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Published

Event History

Policy owned by People Services**Suspension of Police Officers**

1. Policy Purpose and key drivers

The associated 'Suspension Procedure' should also be read in conjunction with this Policy

Background

In a small number of cases, due to the nature and/or the circumstances of a criminal or disciplinary allegation, it is necessary to suspend the officer concerned from their duties.

Policy Purpose

The purpose of this Policy and its related Procedure is to :

- Identify the legal basis which provides the grounds for the suspension of a police officer;
- Define the approach that will be taken by the Force in respect of the suspension of police officers;
- To provide instructions and guidance for officers who are suspended from duty , including the details of the restrictions to which they are the subject ;
- To identify responsibilities and to provide instructions and guidance to supervisors and managers regarding officers who are suspended from duty ;
- Provide for the regular review for the need for suspension to continue and a means by which representations concerning the implementation of a suspension or the need for continued suspension can be made ;
- Provide reassurance that suspension is only invoked and any related conditions are only imposed after careful high level consideration and where absolutely necessary. Also, to ensure and demonstrate that suspension is not continued for longer than is necessary and that effective support mechanisms are in place which, as far as is reasonable and practicable in the circumstances , provide for the welfare of the officer concerned and their families .
- In respect of individual cases of suspension , to provide a documented record of the decisions and actions taken under this Policy and of the welfare activities carried out.

Form SO 1 is used for the recording of visits to suspended officers (see copy attached below)



Suspension of Police Officers Form SO 1.doc

N.B. In the interests of fairness and in order that the making of inappropriate inferences or assumptions are avoided and deterred , it is important from the outset of this Policy to place emphasis on the contents of paragraph 2.42 of Home Office Guidance 2015 'Police Officer Misconduct, Unsatisfactory Performance and Attendance Management Procedures' which states '**Suspension is not a formal misconduct outcome and does not suggest any prejudgement .**'

The aims of the Policy are :

- To protect the public interest and to maintain public trust and confidence in the integrity and impartiality of the investigation process ;
- To ensure there is no hindrance to the thorough expeditious and objective investigation of the allegation ;
- As far as is reasonably possible in the circumstances , to minimise the trauma which may be experienced by officers who are suspended from duty and any related impact on their family ;
- To provide for the re-introduction of officers who return to duty following a period of suspension.

Regulation 10 of part 2 of the Police (Conduct) regulations 2012 states:

'The appropriate authority may, subject to the provisions of this regulation , suspend the officer concerned from his office as constable and (in the case of a member of a police force) from membership of the force'. However, regulation 10 goes on to state:

'(4) The appropriate authority shall not suspend a police officer under this regulation unless the following conditions ("the suspension conditions") are satisfied:-

- (a) having considered temporary redeployment to alternative duties or an alternative location as an alternative to suspension , the appropriate authority has determined that such redeployment is not appropriate in all the circumstances of the case; and
- (b) it appears to the appropriate authority that either :-
 - (i) the effective investigation of the case may be prejudiced unless the officer concerned is suspended; or
 - (ii) having regard to the nature of the allegation and any other relevant considerations, the public interest requires that he should be suspended .

(7) The officer concerned (or his police friend) may make representations to the appropriate authority:-

- (a) before the end of 7 working days beginning with the first working day after his being suspended;
- (b) at any time during the suspension if he reasonably believes that circumstances relevant to the suspension have changed .

(8) the appropriate authority shall review the suspension conditions :-

- (a) on receipt of any representations under paragraph (7)(a);
- (b) if there has been no previous review , before the end of 4 weeks beginning with the first working day after the suspension ; and
- (c) in any other case:-
 - (i) on being notified that circumstances relevant to the suspension conditions may have changed (whether by means of representations made under paragraph (7)(b) or otherwise); or
 - (ii) before the end of 4 weeks beginning with the day after the previous review.'

