



Suspended From Duty (Police Officers and Special Constables) Procedure (Surrey)

Policy

Former Officer Misconduct.docx (shdc.police.uk)

Procedure

1. Introduction

- 1.1 It must be emphasised that the act of suspension should not be taken as a presumption of guilt.
- 1.2 This procedure has been compiled to assist officers suspended from duty and their managers, to remind them of their entitlements, conditions and responsibilities whilst so suspended.
- 1.3 This procedure is not intended to cover every eventuality, and any queries arising as a result of suspension should be referred to Professional Standards Department (PSD).
- 1.4 This procedure should be read in conjunction with [Regulation 11 of the Police \(Conduct\) Regulations 2020 \(PCR\)](#) [page 11 of [this document](#)] formerly [Regulation 10 of the Police \(Conduct\) Regulations 2012 \(page 9\)](#), and the Home Office Guidance on Police Officer Misconduct, Unsatisfactory Performance and Attendance Management Procedures, which includes the criteria to be considered by the Appropriate Authority prior to suspension being authorised.
- 1.5 The following definitions which will assist when reading this document: A Police Officer is a member of a police force or a Special Constable. Appropriate Authority (AA) – The AA is the decision maker for matters of conduct. The AA decides whether to progress the matter to an investigation. At the conclusion of the

investigation the AA decides if there is a case to answer and the matter proceeds to misconduct proceedings. Where the officer concerned is the Chief Officer (or acting), the AA is the local policing body for the force's area:

In any other case, the Chief Officer of the police force concerned is the AA. In Surrey Police, the Deputy Chief Constable (DCC) is responsible for the Professional Standards Portfolio and the AA role is delegated to Inspector (or above) in the Professional Standards Department, with final oversight from the Head of PSD.

- Suspending officer – the Officer who is informing the person subject to investigation that they are to be suspended and is serving them with the appropriate regulation notices.
- Police Friend – a person chosen by the officer to advise and represent them through the process, likely to be a member of the Police Federation, but can be another police officer or police staff member, where the subject officer is not a member of the Federation.

2. Procedure Statement

- 2.1 The suspending officer should consider whether it is appropriate to advise the Police Federation or Superintendents Association, in advance of serving the suspension paperwork. Consideration of making prior notification should be balanced with the requirements and principles of the [Data Protection Act 2018](#) and [UK GDPR](#). If advance notification is not given, the suspending officer (or a person nominated on their behalf) should assist the officer subject to this notice to contact any relevant staff association as soon as possible after the paperwork has been served.
- 2.2 The suspending officer should also consider, based on a discussion with the suspended officer, whether a referral to the Occupational Health Unit (OHU) is necessary or appropriate.
- 2.3 Authority to suspend a police officer will be given by a member of the Chief Officer Group (COG). The DCC is responsible for Professional Standards and therefore, when practicable, the suspension will be authorised by the DCC. The decision to suspend is kept under review in accordance with Regulation 11 PCR. The Chief Constable or Acting Chief Constable is responsible for the suspension of senior officers within their force and the local policing body (Office of the Police and crime Commissioner) is responsible for the suspension of the Chief Officer.

- 2.5 Where the Independent Office for Police Conduct (IOPC) is conducting an independent or directed investigation the AA must consult the IOPC in deciding whether or not to suspend the officer or whether to remove the suspension.
- 2.6 The Police Officer or their police friend may make representations against the initial decision to suspend (before the end of 7 working days beginning with the first working day after being suspended) and at any time during the course of the suspension if they believe the circumstances have changed and that the suspension is no longer appropriate.

3. Status

- 3.1 During a period of suspension, officers are not empowered to carry out the duties of a police officer, although they remain subject to Police Regulations, including the [Code of Ethics](#) and the [Standards of Professional Behavior](#) and must comply with lawful orders. A suspended officer is still subject to the provision of [Part IX Police and Criminal Evidence Act 1984 \(Police Complaints and Discipline\)](#).
- 3.2 Upon suspension, the officer will be required to provide an appropriate and up to date contact address and telephone number.
- 3.3 Notification will be given to other departments, when relevant, when an officer is suspended. These will include: -
- Shared Business Service Centre– in order that the officers personal file is updated
 - **Information Systems** – to remove access to Surrey Police computers and door access
 - **Pay section** – in order to make any relevant adjustments to allowances and contributions
 - **Firearms Licensing** – authorisation as a Firearms Officer will be removed. If the suspended officer holds a Firearms and/or Shotgun Certificate, consideration may be given for the license to be revoked.
 - **Crown Prosecution Service** – as per Recall to Duty paragraph 8.

