

Date: 14th April 2025
Our ref: FOI/25/014227/F

FREEDOM OF INFORMATION REQUEST REFERENCE NO: FOI/25/014227/F

I write in connection with your request for information dated 14/02/2025, received by Greater Manchester Police (GMP) for the following information:

I would like to have copies of the most up-to-date versions of the following documents.

GMP Discipline Policy - I have been able to find Version 13, dated 1st October 2021. Please can you advise if this is the most up-to-date version. If not then please can you provide me with a copy of the most recent version or a link to where I can access it.

GMP Standards, Performance and Attendance Policy, as referred to in the Associated Documents section of the GMP Discipline Policy - please can you provide copies of the most current versions of these policies or a link to where I can access them.

GMP Alcohol and Drugs Misuse Policy - I have been able to find Version 7 dated 16th May 2019 on your website. Please can you advise if this is the most up-to-date version. If not, please can you provide me with a copy of the current version or a link as to where I can access it.

Result of Searches

Following receipt of your request searches were conducted within Greater Manchester Police (GMP) to locate the requested information and I can confirm the information requested is held by GMP.

Please see attached the following policies:

- Alcohol and Drug Misuse Policy
- Discipline Policy
- Standards, Performance and Attendance Policy

Section 17 of the Freedom of Information Act 2000 requires Greater Manchester Police, when refusing to provide such information (because this information is exempt) to provide you, the applicant, with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

Where redactions in the attached documents have been made, that information is exempt from disclosure by virtue of the following exemptions:

Section 40(2) – Personal Information
Section 31(1)(a)(b) – Law Enforcement

Where Section 40 has been used, this represents information that identifies a living individual, to disclose this information would breach the principles of the GDPR and the Data Protection Act 2018. Personal data is defined by Article 4 of the GDPR and Part 1 of the Data Protection Act 2018 and means any information relating to an identified or identifiable natural person ('data subject'). An identified natural person is one who can be identified directly or indirectly from that data.

Section 31 is a qualified and prejudice-based exemption and as such, subject to a harm and public interest test.

Evidence of Harm

To provide the redacted information within the attached policy would reveal policing tactics used by Greater Manchester Police. This would give an advantage to those intent on committing offences and avoid detection. It would also increase the risk of danger towards the public GMP who sworn to protect.

Public Interest Test

Factors Favouring Disclosure

To disclose the redacted information would provide the public with a slightly more in-depth knowledge into how Greater Manchester Police operates. This would enable the populace to take steps to protect themselves against criminal activity and may lead to further information being provided to the force.

Factors Favouring Non-Disclosure

Conversely to the factors in favour of disclosure, to release the redacted information into the public domain would reveal the policing tactics of Greater Manchester Police. This would impact on the force's ability to detect and prevent crime and apprehend and prosecute offenders. The risk of danger to the public would be increased by revealing such policing tactics into the public domain. The safety of the public we protect is of paramount importance to Greater Manchester Police and we would not wish to jeopardise that safety by releasing exempt information into the public domain.

Balancing Test

The arguments for and against disclosure of information need to be weighed against each other. In this case the greatest argument for disclosure is the fact that the populace would be provided with information regarding how the force police operate. However, given that the disclosure would increase the risk of increased crime to and assist those intent on committing crime to avoid detection the balance of disclosure, at this time, weighs on non-disclosure for those redacted parts of the policy requested.

This letter acts as a refusal notice for the redacted parts of the attached policy documents.

Alcohol and Drug Misuse

Policy

Version 11

18 September 2024

DATE THIS VERSION OF THE POLICY IMPLEMENTED: 18 September 2024

DATE NEXT REVIEW IS DUE: September 2026

POLICY & PROCEDURE OWNER: Strategic Policy and People Relations Team

APPROVED BY: Chief Officers

GOVERNMENT SECURITY CLASSIFICATION: Official

IS THE POLICY & PROCEDURE NEW OR REVISED: Revised

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1. Introduction and Background

Policy Statement

Greater Manchester Police expect all its staff to behave in a manner whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing. We will not accept the misuse of alcohol or of legal or illegal drugs. We recognise that this could affect anyone and those who do so are at risk of harm.

We'll take appropriate action if someone commits the criminal offence of possessing or supplying illegal drugs.

We'll offer help to staff who may have an Alcohol or Drug Misuse problem.

Aims

This policy aims to:

- Promote and maintain a healthy and safe working environment.
- Raise awareness of misuse so it can be prevented and effectively managed.
- Encourage staff to admit they have a problem and remove the fear of seeking help.
- Bring staff back to work where they've controlled their misuse and where it's supported by medical professionals.
- Protect members of the public from the consequences of Drug and Alcohol Misuse.
- Maintain an efficient and effective level of service to the public.

2. Scope

This policy applies to all police officers, police staff, special constables and volunteers.

Where we refer to 'staff' in this policy, it also applies to all those in scope unless we say otherwise.

3. Terms and Definitions

Alcohol Misuse

Any use of alcohol that harms social or physical action.

Drug Misuse

Any use of illegal, prescribed and non-prescribed drugs that harms social or physical action.

Vulnerable Role

A job where staff have a specific responsibility for handling drugs.

4. Roles & Responsibilities

Responsibilities of the Chief Constable

Under the Health and Safety at Work Act 1974 the Chief Constable is responsible for making sure that effective policies are in place to safeguard the health, safety and welfare of:

- all staff, and
- any member of the public who could be affected by our work.

Responsibilities of Managers

Managers must:

- Carry out risk assessments as required under this policy and in the interests of health and safety.
- Act on advice they're given.
- Refer cases to the Occupational Health and Welfare Unit for their views and recommendations.

Responsibilities of Strategic Resourcing Branch

The Head of Strategic Policy & People Relations will:

- Review the application and effectiveness of this policy.

Responsibilities of Greater Manchester Shared Services

Greater Manchester Shared Services (GMSS) will:

- Give advice on the practical application of this policy.
- Advise managers dealing with work performance issues through the [Standards, Performance and Attendance Policy](#).
- Advise managers on reasonable targets and timescales for improvement based on medical information where it's available.

Responsibilities of People & Development Branch

The HR Operations Team will:

- Monitor cases brought to their attention.

The Occupational Health and Welfare Unit (OHWU) will:

- Encourage the early identification of drug and alcohol problems by raising awareness and providing guidance to managers and staff.
- Give advice when they're made aware of a Drug or Alcohol Misuse problem. This might be to the manager or the individual.
- Encourage staff to see their GP for treatment.
- Give management advice about appropriate action.
- Give guidance on suitable external agencies and treatments.
- Give advice on fitness for their role if staff refuse treatment or treatment isn't successful.

Responsibilities of Professional Standard Branch

Professional Standards Branch will:

- Give advice on using the Police Misconduct Procedures to deal with Drug or Alcohol Misuse.
- Give advice on using the Discipline Policy for police staff to deal with Drug or Alcohol Misuse.
- Give advice on the requirement for alcohol or drug testing.

Responsibilities of Staff

All staff:

- If you have concerns that colleague has an alcohol or drug problem you should discuss this with your manager. You mustn't cover up for a colleague as this won't help them and could compromise you.
- You can report concerns over integrity to the Crimestoppers Integrity Line 0800 555 111.
- Have the duty to take reasonable care of yourself and anyone else who may be affected by your work.

If you're misusing alcohol or drugs we expect you to:

- Accept you have a problem.
- Accept responsibility for your condition and speak to your GP.
- Seek support and advice from the Occupational Health and Welfare Unit or our employee assistance programme [_____](#)
- Follow any advice you're given and co-operate with your treatment.
- Make sure your work performance is to a satisfactory level.

Trade Unions, staff associations and staff support networks may:

- Encourage a staff member to get help for a Drug or Alcohol Misuse problem.
- Accompany a staff member to a with cause drug screening.
- Not cause delay to a drug test they have been asked to accompany someone to.
- Attend a meeting between the staff member, manager and/or Professional Standards Branch when requested to do so.

Contractors:

- Contractors are subject to this policy when working on our sites.

5. Principles

5.1 Single Occasion

This policy won't be used unless there's evidence of a repeated drug or alcohol problem. A single occasion of Alcohol or Drug Misuse leading to a [conduct](#) or [performance](#) issue will be dealt with under the appropriate policy.

5.2 Early Action

An alcohol or drug problem that's allowed to continue for a long period of time increases the risk of damage to:

- health
- psychological stability, and
- social well-being.

We'll try to identify anyone who's starting to be affected by Alcohol or Drug Misuse early. We'll encourage them to admit they've got a problem. We'll help them to seek counselling and other treatment.

We'll consider this to be a medical condition. If you take any time off work will be recorded as sickness absence in line with the [Attendance Policy](#).

5.3 Risk Assessment

Every case will be dealt with individually. This will always involve a [risk assessment](#) to minimise:

- the risk of safety to our staff
- the risk to the public, and
- any impact on the integrity of our service.

5.4 Alcohol Use

You have a responsibility to make sure when on duty or at work you're fit to carry out your responsibilities. Therefore you must not:

- drink alcohol before or during a period of duty if it will affect your performance or take you over the prescribed limit as set out in the Alcohol and Drug Testing Policy.
- use illegal drugs
- misuse legal drugs or substances

If you do this may lead to disciplinary action

There are certain posts where staff must not consume any alcohol at all either before starting duty or during breaks. We'll decide what these posts are by doing a risk assessment.

5.5 Criminal Offences

You'll be subject to criminal proceedings and possible dismissal for:

- possessing illegal drugs
- supplying illegal drugs, and
- drink driving.

It doesn't matter if the offences are committed while you're on duty or off duty.

5.6 Confidentiality

If you tell us that you have a Drug or Alcohol Misuse or you refer yourself to OHWU for help we'll treat this confidentially wherever possible. The exception to this is when others might be at risk.

If you need time off for treatment or appointments we won't tell anyone the reason unless you agree.

5.7 Criminal Procedure and Investigations Act

You have a personal responsibility to declare any matter that may affect your credibility as a witness in a court case. This responsibility comes before complete confidentiality. You'll be reminded of your responsibility if you tell us you have a Drug or Alcohol Misuse problem.

5.8 Contractors

Contractors will be asked if they have an Alcohol and Drug Misuse Policy. For some contracts the answer will be used when we consider tenders.

5.9 Appeal Rights

If you're not satisfied with the application of this policy you have the right to use the [Grievance Policy](#).

5.10 Monitoring and Review

We'll review the effectiveness of this policy against information such as:

- levels of sickness absence
- referrals to OHWU
- the number of accidents, and
- the number of discipline hearings

related to Drug or Alcohol Misuse.

Professional Standards Branch will record and monitor their decisions for consistency.

5.11 Record Keeping

If we take any action under this policy it'll be recorded and we'll keep a copy on your personal file.

6. Procedure

6.1 Suspicion of Alcohol or Drug Misuse

If we suspect that you're misusing alcohol or drugs and this is affecting your performance at work, we'll speak to you about this sympathetically as soon as it's noticed. We'll carry out a risk assessment immediately if we believe the safety of you, your colleagues or the public is threatened.

If we receive intelligence or information about alleged Drug or Alcohol Misuse from a third party:

- your Borough Commander/Branch Head will be made aware of the circumstances
- we'll discuss this with Professional Standards Branch
- you may be asked to attend an interview, and/or

- you may have a With Cause Test under the [Alcohol and Drug Testing Policy](#).

6.2 You accept you have an alcohol or drug problem

If you tell us that you have a problem with Drug or Alcohol Misuse we'll:

- encourage you to seek help from your GP
- tell you what help is available from Occupational Health and Welfare
- consider whether a [Wellness Plan](#) will help us to support you at this time
- remind you of your responsibility to declare this to the CPS if relevant
- discuss your work performance, and
- tell you that we may take formal action if you don't respond to help or treatment.

We'll consider appropriate adjustments to your role during any treatment and for an agreed time afterwards. This'll be with the advice of OHWU and subject to operational needs.

If you respond to help but your conduct or performance later slips we'll consider the circumstances. We may:

- offer you further help and time to improve, or
- begin formal action under the [Standards, Performance and Attendance Policy](#) or [Discipline/Misconduct](#) action.

6.3 You don't accept you have an alcohol or drug problem

If you don't acknowledge Alcohol or Drug Misuse you may be required to take a test. The Borough Commander/Branch Head will do a risk assessment in relation to:

- keeping the confidence of the public in the police service
- safety in your current role, and
- safety in future roles.

You could be removed from your current role and given temporary duties.

If you don't accept you have a problem but display unsatisfactory conduct or performance we'll consider action under the appropriate policy such as the [Standards, Performance and Attendance Policy](#) or [Discipline/Misconduct](#).

6.4 Following sickness absence

After a period of sickness absence your manager will ask you about any medication you're taking that may affect your performance or safety. We may seek advice from Occupational Health and Welfare about the affects.

6.5 Following a potential misconduct offence

If you commit or are investigated for an alcohol or drug related misconduct offence when they decide whether to take formal action Professional Standards Branch will consider:

- if you're currently having expert guidance or treatment either voluntarily or through a management referral, and
- if you're co-operating with this help, guidance or treatment.

