

DURHAM CONSTABULARY



Altogether Better Policing

Police Officer Selection Policy

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1.0 POLICE OFFICER SELECTION POLICY

2.0 PURPOSE AND SCOPE

The purpose of this policy is to provide a guide on the recruitment and selection of Probationer Constables, the promotion of Inspectors and Sergeants and the selection arrangements for Seconded Officers and Acting Ranks in accordance with employment and equality legislation, and with the requirements of the Police Promotion Examinations Board (PPEB) and Police Regulations.

3.0 THE LEGAL BASIS AND LEGITIMATE AIMS

3.1 The legal basis for this policy comes from:-

- Police Act 1996,
- Health & Safety At Work Act 1974
- Police (Promotion) Regulations 1996, as amended.
- Working Together to Safeguard Children – Department for Education 2018
- Apprenticeship, Skills, Children and Learning Act 2009

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, sex and sexual orientation.

4.0 POLICY STATEMENT

- 4.1 This policy is to provide support to Student Officers in their chosen career with the Police Service. It allows the organisation to track their progress and demonstrates that everything possible is being done to assist them to reach the standard required for an operational officer. The guidance is also intended to provide a fair and effective process for officers applying for promotion to the rank of Sergeant or Inspector. It aims to ensure that the process is carried out in a fair, efficient and cost-effective manner which takes account of relevant legislation and the Constabulary's Equality Policy.
- 4.2 The policy also ensures that fitness concerns are raised and addressed at the earliest opportunity
- 4.3 This policy also supports the development of our Police Officers including the opportunity to 'act up' in a higher rank, promotion and secondments

5.0 RECRUITING AND PROBATIONARY PERIODS

5.1 Qualifications for Appointment

- 5.1.1 Qualifications necessary for the appointment of Police Officers are prescribed in Police Regulations, but may be varied by the Chief Constable within the scope of the Regulations.
- 5.1.2 Candidates from countries which are not Members of the EEA must be resident in the United Kingdom free of restrictions or have entitlement to so reside.
- 5.1.3 Candidates who have attained the age of 18 years may apply to become Police Officers.
- 5.1.4 A candidate for appointment to the Durham Constabulary must meet the criteria laid down in the Constable person specification.
- 5.1.5 All internal members of police staff are required to submit their application form via their Line Manager and seek appropriate recommendation to progress such. All recommendations should be based on the Constable person specification.
- 5.1.6 Candidates must be prepared to produce satisfactory references as to their character and such information as may be required as to their previous history, employment or other matters relating to their appointment.

- 5.1.7 All applicants will undergo recruitment procedures as per National Recruitment Standards. This will consist of completion of a Competency Based questionnaire (application form) and participation in a Recruit Assessment Centre.
- 5.1.8 Unsuccessful applicants can re-apply six months after receiving their letter of rejection from Durham Constabulary.

5.2 Probationary Period

- 5.2.1 On appointment every Officer of Durham Constabulary shall have their fingerprints, DNA and photographs taken. Fingerprints will be destroyed when the member leaves the Police Service.
- 5.2.2 On appointment to the Durham Constabulary, a Student Officer will be subject to probation as outlined below:-
- i) IPLDP Programme – 2 year probation
 - ii) PCDA programme – 3 year probation
 - iii) DHEP programme – 2 year probation

Officers with not less than one year's service following a previous appointment in that or another Force shall be on probation for the first year of their service following their last appointment. Provided that the Chief Constable may at his/her discretion:-

- (i) Reduce the period of probation so that the reduced period, when added to the previous period of probation, shall not be less than two years; or
 - (ii) Dispense with the period if the Officer has completed the required period of probation in another Force.
- 5.2.3 The Chief Constable may, at his/her discretion, without reference to the Secretary of State, extend a Constable's probationary period for a further period, not exceeding 12 months, where in his/her opinion, the Constable's probationary period was seriously interrupted by an absence from duty, due to injury, illness or maternity
- 5.2.4 The approval of the Secretary of State must be obtained, (with the exception of 5.2.3 above) before the Chief Constable can extend a Constable's Probationary period in all other circumstances.
- 5.2.5 Officers may participate in Military Voluntary Reserve Forces. These are defined as The TA; the Royal Navy Reserve; the Royal Marine Reserves, the Royal Auxillary Air Force, the Royal Air Force Volunteer Reserve Training RAFVR (T),

Air Cadet Organisation, Sea Cadets, Adult Warrant Officer (AWO) or civilian instructor. Authority to do is sought from the Chief Constable.

5.3 Training

- 5.3.1 Student Officers will undergo training in accordance with the national police curriculum.

5.4 Final Report

- 5.4.1 The Strategic Resource Manager must be forwarded as confirmation successful completion of a student officer's probationary period. These are in the case of

- i) IPDLP the final assessment
- ii) PCDA the end point assessment
- iii) DHEP details of all required modules being completed

This will include a recommendation as to the suitability of the student officer for confirmation of appointment by the Chief Constable. At any stage of development, problems associated with suitability shall be notified to the Strategic Resource Manager via the Head of Command.

5.5 Confirmation of Appointment

- 5.5.1 Student Officers receive a confirmation of appointment interview with an Executive Officer as outlined below:-

- i) IPLDP programme after 23 months service
- ii) PCDA programme after 35 months service
- iii) DHEP programme after 23 months service

5.6 Termination of Services

- 5.6.1 The services of Constables on probation may be dispensed with at any time if the Chief Constable considers that they are not fitted physically or mentally to perform the duties of their office, or that they are not likely to become efficient or well-conducted Constables. **(Please refer to Discharge of Student Officers Process for further guidance – see Appendix A.)**

6.0 FITNESS TESTING FOR STUDENT CONSTABLES

6.1 General

- 6.1.1 It is currently the practice due to Health and Safety implications for Student Constables to declare any injuries to the Instructor or their course trainers prior to taking part in a fitness test. Although this means they may be unfit to proceed with the test and therefore technically unfit for duty it is more cost-effective for them to remain on the course and complete the classroom based sessions (subject to the type and nature of the injury disclosed and any subsequent guidance from Health Management Unit).
- 6.1.2 The following fitness tests will be conducted for Student Officers:-
- i) An initial test to support their PST initial training course
 - ii) On an annual basis as part of their PST refresher training
 - iii) Continued Professional Development Course 1
 - iv) Continued Professional Development Course 2
- 6.1.3 The majority of officers pass the tests, however, this policy sets out the framework to support those officers who fail the test and to inform other bodies within the organisation who have an interest in the officer (e.g. HR, Health Management Unit, and Command Supervision).

6.2 Student Officers Who Attend the IPLDP/PCDA/DHEP Course with an Injury or Ailment

- 6.2.1 Officers who attend any course with a physical injury or ailment should be referred to Health Management Unit so that an assessment of the injury/ailment can be carried out.
- 6.2.2 This referral (pers 222) will be undertaken by the Instructor/Course Trainer to Health Management Unit stating the officer's name, station and injury/ailment reported.
- 6.2.3 On completion of this examination the Doctor/Occupational Health Nurse will supply an estimated date that the officer will be able to undertake a further fitness test to the course trainer so that the officer can be informed of the next available fitness test date.

6.3 Student Officers Who Fail the Fitness Test Due To Being Unfit (No Injury Or Ailment) From Week 2 Onwards – First Failure

- 6.3.1 Officers who take part in a fitness test and fail to reach the required standard due to being physically unfit will be required by the Instructor /Course Trainer to undertake a further fitness test within one month (unless there are exceptional circumstances). A copy of the required standards regarding fitness tests can be obtained from HR.
- 6.3.2 The Instructor will provide the student with advice on a course of action to improve their fitness level before their attendance on the next test.
- 6.3.3 HR Department will be informed of the officer's failure and the date of the re-arranged fitness test. This information will then be forwarded to the officer's Command to enable them to plan duties accordingly.

6.4 Second Failure

- 6.4.1. If the officer fails to reach the required standard on a subsequent fitness test it is for the Instructor /Course trainer to refer the officer to the Health Management Unit so that any medical reasons for that failure can be explored.
- 6.4.2 The result of the examination should form the basis of a fitness plan to be compiled by the Health Management Unit, the Instructor and the officer. A copy of this fitness plan will be sent to all concerned parties (Command and HR). It will be at this time that a date for the officer to attend a further fitness test will be allocated.
- 6.4.3 Health Management Unit should inform HR in relation to the officer's ability to perform normal operational duties (as there may be Health and Safety implications).
- 6.4.4 HR should inform the officer's PEQF Lead of the outcome of the tests to date so that the officer receives the necessary support to improve their fitness.

6.5 Subsequent Failures

- 6.5.1 If, having completed the above procedure, the officer fails to achieve the required standard of fitness in a subsequent fitness test, it will be for the Strategic Resource Manager to consult with all concerned parties to consider the future of

the officer on an individual basis. The Strategic Resource Manager will consider holding a case conference in relation to the Student Officer.

