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**To: Police and Crime Commissioner (copy Chief Exec & Treasurer)
Chief Constables (copy Force Personnel/HR Manager/Payroll Manager)**

**cc: PSC Members
Scotland and MPS (for information only)**

27 November 2014

JOINT CIRCULAR NO. 80

Dear Sir/Madam

Relationship between College of Policing Code of Ethics and Police Staff Council Standards of Professional Behaviour

In 2008, the Police Staff Council (PSC) issued Joint Circular No. 54 which set out the agreement on the Standards of Professional Behaviour which apply to police staff covered by the Police Staff Council Handbook. A copy of the circular is attached for ease of access.

As a result of this circular, the standards of professional behaviour were incorporated into the contracts of employment of police staff covered by the Council. Questions have subsequently arisen over the impact of the 2014 College of Policing Code of Ethics on the Police Staff Council Standards of Professional Behaviour. Following discussion with the College, the College has confirmed:

- ‘...the Code of Ethics is not legally or contractually binding upon the staff who are employed to provide policing services’;
- The Code of Practice does not ...replace the Standards of Behaviour set out in the Police Staff Council Handbook’;
- Behaviour that falls short of the Standards of Behaviour set out in the Code of Ethics might be used as evidence contributing to an allegation of misconduct, but that allegation has to apply to a failure to meet the particular standards set out in the Police Staff Council Standards of Professional Behaviour.

The Police Staff Council acknowledges the above relationship between the PSC Standards of Professional Behaviour and the College of Policing Code of Ethics. The

Council recommends that Chief Officers and trade unions reflect on this guidance in order to assist them with their approach to any conduct matters which may arise.

The Joint Secretaries are available should any further questions arise.

Sarah Messenger
Employers' Side Secretary

Ben Priestley
Trade Union Side Secretary

19 August 2008

JOINT CIRCULAR No. 54

Dear Sir/Madam

Standards of Professional Behaviour

The Police Staff Council has reached agreement on the Standards of Professional Behaviour that should apply to all police staff covered by the police staff council terms and conditions handbook.

The attached agreement should be treated as part of nationally agreed terms and conditions of employment covered in part two of the PSC handbook. This agreement will come into effect on 1 December 2008.

If you require any further information on this circular, please contact Emine Ali or Graham Baird (020 7187 7340) at the Employer Side, or Ben Priestley (020 7551 1272) or David Bryant (020 7551 1326) at the Trade Union Side.

Yours faithfully

Sarah Messenger
Ben Priestley

National Joint Secretaries

POLICE STAFF COUNCIL

POLICE STAFF

Standards of Professional Behaviour

Introduction

Public confidence in the police depends on police staff demonstrating the highest level of personal professional standards of behaviour. The standards set out below reflect the expectations that the police service and the public have of how police staff should behave. They are not intended to describe every situation but rather to set a framework which everyone can easily understand. They enable everybody to know what type of conduct by a member of police staff is acceptable and what is unacceptable. The standards should be read and applied having regard to this guidance.

The standards of professional behaviour also reflect relevant principles enshrined in the European Convention on Human Rights and the Council of Europe Code of Police Ethics. They apply to all police staff and to those subject to suspension.

The standards set out below do not restrict police staffs' discretion; rather they define the parameters of conduct within which that discretion should be exercised. A breach of these standards may damage confidence in the police service and could lead to disciplinary action, which in serious cases may result in dismissal.

The public have the right to expect the police service to protect them by upholding the law and providing a professional police service. Police staff have the right to a working environment free of harassment, inequality or discrimination from others within the service and members of the public. The police service will proactively support such a working environment.

OVERVIEW

Honesty and Integrity

Police staff are honest, act with integrity and do not compromise or abuse their position.

Authority, Respect and Courtesy

Police staff act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.

Police staff do not abuse their powers or authority and respect the rights of all individuals.

Equality and Diversity

Police staff act with fairness and impartiality. They do not discriminate unlawfully or unfairly.