They'll record their decision and reasons.

If at first they decide not to take formal action they may reconsider if you:

- don't co-operate with expert help, guidance or treatment
- reject their help
- still have an Alcohol or Drug Misuse problem
- continue to have unacceptable behaviour, standards or performance, or
- commit further offences that justify disciplinary action.

If you commit any other type of misconduct offence and Professional Standards Branch believe Alcohol or Drug Misuse is directly or indirectly involved they'll decide whether to take formal action in line with the [Police \(Conduct\) Regulations](#) or [Police Staff Discipline Policy](#).

7. Associated Documents

GMP Policies

[Alcohol and Drug Testing Policy](#)

[Police Staff Discipline Policy](#)

[Police \(Conduct\) Regulations](#)

[Standards, Performance and Attendance Policy](#)

GMP Tools

[Serious and Chronic Illness Guidance](#)

[Stress and Psychological Ill-Health Guidance for Managers](#)

[Wellness Plan](#)

8. Consultation & Statutory Compliance

8.1 Consultation

Department	Comments
Federation Unison Staff Support Networks	Detailed consultation has taken place. The policy has been re-written in the Plain English format and put into the Force Policy template. This was shared and minor amendment to the wording were agreed. There have been no changes to the intention or the detail of the policy.
Professional Standards Branch	Consultation has taken place with PSB due to the crossover with alcohol and drug misuse and misconduct issues.

8.2 Statutory Compliance

Data Protection Act (2018) & GDPR

The Policy is compliant with the Data Protection Act and Regulation.

Freedom of Information Act (2000)

The policy is disclosable under the Freedom of Information Act.

Equality Act 2010

This policy is compliant with the Equality Act 2010. Additional steps have been taken to make sure that staff who may have a disability are not unduly impacted by this policy. Care has been taken to highlight that certain signs of alcohol or drug misuse may also be symptoms of illness or disability and assumptions should not be made when addressing this with staff.

9. Appendices

[Appendix A – Causes of Excessive Drinking or Drug Misuse](#)

[Appendix B – The Effects of Excessive Drinking or Drug Misuse](#)

[Appendix C – Recognising someone has a Drink or Drugs Problem](#)

Appendix A – Causes of Excessive Drinking or Drug Misuse

Medical experts view alcohol as a drug that someone can become socially, psychologically and physically dependent on if they drink excessively.

There's no single cause of Drug Misuse or excessive drinking. It can be a combination of:

- a person's character, and
- external pressures that are
 - physical and/or
 - emotional.

It can take on a number of different forms depending on:

- the person
- the environment, and
- the stage the problem has reached.

Appendix B – The Effects of Excessive Drinking or Drug Misuse

Drug Misuse or Alcohol Misuse over a long period is a serious health risk. Unless it's identified and treated it can:

- result in mental and physical damage
- lead to inefficiency and a reduction in work performance
- affect the safety of others, and
- upset family, social and work relationships.

Some of the affects of Drug Misuse are:

- Physical dependence resulting from the body getting used to the presence of the drug.
- Psychological dependence where the person thinks they need the drug to 'cope' with life. This can lead to mental health problems such as:
 - anxiety
 - paranoia
 - psychosis, and
 - hallucinations.
- Physical health risks can result from injecting drugs
 - Hepatitis or HIV infection
 - Septicaemia
 - Thrombosis
 - abscesses
 - brain damage, and
 - overdose.

Appendix C – Recognising someone has a Drink or Drugs Problem

Remember:

- the signs below may be caused by other factors such as a disability or illness
- you shouldn't assume Alcohol or Drug Misuse, and
- someone with a drug or alcohol problem may try to cover up these signs.

The signs that someone has an Alcohol or Drug Misuse problem might include:

- reduced work performance
- making persistent mistakes or errors of judgement
- fatigue, lack of concentration and memory slips
- failure to meet deadlines and blaming others for failing
- reluctance to accept responsibility
- moodiness, irritability, uncharacteristic behaviour and over sensitivity to criticism
- becoming a 'loner' and deliberately seeking isolation from colleagues
- unexplained injuries and accidents
- unexplained absences during the working day
- poor timekeeping
- frequent absences from work explained as minor illnesses
- physical signs such as trembling hands, facial flushing, bleary eyes, lowering of personal standards of cleanliness, hygiene and dress
- reduced safety awareness shown by careless handling of mechanical or other equipment
- regularly borrowing small amounts of money from colleagues
- changes in drinking habits such as drinking early in the morning, and
- the smell of alcohol on their breath at unusual times of the day.

Discipline

Policy

Version 14

30 July 2024

DATE THIS VERSION OF THE POLICY IMPLEMENTED: July 2024

DATE NEXT REVIEW IS DUE: July 2026

POLICY & PROCEDURE OWNER: Professional Standards Directorate

APPROVED BY: Chief Officers

GOVERNMENT SECURITY CLASSIFICATION: Official

IS THE POLICY & PROCEDURE NEW OR REVISED: Revised

VERSION NO	DATE	SUMMARY OF CHANGES	AUTHOR(S)
Version 1	16.11.04	Changed to reflect the Employment Act 2002 (Dispute Resolutions) Regulations 2004, which came into force on the 1st October 2004. [REDACTED]	HR Branch [REDACTED]
Version 2	03.03.08	Policy amended to take account of the transfer of responsibility from HR to Professional Standards. [REDACTED]	HR Branch [REDACTED]
Version 2.1	27.02.09	Policy amended to incorporate a protocol for dealing with appeals against dismissal.	Professional Standards Branch [REDACTED]
Version 3	16.11.12	Rewritten in Plain English and using the new Force Policy Template. All key rights and principles previously agreed remain.	Professional Standards Branch [REDACTED]
Version 4	1.9.14	Appeals against dismissal amended to reflect the change in employer (from PCC to Chief Constable) following the Stage 2 PCC transfer.	Policy and People Relations, HR Branch
Version 5	20.07.17	Amended in line with new HR Transformation changes and contact details and clarification of PSB and GMSS roles and responsibilities.	Policy and People Relations, HR Branch
Version 6	03.08.17	Appeal against dismissal process amended to bring in line with the introduction of the Combined Authority	Policy and People Relations, HR Branch
Version 7	15.11.17	Appendix A – removed reference to Substitution Payments in Point 4 as this payment no longer exists.	Policy and People Relations, HR Branch

Version 8	08.03.18	Compulsory Redeployment Section changed to Redeployment as an alternative to dismissal.	Policy and People Relations, HR Branch
Version 9	16.05.19	Amended in line with the implementation of Police Barred List Regulations	Policy and People Relations, HR Branch
Version 10	17.05.19	Amended to reflect implementation of the GDPR	Policy and People Relations Team
Version 11	24.07.20	HR Management Procedures During Social Distancing Toolkit added as an appendix	Policy and People Relations Team
Version 12	18.03.21	Updated due to HR Branch review	Strategic Policy & People Relations
Version 13	01.10.2021	Update change Employee Assistance Programme (EAP) from CiC to Health Assured	Strategic Policy & People Relations
Version 14	30.07.2024	Updated with new cipher	Strategic Policy & People Relations

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1. Policy Statement

Greater Manchester Police (GMP) is committed to supporting staff to maintain acceptable standards of professional behaviour at all times. We encourage staff and managers to regularly discuss acceptable standards of conduct so both are clear about our expectations. We commit to informing staff about problems and will always give staff the opportunity to put their case before any decisions are made.

In situations where staff do not meet the required standards of conduct we aim to deal with all cases consistently, ensuring fairness and transparency in the application of this policy. We aim to raise and deal with issues promptly avoiding unreasonable delays in meetings, decisions or confirmation of decisions.

1.1 Aims

The aims of this policy are to:

- Give you a clear understanding of the Discipline Policy
- Explain how we'll deal with complaints and misconduct
- Encourage improvements in your conduct
- Ensure the procedure and any disciplinary action taken is fair and consistent

2. Scope

This policy applies to all Police Staff.

The policy does not apply where termination of employment is because of:

- A redundancy situation
- The normal termination of a temporary contract of employment
- Retirement
- Dismissals under the Standards, Performance and Attendance Policy for performance or sickness absence
- Dismissals of staff in their probationary period.

Minor unrecorded warnings are not covered by this policy.

3. Terms and Definitions

Working Days

Where we refer to 'working days,' this means Monday to Friday (regardless of whether you work Monday to Friday).

4. Roles & Responsibilities

4.1 Responsibilities of Professional Standards Branch (PSB)

PSB will:
Professional Standards Branch

- develop a Discipline Policy which is clear, fair and supports improvements in conduct.
- keep records relating to disciplinary matters.
- oversee all disciplinary allegations.
- provide advice and guidance to achieve consistency and equality of treatment for all staff.
- advise managers and HR on request
- lead on complex cases
- notify College of Policing of details of staff that need to be entered on the Police Barred or Police Advisory list

4.2 Responsibilities of Managers

Managers are responsible for maintaining standards of professional behaviour. Managers should lead the process and are encouraged to seek advice from HR Branch

4.3 Responsibilities of HR Operations, People & Development Branch

HR Operations will:

- provide managers with advice and guidance relating to the management of discipline cases.
- support managers to deal with cases in line with this policy.
- attend investigatory meetings and formal discipline hearings as required.
- make PSB aware of all cases that escalate to a disciplinary hearing and seek advice to enable consistent approach to misconduct.

4.4 Responsibilities of Staff

Staff should be familiar with the [Police Staff Standards of Professional Behaviour](#) document and their responsibilities to maintain satisfactory conduct at all times.

If you are involved in this process at any stage, you have the right to representation (please see section 5.1 below).

You have a responsibility to organise any representation in good time. This is so they are aware of forthcoming meetings and available to attend scheduled meetings as required.

4.5 Responsibilities of Management Representative

The Management Representative at the Discipline Hearing is usually the manager who led the Investigatory Meeting. This may be your line manager. The Management Representative is responsible for presenting the management case in a Discipline Hearing.

4.6 Responsibilities of a Witness

Witnesses will only be required in a hearing for the duration of their evidence and follow-up questions. However, all parties may agree that they should remain available. Witnesses are required to maintain confidentiality.

4.7 Responsibilities of the Panel

A Misconduct Panel is made up of two people, an appropriate manager and a HR representative.

A Gross Misconduct Panel is made up of three people. The Chair of the panel will be a manager who has the authority to dismiss. A senior HR professional and a HR representative will also attend.

Those who have been significantly involved in the matters leading to a discipline or appeal meeting won't be part of the Discipline Panel.

The Panel will consider the allegations made against you and your response. The Panel are responsible for determining what if any action will be taken against you and what this will be.

4.9 Responsibilities of the Appeals Panel

The Appeal Panel has responsibility to:

- Consider your grounds for appeal
- Review whether the disciplinary procedure was followed correctly
- Review the decision and determine whether, on the basis of the evidence presented at your disciplinary hearing, the decision was fair
- Consider any new evidence that was not available at the disciplinary hearing

5. Principles

5.1 Right to be accompanied

You have the right to be represented at all stages by a representative of a recognised trade union. Alternatively you can bring a work colleague or a friend. You don't have the right to bring a person acting in a legal capacity.

Your representative or companion may:

- Present your case and sum up your case
- Ask questions of the management representative or any witnesses
- Confer with you during the meeting
- Ask for an adjournment
- Support you.

5.2 Records and confidentiality

Discipline proceedings and records must be kept confidential by all parties. Expired warnings/records will be removed from your disciplinary record held by PSB in line with the length of the warning issued. After the record of disciplinary action is removed or after the action has expired, we will not refer to it:

- In any further disciplinary action contemplated or taken against you
- In a selection or promotion interview
- If we are asked to provide a reference for you

Records of disciplinary action may be accessed if you need to be vetted for a new post. This is dependent on the circumstances and the relevance of the record. Please see the Vetting Policy Appeal Procedure for queries relating to vetting disclosures. All warnings will be removed from your disciplinary record held by PSB after 6 months with the exception of a final written warning which will usually be removed after 12 months.

We'll keep these records confidential and in accordance with the requirements of the Data Protection Act 2018 and GDPR.

5.3 Police Barred List and Police Advisory List Regulations

The Police Barred List and Advisory List Regulations 2017 introduce the Police Barred List and the Police Advisory List with effect from December 2017.

The Police Barred List

This is a list of all officers and special constables who have been dismissed from policing through the Police Conduct and Performance Regulations and Police Staff who have been dismissed through relevant force policy E.G Police Staff Discipline Policy.

The Police Advisory List

The Police Advisory List is a list of all officers, special constables and police staff members who have resigned or retired during an investigation or who leave before an allegation comes to light. It also includes designated volunteers who have had their designated status withdrawn due to conduct or performance matters.

Both lists are held and administered by the College of Policing.

If you're dismissed following a gross misconduct hearing, your details will be entered on to the barred list. This means that you cannot by law re-join Home Office Police forces and certain law enforcement bodies in any capacity.

For further information on the Police Barred and Police Advisory List Regulation, please refer to [Appendix B Professional Standards Department Guidance on Barred and Advisory List](#)

5.4 Police staff with dual roles in policing

If you have a dual role in policing i.e.