- 6.5.2 A clear understanding by all parties that if an officer repeatedly fails to reach the required standard that their services may be dispensed with - due to them not being physically fit to carry out the duties of a Police Officer (see appendix A re Discharge of Student Officer Procedure)

7.0 **PROMOTION TO SERGEANT AND INSPECTOR (NATIONAL POLICE PROMOTION FRAMEWORK)**

- 7.1 The Strategic Resourcing Manager, HR/ Head of Learning & Development is responsible for ensuring appropriate management systems and procedures are in place to deliver value for money promotion system, in accordance with the principles set out in The Police (Promotion) (Amendments) regulations 1996, as amended. For promotion to the rank of Sergeant and Inspector, this includes compliance with the 'Operating Manual for the National Police Promotion Framework' or such requirements as the College of Policing may stipulate nationally. Reference should also be made to the National Police Examinations policy in conjunction with this policy.

- 7.2.1 The Chief Officer will determine the need to run promotion assessments and the number of vacancies to be appointed to, based on the resourcing needs at that time. It should be made clear to all prospective candidates that promotion opportunities are limited, that the process is competitive and that ultimately not all candidates will succeed in gaining a promotion – so that they have a realistic understanding of what is required of them throughout the process.

7.3 **The Steps to Promotion**

- 7.3.1 The promotion model used within Durham Constabulary is designed on the National Police Promotion Framework (NPPF) for Sergeants and Inspectors incorporating work-based assessment (WBA). The model has 4 steps: these 4 steps are a continuous process and candidates must undertake each step with the intention of completing the whole process as soon as possible. However, allowances can be made for circumstances such as maternity and paternity leave, workforce planning requirements, availability of vacancies and reasonable adjustments for disabled officers. At each step it is possible for a candidate to attain, exceed or fall short of the required standard.

The four steps of the process are:

Step One –Suitability/Competence in Current Rank

7.3.2 The purpose of this step is to ensure candidates are eligible to enter the promotion process. This means establishing a candidate is competent in their current rank and has:

- Completed their probation period in their current rank
- Demonstrated competence in that rank through their Performance and Development Review (PDR), or acceptable equivalent
- No live written improvement notices issued under the Police (Performance) Regulations 2012 or reduction in rank under those procedures in the previous 18 months
- No live written warning, final written warning or extended final written warning issued under Police (Conduct) Regulations 2012. (NB a finding of misconduct where no separate penalty is applied (Reg 35(i)(b) does not debar an officer from proceeding to Step Two)
- Adherence to the Durham Constabulary Attendance Indicator.

(The above conditions apply throughout all stages of police officer recruitment and selection, whether on promotion or specialist recruitment, i.e. from initial application through to final appointment, which COULD ultimately result in an officer being withdrawn from a process. This is also applicable when officers are waiting in reserve.)

7.3.3 At Step One the candidate must complete the NPPF Candidate Registration Form and submit it directly to the Force Examinations Officers within Learning & Development. The candidate then sends/passes the Line Manager Endorsement Form to their line manager. The Line Manager must meet with the candidate to discuss the candidate's promotion aspirations with them. The Line Manager should explain that if they pass the exam they have to achieve promotion within the period their exam pass is valid (see 7.3.9) or they will have to pass the exam again before seeking promotion. The Line Manager responds to questions 1-6 and passes the form to the Head of Command who will make a decision and explain to the officers whether they have / have not been endorsed to progress to Step Two. Where officers are not supported to progress to Step 2 – supervisors are required to forward the unsupported application to the Force Examinations Officer, Learning and Development for monitoring purposes.

OFFICIAL

ALL Sergeants must be of substantive rank before undertaking Step Two (legal knowledge examination) for the rank of Inspector. In this context substantive refers to:

- OSPRE Parts 1 and 2 qualified Sgt – has completed the 12 months probation period and been confirmed in the rank
- NPPF Steps 1 – 4 qualified Sgt – Has successfully completed the work based assessment and been assessed as satisfactory (or equivalent) in the (Temp Sgt) PDR.

Providing officers are supported, applications to take the Inspectors' promotion process (Step one of the NPPF) may be submitted towards the end of the Sgt's probation period as the officer must be confirmed in the rank or have a reasonable expectation that they will be made substantive in the rank of Sgt by the date of the Inspectors Step Two examination. Officers who have applied early but who have not been confirmed or made substantive will not be permitted to take the legal knowledge examination.

- 7.3.4 If a candidate is unsuccessful at Step One, the reason should be recorded and detailed on the PDR and support put in place. All Candidate Registration Forms, whether they have been endorsed or not, must be sent to the College of Policing Examinations and Assessment Business Unit via the Force Examinations Officer and details entered on Origin.
- 7.3.5 Where a substantive Sergeant or Inspector is subsequently demoted in rank, they may after any period of disqualification reapply for promotion. In such cases, officers will commence the process at Step One but will not be required to undertake Step Two. If selected at Step Three, they will follow the promotion process under which they were originally successful. NPPF officers will move to Step Four. OSPRE qualified officers will be substantively promoted and subject to a 12 month probationary period (sergeants only). However they will also undertake work based assessment as part of a development programme (Step 4).
- 7.3.6 Candidates who are successful at Step One will automatically be entered for the next Step Two Examination

Step Two – Examination of law and procedure

- 7.3.7 The purpose of this step is to ensure candidates have the appropriate legal knowledge relevant to the rank of sergeant or inspector. The College of Policing manage and administer this step of the process on behalf of police forces.
- 7.3.8 All candidates who are unsuccessful at Step Two must return to Step One if they still wish to seek promotion.

- 7.3.9 A successful outcome at Step Two is valid for 5 years from the date of taking the examination. For a candidate to be eligible to complete Step Three, the final date of the candidate's Step Three assessment process must fall within this five year period. If a candidate has not reached this point at Step Three within five years from the date of taking the Step Two examination, they must return to Step One. However, time taken for maternity or paternity leave, maternity or paternity support, adoption leave, or a career break for the purposes of care does not count towards a reduction of the relevant NPPF Step Two validity period. Long term sickness related to a disability should also be discounted.
- 7.3.10 Candidates in the final year of their Step Two pass may choose to enter the Examination which falls on the final anniversary of their previous attempt. If they decide to do this they lose any remaining validity period of their previous pass between the closing date for entries to the exam and the exam itself. If they decide to retain their full five year validity period (and do not pass Step Three) before it expires, they must wait until the following year to re-enter the Examination.

Step Three – Local selection process and matching to vacancies

- 7.3.11 The purpose of this step is to assess candidates' potential to perform at the next rank and to provide a robust and fair mechanism to broadly match the number of successful candidates to the number of expected vacancies.
- 7.3.12 The assessment process will be determined by the Strategic Resourcing Manager, HR/Chief Officer and clearly communicated to officers. It will include the submission of a personal statement which must include evidence of performance and a copy of latest PDR report. The officers' line manager will endorse the form and forward to their Commander. Application is then assessed by a Command panel comprising 1) Commander (Chair), 2) Member (s) of the Senior Leadership Team, 3) HR Manager; against attendance indicator, code of conduct and also measure against the National Rank Role for Sergeant/Inspector profile using the Professional Policing Framework (PPF).
- 7.3.13 Supported / unsupported applications are forwarded to the Strategic Resourcing Manager, HR to undertake an independent assessment process where the officer will be measured against the criteria within the PPF role profile for the National Rank Role profile for Sergeant/Inspector using evidence provided by the officer in their application and their most recent PDR report taking into consideration comments provided by the Command Panel.
- 7.3.14 HR will notify Commanders of those officers who will progress to the Interview/presentation stage. The interview process is a competitive process, where number of officers meeting the standard exceeds the number of vacancies only the highest scoring officers will progress to Step Four

- 7.3.15 At the end of Step Three candidates will be classified as either suitable or unsuitable to progress to Step Four.
- 7.3.16 A candidate who is unsuccessful at Step Three can remain within the NPPF and retake Step Three as long as their Step Two pass remains valid. Unsuccessful candidates who wish to re-apply for promotion must agree a development action plan with their line manager – which must form part of their PDR/CPD. **The promotion board panel will provide a de-brief to individual SMT reps to further advise the officers development action plan, with additional signposting to the Durham Constabulary Talent Scheme where appropriate.**
- 7.3.17 Candidates selected as suitable for promotion will be matched to suitable vacancies. **In the case of promotion to the rank of Sgt, officers will be directly promoted into Core posts (i.e Response, Custody, Communications, NPT, D/sgt Crime, D/sgt Safeguarding/PPU ONLY – ALL other posts will be deemed specialist and filled via the Priority of Filling posts procedure) Inspector ranks will no longer be distinguished between Core or Specialist. In the case of promotion to the Insp rank, or the movement of substantive Inspectors, all postings will be confirmed by the Executive, following the involvement of Commanders at Strategic Resource Group.** If there are no available vacancies, individuals will be placed in a 'pool' of candidates to await placement when a suitable vacancy arises – this period should not normally exceed 12 months.
- 7.3.18 In exceptional cases it may not be possible to place a pooled candidate within 12months. The Strategic Resourcing Manager, HR will make every effort to place the individual within an additional maximum of 24 months. If no suitable vacancy is found within this extended period (i.e. a maximum of 36 months wait until promotion in total), the candidate must re-apply at Step Three. In considering whether or not to extend a candidate's 12 month 'pool' period, the Strategic Resourcing Manager, HR will distinguish between candidates who have not previously been offered temporary promotion at Step Four and those that have, but have declined the posting due to personal preferences (as opposed to reasons that impact on equality); the reason for that choice must be considered taking account of all the circumstances. In some cases it may be more appropriate for the candidate to return to Step Three than to extend their time in the pool. Officers who decline two offered postings due to personal preferences will return to Step Three.
- 7.3.19 The Strategic Resource Manager will ensure that the management of candidates in the promotion pool is consistent and fair. The additional 24 'pooled' months is not a default position, but is available for partial or full use only in exceptional circumstances. The Strategic Resourcing Manager, HR will decide what

constitutes an exceptional circumstance in the case of promotions to sergeant and inspector.

