

Service Confidence

Policy & Procedure

Greater Manchester Police

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1. Policy Statement

Greater Manchester Police recognises that it is legally accountable and subject to public scrutiny in respect of its delivery of policing services. It also acknowledges that in order to maintain and enhance public confidence in the Force it must create an ethically robust, corruption resistant organisation. The Force will take positive action to protect its staff, members of the public and its assets from risk.

1.1 Aims

The main aims of this policy and procedure are to:

- a) Provide an ethical framework to address loss of confidence by the Force in any particular individual/s when serious concerns arise as to their suitability to perform a specific role or duty.
- b) Protect the integrity of the organisation, individuals and operations

This document is designed to ensure all police officers are fully aware of their respective and joint responsibilities regarding confidence issues and required to behave with integrity as set out in the [Code of Ethics](#). It is underpinned by procedures that detail the steps to be taken at all relevant stages.

1.2 Objectives

The main objectives of this policy and procedure are to:

- a) Protect the Force from organised groups or individuals who would benefit in any way from corrupting its staff;
 - b) Protect all police officers from being subjected to unnecessary or unwarranted pressures, from organised groups or individuals, to compromise their professionalism and integrity;
 - c) Protect the public from any potential reduction in efficiency of the police service or any increase in non-legitimate activities of any organised groups or individuals;
 - d) Establish an ethical framework for dealing with those situations where management action is necessary without overt criminal or misconduct proceedings and where the reason for the action is based on information or intelligence that raises serious concerns about a police officer occupying a particular post or carrying out a particular role; and
 - e) Establish the need to apply fairness, objectivity and proportionality in the application of the procedure.
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2. Scope

This policy and procedure applies to all police officers including Special Constables working in Greater Manchester Police.

The Chief Officer lead for Professional Standards is the Deputy Chief Constable.

3. Roles & Responsibilities

The responsibilities of the various parties involved in the delivery and operation of this policy and procedure are outlined below:

- a) There is a responsibility on all members of staff to report any information or intelligence that raises concern over the integrity of any member of staff;
- b) The Head of Counter Corruption Unit will be responsible for recommending case conferences, maintaining confidential records in relation to the procedure and keeping an overview of all ongoing cases;
- c) The nominated Assistant Chief Constable will convene case conferences as required;
- d) The Territorial or Branch Commander will attend case conferences, interview individuals concerned, implement training/development and monitoring;
- e) The Head of Human Resources Branch will attend case conferences;
- f) Legal Services will attend case conferences and will ensure compliance with Human Rights and Employment legislation;
- g) The Deputy Chief Constable will consider the recommendations of case conferences and the outcomes of interviews with individuals concerned; and decide on measures to be implemented;
- h) The Chief Constable will provide the final level of appeal against the decision;
- i) The Review Officer, on behalf of the Chief Constable, will conduct any appeal against the decision of the Deputy Chief Constable;
- j) The Monitoring Officer will have responsibility for 'hands on' management of action plans and agreeing time scales for monitoring and review of performance; and for supervision of health and safety and welfare issues. This person will be of the rank of Inspector or at least one rank higher than the individual subject of this procedure, whichever is the higher.

4. Terms and Definitions

4.1 Serious Concerns

It is not possible to provide a precise definition. Each set of circumstances must be judged on merit. As a guide, however, considerations could include:

- a) Whether the alleged action(s) of the individual concerned was / were undertaken knowingly or recklessly;
- b) A risk assessment of the likelihood and impact of recurrence;
- c) The damage to the credibility of the individual as a 'witness of truth' in Police/CPS Prosecutions, and the requirements for disclosure of such issues to prosecutors;
- d) The nature of the current role or duties, and an assessment of potential risk to the public, colleagues, investigations or operations if the individual remains in post;
- e) An assessment of risk caused by improper association with criminals or their close associates, and the potential for corruption; and
- f) Suspected dishonest or unethical conduct, or corruption.

4.2 Confidential or Source Sensitive Information

This will be considered as information or intelligence obtained legitimately but which legislation prohibits use of other than for intelligence purposes, or where disclosure would compromise and put at risk investigations, investigative tactics or individuals.