4. Pay and Allowances

- 4.1 An officer suspended from duty will receive full pay but is not entitled to receive any allowance other than housing allowance, transitional rent allowance or compensatory grant during the period of suspension. Where the officer is in

receipt of a fuel card this is liable to forfeiture for the duration of suspension, a decision on this will be made on a case by case basis by the suspending Appropriate Authority. However, an officer who:

- is detained in pursuance of a sentence of a Court in a prison or other institution to which the Prison Act applies, or who is in custody (whether in prison or elsewhere) between conviction by a Court and sentence;
or
- who has absented themselves from duty and whose whereabouts are unknown to the Chief Constable;

- shall not, by virtue of Police Regulations, be entitled to pay in respect of their period of detention or custody, or as the case may be in respect of the period during which their whereabouts are unknown to the Chief Constable.

5. Sickness

- 5.1 Conditions of service in respect of sickness are unaffected by the fact that an officer is suspended from duty. An officer who becomes ill during such a period must report this the same way as if they had been on normal duty by following the Performance and Attendance Management Procedure
- 5.2 Officers should report any sickness or injury to their Divisional/Departmental Head and self-**certify** their incapacity. After seven days they shall ~~then~~ obtain a medical certificate/fit note for any continuous period of illness.

6. Welfare

- 6.1 All welfare facilities of the Force are available to officers subject to suspension and they are still covered by any insurance/accident schemes sponsored by the Force or the Joint Branch Board of which they may be a member (including the Police Convalescent Home).
- 6.2 Departmental/Division leads will be responsible for ensuring the well-being of those suspended officers who are under their command and must ensure that supervisors have regular contact to support the individual concerned. This may include home visits.
- 6.3 An appropriate Wellbeing Officer (WO) will be nominated by the Departmental/Division leads. The suspending officer should ensure the WO is made aware of their Terms of Reference. The suspending officer should facilitate

the WO meeting with the suspended officer to allow a risk assessment to be completed and their welfare to be monitored.

- 6.4 This procedure places no restriction upon any member of the Force wishing to visit a colleague during a period of suspension from duty. However, such visits should not take place without the prior approval of the officer's Division leads or Departmental Head. If the member of the force intending to visit is a witness in any investigation or proceedings linked to the reasons for the suspension, such visits should not take place. Officers should be aware of the misunderstandings and difficulties that can arise from these circumstances.
- 6.5 If an officer subject to suspension requires further support in managing their welfare, there are a number of options available to them as follows:
- Their GP
 - Organisations such as the Samaritans (Telephone 116123)
 - The Employee Assistance Programme provider is MCL Medics who are contactable on –0808 196 1441. There are multiple alternative ways to get in touch with EAP including a new app:
 - 24/7 via the mobile App called: MCL Medics EAP (free to download from the Apple Store / Google Play)
 - 24/7 via Web portal: app.mclmedicseap.com (users need to be in Chrome, not IE)
 - 24/7 via email: eap@mcl-medics.com
 - 24/7 via Freephone number 0808 196 1441 - This is a new number for accessing our EAP services, so please update any pre-existing contacts.
 - This is a confidential support which is available 24 hours a day, 7 days a week in relation to: Counselling and Support Alcohol and drug misuse, bereavement, bullying and harassment, career/job stress, childcare/eldercare, debt, relationships, retirement, sickness absence, trauma and work/life balance.
 - Their line manager can do a referral to Occupational Health if appropriate.

7. Role of Wellbeing Officer (WO)

7.1 Wellbeing and Support Officer Guidance

- 7.2 The WO will be responsible for ensuring that appropriate Surrey Police Employee Relations (including managers of all ranks and Personnel staff) has contact with the suspended officer. They will ensure that appropriate support and guidance are provided for the suspended officer and will keep them updated with changes in legislation, policy and procedures. The suspended officer may be offered a referral to any of the occupational health services, including independent counseling. This should only be done with the consent of the suspended officer.
- 7.3 The suspended officer will be advised of any relevant staff changes and other appropriate matters, to ensure that they feels included in the everyday life of the Department. Copies of 'Off Beat', newsletters, Routine Orders and other suitable publications should be provided to reinforce this involvement with Surrey Police. The suspended officer should be offered details of the Surrey Police Facebook Workplace which can be accessed away from the office and without access to Force IT systems.
- 7.4 The WO will also be responsible for communication with Professional Standards or Corporate Communications regarding the handling of any publicity and to provide appropriate support and guidance to the officer during any press interest.

8. Recall to Duty

- 8.1 Where a suspended officer is recalled to perform a specific duty, e.g. to give evidence at Court, this will be subject to overtime regulations if applicable by virtue of the number of hours worked. Court expenses will be met in the same way as if the officer were on usual duty.
- 8.2 All cases in which suspended officers are called as witnesses will be brought at once to the attention of the Crown Prosecution Service. The suspended officer will give details of all outstanding cases to a supervisory officer as soon as possible. The Criminal and or Misconduct Records of Officers and Staff - Disclosure to the CPS (MG6) procedure must be complied with.
- 8.3 Suspended uniform officers who are called as witnesses at court will attend court in uniform, unless their uniform was withdrawn as part of the formal suspension procedure, in which case, they should attend in smart civilian clothing suitable for court.