- The promotion regulations require candidates to have completed two years' service in the rank of sergeant before they can be substantively promoted to Inspector
- It is recognised that in a minority of cases some sergeants could complete the Inspector promotion process but not yet have attained the two years' service in the substantive rank of sergeant. In such cases, officers cannot be promoted until such time as they do meet the service length criteria.

Step Four –Temporary Promotion (12 months) and Work Based Assessment (WBA)

- 7.3.20 The purpose of this step is to provide candidates with an opportunity to demonstrate competence in the rank promoted into and for officers undertaking WBA, to assess them against the Qualification and Credit Framework (QCF) units, with a view to them achieving substantive promotion at the end of the assessment time frame.
- 7.3.21 Officers will be temporarily promoted into the aspired rank for 12 months and assessed against the appropriate QCF units in line with QCF requirements. The expectation is that candidates will achieve certification by the end of the 12 month period. Candidates need to pass both the academic assessment and evidence satisfactory performance in the rank. Whilst the assessment units may be undertaken and passed in a shorter period, the performance at the temporary rank will be over a minimum 12 month period. In extenuating circumstances the assessment period can be extended to a maximum of 24 months (see 7.4 Extending the Length of Work-based Assessment).
- 7.3.22 An internal verifier will verify all assessment outcomes.
- 7.3.23 Candidates who have successfully completed the 12 month period of temporary promotion and work-based assessment, must be considered for promotion to the substantive rank, subject to their continued overall performance (as evidenced in the PDR), attendance management record, conduct record and recommendation from the candidate's Commander. If a candidate who has successfully completed work-based assessment is not given substantive promotion, the reason for this decision must be evidence-based, justifiable and documented.
- 7.3.24 Part-Time Candidates: The period of time allocated to achieve the PPF must be offered on a pro-rata basis e.g. someone who works exactly 50% of full time hours would have exactly 24 months in which to complete accreditation and

achievement of the QCF units. However, part-time candidates may be substantively promoted once they have completed 12 calendar months of temporary promotion, during which time they have demonstrated the required competence and achieved all of the QCF units. Any extension to the temporary promotion must also be granted on a pro-rata basis commensurate with the part-time hours worked.

7.3.25 If, during Step Four, it appears that a candidate may not reach the required standard they must be informed of the reason/s and an action plan put in place.

7.3.26 A candidate that fails to achieve a satisfactory assessment in all the units during the assessment period (including any extension) may return to Step Three. The candidate must wait for 12 months before they can make a further attempt at Step Three, for which a new application will be required: the exception to this rule is if a candidate leaves Step Four on a temporary basis due to ill health or voluntarily for other welfare reasons which results in the 12 month period being suspended.

7.3.27 Officers successful at Step Three who hold a valid OSPRE Part 2 pass will be substantively promoted into a vacant post and will have a 12 month probationary period. They will be confirmed in rank at the 12 month period subject to satisfactory performance, conduct, attendance and recommendation from the candidate's Commander. The PDR process will be used to evidence and review performance in the newly promoted role during the probationary period.

7.4 Extending the Length of Work-Based Assessment (WBA):

7.4.1 The Head of Learning & Development will consider extension requests in line with the criteria set down by PPEB in the Operating Manual for the NPPF. The assessment period will not be extended due to operational commitments.

7.4.2 In considering extension requests the Head of Learning & Development will take into account any extenuating circumstances, the Assessor's judgement, line manager's recommendation and relevant employment law. The decision to extend must be evidence-based, justifiable and documented. It is not necessary to automatically extend a temporary promotion for a further 12 month period shorter extensions may be agreed. The overall maximum time limit for completion of WBA assessment is 24 months.

7.4.3 If the candidate still does not succeed in reaching the appropriate standard, they must be removed from Step Four, informed of the reasons for removal and supported by a development action plan. The candidate must wait 12 months from the date they revert to their substantive rank before they can make a further attempt at Step Three.

7.5 Quality Assurance

Quality will be maintained in our procedures and systems and validated through periodic internal audits and the Compliance Procedure for the NPPF. In addition Step 4 is quality assured through internal verification and certification by awarding organisation.

7.6 Reasonable adjustment

Reasonable adjustment will be made for disabled officers to ensure, so far as it is possible, that they are not placed at a disadvantage compared with non-disabled candidates. If reasonable adjustments are required the candidate must inform the force and College of Policing in good time, so that appropriate adjustments can be made at each of the four steps.

7.7 Data Management

Under the rules set out in the Operating Manual for NPPF forces are required to collect and monitor biographical information for officers seeking promotion to the ranks of Sergeant and Inspector. This data is shared with PPEB for the purposes of monitoring the number of successful and unsuccessful officers at each stage of the process, to determine if any groups are advantaged / disadvantaged by particular steps of the process, so that improvements can be made. Data is also shared with the Awarding Organisation used by Durham Constabulary for the purposes of maintaining Centre approval.

7.8 Assessment

- 7.8.1 Assessors: The role of the assessor is key to the promotion process. Assessors will be trained /qualified to ensure fairness, impartiality and consistency of assessment. Assessors will be selected from existing experienced Sergeants and Inspectors.
- 7.8.2 Assessments: All assessments must be evidence based, justified and documented.

7.9 Extenuating Circumstances and Appeals Procedure

- 7.9.1 Candidates for promotion to Sergeant and Inspector may appeal in force, with the exception of Step Two, against a decision at each step of the promotion process (see 12.0 Appeals Procedure below). There may also be extenuating circumstances affecting the candidate's ability to successfully complete certain

steps. 'Extenuating circumstances' could be a serious event or series of events, such as death or serious illness of a family member, illness, accident or serious injury to the candidate. Each case will be assessed on its merits.

- 7.9.2 At Step Four, if the in-force appeals procedure is exhausted and the candidate wishes to take their appeal further, the matter may be reported to the awarding organisation for consideration.
- 7.9.3 The appeal policy at Step Two (Examination of Law and procedure) is as determined and set out in the Rules and Syllabus, OSPRE® Part I Examination, National Police Promotion Framework Step Two Examination And National Investigators' Examination. If a candidate is aware of extenuating circumstances before or on the day of the examination, they should decide whether to sign the 'declaration notice' and attempt the exam or not attend.
- 7.9.4 Appeals when the Head of Professional Standards has determined a conduct matter is so serious that the officer must re-apply for promotion, should be submitted in writing to the Strategic Resource Manager. The decision on these appeals will be taken by the Deputy Chief Constable

8.0 ACTING RANKS

8.1 Criteria

- 8.1.1 Temporary vacancies in supervisory and management posts are unavoidable. They arise routinely in Commands and Departments when supervisors and managers take annual leave, sick leave, attend training courses or are deployed to other duties. Acting cover can plug vital gaps and provide officers with experience beyond their normal roles.
- 8.1.2 The use of acting and temporary ranks fulfils three needs:
- (a) To fill essential supervisory posts that cannot in the interests of organisational efficiency and effectiveness be left vacant.
 - (b) To monitor and assess the performance of officers performing acting or temporary duty.
 - (c) To give the opportunity for meaningful career development.
- 8.1.3 In order to minimise the abstraction of Constable ranks from operational duties, consideration should always be given to alternative options to acting duties, for example where the absentee is a Sergeant, consideration being given to Sergeant Colleagues or Inspectors covering the absence.

- 8.1.4 In circumstances where supervisory officers are not fully fit to perform operational supervisory functions and are performing alternative recuperative duties under the care of the Occupational Health Unit, the Command/Department has the flexibility to arrange for an acting rank to perform the operational supervisory function, if they deem it necessary.
- 8.1.5 Where specific reasons exist which make it essential for a period of acting of less than 7 days to be undertaken, such period of acting must be authorised in writing by a member of the Command/Department Senior Leadership Team.
- 8.1.6 The above does not mean that absences of 7 days or more will be automatically covered by an acting rank. The need for acting cover for any period of absence must be critically examined and only put in place where it is absolutely necessary.
- 8.1.7 Acting Sergeants should not be deployed in the role of Custody Officer, unless exceptional circumstances result in there being no alternative substantive sergeant being available (R V CC Dorset Police ex Parte Vince, WLR 1993).