5. Procedure

5.1 Using this Policy and Procedure

Whenever any member of staff comes into possession of any information or material that raises concerns about the integrity of any member of the Force, they are under a duty to report it (see Section 10, [Code of Ethics](#)). Mechanisms for reporting include Crimestoppers, the Integrity Line, internal reporting to managers and direct reporting to the Counter Corruption Unit.

The Counter Corruption Unit will be responsible for evaluating the information/material, and ensuring that it is correctly investigated. It will also test the credibility of the information or intelligence that has been made available. Conventional criminal or disciplinary outcomes will be sought whenever appropriate. However, if at any stage of the investigation it becomes apparent that criminal or misconduct proceedings are not possible or appropriate, or having taken misconduct or criminal proceedings the outcome does not diminish the risk posed by the individual to the public or the organisation, then the Assistant Chief Constable will consider the invocation of this Service Confidence Policy and Procedure.

The threshold for invoking this policy and procedure is high and it should only be considered where it is believed that the individual concerned poses a risk to the public, themselves or the organisation.

It must be emphasised that criminal or misconduct procedures will always remain the preferred course of action, and only when they prove to be unsuitable or the outcome does not diminish the risk posed by the individual to the public, themselves or the organisation will this Service Confidence Policy and Procedure be invoked.

Concerns about achieving a balance between the needs of Greater Manchester Police and the rights of the individual should be addressed by:

- (a) Adopting an open and transparent system within legal constraints;
- (b) Allowing individuals to be represented and the adoption of a reviews process;
- (c) Maintaining a clear position that the use of the procedure is about the protection of staff and Greater Manchester Police by management action and not misconduct procedures or sanction.

There will be occasions when verifiable confidential or source-sensitive material comes to the notice of investigators, which brings into question the suitability of a police officer to continue to perform their current role or duties. When the circumstances do not warrant criminal or misconduct proceedings, yet are such as to raise serious concerns that require immediate management action both for the protection of individuals and the Force, individuals will be considered for transfer to a less vulnerable post.

The test of whether there are 'Serious Concerns' about an individual's integrity will be based on an assessment of all the intelligence and evidence, including source sensitive material. The information must establish that, on the balance of probabilities, the individual's integrity is in question. Due regard will be paid to the principles of fairness as outlined above. This test is to be applied at all stages of the procedure.

Greater Manchester Police acknowledges that this procedure may impinge upon aspects of the Human Rights Act 1998, in particular:

- Article 6 - Right to a fair trial.
- Article 8 - Respect for private and family life.
- Article 11 - Freedom of peaceful assembly and association.
- Article 14 - Prohibition of discrimination.
- Equality Act 2010

Further legal basis for this procedure is provided by:

- Police (Conduct) Regulations 2004
- Police Regulations 2003
- Regulation of Investigatory Powers Act 2000 (RIPA)
- Police Conduct Regulations 2012 (as amended 2015)

The existence of the above articles does not prevent the imposition of lawful formalities, conditions, restrictions or penalties on the exercise of these rights by citizens, including police officers and special constables which may be necessary for a number of reasons, in particular:

- For the prevention of crime or disorder;
- For the prevention of the disclosure of information received in confidence;
- For the protection of the reputation or rights of others.

5.2 Stages

Stage 1 - Referral

Where, following a misconduct/discipline investigation, serious concerns are raised regarding the integrity of an individual in question, the Chair has a duty to make a report to the Head of the Counter Corruption Unit.

Where information or intelligence becomes available which raises serious concern that an officer's integrity is in question, the recipient has a duty to make a report to the Head of the Counter Corruption Unit.

The Head of the Counter Corruption Unit will make a risk assessment based on all the material, including source sensitive material, and will, when appropriate, recommend that a case conference be called.

In so doing, the Head of Professional Standards Branch (PSB) will consider the criteria set out in Stage 2, paragraph 2 below, together with any other relevant information. Where the decision is made not to take the matter further, the Head of PSB will record this in the file confidentially and the procedure will be taken no further. Depending on the circumstances – covert or overt investigation – this will be responded to accordingly. Where an officer is aware of the process they will be updated on the conclusion, otherwise they will not be told. The file will be retained for seven years in case of any Civil Law redress.

