

# Professional Standards



## **Reference Number: P23**

The Authorised Professional Practice (APP) has been approved by the College of Policing as the official and most up-to-date source of professional practice on policing. South Yorkshire Police have adopted APP as their Statement of Agreed Policy. This is the agreed policy on **Professional Standards** and you may wish to refer to the APP section now

## **Exceptions**

This area of South Yorkshire Police policy is currently under review. As such, SYP cannot currently confirm any additions or exceptions to the APP guidance for any area under PSD, with the exception of Complaints and Misconduct, which is set out below.

Until the review is complete, all other guidance relating to this area of policing is contained within separate policies and procedures, listed below.

## **Additions**

In addition to APP, South Yorkshire Police's statement of agreed policy on Professional Standards includes;

## **Management of Professional Conduct, Discipline and Complaints**

The Professional Standards Department in managing complaints, conduct and integrity issues on behalf of the organisation will follow;

- Legislation, Regulations and Statutory Guidance
- Home Office Guidance including Home Office Circulars
- Relevant Authorised Professional Practice
- College of Policing publications

## **Policy Scope:**

This policy applies to all South Yorkshire Police Officers, Police Staff and Members of the Special Constabulary.

The policy ensures that South Yorkshire Police (SYP) adheres to all relevant legislation in relation to the conduct of its staff, and that the Professional Standards Department deal with issues in a consistent manner in line with such legislation.

### **Policy Aims and Objectives:**

On occasion there are breaches of professional standards and it is extremely important that these are identified and dealt with at the earliest possible opportunity. Breaches of professional standards include engagement in criminal activity, unethical behaviour, malpractice and breaches of the Standards of Professional Behaviour.

SYP is committed to achieving the highest possible level of integrity within the organisation. In doing so this policy aims to maintain the trust and confidence of the public and SYP personnel by continuing to deliver a high quality service by:

1. Providing clear direction as to the ways in which individuals within SYP can make Professional Standards reports.
2. Instructing staff that they have a clear responsibility to report suspected criminal activity, unethical behaviour, malpractice and breaches of the Standards of Professional Behaviour.
3. Increasing the confidence of staff so that they feel they can report suspected criminal activity, unethical behaviour, malpractice and breaches of the Standards of Professional Behaviour openly and with the support of their colleagues and managers.
4. Informing staff that when making professional standards reports they may be required to give evidence and support a criminal prosecution and/or misconduct proceedings.

The reporting of breaches of professional standards that relate to conduct which adversely impacts on people of different diverse groups is encouraged. SYP aspires to an environment where anyone within the organisation who experiences or witnesses a Hate Crime/Incident will feel able to seek help and be provided with support.

Where a member of SYP has reason to believe they have information relating to a breach of Professional Standards, they should report it as soon as possible. For more information, please see Professional Standards intranet page on [Reporting Wrongdoing](#).

Public confidence in the police is crucial in a system that rests on the principle of policing by consent. Public confidence in the police depends on police officers demonstrating the highest level of personal and professional standards of behaviour.

Police officers who commit offences should not be seen or treated as distinct from any other perpetrator and should be investigated and held accountable through the Criminal Justice System in the same way as any other person.

## Management of Complaints

The [Police Reform Act 2002](#) including Schedule 3 to this Act as amended by the [Criminal Justice and Immigration Act 2008](#), [Police \(Conduct\) Regulations 2012](#) and [Police \(Complaints and Misconduct\) \(Amendment\) Regulations 2012](#) govern the recording and investigation/resolution of complaints against Police Officers and Police Staff.

The aim of this section is to ensure that any complaint is dealt with by a system that:

- Is coherent and consistent
- Is values driven
- Respects people
- Demonstrates police accountability
- Operates to improve standards
- Is just and proportionate
- Increases public confidence in police activity
- Is timely and effective
- Is open to public scrutiny

The procedural instruction that supports this section is [Pi23.11 - Management of Complaints](#).

## Substance Misuse

SYP is committed to providing a safe, healthy and productive working environment. It is acknowledged that the use of illegal drugs and the misuse of prescription drugs or alcohol can:

- Harm a person's health.
- Cause a person to act or behave in an unsafe manner.
- Be a major contributory factor in accidents (often involving not only that person, but their colleagues and the public).
- Reduce a person's productivity.
- Adversely affect a person's integrity, putting their own and the force's reputation at risk.

SYP does not approve of the use of illicit drugs or the misuse of prescription drugs or alcohol, however it will provide support to those who acknowledge they have a problem and who are prepared to self-refer to the Occupational Health Unit to undertake a rehabilitation programme.

All staff have a general responsibility to present themselves fit for duty and South Yorkshire Police have a duty of care to all staff under Common Law, the Police (Health and Safety Act) 1997 and the Health and Safety at Work etc. Act 1974. This latter Act clearly states that it is the responsibility not only of the employer but also the employee to protect themselves and others who may be affected by their action. It is a criminal offence to put others at risk by negligent acts or omissions.