- Police staff and a special constable either with GMP or another police force
- Employed in two police staff posts

You cannot be employed in either post if dismissed from one of your roles for conduct reasons.

5.5 Post Employment Disciplinary Hearing

The Police Barred and Advisory List Regulation allows Forces to continue with the investigation and hold a disciplinary hearing if you retire or resign whilst under investigation for a misconduct allegation.

At the point you resign or retire your details will be entered on the Police Advisory List

If the outcome of the post-employment hearing is that you would have been dismissed had you still been employed by us, then your details will be entered on the barred list. You'll be informed accordingly of this.

Format of the Post Employment hearing will be the same as if the hearing was being held whilst still in employment. Please refer to 6.5 for information

5.6 Removal of barred status

Five years after being dismissed, you can apply to [the College of Policing \(COP\)](#) for your barred status to be removed. The COP will make their decision based on

- if you can demonstrate your suitability to be employed by a policing body
- circumstances that led to the original findings
- the impact of removing your barred status might have on public confidence

Note: This appeal is in relation to removal of your barred status and not an appeal against the outcome of the disciplinary hearing. You should follow the normal appeal process as detailed at 6.4 to appeal the outcome of the disciplinary hearing.

5.7 Suspension with pay

You will be suspended on full pay or, depending on the circumstances, transferred to other employment within GMP pending:

- an investigation into serious matters, where the possibility of dismissal may arise, or
- criminal investigations or proceedings.

In these circumstances we will:

- meet with you following consultation with the Assessment and Misconduct Unit, Professional Standards Branch or their nominee
- offer you the right to be accompanied
- tell you why you are being suspended, and
- confirm the reasons for your suspension in writing. A copy of the Guidance Notes on Suspension will be enclosed.

We'll review the need for your suspension with the Assessment and Misconduct Unit, Professional Standards Branch. This will be within ten working days of your suspension and then at intervals of every four weeks.

Appeal against suspension

You have a right to appeal against a decision to suspend you. You can also appeal against a decision to move you if this move is an alternative to suspension from duties. To appeal a suspension or move decision, you need to write to your manager. Tell your manager the reason you are appealing. Your manager will arrange a meeting with you and your representative (if you have one) to explain and review the suspension.

If you are still not satisfied with the decision, you should inform your manager who will then arrange for a more senior manager to consider your suspension/move appeal.

Action after investigation

If, following investigations made during your suspension, we decide that the case should not progress to a formal disciplinary hearing, then your suspension will end and you can resume your normal work.

If we decide that formal disciplinary action is justifiable but don't consider continued suspension to be appropriate then you may be allowed to return to work before the hearing.

5.8 Travelling expenses

If you are involved in a discipline hearing, you will be entitled to necessary and reasonable travelling expenses. These should be claimed from your District/Branch.

5.9 Trade union officials

We won't take any formal action against an accredited representative (including safety representatives) of a recognised trade union until the full circumstances of the case have been discussed. This includes arranging a Disciplinary Hearing. We'll discuss the circumstances with an appropriate full time official of the trade union concerned.

6. Procedures

6.1 Investigatory Meeting

Following an allegation of misconduct against you, an investigatory meeting will usually be held to explore the facts of the case and decide if there should be a disciplinary hearing. This meeting is usually between you and an appropriate manager. A HR representative may also attend.

We'll give you at least five working days notice of the meeting date when we write to you to explain:

- The nature of the complaint or allegation
- Your right to be accompanied at the meeting
- That the purpose of the investigatory meeting is to clarify the facts; and
- That the meeting is not a formal disciplinary hearing.

If it's not possible for the investigatory meeting to take place on the original date, we'll rearrange it for within five working days.

Following the investigatory meeting we'll confirm in writing whether or not we intend to hold a formal disciplinary hearing. If possible this will be on the same day, and will normally be within 10 days. If this is not possible we'll explain why and confirm the expected timescales. We'll review the situation every five working days.

6.2 Disciplinary Hearing

If following an investigatory meeting the decision is that you're required to attend a formal Disciplinary Hearing, we'll write to you to confirm:

- The date of the meeting (giving you five working days notice from the date we estimate you'll receive the letter)

- The allegations which have been made against you
- Your right to be accompanied at the hearing
- The names of those who will attend the hearing such as a HR professional.

The letter will include a copy of this Policy.

We'll try to set a date when all parties are available. If you're unable to attend, you must tell your manager as soon as possible. You must tell them the reasons why you can't attend and we'll rearrange the hearing. Should you fail to attend the rearranged hearing without a valid reason, then the hearing may go ahead without you. Decisions may be made in your absence.

Details of the format of the hearing itself can be found in section 6.5.

6.3 Potential Outcomes following a Disciplinary Hearing

Warnings

After the evidence has been presented, the Panel will decide on the level of formal warning to be given.

Stage 1 - formal verbal warning

The first formal warning is normally a verbal one, confirmed in writing. This will be recorded on your disciplinary record held by PSB.

Stage 2 - written warning

If you commit a further offence (similar or different from the original offence) the Panel Chair may issue a written warning. This will be recorded on your disciplinary record held by PSB.

Stage 3 – further written warning or final warning

If you commit a further offence (similar or different from the original offence), the Panel Chair may issue a further written warning or a final written warning. This will be recorded on your disciplinary record held by PSB.

Depending on the circumstances and the seriousness of the matter, you may be given a written or final warning in the first instance. In some circumstances we may decide to dismiss you. This can be without notice if we find gross misconduct.

Contents of warning letter

A warning letter will be sent within three working days of the Disciplinary Hearing and will include:

- The nature of the breach of standards
- The nature of the warning
- The possible consequences should you breach standards again
- Details of your right of appeal
- Details of your right to be accompanied

A copy of the letter will also be sent to your trade union representative (if you have one) unless you tell us otherwise.

Redeployment as an alternative to dismissal

Redeployment may be considered as an alternative to dismissal if:

- gross misconduct is clearly established, or
- you commit a further offence following a final written warning,

but there are mitigating circumstances.

Please refer to section 5.1 and 5.2 of the [Redeployment Procedure](#) for further information

Reimbursement of Costs

As a result of a disciplinary sanction, we may also consider asking you to repay costs which we have incurred, for example as a result of misuse of facilities or equipment.

Dismissal

The following posts have the authority to dismiss staff:

- The Chief Constable can dismiss a Chief Officer
- A Chief Officer can dismiss a Director or Branch Head
- The Gross Misconduct Panel Chair can dismiss up to the grade of Assistant Director or Deputy Branch Head.

If you're dismissed, we will send a report, containing information set out in the Police Barred List and Police Advisory List Regulations 2017, to the College of Policing.

The COP will then update the barred list with those details. The same process will be used for the advisory list.

Whilst on the barred list you'll be prevented by law from re-joining Home Office police forces and certain law enforcement bodies.

Being on the advisory list is not an absolute bar to gaining employment within policing. The police recruiting body will decide on whether or not to recruit you.

6.4 Appeals Procedure

The appeal procedure varies according to the nature of the disciplinary action.

Remit of the Appeal Hearing

The Appeal will be heard by someone who has not been involved in the case. This is usually your Branch Head, District Commander or another senior officer/member of your branch/district. If your local senior manager has heard the original case or was involved, another Branch Head or District Commander or senior manager will hear the appeal.

The appeal hearing is not full re-hearing of the original disciplinary hearing. The purpose of the appeal is to:

- Consider your grounds for appeal.
- Review whether the disciplinary procedure was followed correctly.
- Review the decision and determine whether, on the basis of the evidence presented at your hearing, the decision was fair.
- Consider any new evidence that was not available at the disciplinary hearing.

There is no further right of appeal following the Appeal Panel's decision.

Confirm your grounds for appeal

If you want to appeal the outcome of the Disciplinary Hearing you should write to the Chair. This should be done within 10 working days of receiving the letter confirming the outcome. Your letter must detail your grounds for appeal and why you are not satisfied with the outcome of the hearing.

You must provide full details of any new evidence and submit any supporting documents/evidence when you appeal. New information not outlined in your appeal cannot be introduced later without agreement of the Panel.

We will normally hear an appeal against a warning within 10 working days of receiving your grounds for appeal.

Details of the format of the appeal hearing itself can be found in section 6.5.

Appeals against dismissal

Confirm your grounds for appeal using AD1 Form

To appeal against dismissal you should complete the AD1 Form which will be sent with the dismissal outcome letter and send this to the Police Staff Complaints and Misconduct Manager (Professional Standards Branch). This must be done no later than ten working days of receiving your letter confirming your dismissal.

Calling witnesses

If you intend to call witnesses at the appeal hearing, you must clearly state (on the AD1 Form) the reasons they will be attending the appeal. You can only call witnesses if they are providing new evidence that was not available at the time of your disciplinary hearing and/or in exceptional circumstances.

Appeal Arrangements

A GMP Appeals Panel will hear your appeal. The panel will comprise 3 members: Chief Officer (chair), Chief Superintendent or Superintendent and a member of the Combined Authority employed to undertake the Mayor's Police Crime and Commissioner function. Members of the panel will not have had any previous involvement in the case. A senior HR professional will be in attendance as an advisor.

The Police Staff Complaints and Misconduct Manager will advise the Governance Team, External relations and Performance Branch, of your appeal and they will arrange for an appeal panel to be set up as soon as possible.

Appeal Hearings take place on a monthly basis. You'll receive a letter confirming the appeal hearing date. They'll normally give at least 10 working days advance notice of the date of the appeal hearing. The letter will also confirm your right to:

- Submit documentary evidence
- Produce witnesses at the hearing
- Be accompanied by a trade union representative or colleague employed by GMP

Submitting your Evidence

If you want to submit evidence which you will rely on at your appeal hearing, this must be submitted to the GMP Governance Appeals Mailbox, External Relations and

Performance Branch, no later than seven working days before the date of your appeal hearing. Evidence submitted must be identified first on your AD1 form. Once submitted, copies of all the papers associated with your case will be provided to you and the members of the appeal panel.

Details of the format of the appeal hearing itself can be found in section 6.5.

6.5 Format of Hearings (Disciplinary and Appeals Hearings)

The Chair will outline the structure of the meeting at the start. The Chair will introduce all parties. Disciplinary and Appeals Hearings will follow a general pattern:

Management Representative puts their case forward and may call witnesses

You will be present for the whole proceedings until the panel adjourn.

Opportunity for you to ask questions

You can ask the Management Representative and witnesses questions about their evidence. The Panel may also ask the Management Representative questions.

You put your case forward

You or your representative will put your case forward. You can call witnesses. The Management Representative will be there and will have the opportunity to ask you and your witnesses questions about the evidence given. The Panel may also ask you questions.

Opportunity for the Management Representative to ask questions

The Management Representative can ask you and witnesses questions about your evidence. The Panel may also ask questions.

'Summing up' the case (you and the Management Representative)

The Management Representative will sum up their case. You or your representative will then sum up your case. You, your representative, the Management Representative will then leave the hearing so the Panel can decide the outcome.

Decision is made and communicated

While considering the case, the Panel may recall anyone who has provided evidence if they are uncertain or need clarity. Both you and the Management Representative will be present (even if only one of you is required to clarify the point in question). The Panel will generally announce the decision to you and the Management Representative at the hearing. We'll confirm the decision to you in writing within three working days of the hearing.

At any time during the proceedings either party may request a short break.

7. Associated Documents

GMP Policies:

- Standards, Performance and Attendance Policy

GMP Toolkits/guidance

- Discipline Management Toolkit (police staff)
- Template Letter Toolkit
- Police Staff Standards of Professional Behaviour

- [Suspension Guidance Notes](#)
- [Professional Standards Department \(PSD\) Advice and Guidance on Police Barred and Advisory List](#)

GMP Forms:

- AD1 Form (appeal against dismissal form)

Legislation:

- ACAS Discipline and Grievance Statutory Code of Practice 2009
- Data Protection Act 2018
- GDPR
- Police Barred List and Advisory List Regulation 2017

8. Consultation & Statutory Compliance

8.1 Consultation

Department	Comments
UNISON	Detailed consultation has taken place with Unison on all revisions to the Policy and their views have taken into account.
Police Federation	The Federation have been informed of the changes although this Policy does not apply to Police Officers.

8.2 Freedom of Information Act (2000), Data Protection Act (2018) & GDPR

The policy and procedures are compliant with the Acts and Regulation.

8.3 Equality Act 2010

The Discipline Policy supports the organisation to meet its General Equality Duty, by providing a clear method by which individuals can be held to account for their conduct and behaviour which may relate to allegations of discrimination, harassment, victimisation or any other conduct that is prohibited under the Equality Act.

9. Appendices

[Appendix A Suspension Guidance Notes](#)
[Appendix B Professional Standards Department \(PSD\) Advice and Guidance on Police Barred and Advisory List](#)

Appendix A

Suspension Guidance Notes

1. Introduction

These notes advise you of your entitlements and conditions whilst suspended. Details of the suspension process and the review arrangements are outlined in the Policy enclosed with the letter confirming your suspension.

