

DURHAM CONSTABULARY



Altogether Better Policing

Police Staff Standards of Behaviour Policy

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1.0 POLICE STAFF STANDARDS OF BEHAVIOUR POLICY

2.0 PURPOSE AND SCOPE

- 2.1 As a major public employer, Durham Constabulary is obliged to maintain and is entitled to expect, high standards of business conduct amongst its employees in order to ensure that public confidence in their integrity and impartiality is not undermined.
- 2.3 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.
- 2.4 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
- 2.5 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.

3.0 THE LEGAL BASIS AND LEGITIMATE AIMS

- 3.1 Durham Constabulary is required to comply with the requirements of
- The Police Act 1996
 - Local Government Act 1972
 - Equality Act 2010
 - Police Staff Council.

4.0 POLICY STATEMENT

- 4.1 This policy is intended to provide a guide to police staff on the high standards of business conduct expected by the Chief Constable in order to ensure public confidence.

5.0 INTRODUCTION

- 5.1 Public confidence in the police depends on police staff demonstrating the highest level of personal professional standards of behaviour. The standards set out below reflect the expectations that the police service and the public have of how police staff should behave. They are not intended to describe every situation but rather to set a framework which everyone can easily understand. They enable everybody to know what type of conduct by a member of police staff is acceptable and what is unacceptable. The standards should be read and applied having regard to this guidance.
- 5.2 The standards of professional behaviour also reflect relevant principles Enshrined in the European Convention on Human Rights and the Council of Europe Code of Police Ethics. They apply to all police staff and to those subject to suspension.
- 5.3 The standards set out below do not restrict police staffs' discretion; rather they define the parameters of conduct within which that discretion should be exercised. A breach of these standards may damage confidence in the police service and could lead to disciplinary action, which in serious cases may result in dismissal.
- 5.4 The public have the right to expect the police service to protect them by upholding the law and providing a professional police service. Police staff have the right to a working environment free of harassment, inequality or discrimination from others within the service and members of the public. The police service will proactively support such a working environment.

6.0 GUIDANCE ON THE STANDARDS OF PROFESSIONAL BEHAVIOUR

- 6.1 Those entrusted to supervise and manage others are role models for delivering a professional, impartial and effective policing service. They have a particular responsibility to maintain standards of professional behaviour by demonstrating strong leadership and by dealing with conduct which has fallen below these standards in an appropriate way, such as by management action or the formal disciplinary process. Above all else managers should lead by example.
- 6.2 In carrying out their work in accordance with these standards, police staff have the right to receive the full support of the police service. It is recognised that the ability of police staff to carry out their work to the highest professional standards depends on the provision of appropriate training, status, pay and reward, equipment and management support.

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- 6.3 The police service has a responsibility to keep police staff informed of changes to terms and conditions of employment, laws/legislation, policies and procedures also to provide training and familiarisation when such changes necessitate. Police staff have a duty to keep themselves up to date on the basis of the information provided by the employer, as far as it relates to them personally.
- 6.4 Where these Standards of Professional Behaviour are being applied in any decision or disciplinary process, they shall be applied in a reasonable, transparent, objective and proportionate manner. Due regard shall be paid to the nature and circumstances of the individuals conduct, including whether his or her actions or omissions were reasonable at the time of the conduct under scrutiny.
- 6.5 This guidance gives examples to help police staff interpret the standards expected in a consistent way. They are not intended to be an exclusive, prescriptive or exhaustive list.
- 6.6 Where the disciplinary procedure is being used, it is important to identify the actual behaviour that is alleged to have fallen below the standard expected of an individual, with clear particulars and evidence describing that behaviour.
- 6.7 It should be remembered that other procedures exist to deal with poor performance and issues of capability.

7.0 SPECIFIC INSTRUCTIONS

7.1 Honesty and Integrity

- 7.1.1 Police staff must be honest, act with integrity and do not compromise or abuse their position.
- 7.1.2. Police staff act with integrity and are open and truthful in their dealings with the public and their colleagues, so that confidence in the police service is secured and maintained.
- 7.1.3 Police staff should not knowingly make any false, misleading or inaccurate oral or written statements or entries in any record or document kept or made in connection with any police activity.
- 7.1.4 Police staff should never accept any gift or gratuity that could compromise their impartiality. During the course of their work police staff may be offered hospitality (e.g. refreshments) and this may be acceptable as part of their role. However, police staff always consider carefully the motivation of the person offering a gift or gratuity of any type and the risk of becoming improperly beholden to a person or organisation. Further guidance can be obtained from the Gifts, Gratuities and Hospitality Policy

