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Published

Event History

Policy owned by People Services**Disclosure Manual - Chapter 18****1. Policy Purpose and key drivers****1. Introduction**

1.1 The Disclosure Manual is issued under the terms of the Criminal Procedures and Investigations Act 1996. Chapter 18 of the manual provides specific instructions and guidance for Police Officers and Police Staff who are witnesses in court proceedings, concerning the disclosure to the Crown Prosecution Service (CPS) of certain convictions and cautions for offences, misconduct findings and other matters explained later in this procedure. The requirement for such disclosures under Chapter 18 was revised with effect from 1st December 2008 and whilst the onus remains on the individual Police Officer/Police Staff member to reveal relevant matters by way of form MG6B, the revised version of Chapter 18 introduced new arrangements placing an obligation on the Head of the Force Performance and Standards Unit to ensure that appropriate processes are in place to facilitate such disclosures, to give instruction and guidance to Police Officers/Police Staff to whom the requirements apply and to introduce a revised Form MG 6B.

1.2 Chapter 18 points out 'It is important to remember that the duties to reveal and disclose must be observed scrupulously and that failure to do so may result in wrongful conviction, undeserved acquittal or misconduct proceedings against the Prosecutor or Police Officers/Police Staff.'

2. Policy Aims

2.1 The aim of this policy is to bring into practical effect the requirements of Chapter 18 of the Disclosure Manual (as revised with effect from 1st December 2008).

3. Scope of the Matters Subject to Disclosure and Duration for which Disclosure is Applicable

3.1 Chapter 18 applies to Police Officers, including Special Constables, and Police Staff and requires the following matters to be revealed to the Crown Prosecution Service (CPS). (The CPS will then make a decision on their disclosure to the defence.)

- convictions for recordable offences, including those prior to employment by the Force, whether spent or otherwise (should always be revealed, no time limit);
- cautions for recordable offences (which includes Fixed Penalty Notices for Disorder), including those received prior to employment by the Force (should always be revealed, no time limit);
- when charged with a recordable offence, pre trial;
- substantiated misconduct findings for 'honesty and integrity' (should always be revealed, no time limit);
- substantiated misconduct findings for other misconduct (the requirement to reveal will be assessed on its relevance and may be time limited);
- where a Misconduct Notice has been served, pre misconduct meeting or misconduct hearing;
- where a Police Officer/member of Police Staff has been suspended;

- where adverse judicial comment has been made ;
- where a Police Officer/member of Police Staff is the subject of the Service Confidence Procedure ;
- Where a Police Officer/member of Police Staff is the subject of a credible misconduct allegation(s)

N.B. A recordable offence is defined in regulations made under section 27 Police and Criminal Evidence Act 1984 (in short, an offence for which a conviction or caution is recordable on PNC). If in doubt about their obligations, Police Officers and Police Staff should seek advice from Performance and Standards Unit.

3.2 Chapter 18 provides that there will always be a responsibility on Police Officers and Police Staff to reveal convictions and cautions for recordable offences (with no time limit) but places the onus on the Head of the Performance and Standards to make a 'value judgment' in each of the other instances (as above), as to what matters should be revealed and the time period for which that revelation is applicable. However, it also asserts that **'the ultimate duty and responsibility for revealing criminal convictions, cautions and relevant misconduct findings rests with the individual officer'**.

4. Disclosure Schedule

4.1 In order to implement the revised Chapter 18 requirements, the then Head of Professional Standards (now Performance and Standards Unit), formed a small group (Disclosure Panel) which undertook research of records held or accessible by the Force. The panel produced a list of those Police Officers and Police Staff who were the subject of conduct related matters which required review to determine their relevance for disclosure under Chapter 18. Following the completion of that review, a 'Disclosure Schedule' was compiled which contains the details of all staff to whom the revised arrangements apply. The Disclosure Schedule is held in the Performance and Standards Unit and will be regularly updated to reflect additions/deletions of cases as becomes necessary with the passage of time. Arrangements will be made for the staff concerned to be notified by the Performance and Standards Unit of their obligations to submit Form MG6B; the content and format of the MG6B; the time duration for which the matters must be revealed; and the types of cases where revelation will be applicable. The Performance and Standards Unit will continue to undertake this responsibility as and when new cases arise.