2. Availability

During the period of suspension you are required to make yourself available for meetings and hearings in relation to the disciplinary allegations. You must therefore be contactable during your normal working hours and you must notify your manager of any change in circumstances – such as sickness, maternity, change of address.

3. Annual Leave

Whilst you are suspended, if you intend to be unavailable for a period of time, you must request annual leave and comply with the annual leave policy.

Managers will avoid making contact during any periods of annual leave which is taken whilst you are suspended.

If you're suspended and return to duty, you can take any outstanding annual leave. The usual rules regarding the booking and carry-over of leave will apply.

4. Pay and Allowances

You will receive basic pay plus all contractual allowances including shift pay and weekend enhancement. However, during a period of suspension the following entitlements (where applicable) will **NOT** be paid:

- telephone allowance
- excess travel payments
- essential car user lump sum
- standby allowance
- acting up.

5. Sickness

If you report sick whilst suspended you must comply with the usual sickness absence procedures. Sick notes should continue to be provided to your manager to ensure that appropriate adjustments are made if you become eligible to claim Incapacity Benefit.

6. Welfare

All welfare facilities of the Force are available to you. If required, you can contact the Welfare Unit [REDACTED] In addition, GMP's external Employee Assistance Programme can provide confidential counselling and advice [REDACTED]
[REDACTED]

Your supervision will be responsible for ensuring that a nominated Liaison Officer is appointed who will be responsible for making regular contact with you whilst you remain suspended.

The suspension will be reviewed on a regular basis, at least every four weeks, and we will write to you to keep you updated.

7. Maternity

Normal contractual provisions will apply during a period of maternity leave.

8. Outside Employment

If you have other employment you should not work for the other organisation during the hours you are contracted to GMP.

9. Uniform and Equipment

You are required to hand over your GMP identification cards, fobs and keys.

We won't normally ask you to hand over your uniform and equipment and unless it's required as evidence for any investigation.

10. Visits to Police Premises

When suspended you are not allowed to enter GMP premises without prior agreement from your manager except:

- you are attending as part of the investigation
- meeting your Trade Union representative, or
- attending an appointment at Occupational Health.

If you wish to access your personal belongings, you must initially make contact with your manager.

11. Training

If you are on an external training course, you should continue to attend. However you will not be allowed to attend any internal training courses.

12. General

These notes are for guidance and are not intended to cover every eventuality. If you have any questions as a result of suspension you should contact your manager.

Appendix B

Police Barred and Advisory List Regulations 2017

Advice and Guidance for all Police Officers, Special Constables, Police Staff and Designated Volunteers working for GMP subject to the Police Officer and Police Staff Misconduct, Unsatisfactory Performance and Attendance Management Procedures

Why have these changes come into effect?

In the past there has been a public perception that police officers who have committed serious wrongdoing have avoided accountability through resignation or retirement. However, not allowing officers to resign or retire while investigations are on-going has created an unsatisfactory situation for the force or officer. These changes will ultimately increase transparency and accountability of the police discipline system.

In January 2017 the Policing and Crime Act (PCA) 2017 received Royal assent, with the Act containing a number of reforms to be implemented across the complaints and discipline system and new regulations are being constructed to work to both the PCA and amendments in other primary legislation. These changes fall into the Improving Police Integrity reform programme led by the Home Office and a phase implementation approach is being taken.

When did these changes come into effect?

Both the Former Officer and Barred and Advisory List Regulations 2017 were laid before Parliament on 22nd November 2017 and they took effect on 15th December 2017.

What was the position before 15th December 2017?

For a number of years, officers being investigated in respect of allegations of gross misconduct were prevented from retiring or resigning by Regulation 10A of Police (Conduct) (Amendment) Regulations 2014, unless exceptional circumstances applied that were accepted by the Chief Officer.

What changes will come into effect on 15th December 2017?

From 15th December 2017, disciplinary procedures will be extended to **former officers** and will once again **allow for officers under investigation to resign or retire**. However, **misconduct proceedings will be taken to conclusion** and a hearing may be held as a result. A possible outcome at those hearings is that a finding can be made that the officer 'would have been dismissed' if they were still serving in the police.

From May 2019 the same procedure shall apply for Police Staff, should a member of Police Staff resign or retire during a gross misconduct investigation, then the misconduct proceedings will be taken to a conclusion and a hearing may be held as a result. A possible outcome at those hearings is that a finding can be made that the member of staff 'would have been dismissed' if they were still employed

What will be the consequence of being found guilty of gross misconduct?

Where the officer, member of police staff or designated volunteer has retired or resigned and a hearing has subsequently taken place, if the outcome was that the

individual 'would have been dismissed' had they still been serving, they will be placed onto the **barred list**.

If the officer or member of police staff did not resign or retire, but were dismissed having been found guilty of gross misconduct (or misconduct if they have a live final written warning), they would likewise be placed onto the **barred list**.

An outcome short of dismissal would not attract entry onto that barred list and it would also trigger removal from the advisory list (see below for further information).

What is the Barred List?

This is a list published by the College of Policing, accessible through their website that will document all officers and special constables who have been dismissed from policing after investigations under the Police (Conduct) Regulations 2012 or Police (Performance) Regulations 2012 and Police Staff and Volunteers who have been dismissed through Misconduct, Unsatisfactory Performance and Attendance Management Procedures.

In respect of officers and former officers (including Special Constables) dismissed under the Conduct Regulations or where a finding was given that they 'would have been dismissed' if still serving, the default position is that this information is publically available. Rather than a simple open list where all dismissed officers visible, the data set will be searchable by name.

Whilst dismissed members of police staff and officers dismissed under the Performance Regulations will be entered onto the barred list, their details will not be publically available.

What types of dismissal will trigger inclusion on the Barred List?

Police Officers dismissed under the Conduct Regulations with a further finding of misconduct (i.e. there is a live sanction of a final written warning).

Individuals dismissed under the Conduct Regulations with a finding of gross misconduct or under the Performance Regulations for gross incompetence, unsatisfactory performance or unsatisfactory attendance.

Former officers, staff and designated volunteers where a hearing for Gross Misconduct has made a finding that had the individual still been employed, they would have been dismissed.

Police staff members and Designated Volunteers dismissed under Misconduct, Unsatisfactory Performance and Attendance Management Procedures

What happens if an individual is dismissed or leaves employment outside the circumstances listed in the above question and answer?

The individual will not be entered onto the barred list. This would apply if the individual ceased to be employed for medical reasons or due to redundancy, notwithstanding that it would apply if at the time they left the Force, they were also under investigation for an allegation of a gross misconduct and a disciplinary process later determined that had they been still serving, they would have been dismissed.

Student officers dismissed in relation to standards of behaviour or integrity under Regulation 13 Police Regulations 2003 would not be entered onto the barred list. Likewise members of Police Staff dismissed under Probation policy, would not be entered onto the Barred List.

Are there circumstances where details of a dismissed officer will not be made publically available?

The College of Policing on considering representation by the Force and / or chair of the hearing may restrict the details on account of national security, compromise to an on-going criminal or civil investigation, or where it would result any significant harm to any individual, including the officer themselves.

What is the consequence of being placed on the Barred List?

The list acts as a bar on working within policing and certain law enforcement bodies, to ensure that those who do not meet the high standards required of the police service are not able to continue to work in the profession.

Therefore, those on the barred list will be prevented by law from re-joining Home Office police forces and certain law enforcement bodies including the Independent Police Complaints Commission (IPCC) / Independent Office for Police Conduct (IOPC), Her Majesty's Inspectorate of Constabulary Fire and Rescue Service (HMICFRS) and any Office for a Police and Crime Commissioner (OPCC)

What if the individual holds more than one role in policing?

In circumstances where an individual holds a dual role in policing i.e. as a police staff member and a special constable, such a person cannot continue to be employed in either position if dismissed from one of those roles.

How long will an individual stay on the Barred List?

Details of officers dismissed under the Conduct Regulations will be available publically for 5 years and thereafter will no longer be publically available, but will nevertheless continue to be held on the barred list indefinitely and will be accessible to policing employers.

Individuals dismissed for gross incompetence will remain on the barred list indefinitely. Their details will never be made publically available, but nevertheless the information will still be accessible to policing employers.

Individuals who have been dismissed as a result of performance and attendance matters that do not amount to gross incompetence will be automatically removed from the barred list after 12 months.

Police staff members dismissed under the Police Staff Disciplinary procedure will remain on the barred list indefinitely, but at no time will the details be made publically available, albeit they will be accessible to policing employers.

Can an individual apply for removal of their barred status?

Yes, they may make an application to the College of Policing after a period of five years having been dismissed for a conduct matter, or after a three year period if dismissed as result of gross incompetence.

The College of Policing will make their decision based on the individual's demonstration of their suitability to return to policing, the circumstances that led to the original finding and the impact removing the barred status might have on public confidence.

For any unsuccessful appeal, the individual can re-appeal to the College of Policing 5 years thereafter that earlier appeal determination where the dismissal was for gross misconduct, or 3 years after the appeal determination where dismissal was as a result of gross incompetence.

What is the Advisory List?

This is a private list maintained by the College of Policing and made available to law enforcement bodies. It lists all officers, special constables and staff members who have resigned or retired whilst under investigation for matters that could lead to dismissal, or who leave before such an allegation comes to light.

Likewise, it lists all volunteers who have had their designated status withdrawn as a result of conduct, efficiency or effectiveness, or where the individual decides to stop volunteering after a relevant allegation comes to light.

The advisory list is intended to act as a vetting tool for police forces or other specified law enforcement bodies and will be used when completing regular pre-employment checks. The intention is to give relevant authorities a broader picture of any outstanding disciplinary matters relation to a potential employee.

The advisory list is not made available to the public.

Is inclusion on the Advisory List an automatic bar to employment in policing?

Being on the advisory list is not an absolute bar to employment within policing. Where an applicant appears on the advisory list, it will be a matter for the police recruiting body to consider when taking a decision on whether or not to recruit.

When will an individual be removed from the Advisory List?

Where an individual has been included on the advisory list whilst an investigation is ongoing, they will be removed from it when one of the following points is reached:

- (a) If the outcome of a subsequent hearing is a finding of gross misconduct along with a finding that the individual 'would have been dismissed' if still serving, the individual would be removed from the advisory list **but transferred to the barred list**.
- (b) If there is a finding that is less than 'would have been dismissed' if still serving.
- (c) If it is determined that no disciplinary proceedings will be brought.
- (d) If disciplinary proceedings are started but then withdrawn.
- (e) Their inclusion on the list did not relate to a conduct matter and a period of 5 years has elapsed, they will be automatic removed after that time. (reg 16 Barred and Advisory list regs)

Can an individual apply for removal from the Advisory List?

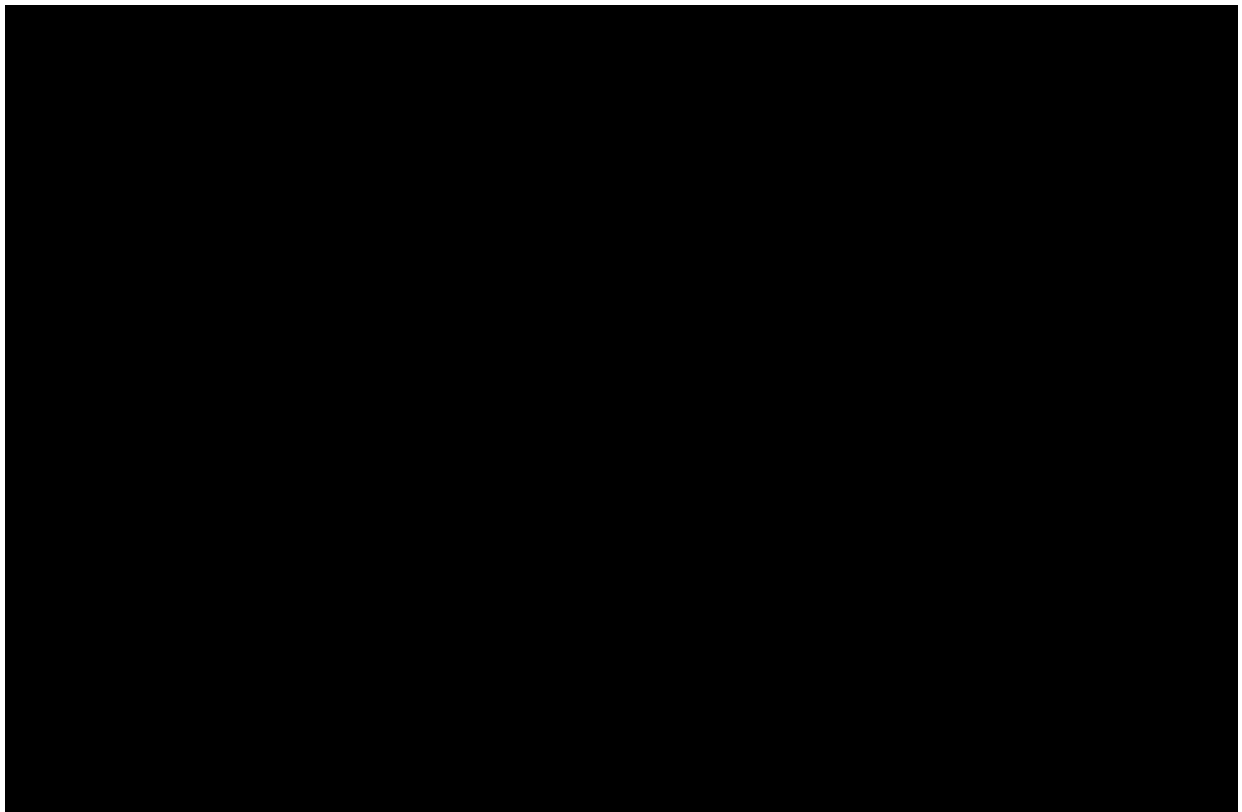
Individuals can apply to the College of Policing for removal from the advisory list when they have been included in that list for 5 years or more and the matter in question relates to conduct.