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- 7.1.5 It is not anticipated that inexpensive gifts would compromise the integrity of a member of police staff, such as those from conferences (e.g. promotional products) or discounts aimed at the entire police force (e.g. advertised discounts through police publications). However, all other gifts and gratuities must be declared in accordance with force policy. If an individual is in any doubt then they should consult with their manager.
- 7.1.6 Police staff should never use their position or force identification card to gain an unauthorised advantage (financial or otherwise) that could give rise to the impression that the individual is abusing his or her position. An identification card is only for identification or to express authority.

7.2 Authority, Respect and Courtesy

- 7.2.1 Police staff must act with self-control and tolerance, treating members of the public and colleagues with dignity, respect and courtesy.
- 7.2.2 Police staff do not abuse their powers or authority and respect the rights of all individuals.
- 7.2.3. In carrying out their roles, police staff should never abuse their authority or the powers entrusted to them. They have been given specific powers and responsibilities due to the complex and difficult situations they deal with. The public have the right to expect that such powers are used professionally, impartially and with integrity, irrespective of an individual's status.
- 7.2.4. Police staff should not harass or bully colleagues or members of the public.
- 7.2.5. Police staff should not, under any circumstances inflict, instigate or tolerate any act of inhuman or degrading treatment.
- 7.2.6. Police staff, recognise that some individuals who come into contact with the police, such as victims, witnesses or suspects, may be vulnerable and therefore may require additional support and assistance.
- 7.2.7. Police staff should use appropriate language and behaviour in their dealings with their colleagues and the public. They do not deliberately use any language or behave in a way that is offensive or is likely to cause offence.

7.3. Equality and Diversity

- 7.3.1 Police staff must act with fairness and impartiality. They do not discriminate unlawfully or unfairly.
- 7.3.2 Police staff should respect all individuals and their traditions, beliefs and lifestyles provided that such are compatible with the rule of law. In particular police staff should not discriminate unlawfully or unfairly when exercising any of their roles, discretion or authority.

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7.3.3. Police staff should pay due regard to the need to eliminate unlawful discrimination and promote equality of opportunity and good relations between persons of different groups.

7.3.4. Supervisors and managers have a particular responsibility to support the promotion of equality and by their actions to set a positive example.

7.4. **Use of Restraint**

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

7.4.2. Police staff in specific designated roles may need to use restraint in carrying out their work.

7.4.3. It is for the individual to justify his or her use of force but when assessing whether this was necessary, proportionate and reasonable, all of the circumstances should be taken into account and especially the situation which the individual faced at the time. Police staff use restraint only if other means remain ineffective or without any realistic prospect of achieving the intended result.

7.4.4. As far as it is reasonable in the circumstances police staff act in accordance with their training in the use of restraint, i.e. by applying the management/conflict resolution model to decide what restraint may be necessary, proportionate and reasonable. Section 3 of the Criminal Law Act 1967 makes it clear that force may only be used when it is reasonable in the circumstances.

7.4.5. Police staff should respect everyone's right to life and do not, under any circumstances, inflict, instigate or tolerate any act of torture, inhuman or degrading treatment or punishment.

7.5. **Instructions**

7.5.1. Police staff must only give and carry out reasonable instructions.

7.5.2. Police staff must follow all reasonable instructions and abide by force policies.

7.5.3. Police staff should not give or carry out instructions which an individual would conclude were unreasonable.

7.5.4. Two factors should be considered when assessing if it was reasonable not to follow an instruction. First of all, was the instruction reasonable having regard to all the circumstances and secondly, did the individual have a good and sufficient reason not to comply having regard to all the circumstances and possible consequences.

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7.5.5. Police staff, to the best of their ability, should support their colleagues in their work.

7.5.6. Police staff should abide by terms and conditions of employment.

7.6. Work and Responsibilities

7.6.1 Police staff must be diligent in the exercise of their work and responsibilities.

7.6.2 Police staff should not knowingly neglect their work or responsibilities.

7.6.3 When deciding if an individual has neglected his or her work or responsibilities, all of the circumstances should be taken into account. Police staff have discretion and may have to prioritise the demands on their time and resources. This may involve leaving a task to do a different one, which in their judgement is more important. This is accepted and in many cases essential for good working.