N.B. The term 'revelation' means that the details are revealable to the CPS and the term 'disclose' means when the CPS determine that it is necessary to 'disclose' to the defence the details which have been 'revealed'.

5. Obligation on all staff to report Proceedings, Convictions and Cautions for Offences, including those received abroad, or when they have received a Penalty Notice for Disorder or for an Endorsable Road Traffic Offence

5.1 All members of staff are required to report to the Head of the Performance and Standards Unit where:

- they have become the subject of a criminal investigation for a recordable offence, which is being conducted by a Police Force other than Staffordshire Police;

- they have become the subject of criminal proceedings for a recordable offence;
- they have been convicted of **any** offence (this would include all non-recordable offences e.g. driving without due care and attention);
- they have received a caution for a recordable offence;
- they have received a Fixed Penalty Notice for Disorder;
- they have received a Fixed Penalty Notice for an endorsable road traffic offence;
- any conviction or caution received for an offence committed in a foreign country must also be reported to the Head of Performance & Standards Unit, who will consider its relevance and decide on the need for it to be revealed.

6. Obligation on Police Officers and Police Staff to submit Form MG 6B

6.1 Police Officers and Police Staff who are subject to the requirement to make Chapter 18 disclosures must submit a Form MG6B each time they provide a **witness statement** and on any other occasion when requested to do so by or on behalf of Justice Services. The structure and content of the MG6B will be in accordance with directions given by the Performance and Standards Unit. The document may be forwarded in a sealed envelope marked 'MG6B only' and with an appropriate GPMS marking (usually 'RESTRICTED').

7. Responsibilities of the Head of the Performance and Standards Unit

7.1 The Head of the Performance and Standards Unit will be responsible for the operation of effective arrangements for:

- the maintenance of an up to date Disclosure Schedule;
- the maintenance of an up to date Justice Services Disclosure Record (an electronic 'read only' spreadsheet) containing the names of those Police Officers and Police Staff who appear on the Disclosure Schedule;
- determining, in individual cases, where a revelation will be required;
- notifying relevant matters to the Disclosure & Barring Service (DBS), (these are likely to be rare occasions);
- notifying matters which may have implications for an individual's vetting status to the Force Vetting Officer;
- notifying Police Officers and Police Staff of the requirement for them to submit a Form MG6B; the structure and content of the MG6B; the duration for which the revelation will be necessary; and the types of cases where revelation will be applicable (this could be in all cases);
- reviewing the need for the continuation of revelation where the period for which it was originally deemed necessary has come to an end;
- notifying Police Officers and Police Staff to whom the arrangements apply, who, in the usual course of their duties would not be required to appear as witnesses, that should they be required to do so, they will need to submit a Form MG6B (following advice from the Performance and Standards Unit);

N.B. Decisions made by the Head of the Performance and Standards Unit will be guided by the provisions and requirements of the contents of Chapter 18.

7.2 The Head of the Performance and Standards Unit in consultation with the the Head of People Services (HR) in the case of Police Staff, will also be responsible for deciding whether the conviction/caution etc which has been notified to them warrants misconduct proceedings for a breach of the 'Standards of Professional Behaviour'.

8. Disclosable Cases and Periods of Time for Which Revelation will be Necessary

8.1 The periods of time for which revelation will usually be necessary are as follows :

- convictions for recordable offences (including pre-employment convictions for recordable offences, whether 'spent' or not), and convictions in a foreign country which would be regarded as recordable offences if committed in this country, will always be revealed without time limit;
- cautions, including pre-employment cautions for recordable offences, including Fixed Penalty Notices for Disorder, will always be revealed without time limit;
- misconduct findings for 'honesty and integrity' will always be revealed without time limit;
- charged / summonsed with a recordable offence (pre-trial) revealable until the outcome of the trial / hearing is known;
- misconduct outcomes **other** than 'honesty and integrity': as a general rule, written warnings will be revealable for 12 months from the date issued; final written warnings - 18 months from the date issued;
- suspension (revelation valid for the duration of the suspension);
- adverse judicial comment (will always be revealed without time limit);
- Service Confidence Procedure (each case will be determined upon its circumstances but in some cases, there may be no time limit);
- Credible allegation(s) (each case will be determined upon its circumstances but in some cases, there may be no time limit).