If unsuccessful, the individual can apply in another 5 years after their previous application, or within a shorter time period if the College of Policing has specified a shorter period of time at the initial review point.

How will this affect an individual currently under investigation for an allegation assessed as amounting to gross misconduct?

The triggers for inclusion on the barred and advisory list will apply not only to matters coming to the attention of the Force after 15th December 2017, but will also apply to cases commenced before that date.

Further advice and assistance



The Greater Manchester Police PSB recognises that this may be a difficult time for any individual directly and presently affected by such reforms. Well-being is important and the PSB would advise that support can be accessed through services made available by Greater Manchester Police; the Force chaplain; staff associations; or local health services.

Contact can be made with the [Health Assured](#) Employee Assistance Programme (EAP). The EAP is a confidential and free counselling and practical advice service operated by Health Assured on behalf of Greater Manchester Police. The service is available to all Greater Manchester Police employees and their immediate families and is available 24 hours a day. [REDACTED]

The following may also be of use:

The Blue Light programme offers support for emergency services and may be a source of useful advice at this time:

<https://www.mind.org.uk/news-campaigns/campaigns/bluelight>

NHS peer support via

<https://www.nhs.uk/Conditions/stress-anxiety-depression/Pages/Depression-help-groups.aspx>

Other links, including the Samaritans, can be found at

<http://www.depressionuk.org/favicon.ico>



GREATER MANCHESTER
POLICE

Standards, Performance and Attendance

Policy

Version 13

24 July 2024

DATE THIS VERSION OF THE POLICY IMPLEMENTED: July 2024

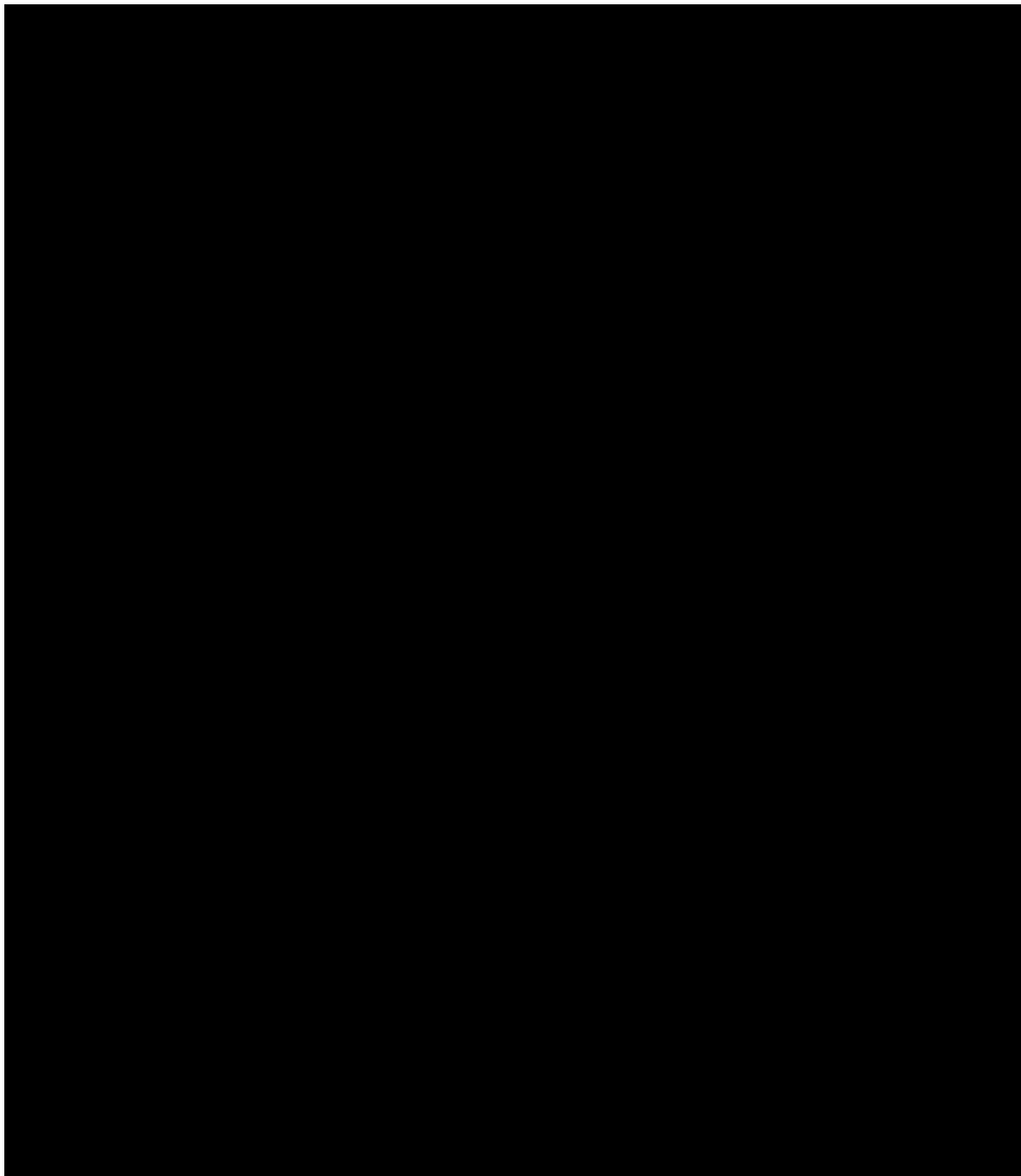
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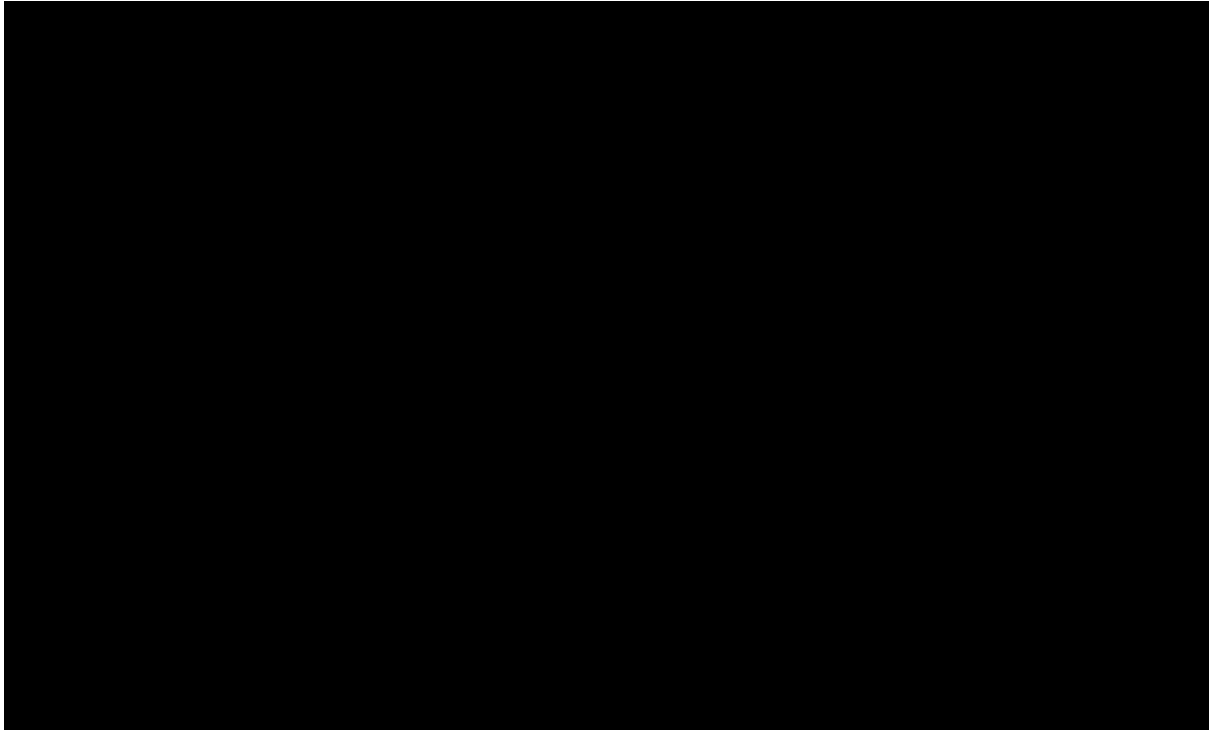


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1. Policy Statement

Greater Manchester Police (GMP) is committed to supporting staff to maintain acceptable standards of performance and attendance. We encourage staff and managers to have regular discussions so all are clear about expectations.

We recognise that performance and attendance are separate things, both of which are important in order to achieve the required standards at work. We must address unsatisfactory performance or attendance as it has a significant impact on our ability to provide a quality service to the public at a reasonable cost. It can also affect other people at work.

If we have concerns about your performance or attendance we'll speak to you at the earliest opportunity. We aim to deal with cases consistently, ensuring fairness in the application of this policy.

1.1 Aims

This policy is about making sure everyone meets the standards required for their role. In all cases the main aim is to bring about the required improvement and provide support to individuals.

This policy is designed to explain the set of principles and overall procedure we'll follow. Every case will be managed on an individual basis according to the circumstances.

2. Scope

This policy applies to Police Officers up to the rank of Chief Superintendent, Police Staff, and Special Constables.

It does not apply if you're in your probationary period, for which there are separate procedures.

Where we refer to 'staff' in this policy, it also applies to Officers and Specials unless we say otherwise.

This policy applies to performance and attendance issues.

However it doesn't apply in cases considered to be misconduct which will be dealt with under the Police Misconduct Regulations or the Police Staff Discipline Policy. This includes:

- if we believe your absences are not genuine, or
- if your conduct or behaviour is unacceptable.

3. Terms and Definitions

For definitions of people referred to in this Policy, see [Appendix A](#)

Definitions of terms used in this Policy:

Unsatisfactory Attendance

Either long-term sickness absence or persistent short-term sickness absences. This affects your ability to fulfil your contract (police staff), or your duties (police officers), which is why action may be taken under this Policy.

Unsatisfactory Performance

The failure to perform the duties of your role to a satisfactory standard. This may be due to your competence, ability, skills, effort, illness or other factors.

Gross Incompetence

A serious failure or serious inability to perform the duties of your role or rank to a satisfactory standard, to the extent that dismissal would be justified.

Action Plan

A [document](#) recording what actions you should take to achieve the required improvement, and what actions your manager will take to support you. It's written by your manager after discussions with you. The actions will have timescales and will be regularly reviewed.

Improvement Notice / Final Improvement Notice

A statement the Decision Maker will include in your outcome letter if they find Unsatisfactory Attendance or Performance. It will include:

- in what respect(s) your performance or attendance is considered unsatisfactory
- the improvement(s) required to bring you to an acceptable standard
- the date by which improvement is expected to be made ("Improvement Period")
- the date up until which the improvement notice is valid ("Validity Period"), and
- the possible consequence if you don't make and maintain the improvement required.

- Improvement Period

The period of time the Decision Maker gives you to achieve the required improvement. It will usually be between one and three months, and will never be more than 12 months.

- Validity Period

The 12 months from the date the Improvement Notice is issued. During this period you must maintain the improvement required, or the next stage of the procedure may be commenced.

Working Days

Monday to Friday (regardless of whether you work Monday to Friday).

Dismissal

Employment is terminated for unsatisfactory performance or attendance or for gross incompetence.

4. Roles & Responsibilities

4.1 Responsibilities of Managers

Managers will:

- be clear about the standards of performance and attendance required of you
- provide you with appropriate support
- address unsatisfactory performance or attendance
- keep accurate records of poor performance and the support put in place to assist officer improvement.
- lead the process under this policy and seek advice from Greater Manchester Shared Service [REDACTED]
- make [GMSS](#) aware of any action taken under this policy.

4.2 Responsibilities of HR Operations, People & Development Branch

HR Operations will:

- keep records relating to performance and attendance matters
- advise on this Policy as required
- provide advice and guidance to managers, to achieve consistency and equality of treatment for all staff
- provide appropriate Decision Maker's Advisors, and members for all hearings including Stage 3 panels and
- Inform Professional Standards Branch of all dismissals under this policy.

4.3 Responsibilities of Staff

You should maintain satisfactory attendance and performance and perform your duties and responsibilities to the best of your ability.