7.6.4 Police staff should ensure that accurate records are kept of the exercise of their work and powers as required by relevant legislation, force policies and procedures.

7.6.5 In carrying out their work police staff have a responsibility to exercise reasonable care to prevent injury, loss of life or loss or damage to the property of others (including police property).

7.6.6 Individuals must seek approval from the Chief Constable to engage in any other business or take up any other employment once employed by Durham Constabulary. The Chief Constable has the right to apply conditions even where consent has been given to having a business/private interest or additional employment.

7.7 Confidentiality

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

7.7.2 The police service shares information with other agencies and the public as part of its legitimate policing business. Police staff never access or disclose any information that is not in the proper course of police work. Police staff who are unsure if they should access or disclose information always consult with their manager or department that deals with data protection or freedom of information before accessing or disclosing it.

7.7.3 Police staff should not provide information to third parties who are not entitled to it. This includes for example, requests from family or friends, approaches by private investigators and unauthorised disclosure to the media. Certain disclosures may be covered by the Public Interest Disclosure Act.

7.8 **Fitness for Work**

- 7.8.1 Police staff must ensure that when at work are fit to carry out their duties.
- 7.8.2 Police staff should not make themselves unfit or impaired for work as a result of drinking alcohol, using a substance for non-medical purposes or intentionally misusing a prescription drug.
- 7.8.3 Police staff with a drink or drugs misuse problem will be supported if they demonstrate an intention to address the problem and take steps to overcome it. However, the use of illegal drugs will not be condoned.
- 7.8.4 Police staff who are aware of any health concerns that may impair their ability to perform their work should seek guidance from the occupational health department or line manager and if appropriate reasonable adjustments can be made.
- 7.8.5 Police staff who are unexpectedly called to attend for work should be able to say that they are not fit to perform the required work as a result of having consumed alcohol without risk of bringing discredit on themselves or the police service or being subject to any disciplinary procedure.
- 7.8.6 Police staff when absent from work, on account of sickness, do not knowingly engage in activities which could impair their return to work. Police staff will engage with the force medical officer or other member of the occupational health team if required.

7.9 **Discreditable Conduct**

- 7.9.1. Police staff must behave in a manner which does not discredit the police service or undermine public confidence in the police service.
- 7.9.2 Police staff must report any caution or conviction against them for a criminal offence.
- 7.9.3 Discredit can be brought on the police service by an act itself or because public confidence in the police is undermined. In general, it should be the actual underlying conduct of the individual that is considered under the disciplinary procedure. However where a member of police staff has been convicted of a criminal offence that alone may lead to disciplinary action irrespective of the nature of the conduct itself. In all cases it must be clearly articulated and evidenced how the conduct or conviction has discredited the police service.

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- 7.9.4 In the interests of fairness, consistency and reasonableness the test is not solely about media coverage and perception but has regard to all the circumstances and evidence.
- 7.9.5 Police staff should not purchase or consume alcohol when performing their duties, unless specifically authorised to do so or it becomes necessary for the proper discharge of a particular police function.
- 7.9.6 Police staff when at work whether in uniform or not, display a positive image of the police service in the standard of their appearance which is appropriate to their individual role.
- 7.9.7 Police staff should attend punctually when rostered for work or other commitments (e.g. attendance at court).

7.10 Challenging and Reporting Improper Conduct

- 7.10.1 Police staff should report, challenge or take action against the conduct of colleagues which have fallen below the standards of professional behaviour expected.
- 7.10.2 Police staff are expected to uphold the standards of professional behaviour in the police service by taking appropriate action if they come across the conduct of a colleague which has fallen below these standards. They never ignore such conduct.
- 7.10.3 Police staff who in the circumstances feel they cannot challenge a colleague directly, for example if they are in a more junior role and are not confident, report their concerns, preferably to a line manager. If they do not feel able to approach a line manager with their concerns, they may report the matter through the force's confidential reporting mechanism, or to the Police and Crime Commissioner, Independent Police Complaints Commission (IPCC) or under the Public Interest Disclosure Act.
- 7.10.4 Police staff will be supported by the police service if they report conduct by an individual which has fallen below the standards expected unless such a report is found to be malicious or otherwise made in bad faith.
- 7.10.5 It is accepted that the circumstances may make immediate action difficult but managers are expected to challenge or take action as soon as possible.
- 7.10.6 It is accepted however that it will not always be necessary to report an individual's conduct if the matter has been dealt with appropriately by a manager in the police service.

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8.0. 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.

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