



Service Confidence Policy

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General Equality Duty Assessment	<input checked="" type="checkbox"/>
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Risk Management	<input checked="" type="checkbox"/>

Service Confidence Policy

1. Policy statement

This policy is designed to deal with the situation where information or intelligence comes to light that is considered reliable and which raises **serious concerns** in relation to the suitability of an officer or member of staff to continue to perform their current role or duties, or suggests they would be unsuitable for future promotion or other specific roles within the organisation. The information or intelligence may reveal integrity issues, or perhaps inappropriate associations by an officer or member of staff.

Ordinarily, action would be taken to deal with such issues by overt means, which in the case of integrity issues, would usually result in criminal or misconduct proceedings. However, there will be rare occasions where reliable information or intelligence exists which cannot form the basis of such overt procedures and cannot be disclosed to the individual officer or member of staff because disclosure would compromise sensitive intelligence or information, covert tactics, on-going operations, or place colleagues or the public at an unacceptable risk. The Service Confidence Policy is intended to establish an ethical framework for dealing with such circumstances. Only when overt options have been considered and rejected as unsuitable, may the Head of the Directorate of Standards and Ethics Department (DSE) invoke the Service Confidence Policy.

Examples of when this policy may be considered are: (this not an exhaustive list)

- A member of staff has a partner involved in serious criminality. The member of staff is not aware of their criminality but has access to information or tactics in their current role that will put them in a vulnerable position. Due to the sensitive nature of the intelligence, the partner's criminality cannot be disclosed to the member of staff.
- A member of staff is unknowingly being targeted by an organised crime group to provide information to which they have access. The welfare and security of the member of staff is paramount but due to the sensitive nature of the information that has been corroborated, this cannot be disclosed to the member of staff.

Principles of Fairness

It is recognised that restricting an officer or member of staff's career in circumstances whereby it may not be possible to allow them to hear the case against them and provide their point of view, may be contrary to, or is a challenge to, natural justice. This policy therefore seeks to comply with the principles of the Human Rights Act by achieving a fair balance between the needs of Cleveland Police, the public, the wider police service, and the rights of the individual by providing necessary safeguards. Equality and Diversity issues have also been considered to ensure compliance with the Equality Act 2010 and meet our legal

obligation in relation to the equality duty. In addition, Data Protection, Freedom of Information, and Health and Safety issues have been considered.

2. Purpose

Whenever material becomes available which raises serious concerns about the conduct of a member of the Police or Police staff, or their associations, the recipient has a duty to divulge the details to the DSE.

The information will be evaluated by the DSE. The test of whether there are 'serious concerns' about an individual will be based on an assessment of all the intelligence and evidence, including sensitive intelligence or information. The evidence must establish that it is more probable than not that there are serious concerns. At all stages a process that is as fair, reasonable and objective in the circumstances will be used whilst applying a proportionate procedure.

2.1 Confidential or source sensitive information

Confidential or source sensitive information 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 methods or individuals.

2.2 Serious concerns

A precise definition of *serious concerns* is not possible, as each set of circumstances must be judged on its own merit. As a guide to those seeking to implement these procedures, considerations will include:

- The credibility of the individual(s) as witnesses of truth in police prosecutions and requirements for disclosure;
- The nature of the current post, and the potential risk to the public, colleagues or operations if the individual continues in the post;
- The nature of any potential future posts including promoted posts, and the potential risk to the public, colleagues or operations if the individual moves into one of these;
- The likelihood and severity of any risk caused by improper association with criminals and potential corruption;
- The risk caused by association with criminals and potential corruption, including officers or staff who have been dismissed or have resigned before the conclusion of gross misconduct proceedings;
- Suspected unethical or dishonest conduct or corruption;
- Whether the alleged action of the individual(s) was undertaken knowingly or recklessly;
- An assessment of the risk of reoccurrence.

3. Underpinning procedures

Once the Head of DSE determines the service confidence policy needs to be invoked, as all overt options have been considered and rejected as unsuitable, they will arrange a service confidence case conference.

This policy applies to all police officers and police staff, including special constables and those working voluntarily or under contract to Cleveland Police. The purpose is to make recommendations to the Deputy Chief Constable (DCC) to maintain Service Confidence.