You should cooperate if you're involved in any action taken under this policy. Arrange for a person to accompany you to meetings in good time.

4.4 Responsibilities of a Witness

Witnesses, if required, attend for the duration of their evidence and to any answer any follow-up questions. Witnesses are required to maintain confidentiality.

4.5 Responsibilities of Professional Standards Branch (PSB)

PSB will notify College of Policing details of all staff that need to be entered on the Police Barred or Advisory list under this policy.

Following a misconduct investigation PSB may also refer a police officer to be dealt with under The Police (Performance) Regulations where the appropriate authority determines there is no case to answer or that no misconduct proceedings will be brought. Where the appropriate authority assesses that the conduct, if proved, would amount to practice requiring improvement, or that the matter should be referred to be dealt with under the Performance Regulations the appropriate authority must consult the line manager of the officer concerned before making this assessment.

5. Principles

5.1 Support

We expect supportive action to be used to resolve performance or attendance issues. The aim of any action taken under this policy is to achieve improvement, therefore your manager will discuss possible supportive solutions with you, for example further training or coaching, and arrange them if appropriate.

Your manager will provide all reasonable support throughout the informal and formal stages of this process to help you improve your performance or attendance to the required level. It's up to both of you to identify what support is needed. Therefore, it's important you tell your manager about anything they can do to help you to achieve the required standards.

5.2 Right to be represented / accompanied

You've the right to be accompanied at all stages by a representative of a trade union or staff association, or by a work colleague or friend.

You don't have the right to bring legal representation to the meeting (unless you're a Police Officer and it's a Stage 3 meeting for gross incompetence).

5.3 Records and confidentiality

We'll keep records of action taken under this policy and add them to your personal file. We'll keep these records confidential and in accordance with the requirements of the Data Protection Act 2018 & GDPR.

We won't take records into account after a Validity Period has expired.

5.4 Police Barred List and Advisory List Regulations

The Police Barred List and Advisory List Regulations 2017 introduce the Police Barred List and the Police Advisory List with effect from December 2017.

The Police Barred List

This is a list of all officers and special constables who have been dismissed from policing through the Police Conduct and Performance Regulations and Police Staff who have been dismissed through relevant force policy e.g. Standards Performance and Attendance Policy.

Whilst on the barred list you'll be prevented by law from re-joining Home Office police forces and certain law enforcement bodies.

Please refer [to Home Office Guidance](#), for further details

PSB will review each case and decide if your details need to be entered on the Barred List or not. If your employment is terminated for medical reasons i.e. medical retirement then your details will not be entered on to the Barred List.

The Police Advisory List

The Police Advisory List is a list of all officers, special constables and police staff members who have resigned or retired during an investigation or who leave before an allegation comes to light relating **to conduct only**. It also includes designated volunteers who have had their designated status withdrawn due to conduct or performance matters.

As it is not possible to conclude performance/UPP proceedings once you have left the force, there is no need to report to the College of Policing under these circumstances.

Being on the advisory list is not an absolute bar to gaining employment within policing. The police recruiting body will decide on whether or not to recruit you.

Both lists are held and administered by the College of Policing.

For further information on the Police Barred and Police Advisory List Regulation please refer to [Home Office Guidance](#)

5.5 Automatic Removal from the Barred list

If you're dismissed either for unsatisfactory performance or attendance then you'll be entered on the barred list for a period of 12-months after which you'll be removed automatically.

However, if you're dismissed for gross incompetence, then you're not eligible for automatic removal from the barred list. This means that you cannot by law re-join a Home Office Police Force and certain law enforcement bodies in any capacity.

5.6 Police staff with dual roles in policing

Police staff and Special Constables

If you are police staff and a special constable either with GMP or another police force, you'll not be able to continue to be employed in either post if dismissed from one of your roles and your details will go onto the barred list.

Employed in Two Police Staff Posts

If you are employed in two police staff posts and are dismissed, under this policy from one of your roles, this does not mean that you're dismissed from the organisation and therefore you would not go onto the barred list. You'll be able to continue to be employed in the remaining post.

5.7 Removal of barred status

If you are not eligible for automatic removal (please refer to 5.5) then three years after being dismissed, you can apply to the College of Policing (COP) for your barred status to be removed. The COP will make their decision based on:-

- if you can demonstrate your suitability to be employed by a policing body
- circumstances that led to the original findings
- the impact of removing your barred status might have on public confidence

Note: This appeal is in relation to removal of your barred status and not an appeal against the outcome of the Stage 3 hearing. You should follow the normal appeal process as detailed at 6.7 to appeal the outcome of the Stage 3 hearing.

5.8 Disability / Ill-health

We'll take any disability or illness into account and we'll comply with the requirements of the Equality Act. If you have a disability you should declare this, as we'll consider any reasonable adjustments we can make to help you to improve your attendance or performance. We'll refer to the [Disability Management Toolkit](#).

If you have a disability this doesn't prevent us from taking action under this Policy. However, your manager may decide to make adjustments to how they manage your attendance or performance after taking into account Occupational Health advice. This may involve making adjustments to any Improvement Notice or Action Plan to take account of your disability related sickness.

Police Officers

The following applies if action under this policy relates to a medical condition for which we're also considering the possibility of your permanent disablement under the Police Pensions Regulations. If we refer you to a Selected Medical Practitioner (SMP), or you appeal to a Medical Appeal Board, we'll take no further action under the formal stages of this Policy until we've received the report of the SMP or the appeal has been resolved.

5.9 Occupational Health

Where your attendance is unsatisfactory, or where the reason for your unsatisfactory performance may be health-related, we may refer you to Occupational Health. We may do this at any stage of the process.

We may ask Occupational Health for up-to-date information and advice, and we'll take that advice into account in order to make informed decisions and to provide the most appropriate support to you.

5.10 Your Responsibilities before Meetings

Before any meeting, if possible you should give the Decision Maker any documents you want to rely on in the meeting.

5.11 Review during any Improvement Period

During any Improvement Period, your line manager will monitor and regularly review your performance / attendance.

- If you don't achieve the requirements of your Improvement Notice, you may be required to attend a meeting under the next stage of the procedure.
- If you do make the required improvement, your manager will notify you of this in writing, but remind you that you must maintain the standard required for the Validity Period.

5.12 Extensions to any Improvement Period

If you want us to extend your Improvement Period, because of unforeseen circumstances, you can ask the Decision Maker. If they don't agree you may write to the appropriate HR representative (see [Appendix A](#)) who'll decide. However, they won't extend the Improvement Period beyond 12 months unless there are exceptional circumstances.

5.13 Review During any Validity Period

During any Validity Period, your line manager will continue to monitor and review your performance / attendance.

- If you don't maintain the standard required until the end of the Validity Period, you may be invited to a meeting under the next Stage of the procedure.
- If you do maintain the required standard for the Validity Period, that will be the end of the process.

5.14 Multiple forms of Unsatisfactory Performance

In order to proceed to the next stage, the Unsatisfactory Performance must be of a same or similar form to the previous stage. For example, we'll deal with Unsatisfactory Performance separate from Unsatisfactory Attendance.

5.15 Police (Conduct) Regulations 2020 – Applies to Police Officers Only

Under the Police (Conduct) Regulations 2020 a complaint or conduct allegation against a police officer can be addressed, following direction by the Appropriate Authority in Professional Standards Branch, in the following ways:-

- by a disciplinary procedures if the alleged conduct is sufficiently serious

- by UPP for a series of instances where there has been an inability to perform to required standards or the underperformance is sufficiently serious enough to be dealt with under the Unsatisfactory Performance Procedures.
- By Practice Requiring Improvement/Reflective Practice where the underperformance is a one off or is a low level performance matter that would not meet the threshold for being dealt with under the Unsatisfactory Performance Procedures.
- By no further action being taken.

Where it has been deemed appropriate to use UPP to deal with the issue, this will commence at the formal stages of this policy, at the stage appropriate to the level of underperformance.

5.16 Travelling Expenses

If you need to travel to a meeting under this policy, you'll be entitled to necessary and reasonable travelling expenses. These should be claimed from your Borough/Branch.

6. Procedures

6.1 Informal Action

Attendance

If your manager identifies Unsatisfactory Attendance, they'll speak to you about it.

They'll offer you support and follow the Attendance Policy. This will include regular discussions with you whilst you're off work and return to work discussions. They may also refer you to Occupational Health.

They'll discuss with you what you can do, and what they can do, to help improve your attendance and agree a plan with you. This will include any objectives agreed and any support you need to help you improve your attendance. It will include the timelines in which you aim to do this. You and your manager will review your plan regularly. There may be set backs in which case it may need to be revised. They'll document these discussions and actions.

Only where your plan can't be met, despite further discussions and revisions, will they consider formal action in line with this policy. Before taking this decision they'll write to you, under the Attendance Policy, to summarise the support offered and the options that have been considered to try and help you return to work or to improve your attendance.

Performance

If your manager identifies Unsatisfactory Performance, they'll speak to you about it.

They'll discuss with you what you can do, and what they can do, to help improve your performance and agree a plan of action. This will include specific objectives you need to achieve to improve your performance, and the timelines in which you need to do this. They'll offer you support guidance or training to address the issue.

They'll document these discussions and actions. This might be on an Action Plan or in another format. They'll offer you support and have regular discussions and reviews with you.

You and your manager will review your plan regularly. There may be set backs in which case it may need to be revised. They'll document these discussions and actions. You'll discuss what further support or training might be available.

Only where your performance can't be improved to an acceptable level will they consider formal action in line with this policy. Before taking this decision they'll write to you to summarise the support offered to try and help you improve.

Informal action will not apply when an Appropriate Authority in Professional Standards refers underperformance (in police officers only) to be dealt with under this policy. In these circumstances, you would proceed directly to formal action.

Formal Stages

When deciding whether or not to progress to each stage, we'll consider whether it's reasonable to do so taking into account your individual circumstances.

Arrangement of Meetings

We'll try to agree dates and times for meetings under this procedure that are convenient to you (and take into account the availability of your representative). However, if it's not possible to agree, we may give you 5 working days' notice of a meeting.

If you're off sick you may still be required to attend a meeting, depending on the nature of your illness. You should discuss any difficulties with the Decision Maker.

If you can't attend an arranged meeting due to serious illness or medical appointment we'll postpone it. However, we won't be able to postpone it repeatedly. We'll consider other options to allow the meeting to go ahead, for example, changing the location or using video or telephone conferencing.

If you're repeatedly unable to attend a meeting the Decision Maker may consider going ahead without you.

6.2 Stage 1

If after informal action, your line manager considers your attendance or performance is still unsatisfactory, they'll notify you that you must attend a meeting under Stage 1. The letter will tell you the reasons why your performance or attendance is considered to be unsatisfactory. It will include documents your manager will rely on in support of their case.

At the meeting, the Decision Maker will take all the evidence into account, including anything you have to say. For the procedure during meetings, see [Appendix B](#).

The Decision Maker will tell you their decision on the day. The possible decisions at Stage 1 are:

- that your performance / attendance is satisfactory and no further action will be taken, or
- that your performance / attendance is unsatisfactory and if so:
 - in what respect it is unsatisfactory, and

- what improvement is required.

As soon as possible after the meeting, the Decision Maker will provide you with a copy of the written record. If Unsatisfactory Performance or Attendance was found, the Decision Maker will also give you an Improvement Notice.

To help you to achieve the requirements of the Improvement Notice, your line manager will agree an Action Plan with you.

6.3 Stage 2

If you don't meet and maintain the requirements of the Improvement Notice, your second line manager will notify you to attend a Stage 2 meeting. The letter will tell you the reasons why your performance or attendance is considered to be unsatisfactory. It will include documents your manager will rely on in support of their case.

At the meeting, the Decision Maker will take all the evidence into account, including anything you have to say. For the procedure during meetings, see [Appendix B](#).

The Decision Maker will tell you their decision on the day. The possible decisions at Stage 2 are:

- that your performance / attendance is satisfactory and no further action will be taken, or
- that your performance / attendance is unsatisfactory and if so:
 - in what respect it is unsatisfactory, and
 - what improvement is required.

Within 3 working days of the day following the conclusion of the meeting, we'll send you a written copy of the decision.

As soon as possible after the meeting, the Decision Maker will provide you with a copy of the written record. If unsatisfactory performance or attendance was found, the Decision Maker will also give you a Final Improvement Notice.

To help you to achieve the objectives of the Final Improvement Notice as soon as possible after the meeting your Line Manager will agree an Action Plan with you.

The Final Improvement Notice should be set between 1-3 months and no more than 12 months.

6.4 Stage 3

If you don't meet and maintain the requirements of the Final Improvement Notice, we may require you to attend a Stage 3 meeting. The notice will explain all the next steps to you.

As soon as the Stage 3 Decision Maker(s) are confirmed, we'll notify you of their name(s). This notice will explain the procedure to follow if you object to any of the Decision Makers.

At the meeting, the Decision Maker(s) will take all the evidence into account, including anything you have to say. For the procedure during the meeting see [Appendix B](#).