The aim of this section of the policy is to ensure that:

- All staff are made aware of their responsibilities regarding drug and alcohol problems (now referred to as Substance Misuse for the purpose of this policy and its associated procedural instruction).
- Staff who are misusing substances are encouraged to seek help, in confidence, at an early stage (and prior to any request for a sample, if applicable).
- Staff who volunteer a substance misuse related problem are dealt with sympathetically, fairly and consistently.
- Appropriate, effective and legitimate processes are in place to test officers for substance misuse.

In addition, this policy aims to:

- Increase awareness of the effects of substance misuse and of the likely symptoms of misuse.
- Assist staff to seek help in confidence at an early stage.
- Where possible, assist staff to return to full health.

For the purpose of this policy and its associated procedural instruction, the following definition applies –

**‘Drugs’** refers to ALL substances of any description whether legally obtained or otherwise, including prescription and ‘over the counter’ medications, that may have an adverse effect on an individual’s ability to carry out their work duties.

Nothing in this policy will prevent the exercise of statutory duties in relation to the Road Traffic Act 1988 or the Misuse of Drugs Act 1971, nor does it undermine the obligation to investigate suspected criminal or disciplinary conduct within any legislative or misconduct provisions.

The procedural instruction that supports this section is [Pi23.6 - Substance Misuse](#)

### **Self-Reporting of Criminal or Civil Allegations and Disclosable Associations**

The aim of this section is to provide SYP personnel with clear guidance as to the action they **must** take should they be subject to criminal or civil allegations. It also outlines the action to be taken with regard to ‘disclosable associations’ and to provide a framework to identify associations between those employed by SYP and the public that may lead to vulnerability for the Organisation’s assets.

The policy aims to:

- Provide Police Officers and Staff appropriate advice in order that SYP fulfils its obligations in accordance with [Chapter 18 of the Disclosure Manual](#).
- Act as an ‘early warning system’ in those cases where the media take an interest, thereby enabling SYP to formulate appropriate responses whilst being in possession of all the facts
- Raise staff awareness that vulnerability issues relating to corruption and potential compromise exist.
- Identify the presented risk in respect of Disclosable Associations.

- Manage and reduce that risk using a structured format.
- Introduce a procedural instruction giving a format, action plan and review system.
- Ensure that the integrity of SYP personnel and the organisation as a whole is maintained
- Ensure that at the earliest opportunity decisions can be made to address service confidence and misconduct issues
- Enable SYP to give early consideration to the welfare requirements of the individual concerned.

The procedural instruction that supports this section is [Pi23.2 - Self Reporting of Criminal or Civil Allegations and Disclosable Associations](#)

### **Revelation of Criminal and Misconduct Findings to the Crown Prosecution Service**

This section of the policy is applicable to **all SYP personnel** who are witnesses (or potential witnesses) in prosecution cases **and** a full file of evidence is to be submitted to the Crown Prosecution Service.

To assist SYP to meet its obligations of revelation and disclosure, specific guidance is set out in [Chapter 18 of the Disclosure Manual](#). Failure to follow this guidance could lead not only to unfairness to the accused in a Court case, but also to failed or compromised prosecutions and convictions that are vulnerable to appeal.

The procedural instruction that supports this section is [Pi23.5 - Revelation of Criminal and Misconduct findings to the CPS](#).

### **Deaths During or Following Police Contact**

This section of the policy aims to:

- Ensure investigative integrity, transparency and accountability during the initial actions after a death in custody or during/following contact with the police.
- Ensure that SYP meets the requirements of [Home Office Circular 13/2002: Deaths in Police Custody: Deaths of Members of the Public During or Following Contact with the Police](#).
- Ensure that SYP complies with the guidance contained in the ACPO policy on the Investigation of Deaths Following Police Contact.
- Ensure compliance with the [Police Reform Act 2002](#).
- Bring SYP in line with the Independent Police Complaints Commission requirements for investigating deaths in custody or during/following contact with the police.
- Establish clear instructions for dealing with a death in custody or during/following contact with the police.

The procedural instruction that supports this section is [Pi23.8 - Dealing with Death or Serious Injury -During or Following Police Contact](#).

## **Restriction/Suspension from Duty of Police Officers and Members of the Special Constabulary**

When a report, complaint or allegation is received suggesting that an officer has committed a serious breach of the code of conduct or criminal offence, it is open to the Deputy Chief Constable to consider suspending that officer from duty.

The procedural instruction that supports this section is [Pi23.7 - Restriction/Suspension from Duty of Police Officers and Members of the Special Constabulary](#)

## **Code of Conduct in Relation to the Receipt of Gifts, Gratuities and Hospitality**

This section of the policy provides SYP with a framework for managing offers of gifts, gratuities and hospitality in a manner that allows staff to protect their personal integrity, the integrity of others and the integrity of the organisation.