However, as it is not possible to foresee every type of case or related circumstances which could arise, in some particular instances, the duration of the requirement to reveal can be extended at the discretion of the Head of the Performance and Standards Unit. In such cases, the Head of the Performance and Standards Unit will make a written record of the reason(s) for any extended period of revelation and will inform the person concerned of those reasons.

9. Responsibilities of Human Resource Managers and LPT Commanders / Departmental Heads

9.1 Human Resource Managers and LPT Commanders will notify the following details to the Head of the Performance and Standards Unit as soon as practicable :

- when a Police Officer or member of Police Staff is the subject of a local misconduct investigation) (e.g. an investigation which being conducted at local level as it is likely to be addressed by way of management action in the form of words of advice) as distinct from a misconduct meeting), or criminal investigation (if they become aware of such cases);
- when a Police Officer or member of Police Staff is the subject of local misconduct proceedings e.g. local proceedings which are being addressed through management action in the form of words of advice as

distinct from a misconduct meeting. This does not include where papers are forwarded from the Performance and Standards Unit for management action words of advice to be given at local level.

10. Responsibilities of Head of Justice Services and Justice Services Staff

10.1 It will be the responsibility of the Head of Justice Services to make effective arrangements for Justice Services staff to:

- make checks of the Criminal Justice Disclosure Record (an electronic read only facility) prior to submitting **upgraded** evidential files to the CPS;
- request a Form MG6B from Police Officers and Police Staff, recorded on the Justice Services Disclosure Record, if this is not already with the file. This may be received from the Police Officer/Police Staff in a sealed envelope marked 'MG6B only' and with appropriate GPMS marking (usually 'RESTRICTED'). The envelope may be opened and the contents read by the Evidential Review Officer, but only if it is necessary to do so;
- ensure that in all appropriate cases, Forms MG6B are included in **upgraded** evidential files forwarded to the CPS.

11. Responsibilities of Force Vetting Officer

11.1 The Force Vetting Officer will be responsible for reporting any matters which are discovered as a result of vetting procedures and which appear to require consideration under the requirements of Chapter 18, to the Head of Performance & Standards Unit.

12. Appeals

12.1 Police Officers and Police Staff who are informed that they are the subject of disclosure procedures and wish to make representations against the requirement can, either themselves or through their Police Federation or Unison representative, raise those concerns with the Head of the Performance and Standards Unit. They will also have the opportunity to have their concerns addressed through the Force Grievance Procedure. However, the requirement for revelation will remain valid whilst their representations or grievances are being considered.

Related Documents

Links to related documents:

Gatekeeper - the Author suggested the following Procedure document(s) to link to. Vetting - PoliceStaff Recruitment

Relevant Dates and Review Period

Effective Date:	23/06/2017
Review Date:	23/06/2018
Review Frequency:	Annually

Policy Basis and Implications

2. Legal Basis:	Chapter 18 of the Disclosure Manual (as revised with effect from 1st December 2008, which was issued under the terms of the Criminal Procedure and Investigations Act 1996
3. Management of Police Information (MoPI):	MoPI Policing Purpose: Bringing offenders to justice, Any duty or responsibility arising from

common or statute law
 MoPI Review, Retention and Disposal addressed as follows:
 This policy will be reviewed annually

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| 4. Associated Benefits: | The contents of this policy will give practical effect to the requirements of Chapter 18 of the Disclosure Manual and will contribute to providing defendants with their right to a fair trial, as required by Article 6 of the European Convention on Human Rights. The success of the policy will be assessed against its aim as stated in paragraph 2.1 above; the level of staff understanding and compliance with the policy requirements; and whether there are any case discontinuances as a result of shortcomings in the policy or staff failures of compliance. |
| 5. Consultation: | Consultation over the requirements of this policy has taken place with the following:
Head of Staffordshire Police Justice Services
Inspector, Justice Services
Force Employee Relations Manager
Police Federation
Unison
Crown Prosecution Service |
| 6. Financial Implications: | The implementation of the requirements of this policy do not carry any financial implications. |
| 7. Human Resources / Training: | The implementation of the requirements of this policy do not hold any training implications. Human Resource Managers have certain reporting responsibilities under the policy but they do not have cost implications and are not onerous. |
| 8. Associated Policy: | None |

FOI, Human Rights and Equality Impact Assessment Indicators

FOIA:	Release to Public		
ECHR:	Compliant		
EIA:	Compliant	Compliant with Code of Ethics:	Yes

Indexing

Categories: Professional Standards

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