The Decision Maker(s) will tell you their decision on the day. The possible decisions of the Stage 3 Decision Maker(s) are:

- that your performance / attendance is satisfactory and no further action will be taken, or
- that your performance / attendance is unsatisfactory, and if so:
 - that you will be redeployed
 - that you will be reduced in rank (police officer performance cases only)
 - that you will be dismissed (with notice), or
 - there will be an extension to your final improvement notice (in exceptional circumstances) with possible changes to its terms.

If you're dismissed we'll give you:

- Police Staff – your contractual notice
- Police Officer - 28 days notice.

We will send a report containing information set out in the Police Barred List and Advisory List Regulations 2017 to the College of Policing. The College will then update the barred list with those details.

Whilst on the barred list you'll be prevented by law from re-joining Home Office police forces and certain law enforcement bodies.

Within 3 working days of the day following the end of the meeting, we'll send you a written statement of the decision, findings, outcome and reasons.

6.5 Stage 3 – Gross Incompetence

If we consider that your actions / inactions may amount to Gross Incompetence, we may decide to fast-track your case straight to a Stage 3 meeting. If this happens we'll notify you to attend a Stage 3 (Gross Incompetence) meeting. This notice will explain all the next steps to you. The meeting will be arranged for a date within 30 working days of this notice.

As soon as the Stage 3 Decision Maker(s) are confirmed, we'll notify you of their name(s). This notice will explain the procedure to follow if you object to any of the Decision Makers.

At the meeting, the Decision Maker(s) will take all the evidence into account, including anything you have to say. For the procedure during the meeting see [Appendix B](#).

For Stage 3 (Gross Incompetence) meetings the Decision Maker(s) has the same options as at a Stage 3 meeting (see [section 6.4](#)), as well as further options to:

- issue an Improvement Notice if they find unsatisfactory performance but it doesn't amount to gross incompetence, or
- issue a Final Improvement Notice.

If you're dismissed for Gross Incompetence it will be with immediate effect. We will send a report containing information set out in the Police Barred List and Advisory List Regulations 2017 to the College of Policing. The College will then update the barred list with those details.

Whilst on the barred list you'll be prevented by law from re-joining Home Office police forces and certain law enforcement bodies.

Within 3 working days of the day following the end of the meeting, we'll send you a written statement of the decision, findings, outcome and reasons.

6.6 Any Further Stage 3 Meetings

If at the Stage 3 Meeting, the decision is to issue a Final Improvement Notice or extend your Final Improvement Notice, we'll review your progress during the Improvement Period and Validity Period as per this policy.

If you don't make and maintain the required improvement, the Decision Maker(s) may notify you to attend a further Stage 3 Meeting.

The possible outcomes of a further Stage 3 Meeting are:

- redeployment
- reduction in rank (police officer performance cases only), or
- dismissal (with notice).

If you're dismissed, we will send a report containing information set out in the Police Barred List and Advisory List Regulations 2017 to the College of Policing. The College will then update the barred list with those details.

Whilst on the barred list you'll be prevented by law from re-joining Home Office police forces and certain law enforcement bodies.

6.7 Appeals Procedure

Remit of the Appeal Meeting

The appeal meeting is not a full re-hearing of the original meeting. The purpose of the appeal is to:

- consider your grounds for appeal
- review whether the procedure was followed correctly
- review the decision and determine whether, on the basis of the evidence presented, the decision was fair, and
- consider any new evidence that was not available at the original meeting.

There is no further right of appeal following the Appeal Decision Maker's decision.

Appeals at Stage 1 or 2 (Police Officer), or Stage 1, 2 or 3 against anything other than dismissal (Police Staff)

If you disagree with the finding or the terms of any Improvement Notice you may appeal within 10 working days of receiving the written decision.

To appeal send the completed [appeal form](#), or a letter including your grounds of appeal, to the relevant Appeal Decision Maker (see [Appendix A](#)).

Whilst you're waiting for the appeal meeting you must continue to follow the terms of any Improvement Notice.

The relevant Appeal Decision Maker will give you written notice of the appeal date, time and location and any documents.

The procedure at the appeal meeting is set out in [Appendix D](#).

The possible outcomes of the appeal meeting are:

- the finding of Unsatisfactory Performance / Attendance is reversed and the Improvement Notice is withdrawn, or
- the finding of Unsatisfactory Performance / Attendance is confirmed and:
 - the terms of the Improvement Notice are confirmed, or
 - the terms of the Improvement Notice are changed.

The Appeal Decision Maker will tell you their decision on the day. We'll send you written confirmation of the decision within 3 working days.

We'll send you a written summary of the reasons for decision as soon as possible.

Appeals against dismissal (Police Staff)

You must appeal within 10 working days of receiving the written decision of the Stage 3 Panel.

To appeal, send the completed Appeal Form or a letter including your grounds of appeal, to the Appropriate HR Professional who'll liaise with the Corporate Governance and External Relations Unit, Corporate Development Branch, to arrange the Appeal Hearing.

Appeals will be heard by a GMP Appeals Panel. The panel will comprise 3 members: Chief Officer (chair), Chief Superintendent or Superintendent and a member of the Combined Authority employed to undertake the Mayor's Police and Crime Commissioner function. Members of the panel will not have had any previous involvement in the case. A senior HR professional will be in attendance as an advisor.

Appeal against Stage 3 outcome (Police Officer)

You must appeal within 10 working days of receiving the written decision of the Stage 3 Panel.

You should read the Home Office Guidance on Police Appeals Tribunal Rules, [Annex C](#), which sets out the procedure.

7. Associated Documents

GMP Policies

- [Attendance Policy](#)
- [Discipline Policy](#)

GMP Toolkits/guidance

- [Standards, Performance and Attendance Management Toolkit](#)

GMP Forms

- [Appeal Form](#)

Legislation

- Employment Rights Act 1996
- Police (Performance) Regulations 2012
- Data Protection Act 2018
- GDPR 2018
- Police Pensions Regulations 1987 and 2006

8. Consultation & Statutory Compliance

8.1 Consultation

Department	Comments
UNISON	Detailed consultation has taken place with Unison representatives over a series of communications and face-to-face consultation meetings. Unison have had an input into the content and wording of the Policy.
Federation	The Police Federation and Superintendent's Association have been consulted.
Staff Support Networks	The Staff Support Networks have been consulted. The Disability Support Network have had an input.
Professional Standards Branch	The Professional Standards Branch have been consulted.

8.2 Freedom of Information Act (2000) & Data Protection Act (2018) & GDPR

The policy and procedures are compliant with the Acts and Regulation.

8.3 Equality Act 2010

The Policy supports the organisation to meet its General Equality Duty. Due regard has been given to staff and officers who may have protected characteristics. The only protected characteristic that is likely to be impacted by this policy is disability. Steps have therefore been taken to redress this impact. For example, individuals with a disability will have reasonable adjustments put in place as appropriate to help them to achieve the required performance and attendance at work. This may include making amendments to improvement notices to take account of a disability. The associated management guidance will assist managers to do this.

9. Appendices

[Appendix A – Definitions of People referred to in this Policy](#)

[Appendix B – Procedure at stage 1, 2 and 3 meetings](#)

[Appendix C – Appeal Form](#)

[Appendix D – Procedure at Appeal Hearings](#)

[Appendix E- Professional Standards Department Guidance on Barred and Advisory List](#)

[Appendix F – HR Management Procedures During Social Distancing Toolkit](#)

Appendix A

Definitions: People Referred to in this Policy

Decision Maker

The person or panel of people, as per the table Table of Decision Makers , who at each of the formal stages will consider all the evidence and make the decisions.

Decision Maker's Advisor

A person who'll assist the Decision Maker with the preparation for the meeting and advise the Decision Maker during the meeting, and during any adjournment.

- For Police Staff this may be a HR representative or Appropriate Senior HR Professional.
- For Police Officers this may be a HR representative or Appropriate Senior HR Professional or a Police Officer with experience of Police Performance) Regulations.
- For Police Officers at a Stage 3 gross incompetence meeting, there may also be a Solicitor or Barrister for points of law.
- For Specials at Stage 3, there will also be a member of the Special Constabulary.

The Decision Maker's Advisor will be familiar with the policy and procedures. A Decision Maker's Advisor is compulsory at Stage 2 and 3.

Appropriate HR representative

A HR Caseworker would assist and advise the Decision Maker during Stages 1 and 2.

An appropriate Senior HR Professional who under this policy will:

- consider applications for an extension to the Improvement Period
- make arrangements for a Stage 3 meeting
- appoint a Stage 3 Panel and consider any objections to Panel Members, and
- consider the need for a Stage 3 (Gross Incompetence) meeting.

In relation to Police Officers, this person has delegated authority from the Chief Constable to act as Appropriate Authority under Regulation 4(4b) of the Police (Performance) Regulations 2012.

Appropriate Senior HR Professional

Senior HR Professional means a HR Professional who we consider has sufficient seniority, skills and experience to be a Panel Chair, and who we consider to be equivalent to a more senior rank than you.

Second Line Manager

Your Line Manager's Line Manager.

Senior Manager

Your Second Line Manager's Line Manager, or, in their absence, a person the Appropriate Senior HR Professional nominates who is at least the same Rank or Grade as your second line manager.

Table of Decision Makers

Police Officers / Specials	Meeting	Police Staff
Your Line Manager	Stage 1	Your Line Manager
Your Second Line Manager	Stage 1 Appeal	Your Second Line Manager
Your Second Line Manager	Stage 2	Your Borough/Branch Commander or his/her nominated representative.
Senior Manager	Stage 2 Appeal	Your Borough/Branch Commander or his/her nominated representative not previously involved.
A panel of three people who are all at least an equivalent rank to you. There'll be at least one Police Officer and at least one Senior HR Professional. Panel Chair: A Chief Officer or a Senior HR Professional Panel Member 2: Superintendent or Senior HR Professional we consider to be equivalent to the rank of Superintendent Panel Member 3: Superintendent or Police Staff person we consider to be equivalent to the rank of Superintendent	Stage 3	A person with delegated authority to dismiss a member of police staff, i.e. A Chief Superintendent, Branch Head or Head of HR Operations. The Decision Maker's Advisor will be a suitably qualified and experienced Senior HR Professional.
Police Appeals Tribunal as appointed by the Combined Authority	Stage 3 Appeal (non-dismissal)	A police officer or member of police staff not previously involved, of equivalent or high rank/grade to the Stage 3 Decision Maker.
Police Appeals Tribunal as appointed by the Combined Authority	Stage 3 Appeal against Dismissal	GMP Appeals Panel comprising Chief Officer (chair), Chief Superintendent or Superintendent and an employee of the Combined Authority. A senior HR Professional will advise the panel.

Appendix B

Procedure at Stage 1, 2 and 3 Meetings

The purpose of the meeting is to hear the evidence of the Unsatisfactory Performance or Attendance and to give you the opportunity to put forward your views. It will also be an opportunity to hear of any factors that are affecting your performance or attendance and what you consider can be done to address them.

The Decision Maker(s) may be accompanied by Advisor(s). Other relevant parties may be present in accordance with your notification letter. A written record of the meeting will be made. At Stage 3 (police officers), a tape recorded record of the meeting will be made.

1. The Decision Maker will explain the purpose of the meeting. They will explain the three stages under this policy, and the maximum outcomes at each stage, including the potential of dismissal under the third stage.
2. The management representative will explain the reasons why you have been required to attend the meeting.
3. You will have the opportunity to make representations in response.
4. Your representative/ companion (if you have one) will have an opportunity to make representations.
5. (At Stage 3 Meetings), any agreed witnesses will give evidence. You and a management representative will be able to put any questions to the witnesses through the Panel Chair.
6. The decision maker will listen to what you, your representative/ companion (and witnesses if applicable for the duration of their evidence) have to say, and will ask questions and comment as appropriate.

The Decision Maker can agree a break at any time during the meeting and/ or to consider their decision.

The Decision Maker will inform you of their decision and the action that will be taken.

Appendix C Appeals Form

Name:

PIN/ Collar:

Rank/ Grade:

I wish to appeal against:

- ☐ the finding of Unsatisfactory Performance or Attendance
- ☐ the respect in which my performance or attendance is considered unsatisfactory
- ☐ the improvement which is required of the me and/ or
- ☐ the length of the period set for improvement

Detail:

--

My grounds for appeal are:

- ☐ that the finding of Unsatisfactory Performance or Attendance is unreasonable;
that any of the terms of the improvement notice are unreasonable;
- ☐ that there is evidence that could not reasonably have been considered at the meeting which could have materially affected the finding of Unsatisfactory Performance or Attendance or any of the terms of the written improvement notice;
- ☐ that there was a breach of the procedures or other unfairness which could have materially affected the finding of Unsatisfactory Performance or Attendance or the terms of the improvement notice.

Detail:

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Signed

--

Date

--

Appendix D

Procedure at Appeals Hearings

The Decision Maker(s) may be accompanied by Advisor(s). Other relevant parties may be present in accordance with your notification letter. A written record of the meeting will be made.

1. The Decision Maker will explain the purpose of the Appeal meeting.
2. You will have the opportunity to make representations.
3. Your representative/companion (if you have one) will have an opportunity to make representations.
4. The management representative will have the opportunity to respond.
5. The decision maker will listen to what you, your representative/companion (and witnesses if applicable for the duration of their evidence) have to say, and will ask questions and comment as appropriate.