The procedural instruction that supports this section is [Pi23.3 - Code of Conduct in Relation to the Receipt of Gifts, Gratuities and Hospitality](#)

## **Dealing with Police Officers who Commit Domestic Abuse Related Criminal/Misconduct Offences**

This section of the policy relates to all incidents of Domestic Abuse where the perpetrator is a Police Officer or Special Constable.

The core aims of this section of the policy in responding to such incidence of domestic abuse are:

1. To **protect** adult and child victims, potential future victims, members of the public, staff, agencies/organisations and police employees from further abuse, serious injury and homicide.
2. To ensure that officers of SYP, who commit domestic abuse-related criminal offences are **held accountable** and are dealt with appropriately through internal misconduct procedures.
3. To ensure the maintenance of **public confidence and the confidence of victims** in the policing of domestic abuse and the integrity of the service.

This policy will operate within [Pi10.20 - Recording, Investigation and Management of Domestic Abuse](#)

Further APP guidance on this topic is available.

The procedural instruction that supports is [Pi20.10 - Dealing with Police Officers/Police Support Staff who commit Domestic Abuse](#), HBA, FM or FGM related Criminal/Misconduct Offences

## **Vetting**

South Yorkshire Police have adopted the statutory Vetting Code of Practice (CoP) and the Authorised Professional Practice (APP) published by the College of Policing. Both are public document available at:

### **Vetting Code of Practice**

### **APP Vetting**

## **Associated Procedural Instructions:**

This policy is supported by the following procedural instructions:

- **Pi23.2 - Self Reporting of Criminal or Civil Allegations and Disclosable Associations**
- **Pi23.3 - Code of Practice in relation to the Receipt of Gifts, Gratuities and Hospitality**
- **Pi23.4 - Misconduct - Police Staff Only**
- **Pi23.5 - Revelation of Criminal and Misconduct findings to the CPS**
- **Pi23.6 - Substance Misuse**
- **Pi23.7 - Restriction/Suspension of duty for Police Officers and Members of the Special Constabulary**
- **Pi23.8 - Dealing with Death or Serious Injury During or Following Police Contact**
- **Pi23.10 - Dealing with Police Officers who commit Domestic Abuse Related Criminal/Misconduct Offences**
- **Pi23.11 - Management of Complaints**
- **Pi23.12 - Post Employment Misconduct Hearing - Police Staff**
- **Pi23.13 - Appeals Against Vetting Clearance Decisions**
- **Pi23.14 - Unmanageable Debt**
- **Pi23.15 - Refusal to Engage with the Vetting Process and Refusal/Withdrawal of Vetting Clearance – Serving Officers and Staff**

## **See also**

- **Pi45.1 - Business Interest and Secondary Employment SYP only**
- **Reporting Wrongdoing/Supporting Reporting – Internal Professional Standards Reporting - Instructions**

## **Equality Act 2010**

The Act creates a statutory requirement for all Functions and Policies (Including Procedural Instructions) to be analysed for their effect on equality, diversity and human rights, with due regard to the **General Equality Duty**.

In principle, this document has been assessed for discrimination, which cannot be justified, among other diverse groups.

The **Code of Ethics** published in 2014 by the College of Policing requires us all to do the right thing in the right way. It also recognises that the use of discretion in Policing is necessary but in using discretion, states that you should, "*take into account any relevant policing codes, guidance, policies and procedures.*"

## **Human Rights/Discretion**

The purpose of providing policy is to give an indication to staff of the expected course of action. However it is not possible to cater for every possible combination of factors that would justify a departure from stated policy. The Human Rights Act 1998 requires the proper use of discretion at all times and nothing within this policy and associated procedural instructions prohibits the proper use of discretion in appropriate circumstances.

Where action is taken that has the potential to interfere with an individual's Human Rights, the reasons behind the making of the decision to act in that way should be recorded on the appropriate forms, or where this is not practicable, in pocket books or policy logs.

## **Rights of redress for members of the public:**

Anyone who feels that a member of staff has behaved incorrectly or unfairly, or who is dissatisfied with organisational matters, service delivery or other operational policing issues, has the right to **make a complaint**.

Initial action should be taken in one of the following ways:

- Complain in writing or in person to the Senior Officer at the appropriate police station or to the Chief Constable of the force concerned.
- Visit a local Citizens' Advice Bureau
- Contact a Solicitor

## **Rights of redress for South Yorkshire Police personnel:**

South Yorkshire Police personnel who feel they have grounds for concern in relation to the implementation of policies may, as appropriate:

- Pursue concerns through their line manager.
- Contact a First Contact Advisor.
- Pursue a grievance formally through the South Yorkshire Police Grievance Resolution Procedure.
- Seek advice from their staff association or trades union.

Use procedural instruction [Pi23.11 - Management of Complaints](#), in the section entitled Handling Complaints relating to Direction and Control.

**Start Date:** 13/11/2016

**Review:**

This statement of agreed policy is managed by Head of Professional Standards.

This policy and its Equality Analysis were last reviewed on: 15/01/2020

The date for the next review of this policy and Equality Analysis is: 15/01/2022