Where the risk assessment calls for a case conference, the Head of PSB will forward the papers to an Assistant Chief Constable (ACC). The ACC will then further review the matter and will decide whether a case conference ought to be convened. Where

the decision is taken to proceed to a case conference it shall be held as soon as is reasonably practicable with the ACC sitting as the Chair.

Stage 2 – Case Conference

If the nominated ACC supports the recommendations, as above, he or she will call a meeting which will involve, as appropriate, all or some of the following:

- (a) The nominated ACC;
- (b) The Territorial or Branch Commander of the individual concerned or their nominated deputy;
- (c) The Head of Counter Corruption Unit;
- (d) The Head of Professional Standards Department;
- (e) The Head of Human Resources;
- (f) A senior member of Legal Services;
- (g) The Force OPSY;
- (h) The Police Federation, on invitation;
- (i) Any other personnel that the ACC believes can give material assistance.

During the case conference the matters to be addressed will include Human Rights considerations, in particular article 8 of The European Convention on Human Rights and the Equality Act 2010. The following questions should be considered;

- (a) Is the proposed course of action necessary and if so why?
- (b) Is there a legitimate aim and if so what is it?
- (c) Is the course of action to be taken proportionate to the intended aim?
- (d) Is there a less intrusive but equally effective alternative course of action? If so has it been considered and what was the outcome?
- (e) What is the likely impact upon the individual concerned and is this proportionate with the proposed course of action?

The meeting will be closed and confidential with the aim of a free and frank exchange of information and intelligence about the individual. Everyone invited will be expected to sign a confidentiality agreement (Appendix A). This meeting will decide whether to carry on with the policy and procedure and, if so, to consider and recommend:

- a) What can be discussed beyond the closed meeting; (nothing will be disclosed which would frustrate any criminal or misconduct investigation, or the prevention or detection of crime; damage national security; breach any statute; compromise or endanger any operation or individual).
- b) The detail of what protection measures should be put into place to monitor the individual and protect the organisation. To provide advice if appropriate to the individual to prevent further breaches.
- c) If there are any vetting implications that should be brought to the attention of the Force Vetting Officer.
- d) What can and cannot be disclosed to the individual and/or his or her representative.
- e) Whether the matter needs to be referred to next stage i.e. to Deputy Chief Constable.

Minutes will be kept of the conference and a full record of the decision-making

processes maintained and kept on confidential file within the Counter Corruption Unit.

Where the case conference agrees that action needs to be taken, the matter will be referred to the Deputy Chief Constable who will add their recommendations.

Stage 3 – Informing the Individual

The Territorial or Branch Commander will then meet with the individual concerned to inform him or her of that referral. In accordance with normal practice, the individual will have the right to be accompanied at that meeting by a friend or a member of a Staff Association. Minutes will be maintained of the meeting and retained with the confidential file at the Counter Corruption Unit, Intelligence Cell. The meeting will address:

- a) The purpose of the meeting and the procedure being followed;
- b) The recommended action plan, redeployment or other intervention for the individual (this may need to be implemented with immediate effect prior to any appeal being considered);
- c) The individual's right to make a written submission to the Deputy Chief Constable within 14 days of the meeting with the Territorial/Branch Commander.

Wherever possible the individual will be informed of the reasons for the recommended action plan, redeployment or other intervention. However, nothing will be disclosed which might:

- a) Impede the apprehension or prosecution of offenders;
- b) Frustrate any investigation, or the prevention and detection of crime;
- c) Damage national security;
- d) Breach any legislation;
- e) Compromise or endanger any operation or individual.

When disclosure is not appropriate, the individual will be told that the action recommended is being effected on the basis of source sensitive information for the operational needs of Greater Manchester Police and that further disclosure is not appropriate at the present time for those reasons above.