9. Annual Leave and Rest Days

- 9.1 Officers suspended from duty may take annual leave during the course of suspension with the authority of the Division/Departmental Head.

9.2 Short-term absences from the approved place of residence, e.g. visits to friends, relatives or dependents for a few days, will not normally be regarded as annual leave. Such absences from the approved residence, over and above normal rest day periods, must be reported to the Division/Departmental Head.

9.3 The rest day rota of a suspended officer will automatically revert to Saturday and Sunday from the time of suspension.

10. Uniform and Equipment

10.1 Officers suspended from duty will be required at the instant of suspension to surrender their warrant card, MDT and personal radio. Arrangements may also be made for uniform, pocketbook, appointments and other equipment to be surrendered, if required by PSD.

11. Visits to Police Premises

11.1 Except at the discretion of the DCC in consultation with the Division /Departmental Head, suspended officers are not allowed on police premises (other than police owned and occupied houses). If required to visit such premises they must on arrival, report their presence to the officer in charge. This prohibition extends to access to police registered club premises as a guest or otherwise, unless this restriction has been waived in the circumstances. Please see section 14 in relation to Police societies/clubs.

12. Other Employment

12.1 Officers are not permitted to take employment whilst suspended from duty without the consent of the DCC. Any application for such consent will be submitted to the Division/Departmental Head who must liaise with Professional Standards Department.

12.2 If the suspended officer has a business interest, that interest will be subject to review to ensure ongoing suitability (para 8.4 Business Interests and Additional Work Policy Surrey and Sussex).

13. Promotion Exam

13.1 Officers wishing to take police promotion examinations will submit their applications in accordance with instructions appertaining to the examination published in Force Orders.

14. Sports and Clubs

14.1 Suspended officers will not be allowed to participate in Force sporting activities, nor will they be eligible for selection by the Police Athletic Association, unless this restriction has been waived in the circumstances.

- 14.2 Sports and Social Club subscriptions will cease to be deducted for the duration of the suspension. Suspended officers will not be eligible to participate in lotteries organised by the Sports and Social Club.

15. Retirement/Resignation

- 15.1 From 15th December 2017 regulation 10A, as introduced by the Police (Conduct) (Amendment) Regulations 2014, was revoked. As a result, officers are now able to resign or retire (without consent from the Chief Officer) whilst subject to an ongoing investigation or disciplinary proceedings, where an allegation or complaint has been received that could lead to dismissal (i.e. one which has been assessed as Gross Misconduct).
- 15.2 Those officers who choose to give notice to resign or retire following an allegation that amounts to gross misconduct will remain subject to the [Police \(Conduct\) Regulations 2020](#) and the [Police \(Complaints and Misconduct\) Regulations 2020](#). This allows misconduct investigations and proceedings that could have led to dismissal to be taken to their conclusion, notwithstanding the departure of the police officer under the former officer provisions.
- 15.3 Officers who resign or retire during the course of an investigation, or who leave and a relevant allegation later comes to light, will be included on the police Advisory list
- 15.4 The Home Secretary considers it to be in the public interest that misconduct investigations and proceedings against police officers that could lead to dismissal, or in the case of former officers would have led to dismissal, are taken to their conclusion. Any exceptional circumstances should, in the opinion of the Appropriate Authority, be of sufficient severity that they outweigh the public interest in a case being taken to its conclusion. An exceptional circumstance can be where an officer is medically unfit to be subject of conduct proceedings (as opposed to being unfit for duty).
- 15.5 Any officer or former officer who is dismissed or would have been dismissed if still serving will be placed onto the Barred List.

16. Re-instatement

- 16.1 At the point where a suspended officer is to be re-instated it should be recognised that this may be a difficult process for both the officer who has been suspended and their colleagues in the workplace.
- 16.2 The Departmental/Divisional leads will be responsible for arranging a case conference to consider various issues surrounding the return of the suspended officer to work. These may include things such as training, re-tutoring, uniform and duties (including consideration of referral to Occupational Health, when appropriate, and consideration of a staged return). Those present at the case conference should include the Federation representative, WSO and the

suspended officer. A support plan should be agreed with the officer, which will facilitate their return to work. Generally, the officer should be allowed to return to the role they were performing prior to suspension. However, there may be circumstances under which this would not be appropriate, and they may be required to return in a different role.

- 16.3 Any view given by the Chief Constable or another member of COG during the process should be considered during the case conference. The Department/Division will also be responsible for considering any implications to workplace colleagues of the return to work of the suspended officer e.g. where a colleague may have been involved as a witness in a conduct hearing.

17. Conduct Adjudication

- 17.1 The operative date for any Conduct adjudication is the date the adjudication is given determining the outcome of the misconduct hearing. This applies whether or not notice of appeal is given.