A Service Confidence Case Conference will include the following members:

- Head of the Directorate of Standards and Ethics (or Deputy)
- Head of Command or Departmental Head (or Deputy)
- Head of Human Resources or senior representative
- Force solicitor (or Deputy)
- Any other personnel that the Standards and Ethics Department or Head of Department believes can give material assistance

The Conference will be closed and confidential. Everyone invited will be reminded of confidentiality or in the most sensitive of cases will be expected to sign a confidentiality agreement.

The Conference will decide:

- a) Whether to proceed with this process.
- b) What can be discussed beyond the closed meeting.
- c) Whether an **Ethical Interview** with the subject is appropriate and should be conducted prior to proceeding further, and if appropriate the parameters of disclosure to the individual, including redacted or sanitised information, and whether the subject of the interview should be given prior warning. Where an interview is considered appropriate and sensitive issues around protected characteristics and/or possible force or individual reputational damage exists, prior consultation and approval is required with the DCC.
- d) Whether the individual has national security clearance and whether there are any vetting implications that need to be brought to the attention of the Force Vetting Unit.
- e) What can and cannot be disclosed to the individual and/or his or her representative. With regard to including redacted or sanitised information in order to protect the sensitive intelligence or information, whilst it is

accepted that information may be sensitive and cannot be disclosed for good reason, it should be recognised that non-disclosure seriously prejudices the officer or staff member subject of these procedures. Consequently any decision not to disclose should not be automatic but should only happen after careful consideration of all options. The decision and rationale must be recorded.

- f) The timeframe for any review, and whether it is appropriate for the Head of DSE to undertake this, or whether the panel needs to reconvene to undertake the review.
- g) Identify a liaison/welfare officer and agree on the time frame for contact with the individual concerned.
- h) The recommendation will include a certification by the Force Solicitor that procedures were followed in accordance with the Human Rights Act 1998.
- i) The detail and nature of what measures should be recommended to the Deputy Chief Constable in order to maintain Service Confidence, which, depending upon the assessment of risk and having regard to proportionality, may include one or more of the following:
 - A '**development plan**' working towards restoring confidence in the individual;
 - A '**risk management plan**' for instances where there are concerns relating to association but not necessarily integrity;
 - Restrictions of access to information;
 - Lawful business monitoring;
 - Not to permit the individual to work on specific tasks;
 - Redeployment to new post/role. (In relation to police officers, such actions will be based upon their conditions of service which dictate that they serve wherever they are ordered to serve);
 - Prohibiting promotion until a time when confidence in the individual is restored;
 - An option of discretionary paid leave for a particular duration, if the risk is likely to be transient.

Confidential minutes will be kept, and decision-making processes will be properly documented.

The meeting will be recorded and records maintained within the Counter Corruption Unit within Standards and Ethics.

The recommendations of the Case Conference will be referred to the Deputy Chief Constable by the Head of the DSE for a decision.

3.1 Ethical Interview Option

As mentioned above, an 'Ethical Interview' is one option which may be considered.

The purpose of such an interview would be to protect the interests and values of the police service and to afford the individual concerned an opportunity to provide any explanation in respect of the matter.

Such interviews should ordinarily take place within seven days of the decision being made to hold an Ethical Interview however, the Force Management Intervention policy regarding the conduct of Ethical Interviews should be adhered to.

Those conducting the Ethical Interview will be appointed by the panel or the Head of Standards and Ethics. It shall consist of two people, one of whom will be a supervisory rank officer from DSE. In each case at least one of the interviewers must be senior to the individual being interviewed.

Where it is considered appropriate, details of the concerns giving rise to the interview will be given to the individual concerned at the time. However, there may be occasions where full disclosure may identify sensitive intelligence or information. In such cases the interviewing officers will endeavour to discuss the issue without giving any details that are likely to identify such information. Information may be given in a sanitised format.

When applicable, the individual will be given notice of an intention to hold an ethical interview; the time, date, place and who will be present. It is recognised that in some instances prior notice will not be given (this will be the decision of the Head of DSE/Panel Chair). Such instances where notice might not be given include instances where giving notice might otherwise:

- Impede the apprehension or prosecution of offenders
- Frustrate any investigation, or the prevention and detection of crime
- Damage national security
- Breach any legislation
- Compromise or endanger any operation or individual
- Otherwise usurp the service confidence process or procedure

Whilst it may be inappropriate to give prior notice to the individual for reasons such as those noted above, it may still be possible to give prior notice to the individual's staff association or trade union representative without compromise. When applicable, this should be done.

