policy Owner	Human Resources
Version	1
Date of PUG approval	16.10.15
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Next Review Date	16.10.18
Protective Marking	Not Protectively Marked
Publication Scheme Y/N	Yes
Durham Constabulary Freedom of Information Act Publication Scheme	



1.0 OWNERSHIP OF INTELLECTUAL PROPERTY RIGHTS POLICY

2.0 PURPOSE AND SCOPE

- 2.1 The purpose of this policy is to provide a guide to all Police Officers, Police Staff, Special Constabulary, Apprentices, Volunteers, Students, Work Placements, University Interns, Staff working under collaborative arrangements, other Force Staff and Agency Staff on intellectual property rights.

3.0 THE LEGAL BASIS AND LEGITIMATE AIMS

- 3.1 The legal basis for this policy comes from the Criminal Justice Act 2003 and the Equality Act 2010.
- 3.2 Throughout the operation of this policy Durham Constabulary will seek to take the least intrusive action which fits within the working policy criteria and will act fairly and proportionally to achieve the proposed purpose.
- 3.3 Durham Constabulary will operate within the policing principles as defined by the College of Policing Code of Ethics and in support of this our policies will seek to promote Accountability, Fairness, Honesty, Integrity, Leadership, Objectivity, Openness, Respect and Selflessness.
- 3.4 The Force recognises the contribution of its entire staff and is committed to creating a fully inclusive working environment. This will be achieved by making reasonable adjustments where appropriate, valuing the differences that a diverse workforce can bring and challenging unlawful and unfair discrimination, bullying, harassment, victimisation and other unfair treatment based on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, ethnicity, religion or belief, gender and sexual orientation.

4.0 POLICY STATEMENT

- 4.1 All intellectual property and know how rights and other rights (including but not limited to patent, trademark, database rights, rights in inventions or processes) in any invention device or concept (or any novel improvement or modification of an existing invention device or concept) created or developed by an individual as outlined at paragraph 2.1 above during their employment/time with the Constabulary and arising from or related to the individuals employment/time with the Constabulary will belong to the Crown, acting through the Constabulary, subject only to any rights which the Employee may have under the Patents Act, 1977.

5.0 Ownership of Intellectual Property Rights

5.1 All intellectual property and know how rights and other rights (including but not limited to patent, trademark, database rights, rights in inventions or processes) in any invention device or concept (or any novel improvement or modification of an existing invention device or concept) created or developed by an individual as outlined at paragraph 2.1 above during their employment/time with the Constabulary and arising from or related to the individuals employment /time with the Constabulary will belong to the Crown, acting through the Constabulary, subject only to any rights which the Employee may have under the Patents Act, 1977.

5.2 The Crown, acting through the Constabulary, will be the legal and beneficial owner of the copyright in and all other rights to the results of, the development of, and the application of all work produced by an individual as outlined at paragraph 2.1 above during their employment/time with the Constabulary (whether or not in the course of their duties) including (but not limited to all):

- (a) schedules, text, memoranda, correspondence, documents;
- (b) designs, art work, illustrations layouts, photographs, drawings, paintings;
- (c) musical work (in whatever notation), sound recordings, computer generated music and speech; and
- (d) computer programs, program and code listings, printouts, material recorded in a permanent form;

and work created by the individual outside of the above arrangements outlined at paragraph 5.2. but arising from or related to work carried out by the individual in the course of employment/time with the Force or that carried out by the individuals fellow employees in the course of their employment/time with the Force of which the individual had knowledge.

5.3 The individual hereby irrevocably and unconditionally waives in favour of the Crown, acting through the Constabulary, any, and all moral rights conferred on the individual by statute for any design work or copyright work in which copyright is vested in the Crown, acting through the Constabulary.

5.4 The individual shall forthwith disclose full details of all intellectual property and know how rights referred to in paragraph 5.1 above in confidence to the Constabulary and shall regard itself in relation thereto as a trustee for the Crown, acting through the Constabulary.

5.5 The individual agrees and undertakes that at any time during or after the termination of the their employment/time with the Force they will execute such deed or documents and do all such acts and things as the Crown, acting through the Constabulary, may deem necessary or desirable to substantiate its

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rights in respect of the matters referred to above including for the purpose of obtaining letters patent or other privileges in all such countries as the Crown, acting through the Constabulary, may require. The individual shall not apply for any patents, trademark or any other form of intellectual property protection or do anything which would or might reasonably be expected to adversely affect the Crown's right or ability for any patents, trademark or any other form of intellectual property protection. The individual hereby irrevocably authorises the Crown, acting through the Constabulary, to appoint some person in the individual name and on the individual's behalf to sign any documents and do anything to give effect to this Clause.

6.0 APPEALS PROCEDURE

If an individual wishes to appeal against any decision made in connection with this policy, they should write to or email, the Deputy Chief Constable at the below address within 14 days of receiving a decision. The appeal will be considered and consultation will take place with appropriate individuals to establish all facts before a decision with regard to the appeal is made. A response to the appeal will be provided in writing within 10 working days of receipt of the appeal. Should this period not be achievable the individual will be notified in writing when a decision will be communicated.