8.2 Career Development

- 8.2.1 Officers seeking promotion will not be disadvantaged if they have not had the opportunity to perform acting or temporary duties at a higher rank.
- 8.2.2 The following categories of officers will be permitted to perform acting or temporary duties, at Sergeant and Inspector level. Officers should be selected in the following order of preference:
 - a) Those officers who are fully qualified by having passed Part 1 and Part 2 of the OSPRE or the equivalent.
 - b) Those officers who are part qualified by having passed Part 1 of OSPRE.
 - c) In **exceptional circumstances** unqualified officers who in the opinion of the Command/Department have the necessary experience, skills and abilities, and who are willing to perform such duties, may be used.
- 8.2.3 In selecting an officer to perform acting or temporary duty the following shall be considered:
 - a) Development opportunities as identified through the **PDR/CPD or talent management** system.

- b) The need to monitor that officer's performance for promotion assessment.
- c) The opportunity for lateral development Forcewide (**reference will be made to information previously supplied to SMT's by the individual officer themselves ie career development/posting aspiration information. This database will be updated periodically by SMT's to ensure currency.**)
- d) To develop the skills of highlighted officers.

8.3 Qualifying Period

- 8.3.1. An Officer of the rank of Chief Superintendent or below who in a year is required to perform the duties normally performed by a member of the Constabulary in a higher rank than their own, will be required to perform an appropriate qualifying period.
- 8.3.2 The qualifying period shall be for a period of 10 complete days if working an 8 hour shift pattern, or 80 hours for all other Officers, (this will not be subject to pro rata arrangements for those Officers working reduced hours).
- 8.3.3 Acting up allowance will be payable in respect of each further complete day after the qualifying period in that year on which they are required to perform such duties as outlined below.
- 8.3.4 After completing the qualifying period, an Officer is entitled to 46 days acting up allowance in respect of one continuous period of performing the duties normally performed by a member of the Constabulary in a higher rank than their own. At the end of the 46 day period, the Officer may be temporarily promoted to the acting rank; however this is subject to the Officer being qualified for promotion having previously successfully attained the appropriate promotion examination as outlined at paragraph 8.2.2
- 8.3.5 If the Officer is not appropriately qualified then acting up duties in excess of the 46 days will continue to apply.

8.4 Temporary Promotion

- 8.4.1 Subject to paragraph 8.3 regarding qualifying periods, an Officer who has successfully completed the promotion examination will be entitled to temporary promotion after a period of 46 days.

8.5 Specific Instructions

- 8.5.1 A uniform acting Sergeant or Temporary Sergeant will wear Sergeant's chevrons (3 stripes).
- 8.5.2 Officers appointed as acting Inspectors and Temporary Inspectors will wear the relevant Inspector insignia.

9.0 INDIVIDUAL ROLES AND RESPONSIBILITIES

- 9.1 Decisions about appointing acting ranks are the responsibility of the Command/Department who must balance the need to maintain operational effectiveness with their duty to demonstrate value for money in the use of resources.
- 9.2 The Command/Department has discretion to fill any Police Supervisory/Management role within their Command/Department over any given period of time. However this discretion is linked robustly to their operational and fiscal accountability. It must be exercised with care and in accordance with the principles outlined in this document.
- 9.3 When a known period of acting duty is likely to exceed 28 days then the Strategic Resource Manager shall be consulted.

10.0 ADMINISTRATION

- 10.1 Use should be made of the PDR system to comment on the performance of an officer who has performed acting duties.
- 10.2 Any relevant areas of identified development should be endorsed on the officer's PDR and be subject of agreed development objectives.

11.0 SECONDMENTS

11.1 Promotion on Secondment

- 11.1.1 If the officer is qualified but not identified for promotion and secondment is to a higher rank then the Chief Constable may promote the officer to the temporary rank for the duration of the secondment.
- 11.1.2 If during the duration of the secondment promotion boards are held and the officer is successful then the Chief Constable may promote the officer to substantive rank.

- 11.1.3 If promoted to the temporary rank for the duration of the secondment the officer may wear the insignia appropriate to the rank.

11.2 Return to Force

- 11.2.1 Three months prior to the end of secondment a meeting will be arranged between the seconded officer and the Strategic Resource Manager. The seconded officer's preference for station and choice of duty will be discussed. Whenever possible this will be met.

11.3 Extensions

- 11.3.1 There will be occasions when the central service body to which an individual is seconded makes application to extend the period of secondment. Durham Constabulary recognises the need to balance the requirements of all parties concerned in a fair, consistent and transparent way.
- 11.3.2 In consequence all requests for such extensions should be made in writing by the relevant central service body to the Strategic Resource Manager. The application will only be considered if it highlights exceptional circumstances relating to that individual's continued placement with the central service body. Following endorsement and recommendation by the Strategic Resource Manager the application will be considered by the member of the Force Executive responsible for personnel matters who will make the final decision on whether to approve or refuse it.
- 11.3.3 The current and projected future ratio of seconded officers should be relevant factors in this decision making process and only one extension of one additional year would normally be permitted
- 11.3.4 Seconded officers whose duties involve liaising within the Force area should endeavour to make the necessary contact with the relevant departments.

12.0 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

Appendix A

DISCHARGE OF STUDENT OFFICERS PROCESS

1.0 PURPOSE AND SCOPE

- 2.1 The purpose of this process is to provide a guide to individuals on the procedure which applies to student officers and details the action that may be taken when unsatisfactory performance/attendance/attitude and behaviour/fitness issues are identified. These include:
- the early identification of areas requiring development/supportive measures;
 - the process to be followed when addressing performance/attendance/attitude and behaviour/fitness issues;
 - the process for extending the student officer's probationary period;
 - the discharge of the student officer where the Chief Constable considers they are not fit, physically or mentally, to perform the duties of office, or where they are not likely to become an efficient or well-conducted officer.
- 2.2 Throughout the operation of this process Durham Constabulary will seek to take the least intrusive action which fits within the working process criteria and will act fairly and proportionally to achieve the proposed purpose.

3.0 THE LEGAL BASIS

- 3.1 The legal basis for this part of the process is as outlined below:-
- Regulation 13 of Police Regulations 2003 (Discharge of Probationer) are applicable to this process guidance.
 - Working Together to Safeguard Children – Department for Education 2018
 - Apprenticeship, Skills, Children and Learning Act 2009

4.0 THE INITIAL POLICE LEARNING AND DEVELOPMENT PROGRAMME (IPLDP)

All student officers undertake the IPLDP which provides an ongoing process of formal and workplace training during the first two years of their service. Every possible measure is taken to ensure that student officers are given support to attain a satisfactory level of performance, attendance, attitude and behaviour and fitness. Open, honest, properly documented recording and constructive feedback are an integral part of the process which is designed to support the student officer to reach the standards required. There are minimum requirements set within the IPLDP in order to assist student officers to progress satisfactorily through their probationary period.

During the IPLDP, unsatisfactory performance, attendance, attitude and behaviour or fitness issues may be identified. In deciding whether to implement supportive measures, managers must treat each case on its own unique circumstances and consider all of the pertinent facts available to them. Any concerns which may require action will be raised with the student officer before considering action under this procedure giving the student officer the opportunity to improve.

Any decisions made throughout this procedure should be discussed at an early opportunity with local management, with support from the HR Manager, L and D training sergeant and nominated constable assessor (tutor). Consideration should also be given to early involvement of federation representatives to provide support and advice to all parties.

It is essential that all decisions made and action taken during any stage of this procedure are documented and retained in the student officer's electronic Learning Assistant programme.

4.1 Guidance

4.1.1 Consideration Points for Unsatisfactory Performance

The following consideration points may indicate that the student officer's performance is not at the required standard. This list should not be considered as exhaustive.

- repeated concerns or criticisms about the individual from peers, colleagues, other managers, members of the public etc
- factual / quantifiable grounds to highlight inadequate performance e.g. deadlines not being met, poor timekeeping, not demonstrating pro-activity/self-motivation, a lack of understanding and application of policy and procedure.
- failure to meet the objectives set within the IPLDP

If any of these consideration points apply, the line manager may decide that further investigation is needed into a student officer's performance. It is not assumed at this stage that formal procedures will commence. Routine management support and action should be considered in the first instance.

There is no single formula for determining the point at which a concern about a student officer's performance should lead to the commencement of the formal Regulation 13 procedure. However, the following points should be emphasised:

- the procedure is designed to cover either repeated failures to meet the required standards or more serious cases of unsatisfactory performance
- line managers should not retrospectively revisit historical events where they have not already highlighted these to the officer at the time
- line managers should be able to demonstrate supportive measures they have provided or considered before progressing to the formal stage of the procedure and evidence why this has not been successful, thereby providing the officer with the opportunity to improve and perform to the required standard. Examples of such measures may include an improvement plan incorporating any training, mentoring etc. required
- occasional lapses below acceptable standards should be dealt with in the course of normal management activity and should not involve the application of this procedure.