Careful consideration should be given as to whom, within the relevant staff association, the disclosure is made. Any disclosure must take into account that the information disclosed may place the staff association in a compromising position (in that they may be privy to information that should not be disclosed to the individual causing a conflict of interest). Disclosure should not be made to

anyone who is acting as a line manager, welfare officer or formal staff representative of the individual.

It should be made clear and appropriately recorded whether an officer attending a service confidence meeting is doing so as a member of a staff association or as a manager. Any decisions made regarding disclosure should be rationalised and recorded.

Whether the meeting is with or without notice, the individual will have the option to have a friend, staff association or trade union representative present with them at the interview. If this option is taken up by the individual, the interview should wait for that representation to be available, providing it does not unduly frustrate the process.

The interviewer will put questions to the individual giving them an opportunity to be open and honest and to respond as thoroughly as they can. The individual will **not be cautioned** and will be told that they **do not have to answer any questions**.

If during the course of the interview, an individual admits to a crime or misconduct matter, consideration will be given to the provisions of the Police and Criminal Evidence Act 1984 and the appropriate regulatory framework in respect of cautioning and interviewing, thus affording the individual protection in law and police regulations.

Following the conclusion of the Ethical Interview the Head of DSE will be apprised of the outcome. Where appropriate, the interviewing officer will provide the individual with advice or specific guidance particular to the issues raised.

In certain circumstances, an explanation from the individual concerned may adequately resolve the matter and the Head of the Directorate of Standards and Ethics may decide not to take the service confidence policy any further. In this case the Head of DSE will record their decision and rationale, updating the Service Confidence Panel accordingly.

Where serious concerns remain following the ethical interview, the Service Confidence Case Panel will reconvene. The group will continue to discuss options available to address the highlighted matters as above.

3.2 Development Plans

The purpose of a development plan is to work towards restoring full effectiveness in the work place.

The plan may include a requirement that the individual:

- undergoes further training or attends a course;
- undertakes an attachment to another area of business;
- evidences or demonstrates in the workplace what they have subsequently learnt;

- is subject of intrusive monitoring by a supervisor for a specified period of time.

In formulating development plans in respect of Support Staff, consideration must be given to the terms and conditions under which the person is employed. These are set out in the individual contract of employment, job description and incorporate collectively agreed terms, custom and practice. Care needs to be taken in recommending a particular place/type of work to ensure that it is permissible under the terms of the contract and is appropriate in all the circumstances or can be specifically agreed with the individual.

3.3 Risk management plans

A risk management plan will be used to address instances where an individual's associations are cause for concern, but not necessarily their integrity.

An example of this is where a Police Officer or Police Staff member is married to someone who is subsequently dismissed for conduct matters from the Force or is charged with a serious offence.

The plan may include mitigating interventions e.g.:

- Prohibiting taking a work laptop home;
- Periodic overt and/or covert audits on phone and computer/laptop use or other pertinent Lawful Business Monitoring (LBM) activity;
- Removing or restricting access to particular systems for a specified time;
- Changing line management arrangements to avoid any real or perceived conflict.

3.4 Decision-making

On receipt of a recommendation from a Case Conference that the Service Confidence Policy should be initiated in respect of any individual the Deputy Chief Constable will consider:

- a) Whether there is sufficient information or intelligence to support the recommendations of the Case Conference;
- b) Whether the actions recommended are necessary, proportionate and non-discriminatory;
- c) Any alternative responses within the Service Confidence Policy.

The decision making process must be formally documented.

Details of all outstanding prosecutions the officer or member of staff is involved in will be obtained and a nominated officer within DSE will conduct a review as to disclosure in those cases in line with national protocols with CPS.

3.5 Informing the Individual

Unless an ethical interview has been directed, in which case this would occur first, following a decision by the Deputy Chief Constable to ratify the recommendations made by the Service Confidence Conference, the individual will meet with the Head (or Deputy Head) of DSE and Human Resource (HR) representative.

In accordance with normal practice, the individual will have the right to be accompanied at that meeting by a friend, a Union representative or their Staff Association. Minutes will be maintained of the meeting and retained with the confidential file held by the Counter Corruption Intelligence Unit.