The Deputy Chief Constable
c/o Human Resources
Police Headquarters
Aykley Heads
Durham
DH1 5TT
Email human.resources@durham.pnn.police.uk

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DURHAM CONSTABULARY – POLICIES AND PROCEDURES
EQUALITY IMPACT ASSESSMENT (EIA)

As per the Equality Commitment and Workplace Conduct Policy, this form **MUST** be completed by the Policy/Function lead when developing or reviewing policies or procedures which may impact on the way the Force conducts its business (both internally and externally) around one or more of the **NINE 'Protected Groups'** as defined by the Equality Act 2010 i.e. **Age, Gender, Transgender, Disability, Ethnicity, Religion/Faith, Sexuality, Marriage/Civil Partnership and Maternity/Pregnancy.**

As a Public Sector organisation, the Force **MUST** show that when making decisions of a strategic nature we:-

- Give due regard to the impact it will have on protected groups
- Undertake an assessment **prior to** any decisions around policies/procedures being ratified to identify what potential impact has been found and subsequent action taken, and
- Provide an audit trail of the assessment undertaken which identifies how the policy or procedure is likely to affect protected groups.

This form is a Tool to document the assessment and should be completed, attached to the relevant policy/procedure document and submitted to the HR User Group or other strategic group for ratification (See Section 5) NB – use extra sheets if necessary.

PLEASE CONTACT AN HR MANAGER SHOULD YOU NEED ANY ASSISTANCE IN COMPLETING THIS FORM.

SECTION 1 - OVERVIEW OF POLICY /PROCEDURE		
POLICY/PROCEDURE TITLE	OWNERSHIP OF INTELLECTUAL PROPERTY RIGHTS POLICY	
PERSON COMPLETING THE EIA	Sylvia Horsfield and Sharon Pearson	
Purpose of the Policy? Why do we need it, what will it achieve?	To provide a guide to all Police Officers, Police Staff, Apprentices, Volunteers, Students, Work Placements, University Interns, Staff working under collaborative arrangements, other Force Staff and Agency Staff on intellectual property rights.	
Explain briefly why the Policy/Procedure is being developed or reviewed?	The Policy and Guidance documents have been amalgamated into one document and updated to reflect additional staff	
SECTION 2		
WHAT IS THE POTENTIAL IMPACT ON PROTECTED CHARACTERISTIC GROUPS		
<ul style="list-style-type: none"> • A Positive Impact – will actively promote equality of opportunity or improve relations between one or more groups • An Adverse impact – will cause some form of disadvantage or exclusion. • A Neutral impact is when there are no notable consequences for any diversity group <p>What impact will the policy/procedure have on one or more of the following groups of people to access/adhere to it either because of an action or the wording included within i.e.</p>		
Protected Characteristic Group	Positive, Negative or Neutral (see definitions)	Comment if Positive or Negative Impact identified.

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	<i>overleaf)</i>	
Younger	Neutral	No potential for adverse impact has been identified
Older	Neutral	No potential for adverse impact has been identified
Disabled	Neutral	No potential for adverse impact has been identified
Male	Neutral	No potential for adverse impact has been identified
Female	Neutral	No potential for adverse impact has been identified
Transitioning from one sex to another (either thinking of, in the process of or have)	Neutral	No potential for adverse impact has been identified
Gay, lesbian, bisexual or heterosexual	Neutral	No potential for adverse impact has been identified
Of an ethnic Minority	Neutral	No potential for adverse impact has been identified
Responsible for Child or other Dependent care	Neutral	No potential for adverse impact has been identified
Married/In a civil partnership/ single or divorced	Neutral	No potential for adverse impact has been identified
Of a specific religion which conflicts	Neutral	No potential for adverse impact has been identified
Expecting a child or subject of Maternity Legislation (either heterosexual or same sex couple)	Neutral	No potential for adverse impact has been identified

If such an impact is identified the EIA must ensure that as far as possible it is either justified, eliminated, minimised or counter balanced by other measures

SECTION 3 – CONSULTATION & RESEARCH



Who has been consulted and what Research has been done around the potential impact during the development/amendment of the policy/procedure?	All support networks. HR Staff (IAG's) Staff associations Legal Services Heads of Command	Force Executive (AC0) Independent Advisory Groups Business Disability Forum Stonewall
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SECTION 4 – WHAT ACTIONS HAVE BEEN PUT INTO PLACE TO ADDRESS THE FINDINGS OF SECTION 2

Determine what, if any actions need to be undertaken as a Result of the evidence/research found. Identify who is responsible for the actions and timescales to achieve the required result.	
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Confirm the above Actions have been incorporated and the EIA is now ready for submission to PUG or other Strategic Group.	<p>Signature...  </p> <p>Name Sylvia Horsfield/Sharon Pearson Date 16th October 2015</p>	
SECTION 5 - RATIFY THE POLICY/PROCEDURE AT HR PUG /OTHER STRATEGIC GROUP		
Meeting / Group	HR PUG	
Chair of meeting/group	Gary Ridley	

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