When performance issues are identified, the student officer's line manager must consider early intervention actions, in consultation with the Strategic Resourcing Manager, nominated Tutor constable and Federation Representative to ensure supportive measures are implemented at an early stage which could avoid the need for formal action. The L and D training sergeant should be made aware of any supportive measures to be taken, e.g. copies of improvement plans should be submitted to the L and D training sergeant.

4.2 Consideration Points for Unsatisfactory Attendance

The following consideration points may indicate that the student officer's attendance is not at the required standard. This list should not be considered as exhaustive.

- A 28 calendar days absence (where there is no realistic prospect of a return to work in a reasonable time frame)
- The attendance indicator is no more than 64 hours for Police Officers or no more than 3 periods of absence in the past 12 months

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- At regular intervals or where a pattern emerges e.g. every Monday, at the beginning or end of a shift cycle
- For regular self-certification reasons e.g. cold / flu / virus etc.
- A pattern of part day absences is emerging

Absence consideration points should be discussed with student officers upon their return to work or in some cases during welfare visits. This will ensure student officers are fully informed of the Force position in relation to their attendance levels and what support they will receive to improve their attendance at work.

If any of these consideration points apply, the line manager may decide further investigation is needed into a student officer's attendance.

There is no single formula for determining the point at which a concern about a student officer's attendance should lead to the commencement of the formal Regulation 13 procedure. However, the following points should be emphasised:

- whether the student officer is going to be fit, physically or mentally, to perform the duties of a police officer or not likely to become an efficient or well conducted constable
- the timescales for when the student officer is going to be fit, physically or mentally, to perform the duties of a police officer
- what stage in the student officer's probationary period has the absence occurred and the likely impact on the officer's ability to complete the probationary period
- the nature of the illness, injury or condition
- the likelihood of the illness, injury or condition (or some other related illness, injury or condition) recurring
- the pattern and length of absence(s) and the period of good health between them
- managers should be able to demonstrate they have provided support before progressing to the formal stage, thereby providing the officer with the opportunity to attain the required standard. Examples of such support may include acting on advice from OHU, an improvement plan, and consideration of recuperative duties.
- the extent to which an officer has cooperated with management action

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- the impact of the Equality Act 2010 (reasonable adjustments should be made, wherever possible, to assist the officer to improve their attendance).
- all student officers should be treated fairly and compassionately through this process

When attendance issues are identified, the student officer's line manager must consider early intervention in consultation with the HR Manager, nominated tutor constable assessor and federation representative to ensure supportive measures are implemented at an early stage which could avoid the need for formal action.

The L and D training sergeant should be made aware of any supportive measures to be taken, e.g. copies of improvement plans should be submitted to the L and D training sergeant.

4.3 Consideration Points for Unsatisfactory Fitness

A student officer's fitness can directly impact on the performance of the officer and satisfactory progression through the IPLDP. The timely completion of the compulsory fitness tests is an integral component of the probationary period and failure to achieve and maintain the necessary level of fitness throughout the probationary period can result in action being taken under the formal Regulation 13 procedure. The test that student officers undergo is the JRFT (level 5:4).

There is no single formula for determining the point at which a concern about a student officer's fitness should lead to the commencement of the formal Regulation 13 procedure. However, the following points should be emphasised:

- whether the student officer has a level of fitness to enable the successful completion of the compulsory fitness tests
- where a student officer has health issues which will impact on the completion of their probationary period and an improvement plan is not appropriate, the consideration should be on the medical evidence to determine whether they will become an efficient and well-conducted officer within a reasonable time frame
- the most up to date occupational health advice (including treatment, prognosis, timescales/likelihood for a return to full duties)
- specialist medical advice where appropriate
- the nature of the restrictions
- the short-term restricted duties available
- managers should be able to demonstrate they have provided appropriate support before progressing to the formal stage, thereby

providing the officer with the opportunity to perform to the required standard. Examples of such support may include an improvement plan incorporating any fitness training/development etc. required, a change of location, or advice from OHU.

When fitness issues are identified, the student officer's line manager must consider early intervention actions in consultation with the HR Manager, L and D training sergeant, nominated Tutor constable assessor and federation representative to ensure supportive measures are provided at an early stage which could avoid the need for formal action.

Any student officer failing to achieve the fitness test level will usually be required to re-take the test within a period of two weeks. If a student officer fails again, they will usually be required to re-take the test within a period of six weeks.

Student officers failing the test will be provided with advice on basic physical fitness and signposted to where further advice may be available. Access to OHU will be offered.

Line managers are expected to emphasise to student officers the requirement to maintain a level of fitness to achieve successful completion of the fitness tests, and whilst the student officer has a responsibility to maintain their own fitness levels, line managers may, where appropriate, identify opportunities to support.

This procedure does not negate the supervisor's responsibility to understand and manage factors which can cause or influence health issues/sickness absence. Supervisors should manage health issues/absence effectively and sensitively, making use of welfare support services.

4.4 Consideration Points for Unsatisfactory Attitude and Behaviour

Student officers must maintain the highest possible standards and act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy. In addition, student officers are expected to fully engage with the IPLDP and demonstrate motivation, engagement and a willingness to learn throughout.

Line managers are expected to support student officers and should demonstrate the appropriate (and challenge unsatisfactory) attitude and behaviour, with reference to the principles outlined in the Standards of Professional Behaviour/Code of Ethics where appropriate.

4.5 Supportive Measures to Address Performance, Attendance, Attitude and Behaviour, and Fitness

Before taking any action managers must treat each case on its own unique circumstances and consider all of the pertinent facts available to them. Any concerns which may require action will be raised with the student officer before considering action under this procedure giving the student officer the opportunity to respond and where appropriate improve.

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Where the concern over a student officer is in relation to standards of behaviour or integrity, a request can be made for an immediate full Regulation 13 case conference, without any of the intermediate steps happening. Advice should be sought from the Professional Standards and Legal Services Department and Strategic Resourcing Manager as to whether the student officer should be subject to Regulation 13 procedures or Misconduct procedures.

Consideration should also be given to early involvement with a federation representative to provide advice and support to all parties.

In the majority of cases the starting point to improve performance/attendance/attitude and behaviour/fitness is support. It is expected that such supportive measures action will, in most cases, achieve the desired effect of improving and maintaining an officer's performance/attendance/attitude and behaviour/fitness to an acceptable level, therefore avoiding the need for formal Regulation 13 action.

Where unsatisfactory fitness has been identified the line manager (the student officer's Sergeant) should prepare a report to the second line manager (the student officer's Inspector) who will discuss it with the Strategic Resourcing Manager outlining the circumstances of the officer's fitness which they believe are preventing the officer complying with the probationary requirements of the police officer role. This report will be used to determine what action is to be taken.

Line managers should arrange a supportive measures meeting (allowing at least 24 hours for the officer to prepare) to openly discuss the officer's performance/attendance/attitude and behaviour/fitness and agree a way forward to enable the student officer to improve. An outcome of this meeting will be that an improvement plan is put in place to support the student officer to improve. Federation attendance at the meeting/advice may be considered at this time.

Following the supportive measures meeting the officer's performance/attendance/attitude and behaviour/fitness will be actively monitored within agreed timescales against agreed objectives of the improvement plan.

- The timescale for improvement will usually be set at 10 weeks (two shift cycles) to allow sustained improvement, but may be tailored according to specific issues.

During the improvement period review meetings should be held to discuss the student officer's progress.

The student officer will be issued with a copy of the agreed improvement plan. This should be completed and retained by the line manager (usually the student officer's Sergeant), with a copy provided to the nominated Tutor constable assessor, for the electronic LEARNING ASSISTANT system and the L and D training sergeant.

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The line manager will monitor the student officer's performance/attendance/attitude/behaviour/fitness during the improvement plan period then invite the officer to a final review meeting to discuss the extent to which the improvement plan objectives have been met. If the performance/attendance/attitude/behaviour/fitness of the officer does not improve to the required level it may be appropriate for managers to take formal action in line with the Regulation 13 procedure.

4.6 Supportive Measures Final Review Meeting

The line manager should notify the student officer and Strategic Resource Manager of the appropriate outcome as follows:

- improvement plan objectives have been met at final review date, however, should their performance/attendance/attitude and behaviour/fitness fall below the required standard within the remaining probationary period supportive action / the formal Regulation 13 procedure may be initiated to assist them to improve
- some improvement has been made to achieve the objectives set; however, the issues raised have not been resolved to a satisfactory level, therefore, a further review period will be implemented
- improvement plan objectives not met at final review date and therefore, the formal procedure will be commenced to ensure that the officer will receive the necessary support to assist them to improve.