Use of Restraint

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

Instructions

Police staff only give and carry out reasonable instructions.

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

Work and Responsibilities

Police staff are diligent in the exercise of their work and responsibilities

Confidentiality

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

Fitness for Work

Police staff when at work are fit to carry out their duties.

Discreditable Conduct

Police staff behave in a manner which does not discredit the police service or undermine public confidence in the police service.

Police staff report any conviction or caution against them for a criminal offence.

Challenging and Reporting Improper Conduct

Police staff whilst at work report, challenge or take action against the conduct of colleagues which have fallen below the standards of professional behaviour expected.

Guidance on the Standards of Professional Behaviour

Those entrusted to supervise and manage others are role models for delivering a professional, impartial and effective policing service. They have a particular responsibility to maintain standards of professional behaviour by demonstrating strong leadership and by dealing with conduct which has fallen below these standards in an appropriate way, such as by management action or the formal disciplinary process. Above all else managers should lead by example.

In carrying out their work in accordance with these standards, police staff have the right to receive the full support of the police service. It is recognised that the ability of police staff to carry out their work to the highest professional standards depends on the provision of appropriate training, status, pay and reward, equipment and management support.

The police service has a responsibility to keep police staff informed of changes to terms and conditions of employment, laws/legislation, local policies, and procedures also to provide training and familiarisation when such changes necessitate. Police staff have a duty to keep themselves up to date on the basis of the information provided by the employer, as far as it relates to them personally.

Where these Standards of Professional Behaviour are being applied in any decision or disciplinary process, they shall be applied in a reasonable, transparent, objective and proportionate manner. Due regard shall be paid to the nature and circumstances of the individuals conduct, including whether his or her actions or omissions were reasonable at the time of the conduct under scrutiny.

This guidance gives examples to help police staff interpret the standards expected in a consistent way. They are not intended to be an exclusive, prescriptive or exhaustive list.

Where the disciplinary procedure is being used, it is important to identify the actual behaviour that is alleged to have fallen below the standard expected of an individual, with clear particulars and evidence describing that behaviour.

It should be remembered that other procedures exist to deal with poor performance and issues of capability.

Honesty and Integrity

Police staff are honest, act with integrity and do not compromise or abuse their position.

Police staff act with integrity and are open and truthful in their dealings with the public and their colleagues, so that confidence in the police service is secured and maintained.

Police staff do not knowingly make any false, misleading or inaccurate oral or written statements or entries in any record or document kept or made in connection with any police activity.

Police staff never accept any gift or gratuity that could compromise their impartiality. During the course of their work police staff may be offered hospitality (e.g. refreshments) and this may be acceptable as part of their role. However, police staff always consider carefully the motivation of the person offering a gift or gratuity of any type and the risk of becoming improperly beholden to a person or organisation.

It is not anticipated that inexpensive gifts would compromise the integrity of a member of police staff, such as those from conferences (e.g. promotional products) or discounts aimed at the entire police force (e.g. advertised discounts through police publications). However, all other gifts and gratuities must be declared in accordance with local force policy where authorisation may be required from a manager, Chief Officer or Police Authority to accept a gift or hospitality. If an individual is in any doubt then they should consult with their manager.

Police staff never use their position or force identification card to gain an unauthorised advantage (financial or otherwise) that could give rise to the impression that the individual is abusing his or her position. An identification card is only for identification or to express authority.

Authority, Respect and Courtesy

Police staff act with self-control and tolerance, treating members of the public and colleagues with dignity, respect and courtesy.

Police staff do not abuse their powers or authority and respect the rights of all individuals.

In carrying out their roles, police staff should never abuse their authority or the powers entrusted to them. They have been given specific powers and responsibilities due to the complex and difficult situations they deal with. The public have the right to expect that such powers are used professionally, impartially and with integrity, irrespective of an individual's status.

Police staff do not harass or bully colleagues or members of the public.

