



Altogether Better Policing

DURHAM CONSTABULARY POLICY

Durham Constabulary Freedom of Information Act Publication Scheme	
Name of Policy	Service Confidence Policy
Registry Reference No.	DCP 014
Policy Owner	Head of Professional Standards & Legal Services
Date Approved	October 2007
Governance Board	FLG
Life Span	3 years
Version	2.1
Protective Marking	Official
Publication Scheme Y/N	Y
All Durham Constabulary policies are drafted in accordance with Human Rights and Equality Legislation	

Version Control (The first final version of a document will be version 1.0, subsequent draft versions will increase by 0.1, e.g. 1.1, 1.2. When the revised document is deemed final, and agreed at the relevant Governance Board, this will then become version 2.0)

Date	Version	Reason for Change / Update & Comments	Produced / Amended by	Reviewed / Agreed by
October 2007	1.0	Initial Document	Unknown	FLG
Aug 2013	2.0	Review and small update – documents split between policy and procedures	DI Kirtley	Supt Ellis, Head of PSLS
July 2018	2.1	Policy Reviewed – no changes required therefore FLG approval not required	CI Victoria Martin	CI Victoria Martin

1.0 Name of Policy

Durham Constabulary Service Confidence Policy

2.0 Introduction

There will be occasions when verifiable confidential or source sensitive information or intelligence comes to the attention of investigators that questions the suitability of individuals to continue in their current posts. Such material will ideally be the subject of conventional criminal and misconduct investigations. However, there will be instances when the circumstances do not warrant criminal or misconduct proceedings, yet are such as to raise serious concerns that require immediate action, both for the protection of individuals and Durham Constabulary. In such cases, individuals will be considered for transfer to a less vulnerable post should they lose the confidence of Durham Constabulary to continue in their current role.

This procedure creates a framework within which Durham Constabulary can address any loss of confidence in the appropriateness of an individual Police Officer or Police Staff member, to continue to work in a particular post and sets out suitable responses to the situation. Prosecution, or misconduct procedures will always be considered as a primary course of action.

It must be emphasised that the Service Confidence Procedure will only be invoked when criminal prosecution or misconduct procedures are not suitable.

Durham Constabulary acknowledge that it is legally accountable and subject to public scrutiny in respect of the delivery of policing services. It also recognises that, in order to ensure that the public Durham Constabulary serve feel safe, involved and reassured, it must maintain an ethical, corruption resistant organisation to ensure that standards are complied with and symptoms of unethical or dishonest conduct or corruption are vigorously targeted.

3.0 Purpose and Scope

To protect the police service and in particular Durham Constabulary from organised groups or individuals who would benefit in any way from corrupting staff.

- To protect staff from being subjected to unnecessary or unwarranted pressures, from organised groups or individuals, to compromise professionalism.
- To protect the public, who would suffer directly or indirectly as a result of reduced efficiency of the police service or the increase in non-legitimate activity of groups or individuals?
- To establish an ethical framework for dealing with those situations where management action is necessary without overt criminal or misconduct outcomes and where the motivation is confidential or source sensitive material raising

serious concerns about the appropriateness of an individual to occupy a particular post.

- To establish the need to apply fairness, objectively and proportionality in the application of these procedures. Concerns about achieving a balance between the needs of the police service and the rights of the individual have been addressed by:
 - ❖ Adopting an open and transparent system within legal constraints.
 - ❖ Allowing individuals to be represented and the adoption of a reviews process.
 - ❖ Maintaining a clear position that the use of the procedure is about the protection of staff and the organisation by management action and not misconduct procedures or sanction.

4.0 Motivation and Driving Forces

To maintain public and organisational confidence in police officer and staff conduct, in all situations and environments that attract internal or public scrutiny, when assessed against legislation, the organisational vision, corporate ethos and service provision.

5.0 The Legal Basis and Legitimate Aims

The Legal basis in which the policy is to operate can be found in:

- All Criminal Statutes
- The Police Act 1996
- The Police (Unsatisfactory Performance) and (Misconduct) Procedures 1999
- Police Reform Act 2002
- The Police (Conduct) Regulations 2012
- Regulation of Investigatory Powers Act 2000
- The European Convention on Human Rights (ECHR) given legal effect by virtue of The Human Rights Act 1998
- Police Staff Discipline Policy

6.0 Policy Statement

This Service Confidence Procedure is not a trial. The existence of the Human Rights Act 1998, in particular:

- Article 6 – Right to a fair trial
- Article 8 – Respect for private & family life
- Article 11 – Freedom of Peaceful assembly and association

This does not prevent the imposition of lawful formalities, conditions, restrictions or penalties on the exercise of these rights by citizens, including Police Officers, which may be necessary for a number of reasons, in particular:

- For the prevention of Crime & Disorder
- For the prevention of the disclosure of information received in confidence

- For the protection of the reputation or rights of others

7.0 Brief Description of the Attached Appendices

All procedures, tactics and guidance relating to this policy are included on the Procedures, Tactics and Guidance document which accompany this policy and are protectively marked as RESTRICTED.

8.0 Monitoring and Review

- This Policy is owned by the Head of Professional Standards and Legal Services and will be reviewed every three years to take into account changes in legislation or common law and encourage best practice.
- The policy will be monitored for its effectiveness in the business area concerned to identify any inefficiencies in its implementation

9.0 How to Complain

Durham Constabulary operates a 'Achieving Fairness at Work Policy'. The main purpose of which is to ensure that individual members of staff who feel aggrieved about the way they have been treated, either by management or by their colleagues, are given every opportunity to have their grievances resolved in a fair and just manner. It is a flexible means of resolving problems at work and intended to resolve issues as quickly as possible.

Complaints about the overall policies and procedures of a police force, as well as a number of other issues relating to quality of service or operational decisions should be made to the Chief Constable of Durham Constabulary at the following address:

The Chief Constable

Police Headquarters

Aykley Heads

Durham

DH1 5TT

Tel: 101

Fax: 0191 375 2011

Email: headquarters.admin@durham.pnn.police.uk