4.7 Extension of probationary period

Where the line manager considers that the student officer's probationary period should be extended, to allow for improvement of performance/attendance/attitude and behaviour/fitness, the Strategic Resourcing Manager and L and D training Sgt should be informed of the rationale. Extending an officer's probationary period may not always be as a result of unsatisfactory performance/attendance/attitude and behaviour/fitness. It may also be necessary where an individual has had time away from regular duty (e.g. due to recuperative duties or maternity leave). The following form should be completed by the student officer's line manager and sent to the Superintendent Response Command. If they approve the extension, the form will then be sent by the Strategic Resource Manager who will give final approval to extensions to probationary periods.

4.8 Formal Regulation 13 Procedure

The decision to progress formal action under the Regulation 13 procedure will be taken following a meeting of the Response Commander and the Strategic Resourcing Manager where the support provided and other relevant factors will be fully discussed.

The formal procedure will not normally be invoked unless earlier support was provided but the necessary improvement in the student officer's performance/attendance/attitude and behaviour/fitness has not been made (this includes if the student officer declines the support or fails to cooperate).

With the exception of gross incompetence cases, progression to the Formal Regulation 13 Procedure must be for matters similar to, or connected with, the performance/attendance/attitude and behaviour/fitness areas referred to in the previous stage.

To initiate the formal process the student officer will be invited to a meeting with a representative of the local SMT to discuss their continued inability to perform/attain the required level.

Consideration may be given for federation advice to be sought by the student officer at this time, or if all parties are agreeable, for a Federation Representative to be present.

Meeting with local SMT representative

At the formal meeting the SMT representative (usually Chief Inspector) will:

- explain to the officer the reasons why they consider the performance or attendance of the student officer to be below the required standards
- ask the student officer if there are any issues that the supervisor is unaware of and put appropriate supportive measures in place
- ask the student officer if there is any other support that can be provided to aid their development
- warn the student officer that failure to meet the required standards could lead to their dismissal under Regulation 13

Improvement Plan

Following the meeting with the SMT representative the student officer's performance/attendance/attitude and behaviour/fitness will be actively monitored within agreed timescales against agreed objectives of the improvement plan.

- The timescale for improvement will usually be set at 10 weeks (two shift cycles). However this can be extended at this stage with authority of a SMT member.

The L and D training sergeant must be provided with a copy of the improvement plan.

Review Meeting

After each improvement plan review meeting feedback should be provided to the SMT representative by the first line manager using an improvement review form.

Final Review Meeting

At the end of the improvement period the line manager will coordinate the collation of all relevant documentation to enable the SMT representative to fully review all associated documents prior to a final review meeting. Consultation must be undertaken with the nominated Tutor Constable Assessor to quality assure the documentation (e.g. records/evidence collated). The line manager will coordinate the attendance of the attendees to discuss the extent to which the improvement plan objectives have been achieved. The line manager will inform the Strategic Resource Manager of the meeting.

The SMT representative will make recommendations to the meeting, which may include:

- confirmation that the student officer has successfully completed the improvement plan
- extension to the improvement plan
- recommendation to the Strategic Resource Manager that the student officer's probationary period should be extended
- referral to a case conference if no substantial improvement has taken place

The SMT representative will endorse the final review with their decision after consideration of all review documentation. The Strategic Resource Manager will be informed of the outcome of this meeting.

4.9 The Case Conference

Following the referral by the SMT representative, the Strategic Resource Manager will be required to approve all decisions to hold a case conference.

A case conference is held to determine whether or not the student officer's performance/attendance/attitude and behaviour/fitness should be referred to the Head of People, Standards and Development Command for consideration of discharging the student officer.

Where the concern over a student officer is in relation to standards of behaviour or integrity, a request can be made for an immediate full Regulation 13 case conference, without any of the intermediate steps happening. Advice should be sought from the Professional Standards and Legal Services Department and Strategic Resourcing Manager as to whether the student officer should be subject to Regulation 13 procedures or Misconduct procedures.

A summary of the officer's development including all supporting documentation and periodic reports collated by the nominated Tutor Constable assessor (within the electronic LEARNING ASSISTANT) must be prepared by the area command in conjunction with the L and D Sgt. This should be forwarded to the Strategic Resource Manager as quickly as practicable, who will in turn discuss the case with the Response Commander, the outcome of which could result in a case conference being agreed. The Student officer will not be required to attend the case conference. A copy of the documentation to be referred to during the case conference must be provided to the student officer and their nominated police federation representative, at least seven calendar days prior to the date of the case conference. The student officer will have 3 working days with which to provide any further written information that they wish to be considered at this case conference. This additional information should be forwarded to the Strategic Resource Manager.

The conference will consist of the Head of People Services Command, the Response Commander and the Strategic Resource manager, and they must fully consider the officer's development/performance/attitude/conduct to date and/or sickness absence history.

When attendance/fitness is the issue, the matter for consideration is the reliability of the student officer to attend work and the likelihood of the individual becoming an efficient and well conducted officer. Subject to consent, relevant occupational health advice or other medical opinion should be made available to attendees. The force medical adviser may also offer an opinion as to the student officer's overall fitness.

A record of the case conference proceedings and recommendations will be compiled and a copy given to the student officer within seven days. A copy will also be retained in the electronic LEARNING ASSISTANT by the L and D Sergeant training delivery.

4.10 Hearing

If the recommendation of the case conference is that a Hearing should take place the Strategic Resourcing Manager will brief the Head of People, Standards and Development Command prior to the hearing.

A Chief Officer and the Head of People, Standards and Development Command must conduct a hearing which will involve interviewing the student officer, listening to representations, considering documents and then making a recommendation. The reasons for the recommendation must be stated.

There are a number or potential outcomes from the hearing:

- recommendation that the student officer should be required to resign and refer the matter to the Chief Constable (or DCC in their absence) to make a final decision

- the student officer offers to resign in response to the recommendation to resign
- refer the matter back to the area command for further action (e.g. further supportive measures, change shift, etc.)

5.0 THE POICE EDUCATION QUALIFICATIONS FRAMEWORK (PEQF)

On joining Durham Constabulary all student officers undertake either the Police Constable Degree Apprenticeship (PCDA) or the Degree Holders Entry Programme (DHEP) both of which provides an ongoing process of formal and workplace training during the relevant courses probationary period. Every possible measure is taken to ensure that student officers are given support to attain a satisfactory level of performance, attendance, attitude and behaviour and fitness. Open, honest, properly documented recording and constructive feedback are an integral part of the process which is designed to support the student officer to reach the standards required. There are minimum requirements set within the PCDA/DHEP in order to assist student officers to progress satisfactorily through their probationary period.

During the PCDA/DHEP process, unsatisfactory performance, attendance, attitude and behaviour or fitness issues may be identified, either in force or by the Higher Education Institute (HEI). In deciding whether to implement supportive measures, managers must treat each case on its own unique circumstances and consider all of the pertinent facts available to them. Any concerns which may require action will be raised with the student officer before considering action under this procedure giving the student officer the opportunity to improve.

Any decisions made throughout this procedure should be discussed at an early opportunity with local management, with support from the HR Manager, PEQF lead and nominated assessor (tutor). Consideration should also be given to early involvement of federation representatives to provide support and advice to all parties.

It is essential that all decisions made and action taken during any stage of this procedure are documented and retained in the student officer's electronic system.

5.1 Guidance

5.1.1 Consideration Points for Unsatisfactory Performance

The following consideration points may indicate that the student officer's performance is not at the required standard. This can be identified via either the PEQF lead or in conjunction with the HEI. It must also be re-iterated that, in the case of the PCDA, this may significantly impact upon the drawdown of the Apprenticeship Levy if not dealt with expeditiously. This list should not be considered as exhaustive.

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- repeated concerns or criticisms about the individual from peers, colleagues, other managers, members of the public etc
- factual / quantifiable grounds to highlight inadequate performance e.g. deadlines not being met, poor timekeeping, not demonstrating pro-activity/self motivation, a lack of understanding and application of policy and procedure.
- failure to meet the objectives set within the PCDA/DHEP

If any of these consideration points apply, the line manager may decide that further investigation is needed into a student officer's performance. It is not assumed at this stage that formal procedures will commence. Routine management support and action should be considered in the first instance.

There is no single formula for determining the point at which a concern about a student officer's performance should lead to the commencement of the formal Regulation 13 procedure. However, the following points should be emphasised:

- the procedure is designed to cover either repeated failures to meet the required standards or more serious cases of unsatisfactory performance
- line managers/ PEQF lead should not retrospectively revisit historical events where they have not already highlighted these to the officer at the time
- line managers/ PEQF lead should be able to demonstrate supportive measures they have provided or considered before progressing to the formal stage of the procedure and evidence why this has not been successful, thereby providing the officer with the opportunity to improve and perform to the required standard. Examples of such measures may include an improvement plan incorporating any training, mentoring etc. required
- occasional lapses below acceptable standards should be dealt with in the course of normal management activity and should not involve the application of this procedure.