The Decision Maker can agree a break at any time during the meeting and/ or to consider their decision.

The Decision Maker will inform you of their decision and the action that will be taken.

Appendix E Police Barred and Advisory List Regulations 2017

Advice and Guidance for all Police Officers, Special Constables, Police Staff and Designated Volunteers working for GMP subject to the Police Officer and Police Staff Misconduct, Unsatisfactory Performance and Attendance Management Procedures

Why have these changes come into effect?

In the past there has been a public perception that police officers who have committed serious wrongdoing have avoided accountability through resignation or retirement. However, not allowing officers to resign or retire while investigations are on-going has created an unsatisfactory situation for the force or officer. These changes will ultimately increase transparency and accountability of the police discipline system.

In January 2017 the Policing and Crime Act (PCA) 2017 received Royal assent, with the Act containing a number of reforms to be implemented across the complaints and discipline system and new regulations are being constructed to work to both the PCA and amendments in other primary legislation. These changes fall into the Improving Police Integrity reform programme led by the Home Office and a phase implementation approach is being taken.

When did these changes come into effect?

Both the Former Officer and Barred and Advisory List Regulations 2017 were laid before Parliament on 22nd November 2017 and they took effect on 15th December 2017.

What was the position before 15th December 2017?

For a number of years, officers being investigated in respect of allegations of gross misconduct were prevented from retiring or resigning by Regulation 10A of Police (Conduct) (Amendment) Regulations 2014, unless exceptional circumstances applied that were accepted by the Chief Officer.

What changes will come into effect on 15th December 2017?

From 15th December 2017, disciplinary procedures will be extended to **former officers** and will once again **allow for officers under investigation to resign or retire**. However, **misconduct proceedings will be taken to conclusion** and a hearing may be held as a result. A possible outcome at those hearings is that a finding can be made that the officer 'would have been dismissed' if they were still serving in the police.

From DATE the same procedure shall apply for Police Staff, should a member of Police Staff resign or retire during a gross misconduct investigation, then the misconduct proceedings will be taken to a conclusion and a hearing may be held as a result. A possible outcome at those hearings is that a finding can be made that the member of staff 'would have been dismissed' if they were still employed

What will be the consequence of being found guilty of gross misconduct?

Where the officer, member of police staff or designated volunteer has retired or resigned and a hearing has subsequently taken place, if the outcome was that the

individual 'would have been dismissed' had they still been serving, they will be placed onto the **barred list**.

If the officer or member of police staff did not resign or retire, but were dismissed having been found guilty of gross misconduct (or misconduct if they have a live final written warning), they would likewise be placed onto the **barred list**.

An outcome short of dismissal would not attract entry onto that barred list and it would also trigger removal from the advisory list (see below for further information).

What is the Barred List?

This is a list published by the College of Policing, accessible through their website that will document all officers and special constables who have been dismissed from policing after investigations under the Police (Conduct) Regulations 2012 or Police (Performance) Regulations 2012 and Police Staff and Volunteers who have been dismissed through Misconduct, Unsatisfactory Performance and Attendance Management Procedures.

In respect of officers and former officers (including Special Constables) dismissed under the Conduct Regulations or where a finding was given that they 'would have been dismissed' if still serving, the default position is that this information is publically available. Rather than a simple open list where all dismissed officers visible, the data set will be searchable by name.

Whilst dismissed members of police staff and officers dismissed under the Performance Regulations will be entered onto the barred list, their details will not be publically available.

What types of dismissal will trigger inclusion on the Barred List?

Police Officers dismissed under the Conduct Regulations with a further finding of misconduct (i.e. there is a live sanction of a final written warning).

Individuals dismissed under the Conduct Regulations with a finding of gross misconduct or under the Performance Regulations for gross incompetence, unsatisfactory performance or unsatisfactory attendance.

Former officers, staff and designated volunteers where a hearing for Gross Misconduct has made a finding that had the individual still been employed, they would have been dismissed.

Police staff members and Designated Volunteers dismissed under Misconduct, Unsatisfactory Performance and Attendance Management Procedures

What happens if an individual is dismissed or leaves employment outside the circumstances listed in the above question and answer?

The individual will not be entered onto the barred list. This would apply if the individual ceased to be employed for medical reasons or due to redundancy, notwithstanding that it would apply if at the time they left the Force, they were also under investigation for an allegation of a gross misconduct and a disciplinary process later determined that had they been still serving, they would have been dismissed.

Student officers dismissed in relation to standards of behaviour or integrity under Regulation 13 Police Regulations 2003 would not be entered onto the barred list. Likewise members of Police Staff dismissed under Probation policy, would not be entered onto the Barred List.

Are there circumstances where details of a dismissed officer will not be made publically available?

The College of Policing on considering representation by the Force and / or chair of the hearing may restrict the details on account of national security, compromise to an on-going criminal or civil investigation, or where it would result any significant harm to any individual, including the officer themselves.

What is the consequence of being placed on the Barred List?

The list acts as a bar on working within policing and certain law enforcement bodies, to ensure that those who do not meet the high standards required of the police service are not able to continue to work in the profession.

Therefore, those on the barred list will be prevented by law from re-joining Home Office police forces and certain law enforcement bodies including the Independent Police Complaints Commission (IPCC) / Independent Office for Police Conduct (IOPC), Her Majesty's Inspectorate of Constabulary Fire and Rescue Service (HMICFRS) and any Office for a Police and Crime Commissioner (OPCC)

What if the individual holds more than one role in policing?

In circumstances where an individual holds a dual role in policing i.e. as a police staff member and a special constable, such a person cannot continue to be employed in either position if dismissed from one of those roles.

How long will an individual stay on the Barred List?

Details of officers dismissed under the Conduct Regulations will be available publically for 5 years and thereafter will no longer be publically available, but will nevertheless continue to be held on the barred list indefinitely and will be accessible to policing employers.

Individuals dismissed for gross incompetence will remain on the barred list indefinitely. Their details will never be made publically available, but nevertheless the information will still be accessible to policing employers.

Individuals who have been dismissed as a result of performance and attendance matters that do not amount to gross incompetence will be automatically removed from the barred list after 12 months.

Police staff members dismissed under the Police Staff Disciplinary procedure will remain on the barred list indefinitely, but at no time will the details be made publically available, albeit they will be accessible to policing employers.

Can an individual apply for removal of their barred status?

Yes, they may make an application to the College of Policing after a period of five years having been dismissed for a conduct matter, or after a three year period if dismissed as result of gross incompetence.

The College of Policing will make their decision based on the individual's demonstration of their suitability to return to policing, the circumstances that led to the original finding and the impact removing the barred status might have on public confidence.

For any unsuccessful appeal, the individual can re-appeal to the College of Policing 5 years thereafter that earlier appeal determination where the dismissal was for gross misconduct, or 3 years after the appeal determination where dismissal was as a result of gross incompetence.

What is the Advisory List?

This is a private list maintained by the College of Policing and made available to law enforcement bodies. It lists all officers, special constables and staff members who have resigned or retired whilst under investigation for matters that could lead to dismissal, or who leave before such an allegation comes to light.

Likewise, it lists all volunteers who have had their designated status withdrawn as a result of conduct, efficiency or effectiveness, or where the individual decides to stop volunteering after a relevant allegation comes to light.

The advisory list is intended to act as a vetting tool for police forces or other specified law enforcement bodies and will be used when completing regular pre-employment checks. The intention is to give relevant authorities a broader picture of any outstanding disciplinary matters relation to a potential employee.

The advisory list is not made available to the public.

Is inclusion on the Advisory List an automatic bar to employment in policing?

Being on the advisory list is not an absolute bar to employment within policing. Where an applicant appears on the advisory list, it will be a matter for the police recruiting body to consider when taking a decision on whether or not to recruit.

When will an individual be removed from the Advisory List?

Where an individual has been included on the advisory list whilst an investigation is ongoing, they will be removed from it when one of the following points is reached:

- (a) If the outcome of a subsequent hearing is a finding of gross misconduct along with a finding that the individual 'would have been dismissed' if still serving, the individual would be removed from the advisory list **but transferred to the barred list**.
- (b) If there is a finding that is less than 'would have been dismissed' if still serving.
- (c) If it is determined that no disciplinary proceedings will be brought.
- (d) If disciplinary proceedings are started but then withdrawn.
- (e) Their inclusion on the list did not relate to a conduct matter and a period of 5 years has elapsed, they will be automatic removed after that time. (reg 16 Barred and Advisory list regs)

Can an individual apply for removal from the Advisory List?

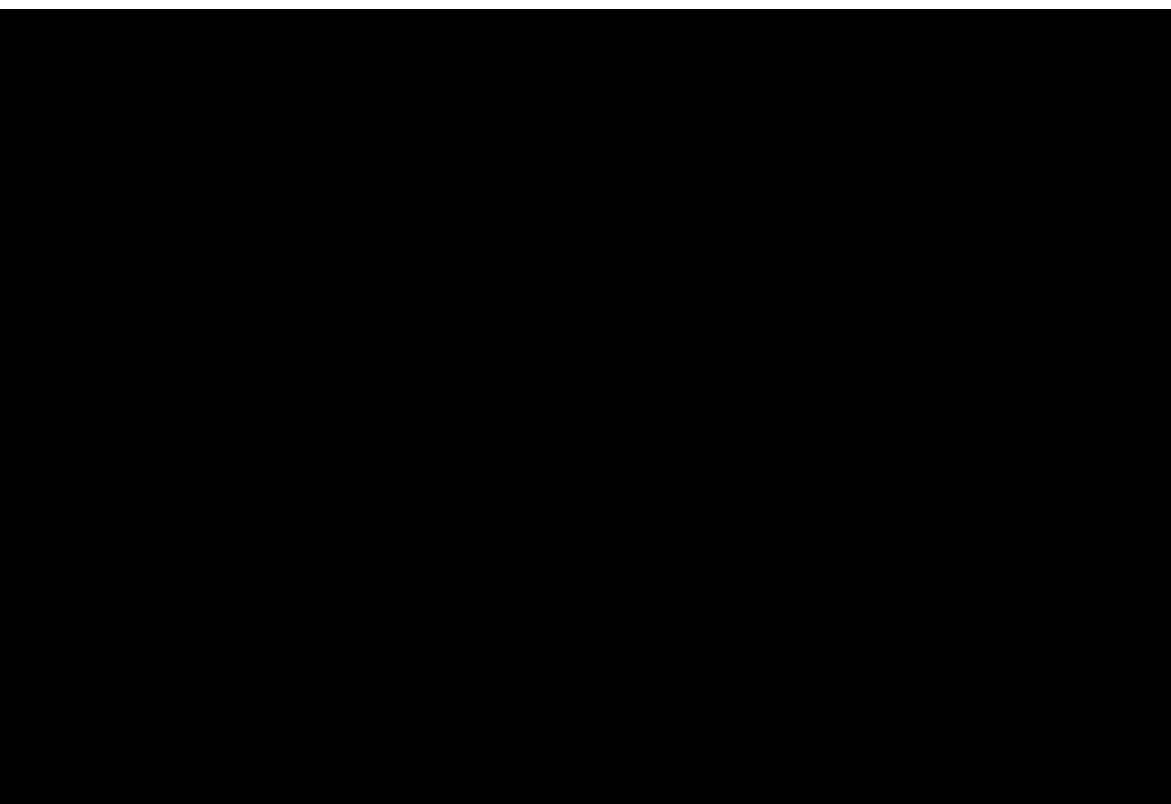
Individuals can apply to the College of Policing for removal from the advisory list when they have been included in that list for 5 years or more and the matter in question relates to conduct.

If unsuccessful, the individual can apply in another 5 years after their previous application, or within a shorter time period if the College of Policing has specified a shorter period of time at the initial review point.

How will this affect an individual currently under investigation for an allegation assessed as amounting to gross misconduct?

The triggers for inclusion on the barred and advisory list will apply not only to matters coming to the attention of the Force after 15th December 2017, but will also apply to cases commenced before that date.

Further advice and assistance



The Greater Manchester Police PSB recognises that this may be a difficult time for any individual directly and presently affected by such reforms. Well-being is important and the PSB would advise that support can be accessed through services made available by Greater Manchester Police; the Force chaplain; staff associations; or local health services.

Contact can be made with the Health Assured Employee Assistance Programme (EAP). The EAP is a confidential and free counselling and practical advice service operated by Health Assured on behalf of Greater Manchester Police. The service is available to all Greater Manchester Police employees and their immediate families and is available 24 hours a day. [REDACTED]

The following may also be of use:

The Blue Light programme offers support for emergency services and may be a source of useful advice at this time:

<https://www.mind.org.uk/news-campaigns/campaigns/bluelight>

NHS peer support via

[https://www.nhs.uk/Conditions/stress-anxiety- depression/Pages/Depression-help-groups.aspx](https://www.nhs.uk/Conditions/stress-anxiety-depression/Pages/Depression-help-groups.aspx)

Other links, including the Samaritans, can be found at

<http://www.depressionuk.org/favicon.ico>