Stage 4 – Decision Making Process

On receipt of a referral from a case conference, following the 14 days allowed for an appeal (in exceptional circumstances the review may take place immediately), the Deputy Chief Constable shall consider:

- a) Whether there is sufficient evidence to support the recommendation;
- b) Any submission provided by the individual. (If none is available or the individual requests more time to prepare, this will not preclude the Deputy Chief Constable from making a decision to implement the procedure and recommendations forthwith);
- c) Whether the action plan, redeployment or other intervention recommended is necessary, proportionate and non-discriminatory taking into consideration the Equalities Act 2010.

The Deputy Chief Constable will, within 21 days, decide whether to implement the recommendations and maintain a record of their decision, which will form part of the confidential file held at Counter Corruption Unit.

In all cases, the individual will subsequently be notified by the Territorial/Branch Commander of the Deputy Chief Constable's decision.

5.3 Appeal Process

An individual can appeal against a decision made under the policy and procedure. The application must be in writing and made to the Chief Constable within 14 days of the individual being informed of the decision of the Deputy Chief Constable. The application must give the reasons and grounds for the appeal request.

The Chief Constable will review the decision taking into account the material in the application.

The review process will:

- a) Test the integrity of the process;
- b) Test the strength and quality of the information and or intelligence on which the decision was based;
- c) Ensure that the decision is proportionate, necessary and non-discriminatory;
- d) Consider other options, if appropriate.

The review process will be completed as soon as practicable and anyway within 20 working days. The Territorial or Branch Commander will notify the individual of the result in person.

All reasonable steps should be taken to resolve appeals and the individual will be notified of the result within 21 days. The Chief Constable should consider whether the decision to subject an individual to a Service Confidence Policy and Procedure was necessary, proportionate and non-discriminatory.

The decision of the Chief Constable will be final.

The Greater Manchester Police grievance procedure cannot be used to appeal against decisions made under this policy and procedure.

5.4 Records and Briefings

The Head of Counter Corruption Unit will retain supporting documentation and other material at each stage of the implementation of this policy and procedure.

If the decision involves transfer to a different area of command, the Head of the Counter Corruption Unit will be responsible for ensuring that the receiving Territorial Commander or Branch Head receives an appropriate briefing. A briefing paper will form part of the individual's personal file.

5.5 Monitoring

The Territorial or Branch Commander will be responsible for any training or development issues resulting from use of the policy and procedure and will create an appropriate action plan for the individual aiming to regain the confidence of the organisation. Any welfare issues that may arise from the process must also be considered.

If there are any prohibitions on an individual's operational capacity, for example, not to work on certain issues, access certain material or handle covert human intelligence sources, then the Territorial or Branch Commander will ensure that the necessary procedures are in place to ensure that, should the Territorial or Branch Commander be replaced, the procedure has resilience and the individual is not left unmonitored.

If the individual is subsequently redeployed or transferred to another place of duty, the Territorial or Branch Commander will ensure that any restrictions on the individual are clearly identified to the new Territorial or Branch Commander by confidential correspondence. A copy of this document should be forwarded to the Counter Corruption Unit for retention.

Details of any outstanding prosecutions for which the individual has provided a statement of evidence will be obtained by the Territorial or Branch Commander and reviewed by the Head of the Counter Corruption Unit who will consider disclosure to the Crown Prosecution Service (CPS) Unit Head or Special Casework lawyer, in accordance with Chapter 18 CPS Disclosure Manual 2005. In cases where the revelation to the CPS is deemed necessary, the individual will be provided with a form of words agreed by the Head of the Counter Corruption Unit and the CPS for inclusion on the form MG 6b. This obligation will be effective until the individual has been informed that it is no longer necessary.

Individuals subject to the policy and procedure will be the subject of ongoing monitoring by a supervisor (Monitoring Officer) nominated by the Territorial or Branch Commander and assisted as appropriate by the Counter Corruption Unit. Progress against the action plan should be reviewed at least every 12 months. Any further development needs should be identified and addressed.

If the Monitoring Officer believes the action plan has been successfully completed, then the Territorial or Branch Commander should notify the Head of the Counter Corruption Unit in writing. On receipt of the notification, the Head of the Counter Corruption Unit will present the case papers, together with any further relevant information and intelligence, to the ACC who will reconvene the case conference to consider:

- a) Whether the risk of recurrence has reduced sufficiently;
- b) The basis of the original decision and its ongoing validity;
- c) The potential risk to colleagues, the public, or police operations should the Service Confidence procedure be terminated;
- d) Alternative options as appropriate;
- e) Issues surrounding any requirement to disclose the process to the Crown Prosecution Service.