The meeting will address:

- a) That the individual has been subjected to the Service Confidence Policy;
- b) The recommended development plan, risk management plan, redeployment or other intervention for the individual, to be implemented with immediate effect;
- c) Wherever possible the subject will be informed of the reasons for the recommended development plan, redeployment or other intervention. However, nothing will be disclosed which is likely to:
 - Impede the apprehension or prosecution of offenders;
 - Frustrate any investigation, or the prevention and detection of crime;
 - Damage national security;
 - Breach any legislation;
 - Compromise or endanger any operation or individual;
 - Otherwise usurp the service confidence process or procedure.

(When disclosure is not appropriate, the individual will be told that the action is being effected as a result of a risk assessment that has taken place, and that further disclosure is not appropriate at the present time)

- d) The individual's right of appeal is to the Chief Constable.

3.6 Appeal

Applications for appeals against any finding to subject an individual to Service Confidence procedures must be submitted to the Chief Constable in writing via the Head of S&E within 7 working days of the subject being notified of the decision.

Any restrictions decided upon will be implemented, but may be subject to change on appeal. The appeal should indicate the reasons and grounds for the appeal. The Chief Constable will review any decision, taking this material into account.

Prior to any decision being reached, if requested, the individual will be allowed to meet with the Chief Constable, and will have the right to be accompanied at that meeting by a friend, a Union representative or their Staff Association. This appeal as well as all meetings and decisions will be recorded. The Directorate of Standards and Ethics will retain the report and any supporting documentation.

The appeal process will:

- Test the integrity of the process
- Test the strength and quality of the information or intelligence
- Ensure that the risks identified by the Case Conference are justified and reasonable
- Ensure that the decision is proportionate, legal, accountable and necessary
- May consider other options where appropriate

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 SCP was necessary, proportionate and non-discriminatory.

Following the conclusion of the appeal, the Chief Constable will ensure the individual is informed of the outcome decision in person. The Chief Officer appeal is then finalised. No further appeal exists within the Service Confidence procedure.

3.7 Responsibility

The Head of DSE is responsible for initiation of procedures in respect of Service Confidence Policy. If the decision involves a transfer to another post, then the receiving Head of Command/Head of Department will receive an appropriate briefing.

3.8 Recordings and briefings

The Head of DSE will retain supporting documentation and other material at each stage of the implementation of this procedure. If the decision involves a transfer to another post, then the Head of Command or Department will receive an appropriate briefing from the Head of the Standards and Ethics Department.

3.9 Monitoring

There is a need for long term corporate knowledge that an individual has been subject of Service Confidence Policy procedure and a system to cater for it will be established within the Counter Corruption Unit.

The Head of Command/Head of Department receiving the individual will be responsible for any training or development issues resulting from the decision to subject the individual to Service Confidence procedure and to ensure objectives

in any development plan are progressed, based upon the recommendations of the Service Confidence Conference.

If there are any limitations on an individual's operating capacity then the Head of Command/Head of Department will ensure that the necessary procedures are created in the workplace to ensure that should the Head of Command/Head of Department be replaced the procedure has resilience and the individual is not left unmonitored.

Where it does not prove practical for the outgoing Head of Command/Head of Department to provide a handover, the Head or Deputy Head of DSE will assume responsibility for briefing the incoming Head of Command/Head of Department.

Likewise, if the individual is subsequently redeployed or transferred to another place of duty, the Head of Command or Head of Department will ensure that any limitations on the individual are clearly identified to the new Head of Command or Head of Department by confidential memorandum.

As part of the development plan process, a supervisor will be nominated by the receiving Head of Command or Head of Department. Individuals subject to the procedure will be the subject of on-going monitoring/support by 'designated supervisor'.

The 'designated supervisor' will be of the rank of Inspector/Police staff equivalent, or at least one rank higher than the individual subject of this procedure, whichever is the higher. The 'designated supervisor' will have responsibility for 'hands on' management of development plans and agreeing time scales for monitoring and review of performance; and for supervision of health and safety and welfare issues.

3.10 Review

Progress against the development plan should be reviewed at least every 3 months.

During a review a staff association member or trade union representative may accompany the individual.

The conduct of the review should be formally documented and any other further development needs identified and incorporated into the development plan.