(9) Where, following a review under paragraph (8), the suspension conditions

remain satisfied and the appropriate authority decides the suspension should continue, it shall, before the end of 3 working days beginning with the day after the review, so notify the officer concerned in writing with a summary of the reasons .

These conditions, provided by the Regulations, to which the Policy and its Procedure are subject, and under which their contents are applied, ensure that actions taken are proportionate and the least intrusive necessary in order to achieve the Policy's legitimate aims.

The appropriate authority can impose conditions upon the officer who is suspended from duty. The power to do so is contained in paragraph 2.49 of Home Office Guidance 2015 'Police officer Misconduct, Unsatisfactory Performance and Attendance Management Procedures which states :

The Standards of Professional Behaviour continue to apply to police officers who are suspended from duty. The appropriate authority can impose such conditions or restrictions on the police officer concerned as it considers reasonable in the circumstances e.g. restricting access to police premises or police social functions .

It may be perceived that the practical effects of this Policy or its associated Procedure have the potential to engage the Human Rights of the officer concerned . In particular, those rights enshrined in articles 8 (right to respect for private and family life) and 11 (freedom of association and assembly). However, it is reasonably believed that the provisions and requirements of the Policy and Procedure are commensurate with the legitimate aims set out within those articles and the least intrusive and the minimum necessary to achieve those aims .

N.B. 'Appropriate Authority' means the Chief Officer of the police force concerned but paragraph 2.22 of the above Home Office Guidance states 'suspension of non-senior officers must be authorised by a senior officer although the decision can be communicated to the police officer by an appropriate manager. The chief officer is responsible for the suspension of senior chief officers within his/her force and the elected local policing body is responsible for the suspension of the chief officer .'

Legitimate Aim

The legitimate aim of the Policy and its Procedure is the prevention of crime and the protection of the rights and freedoms of others . In relevant cases, suspension is necessary for the prevention of crime by eliminating possible risks of hindrance to an investigation and to protect the rights and freedoms of others to a fair , thorough, impartial and legally compliant investigation . Also, in appropriate cases, to protect the rights of those concerned to a fair trial .

Related Documents

Links to related documents:	Suspension of Police Officers (Procedure)
Gatekeeper - the Author suggested the following Procedure document(s) to link to.	Suspension of Police Officers

Relevant Dates and Review Period

Effective Date:	23/06/2016
Review Date:	30/06/2018

Review Frequency: Annually

Policy Basis and Implications

2. Legal Basis:	Police (Conduct) Regulations 2012 Home Office Guidance 'Police Officer Misconduct, Unsatisfactory Performance and Attendance Management Procedures Chapter 18 of the Crown Prosecution Service Disclosure Manual.
3. Management of Police Information (MoPI):	MoPI Policing Purpose: Preventing the commission of offences, Bringing offenders to justice, Any duty or responsibility arising from common or statute law MoPI Review, Retention and Disposal addressed as follows: The information concerning an officer's suspension will be retained in accordance with MoPI and force retention periods for a minimum of six years and its further retention will be the subject of periodic review.
4. Associated Benefits:	The associated benefits of this policy are commensurate with the policy purpose and policy aims as set out above.
5. Consultation:	When this policy was originally produced consultation took place with the following: Deputy Chief Constable Police Federation Head of Professional Standards (Now known as Performance Assessment) Professional Standards Department Manager
6. Financial Implications:	The policy has no financial implications.
7. Human Resources / Training:	The Suspension Procedure issued under this policy places a number of important responsibilities on human resource managers but there are no training implications associated with this Policy or its Procedure.
8. Associated Policy:	Suspension Procedure Police Standards of Professional Behaviour

FOI, Human Rights and Equality Impact Assessment

Indicators

FOIA:	Release to Public	
ECHR:	Compliant with proportionality test	Articles engaged: Article 5 Right to Liberty and Security; Article 11 Freedom of Assembly and Association
EIA:	Compliant	Compliant with Code of Ethics: Yes

Indexing

Categories: Professional Standards

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