When performance issues are identified, the student officer's line manager must consider early intervention actions, in consultation with the Strategic Resourcing Manager, nominated Tutor and Federation Representative to ensure supportive measures are implemented at an early stage which could avoid the need for formal action. The PEQF lead should be made aware of any supportive measures to be taken, e.g. copies of improvement plans should be submitted to PEQF lead.

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5.2 Consideration Points for Unsatisfactory Attendance

The following consideration points may indicate that the student officer's attendance is not at the required standard. This can be identified via either the PEQF lead or in conjunction with the HEI. It must also be re-iterated that, in the case of the PCDA, this may significantly impact upon the drawdown of the Apprenticeship Levy if not dealt with expeditiously. This list should not be considered as exhaustive.

- A 28 calendar days absence (where there is no realistic prospect of a return to work in a reasonable time frame)
- The attendance indicator is no more than 64 hours for Police Officers or no more than 3 periods of absence in the past 12 months
- At regular intervals or where a pattern emerges e.g. every Monday, at the beginning or end of a shift cycle
- For regular self-certification reasons e.g. cold / flu / virus etc.
- A pattern of part day absences is emerging

Absence consideration points should be discussed with student officers upon their return to work or in some cases during welfare visits. This will ensure student officers are fully informed of the Force position in relation to their attendance levels and what support they will receive to improve their attendance at work.

If any of these consideration points apply, the line manager may decide further investigation is needed into a student officer's attendance.

There is no single formula for determining the point at which a concern about a student officer's attendance should lead to the commencement of the formal Regulation 13 procedure. However, the following points should be emphasised:

- whether the student officer is going to be fit, physically or mentally, to perform the duties of a police officer or not likely to become an efficient or well conducted constable
- the timescales for when the student officer is going to be fit, physically or mentally, to perform the duties of a police officer
- what stage in the student officer's probationary period has the absence occurred and the likely impact on the officer's ability to complete the probationary period
- the nature of the illness, injury or condition

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- the likelihood of the illness, injury or condition (or some other related illness, injury or condition) recurring
- the pattern and length of absence(s) and the period of good health between them
- managers should be able to demonstrate they have provided support before progressing to the formal stage, thereby providing the officer with the opportunity to attain the required standard. Examples of such support may include acting on advice from OHU, an improvement plan, and consideration of recuperative duties.
- the extent to which an officer has cooperated with management action
- the impact of the Equality Act 2010 (reasonable adjustments should be made, wherever possible, to assist the officer to improve their attendance).
- all student officers should be treated fairly and compassionately through this process

When attendance issues are identified, the student officer's line manager must consider early intervention in consultation with the HR Manager, nominated PEQF assessor and federation representative to ensure supportive measures are implemented at an early stage which could avoid the need for formal action.

The PEQF lead should be made aware of any supportive measures to be taken, e.g. copies of improvement plans should be submitted to the PEQF lead.

5.3 Consideration Points for Unsatisfactory Fitness

A student officer's fitness can directly impact on the performance of the officer and satisfactory progression through the PCDA/DHEP. The timely completion of the compulsory fitness tests is an integral component of the probationary period and failure to achieve and maintain the necessary level of fitness throughout the probationary period can result in action being taken under the formal Regulation 13 procedure. The test that student officers undergo is the JRFT (level 5:4).

There is no single formula for determining the point at which a concern about a student officer's fitness should lead to the commencement of the formal Regulation 13 procedure. However, the following points should be emphasised:

- whether the student officer has a level of fitness to enable the successful completion of the compulsory fitness tests
- where a student officer has health issues which will impact on the completion of their probationary period and an improvement plan is

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not appropriate, the consideration should be on the medical evidence to determine whether they will become an efficient and well-conducted officer within a reasonable time frame

- the most up to date occupational health advice (including treatment, prognosis, timescales/likelihood for a return to full duties)
- specialist medical advice where appropriate
- the nature of the restrictions
- the short-term restricted duties available
- managers should be able to demonstrate they have provided appropriate support before progressing to the formal stage, thereby providing the officer with the opportunity to perform to the required standard. Examples of such support may include an improvement plan incorporating any fitness training/development etc. required, a change of location, or advice from OHU.

When fitness issues are identified, the student officer's line manager must consider early intervention actions in consultation with the HR Manager, PEQF lead, nominated PEQF assessor and federation representative to ensure supportive measures are provided at an early stage which could avoid the need for formal action.

Any student officer failing to achieve the fitness test level will usually be required to re-take the test within a period of two weeks. If a student officer fails again, they will be required to re-take the test within a further period of 4 weeks after that date. The Strategic Resource Manager, in conjunction with the PEQF lead will consider a case conference in relation to the Student Officer. They will be required to undertake and successfully complete a development plan as per Section 9 – Formal Regulation 13 procedure.

Student officers failing the test will be provided with advice on basic physical fitness and signposted to where further advice may be available. Access to OHU will be offered.

Line managers are expected to emphasise to student officers the requirement to maintain a level of fitness to achieve successful completion of the fitness tests, and whilst the student officer has a responsibility to maintain their own fitness levels, line managers may, where appropriate, identify opportunities to support.

This procedure does not negate the supervisor's responsibility to understand and manage factors which can cause or influence health issues/sickness absence. Supervisors should manage health issues/absence effectively and sensitively, making use of welfare support services.

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5.4 Consideration Points for Unsatisfactory Attitude and Behaviour

Student officers must maintain the highest possible standards and act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy. In addition, student officers are expected to fully engage with the PCDA/DHEP and demonstrate motivation, engagement and a willingness to learn throughout.

All internal line managers, and HEI staff, are expected to support student officers and should demonstrate the appropriate (and challenge unsatisfactory) attitude and behaviour, with reference to the principles outlined in the Standards of Professional Behaviour/Code of Ethics where appropriate, and also within the Northumbria University Student Handbook.

5.5 Supportive Measures to Address Performance, Attendance, Attitude and Behaviour, and Fitness

Before taking any action managers must treat each case on its own unique circumstances and consider all of the pertinent facts available to them. Any concerns which may require action will be raised with the student officer before considering action under this procedure giving the student officer the opportunity to respond and where appropriate improve.

Where the concern over a student officer is in relation to standards of behaviour or integrity, a request can be made for an immediate full Regulation 13 case conference, without any of the intermediate steps happening. Advice should be sought from the Professional Standards and Legal Services Department and Strategic Resourcing Manager as to whether the student officer should be subject to Regulation 13 procedures or Misconduct procedures.

Consideration should also be given to early involvement with a federation representative to provide advice and support to all parties.

In the majority of cases the starting point to improve performance/attendance/attitude and behaviour/fitness is support. It is expected that such supportive measures action will, in most cases, achieve the desired effect of improving and maintaining an officer's performance/attendance/attitude and behaviour/fitness to an acceptable level, therefore avoiding the need for formal Regulation 13 action.

Where unsatisfactory fitness has been identified the line manager (the student officer's Sergeant) should prepare a report to the second line manager (the student officer's Inspector) who will discuss it with the Strategic Resourcing Manager outlining the circumstances of the officer's fitness which they believe are preventing the officer

complying with the probationary requirements of the police officer role. This report will be used to determine what action is to be taken.

Line managers should arrange a supportive measures meeting (allowing at least 24 hours for the officer to prepare) to openly discuss the officer's performance/attendance/attitude and behaviour/fitness and agree a way forward to enable the student officer to improve. An outcome of this meeting will be that an improvement plan is put in place to support the student officer to improve. Federation attendance at the meeting/advice may be considered at this time.

Following the supportive measures meeting the officer's performance/attendance/attitude and behaviour/fitness will be actively monitored within agreed timescales against agreed objectives of the improvement plan.

- The timescale for improvement will usually be set at 10 weeks (two shift cycles) to allow sustained improvement, but may be tailored according to specific issues.

During the improvement period review meetings should be held to discuss the student officer's progress.

The student officer will be issued with a copy of the agreed improvement plan. This should be completed and retained by the line manager (usually the student officer's Sergeant), with a copy provided to the nominated PEQF assessor, for the electronic learning system and the PEQF lead.

The line manager will monitor the student officer's performance/attendance/attitude/behaviour/fitness during the improvement plan period then invite the officer to a final review meeting to discuss the extent to which the improvement plan objectives have been met. If the performance/attendance/attitude/behaviour/fitness of the officer does not improve to the required level it may be appropriate for managers to take formal action in line with the Regulation 13 procedure.

5.6 Supportive Measures Final Review Meeting

The line manager should notify the student officer and Strategic Resource Manager of the appropriate outcome as follows:

- improvement plan objectives have been met at final review date, however, should their performance/attendance/attitude and behaviour/fitness fall below the required standard within the remaining probationary period supportive action / the formal Regulation 13 procedure may be initiated to assist them to improve

- some improvement has been made to achieve the objectives set; however, the issues raised have not been resolved to a satisfactory level, therefore, a further review period will be implemented
- improvement plan objectives not met at final review date and therefore, the formal procedure will be commenced to ensure that the officer will receive the necessary support to assist them to improve.