If the 'designated supervisor' considers that the individual has achieved the targets laid out in the development plan in a manner that suggests that they should no longer be subject to Service Confidence procedures, this should be brought to the attention of the Head of Command/Head of Department. If the Head of Command/Head of Department is in agreement, they should then inform the Head of DSE in writing.

Risk Management Plans are more dynamic documents involving proactive elements reviewed in real time.

At least every 6 months, the Head of Command/Head of Department, supported by a representative of DSE, should review the circumstances which required the imposition of a Risk Management Plan. The review should take place with the individual subject to the Risk Management Plan. During this review a staff association member or trade union representative may accompany the individual.

If the Head of Command/Head of Department believes that the circumstances which led to the imposition of a Risk Management plan have significantly changed (either positively or negatively) they should inform the Head of DSE in writing.

The Service Confidence Policy procedure is separate from the Professional Development Review (PDR) process and no reference to development plans or Service Confidence will be made on any PDR documentation.

3.11 Removal from Service Confidence Policy Procedure

Following receipt of notification from the Head of Command/Head of Department that in their opinion an individual should no longer be subject of Service Confidence procedures, the Head of the DSE should review the matter as soon as possible. If satisfied the Service Confidence procedure should no longer apply, the Head of DSE will make this recommendation to the Deputy Chief Constable, who will then consider the recommendation, and decide whether to ratify the recommendation.

If the Head of DSE is unable to make an assessment on the facts alone, they may reconvene a Service Confidence Case Conference as soon as practicable.

The Case Conference may invite any other person who may be able to provide a valuable input. The Case Conference should review the necessity for the individual to remain subject of Service Confidence and consider:

- Whether the risk of a reoccurrence of the circumstances leading to the initiation of Service Confidence Policy procedures have reduced sufficiently to justify the individual being removed from the process;
- The basis of the original decision of the previous post and potential risk to colleagues, the public, or operations if the procedures are terminated;
- Any alternative options to Service Confidence restrictions.

This decision making process should be fully documented and the Deputy Chief Constable notified of any decisions for ratification.

The Head of Command/Head of Department will communicate the Deputy Chief Constable's decision in person to the individual. A staff association or union representative may be present at the meeting.

If the decision is to terminate the procedure, then the Head of Command or Head of Department should arrange a documented management review of individual's role, responsibilities and location, taking into account:

- Any learning needs that have arisen as a consequence of the individual's absence from their usual duties;
- Learning needs identified as a consequence of the enquiry;
- Any organisational needs;
- Reducing the risk to staff of victimisation by any person or organisation;
- Any Human Rights issues;
- Any other factors relevant to the circumstances.

Consideration will be given as to whether the individual should remain in the role to which they were posted as part of the Service Confidence Policy if this is appropriate, or a programme of induction should be agreed. For police staff, there are contractual matters that must be considered.

Subject to the issues within a management review, consideration, may be given to returning the individual to the same or a similar role and location to the position held before the initiation of Service Confidence procedures.

Consultation will take place with the individual regarding their posting (and the staff association/trade union representative if required).

In consultation with the Deputy Chief Constable, the Head of Human Resources will make the final decision in respect of postings.

4. Appendices

There are no appendices associated with this document.

5. Compliance and monitoring

The Head of the Directorate of Standards and Ethics is responsible for the accuracy and integrity of this document. This policy will be continuously monitored, and updated when appropriate, to ensure full compliance with legislation.

The Head of Standards and Ethics will review this process to ensure that all aspects are being adhered to in accordance with the framework of this policy.

6. Version control

This policy will be reviewed and updated at least every three years by the owner, and more frequently if necessary.

The Corporate Services Department will ensure this document is available on the Force intranet, including any interim updates.

The following identifies all version changes.

Version	Date	Reason for update	Author
0.1	April 2017	New Policy	[REDACTED]
0.2	August 2017	Amended following Consultation feedback. Presented to Mgt Board	[REDACTED]
0.3	October 2017	Amended following Feedback from the Management Board	[REDACTED]
1.0	October 2017	Published Policy also amended to Standards and Ethics Dept following the name change from Professional Standards	[REDACTED]
1.1	October 2017	Policy review extended to Feb 20 when new Regs are coming in, in line with the discipline policy	[REDACTED]
1.2	January 2021	Policy review and amendments	[REDACTED]
1.3	December 2022	Policy review	[REDACTED]