The case conference will again notify the Deputy Chief Constable of the recommendations and the individual will be personally informed of the decision of the Deputy Chief Constable.

If the decision is to terminate the procedure, then the Territorial or Branch Commander should arrange for a review of the individual's position taking into account:

- a) Any learning needs of the individual as a result of being absent from the normal place of duty or identified as a consequence of the procedure;
- b) Consideration of issues surrounding:
 - Any organisational needs;
 - The protection of the individual and all staff;
 - Any human rights issues or any other relevant factor.

The individual concerned will remain in the post to which they were transferred under the Service Confidence Policy. Subject to the issues within the managerial review, consideration can be given to returning the officer to the same, or a similar, role or duties, which the officer was performing prior to the Service Confidence Policy being invoked if there is a vacancy and the officer wishes this to happen.

Consultation will take place with the officer subject of reinstatement, and a Staff Association representative, if required. Any disagreements will be referred to the Deputy Chief Constable for decision.

Where the Service Confidence policy was implemented covertly no discussion will take place with the officer but their personal record will be amended to ensure they have the facility to move freely throughout the force.

The briefing paper within the personal record of the individual will be retained for the period of seven years within PSB but should be removed from the personal file after 18 months following the return to full duties. (timescale sits within the final written warning PSB remit) PSB should be responsible for its removal.

The file containing all of the written records for the procedure will be stored by the PSB for a period of seven years beyond a return to full operational duties.

5.6 Scrutiny

All Service Confidence cases will be subject to monitoring and scrutiny by the Professional Standards Board.

5.7 Subject Access

Any subject access requests will be managed as per Force policy for subject access.

6. Associated Documents

Appendix A: Confidentiality Agreement.

[Code of Ethics](#).

7. Statutory Compliance & Consultation

7.1 Statutory Compliance

7.1.1 Equality Act (2010)

In the application of this policy and procedure, Greater Manchester Police will not discriminate against any person on any grounds including the nine protected characteristics, as defined in the Equality Duty, Section 149, and in addition politics, opinion, property, other any other status, defined in the Human Rights Act 1998, Article 14.

This policy and procedure has been written to protect the organisation from risk and to protect individuals, identified as vulnerable to corruption, from people and organisations who may attempt to corrupt them.

This document has been considered in the context of the General Equality Duty. The requirement for integrity in individuals employed by GMP applies equally to all officers, whether or not they share protected characteristics.

Monitoring information will be collected under this policy. We recognise there is potential for disproportionality particularly in relation to ethnicity. To mitigate against this the Deputy Chief Constable, in their review of the panel decision, will consider the requirements of the Equality Act 2010.

7.1.2 Data Protection Act (1998)

Greater Manchester Police has a duty to ensure, so far as is possible, that all staff comply with the provisions of the Data Protection Act 1998, particularly relating to their access to, and dissemination of, a wide variety of personal information and intelligence.

7.1.3 Freedom of Information Act (2000)

The policy is disclosable under the Freedom of Information Act.

8. Appendices

Appendix A: **Confidentiality Agreement**

(For Service Confidence Policy Case Conference)

NAME (OF THE PERSON CONCERNED):

DATE & TIME:

Information discussed within this case conference or contained within any documents relating to or used at this conference is to be held in the strictest of confidence and must not be divulged to any other parties except in accordance with any action or request arising from the case conference.

PRESENT: (Print Name & Signature)

CHAIR:

HEAD OF THE PSB:

TERRITORIAL/DEPARTMENTAL COMMANDER:

HEAD OF THE COUNTER CORRUPTION UNIT:

HEAD OF HUMAN RESOURCES:

SENIOR REPRESENTATIVE OF LEGAL SERVICES:

FORCE OPSY:

OTHER: (Specify Role, Print Name & Signature)

- 1.
- 2.
- 3.
- 4.
- 5.

This Confidentiality Agreement is to be retained with the Case Conference papers by The Head of The CCU