5.7 Extension of probationary period

Where the line manager considers that the student officer's probationary period should be extended, to allow for improvement of performance/attendance/attitude and behaviour/fitness, the Strategic Resourcing Manager and PEQF lead should be informed of the rationale. Extending an officer's probationary period may not always be as a result of unsatisfactory performance/attendance/attitude and behaviour/fitness. It may also be necessary where an individual has had time away from regular duty (e.g. due to recuperative duties or maternity leave). The following form should be completed by the student officer's line manager and sent to the Superintendent Response Command. If they approve the extension, the form will then be sent by the Strategic Resource Manager who will give final approval to extensions to probationary periods.

5.8 Formal Regulation 13 Procedure

The decision to progress formal action under the Regulation 13 procedure will be taken following a meeting of the Response Commander/ PEQF lead, and the Strategic Resourcing Manager where the support provided and other relevant factors will be fully discussed. This could also include performance issues identified by the HEI and are covered within the Northumbria University Student Handbook and university policies and procedures

The formal procedure will not normally be invoked unless earlier support was provided but the necessary improvement in the student officer's performance/attendance/attitude and behaviour/fitness has not been made (this includes if the student officer declines the support or fails to cooperate).

With the exception of gross incompetence cases, progression to the Formal Regulation 13 Procedure must be for matters similar to, or connected with, the performance/attendance/attitude and behaviour/fitness areas referred to in the previous stage.

To initiate the formal process the student officer will be invited to a meeting with a representative of the local SMT to discuss their continued inability to perform/attain the required level.

Consideration may be given for federation advice to be sought by the student officer at

this time, or if all parties are agreeable, for a Federation Representative to be present.

Meeting with local SMT representative

At the formal meeting the SMT representative (usually Chief Inspector) will:

- explain to the officer the reasons why they consider the performance or attendance of the student officer to be below the required standards
- ask the student officer if there are any issues that the supervisor is unaware of and put appropriate supportive measures in place
- ask the student officer if there is any other support that can be provided to aid their development
- warn the student officer that failure to meet the required standards could lead to their dismissal under Regulation 13

Improvement Plan

Following the meeting with the SMT representative the student officer's performance/attendance/attitude and behaviour/fitness will be actively monitored within agreed timescales against agreed objectives of the improvement plan.

- The timescale for improvement will usually be set at 10 weeks (two shift cycles). However this can be extended at this stage with authority of a SMT member.

The PEQF lead must be provided with a copy of the improvement plan.

Review Meeting

After each improvement plan review meeting feedback should be provided to the SMT representative by the first line manager using an improvement review form.

Final Review Meeting

At the end of the improvement period the line manager will coordinate the collation of all relevant documentation to enable the SMT representative to fully review all associated documents prior to a final review meeting. Consultation must be undertaken with the nominated PEQF assessor to quality assure the documentation (e.g. records/evidence collated). The line manager will coordinate the attendance of the attendees to discuss the extent to which the improvement plan objectives have been achieved. The line manager will inform the Strategic Resource Manager of the meeting.

The SMT representative will make recommendations to the meeting, which may include:

- confirmation that the student officer has successfully completed the improvement plan
- extension to the improvement plan
- recommendation to the Strategic Resource Manager that the student officer's probationary period should be extended
- referral to a case conference if no substantial improvement has taken place

The SMT representative will endorse the final review with their decision after consideration of all review documentation. The Strategic Resource Manager will be informed of the outcome of this meeting.

5.9 The Case Conference

Following the referral by the SMT representative, the Strategic Resource Manager will be required to approve all decisions to hold a case conference.

A case conference is held to determine whether or not the student officer's performance/attendance/attitude and behaviour/fitness should be referred to the Head of People, Standards and Development Command for consideration of discharging the student officer.

Where the concern over a student officer is in relation to standards of behaviour or integrity, a request can be made for an immediate full Regulation 13 case conference, without any of the intermediate steps happening. Advice should be sought from the Professional Standards and Legal Services Department and Strategic Resourcing Manager as to whether the student officer should be subject to Regulation 13 procedures or Misconduct procedures.

The Strategic Resource Manager will be required to approve all decisions to hold a case conference

A summary of the student officer's development including all supporting documentation and periodic reports collated by the nominated PEQF assessor (within the electronic system) must be prepared by the area command in conjunction with PEQF lead. This should be forwarded to the Strategic Resource Manager at least seven calendar days prior to the date of the case conference. A copy of the documentation to be referred to during the case conference must be provided to the student officer and the police federation representative, prior to the case conference.

The conference must fully consider the officer's development to date or sickness absence history. A record of the case conference proceedings will be compiled and a

copy given to the student officer to be retained in the electronic system and a copy retained by the PEQF lead training delivery within seven days.

When attendance/fitness is the issue, the matter for consideration is the reliability of the student officer to attend work and the likelihood of the individual becoming an efficient and well conducted officer. Subject to consent, relevant occupational health advice or other medical opinion should be made available to attendees. The force medical adviser may also offer an opinion as to the student officer's overall fitness.

5.10 Hearing

If the recommendation of the case conference is that a Hearing should take place the Strategic Resourcing Manager will brief the Head of People, Standards and Development Command prior to the hearing.

A Chief Officer and the Head of People, Standards and Development Command must conduct a hearing which will involve interviewing the student officer, listening to representations, considering documents and then making a recommendation. The reasons for the recommendation must be stated.

There are a number of potential outcomes from the hearing:

- recommendation that the student officer should be required to resign and refer the matter to the Chief Constable (or DCC in their absence) to make a final decision
- the student officer offers to resign in response to the recommendation to resign
- refer the matter back to the area command for further action (e.g. further supportive measures, change shift, etc.)

EQUALITY IMPACT ASSESSMENT (EIA)

| POLICE OFFICER SELECTION POLICY | |
|---|---|
| <p>An equality impact assessment (EIA) form <u>must</u> 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) and must show that when making decisions we:-</p> <ul style="list-style-type: none"> Give due regard to the impact it will have on protected groups Undertake an assessment <u>prior to</u> 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. <p>The EIA must be completed <u>before</u> decisions are made, and remain a live document to be reviewed and continually updated during policy/procedure development or updating</p> <p><u>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</u></p> | |
| | 1) Purpose of the policy. Why do we need it and what will it achieve |
| | The purpose of this policy is to provide a guide on the recruitment and selection of Probationer Constables, the promotion of Inspectors and Sergeants and the selection arrangements for Seconded Officers and Acting Ranks |
| | 2) Explain briefly why the Policy/Procedure is being developed or reviewed? |
| | Policy amended to reflect the updated process with regard to the submission of documents at a case conference and also the need for a copy of the unsupported application re step 2 of the promotion process to be forwarded to the Force Examinations Officer, Learning and Development for monitoring purposes. |
| | 3) What research/resources have been used or considered in the initial stages of this assessment? |
| | None – advised appropriately of this change |

| | | | | |
|--|------------------------|------------------------|-----------------------|-----------------------|
| 4) Who has been consulted around the potential impact during the development/amendment of the policy/procedure | | | | |
| All support networks. Force Executive (AC0) HR Staff Independent Advisory Groups (IAG's) Staff associations Legal Services Heads of Command | | | | |
| 5) Following assessment of available information, has a positive or adverse impact been identified OR is the initiative equality neutral? | | | | |
| <p>A Positive Impact – will actively promote equality of opportunity or improve relations between one or more groups</p> <p>An Adverse impact – will cause some form of disadvantage or exclusion.</p> <p>Neutral impact is when there are no notable consequences for any diversity group</p> <p>Provide details on ALL decisions for ALL the protected characteristic groups below. Specify what actions, if any, will be taken as a result of the assessment, provide any findings and the reason any decisions were reached, and determine what changes may be necessary to either reduce any adverse impact or enhance any beneficial impact.</p> <p>If an adverse (negative) impact has been identified question 5 must be completed.</p> | | | | |
| | <u>Positive</u> | <u>Negative</u> | <u>Neutral</u> | <u>Details</u> |
| Age | | | X | |
| Disability | | | X | |
| Transitioning from one sex to another (either thinking of, in the process of or have) | | | X | |

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| | | | | | |
|--|--|--|--|----------|--|
| | Marriage and Civil Partnership | | | X | |
| | Pregnancy and Maternity | | | X | |
| | Race | | | X | |
| | Religion or Faith | | | X | |
| | Gender | | | X | |
| | Sexual Orientation | | | X | |
| | 6) If a negative impact has been identified, please provide further details stating what actions need to be undertaken as a result of the section 5). How any negative impact can be justified for this initiative. | | | | |
| | None | | | | |

| | | |
|--|---|------------------------------|
| | Confirm the above Actions have been incorporated and the EIA is now ready for submission to HR PUG or other Strategic Group. | |
| | Signature... | |
| | Name Sylvia Horsfield | Date 14th August 2020 |
| | 7) – Ratify the Policy / Procedure at HR PUG or other Strategic Group | |
| | Meeting/Group:- | HR PUG |
| | Chair of Meeting/Group:- | T/C/Supt Curtis |
| | | |