Police staff do not, under any circumstances inflict, instigate or tolerate any act of inhuman or degrading treatment.

Police staff, recognise that some individuals who come into contact with the police, such as victims, witnesses or suspects, may be vulnerable and therefore may require additional support and assistance.

Police staff use appropriate language and behaviour in their dealings with their colleagues and the public. They do not deliberately use any language or behave in a way that is offensive or is likely to cause offence.

Equality and Diversity

Police staff act with fairness and impartiality. They do not discriminate unlawfully or unfairly.

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

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

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

Use of Restraint

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

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

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

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

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

Instructions

Police staff only give and carry out reasonable instructions.

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

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

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

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

Police staff abide by terms and conditions of employment.

Work and Responsibilities

Police staff are diligent in the exercise of their work and responsibilities.

Police staff do not knowingly neglect their work or responsibilities.

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

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

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

Confidentiality

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

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

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

Fitness for Work

Police staff when at work are fit to carry out their duties

Police staff do not make themselves unfit or impaired for work as a result of drinking alcohol, using a substance for non-medical purposes or intentionally misusing a prescription drug.

Police staff with a drink or drugs misuse problem will be supported if they demonstrate an intention to address the problem and take steps to overcome it. However, the use of illegal drugs will not be condoned.

Police staff who are aware of any health concerns that may impair their ability to perform their work should seek guidance from the occupational health department or line manager and if appropriate reasonable adjustments can be made.

Police staff who are unexpectedly called to attend for work should be able to say that they are not fit to perform the required work as a result of having consumed alcohol without risk of bringing discredit on themselves or the police service or being subject to any disciplinary procedure.

Police staff when absent from work, on account of sickness, do not knowingly engage in activities which could impair their return to work. Police staff will engage with the force medical officer or other member of the occupational health team if required.

Discreditable Conduct

Police staff behave in a manner which does not discredit the police service or undermine public confidence in the police service.

Police staff report any caution or conviction against them for a criminal offence.

Discredit can be brought on the police service by an act itself or because public confidence in the police is undermined. In general, it should be the actual underlying conduct of the individual that is considered under the disciplinary procedure. However where a member of police staff has been convicted of a criminal offence that alone may lead to disciplinary action irrespective of the nature of the conduct itself. In all cases it must be clearly articulated and evidenced how the conduct or conviction has discredited the police service.

In the interests of fairness, consistency and reasonableness the test is not solely about media coverage and perception but has regard to all the circumstances and evidence.

Police staff do not purchase or consume alcohol when performing their duties, unless specifically authorised to do so or it becomes necessary for the proper discharge of a particular police function.

Police staff when at work whether in uniform or not, display a positive image of the police service in the standard of their appearance which is appropriate to their individual role.

Police staff attend punctually when rostered for work or other commitments (e.g. attendance at court).

Challenging and Reporting Improper Conduct

Police staff report, challenge or take action against the conduct of colleagues which have fallen below the standards of professional behaviour expected.

Police staff are expected to uphold the standards of professional behaviour in the police service by taking appropriate action if they come across the conduct of a colleague which has fallen below these standards. They never ignore such conduct.

Police staff who in the circumstances feel they cannot challenge a colleague directly, for example if they are in a more junior role and are not confident, report their concerns, preferably to a line manager. If they do not feel able to approach a line manager with their concerns, they may report the matter through the force's confidential reporting mechanism, or to the Police Authority, Independent Police Complaints Commission (IPCC) or under the Public Interest Disclosure Act.

Police staff will be supported by the police service if they report conduct by an individual which has fallen below the standards expected unless such a report is found to be malicious or otherwise made in bad faith.

It is accepted that the circumstances may make immediate action difficult but managers are expected to challenge or take action as soon as possible.

It is accepted however that it will not always be necessary to report an individual's conduct if the matter has been dealt with appropriately by a manager in the police service.

Police Staff Council

July 2008