

# Advice and Guidance Briefing Procedure

National Guidance

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Owning Department: Anti-Corruption Unit

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## Introduction / Purpose

This guidance document supports the following Police Service of Scotland (hereafter referred to as Police Scotland) Policy:

* Anti-Corruption Policy

The purpose of this document is to provide guidance to all Police Officers and Scottish Police Authority/Police Staff on the Advice and Guidance Briefings conducted by or in conjunction with Police Scotland Anti-Corruption Unit (ACU) and Professional Standards Department (PSD).

It is important to note that Advice and Guidance Briefings are provided when there is no suspicion of criminal, misconduct or disciplinary proceedings.

Advice and Guidance Briefings may be provided to any members of the organisation by the ACU/PSD and includes:

* Police Officers;
* Authority / Police Staff;
* Police Scotland Youth Volunteers;
* Special Constables; and
* Staff working voluntarily under contract to Police Scotland,

(Hereafter referred to as an individual).

Recognising that the Scottish Police Authority (SPA) is a separate corporate body, where there is an identified or potential risk of vulnerability or compromise relating to a member of staff working within SPA Corporate or SPA Forensic Services, then the matter will be brought to the attention of the SPA's Chief Executive or Director of Forensic Services. In such instances, it will be for the Chief Executive / Director of Forensic Services to consider the circumstances and decide whether to progress to an Advice and Guidance Briefing.

The Advice and Guidance Process is voluntary for Authority / Police Staff.

Advice and Guidance Briefings will be provided where there is an identified or potential risk of vulnerability or compromise to an individual or the organisation and the ACU / PSD assess that there is a need to protect and advise them on how best to mitigate the situation.

Advice and Guidance Briefings will assist in the provision of information and support to all individuals in highlighting potential integrity vulnerabilities and identifying mitigation, prevention and supportive opportunities for both the individual and organisation.

Advice and Guidance Briefings also ensure support and wellbeing mechanisms are in place timeously with proportionately agreed outcomes provided to each individual (see Section 3 Recording and Retention).

Advice and Guidance Briefings will be conducted with Integrity, Fairness and Respect underpinned by Human Rights.

## Procedural Arrangements

Prior to an Advice and Guidance Briefing taking place, the enquiry officer or person designated by them will liaise with the relevant Divisional Commander / Head of Department (HoD). The reason for doing so is to request permission to speak with the individual’s line manager in order to progress the delivery of the Advice and Guidance Briefing.

Where there is an identified or potential risk of vulnerability or compromise relating to a member of staff working within SPA Corporate, then the matter will be brought to the attention of the SPA's Chief Executive. Where it relates to a member of staff working within SPA Forensic Services, then the matter will be brought to the attention of the Director of Forensic Services. In such instances, it will be for the Chief Executive / Director of Forensic Services to consider the circumstances and decide whether to progress to an Advice and Guidance Briefing.

Once this has been agreed, the individual’s line manager will be contacted and advised of the ACU / PSD intentions to conduct an Advice and Guidance Briefing. A proposed time, date and venue will be provided to the individual’s line manager.

The line manager will inform the individual of the ACU / PSD intentions. They will be responsible for explaining the purpose of an Advice and Guidance Briefing and informing the individual of their rights. The line manager will ensure the time, date and venue of the Advice and Guidance Briefing is suitable to the individual and provide any welfare support as necessary.

The line manager must at this stage advise Authority / Police staff that their involvement in this process is voluntary and the consent of the individual must be recorded. All correspondence in relation to obtaining this consent, either by email or hard copy, will be held within the relevant ACU / PSD operational file. The individual will also be advised that they can withdraw their consent and the process for doing so at any time and at no detriment to them. Should an individual withdraw or refuse consent, this will be recorded.

An email of confirmation will be sent to the individual concerned and their corresponding Divisional Commander or HoD by the ACU / PSD. Reference will be made to the Advice and Guidance Briefing Procedure Guidance Document should clarification of the process be required. Within the email the following shall be outlined:

* The purpose of the briefing;
* The agreed time, place and date of the briefing;
* Individuals invited to the briefing.

In urgent cases or where the individual concerned may not have regular access to email, confirmation may be in the form of a telephone call.

At the point of notification, the individual concerned will be invited to identify any additional support needs they may have, so that suitable arrangements can be made.

Where possible Authority / Police Staff will be provided with 7 days' notice. However, if the risk identified is such that it requires immediate action to protect the Authority/Police Staff member or the organisation, this notice period may not be achievable.

The ACU / PSD recognises that from a wellbeing perspective, expediency can reduce individual concerns. Therefore, should an Authority / Police Staff member wish for the Advice and Guidance Briefing to be conducted prior to the expiry of the 7 day notice period, the ACU / PSD will facilitate this.

Attendance at an Advice and Guidance Briefing is only voluntary for Authority / Police Staff.

In relation to Authority/Police Staff, the Director of People & Development will also be informed through the relevant People and Development People Partner.

The individual is afforded the right to be accompanied by a representative at the briefing who can be one of the following:

* Named colleague; or
* Supervisor / Line Manager; or
* Trade Union Representative; or
* Scottish Police Federation (SPF) / Association of Scottish Police Superintendents Representative (ASPS).

Representatives can interact during the process with the purpose of providing support to the individual.

Colleague, Trade Union, SPF or ASPS notifications shall be arranged at the point when the individual has elected to have representation.

On receipt of the individual’s response, all reasonable efforts will be undertaken to progress their nominated representative’s attendance at the Advice and Guidance Briefing as soon as practicable.

In cases where an individual has elected to have representation, the Advice and Guidance Briefing will not commence without the individual having their preferred representative present.

If the preferred representative:

* is unavailable; or
* their attendance will unduly delay the commencement of the Advice and Guidance Briefing which, due to the associated risk, requires to proceed as a priority;

then an alternative representative will be sought with the concurrence of the individual prior to the commencement of the Advice and Guidance Briefing. Should the individual not concur with the use of an alternative representative, an assessment of the associated risk will be carried out by ACU / PSD staff and a decision will be made as to whether or not the Advice and Guidance Briefing should proceed as a priority. In the case of Authority / Police staff, the individual can withdraw their consent at any time.

Individuals are encouraged to fully engage with the Advice and Guidance Briefing process so that the ACU / PSD can assist them to interpret their personal situation and manage the identified and potential integrity vulnerabilities through advice, guidance and support from the organisation.

The individual will be afforded the opportunity to have the Advice and Guidance Briefing audio recorded. If this is their preferred option, the ACU / PSD will make the necessary arrangements to facilitate this.

There will be no sanction or adverse inference drawn where an Authority / Police Staff member elects not to attend an Advice and Guidance Briefing.

If an Authority / Police Staff member elects not to attend, Police Scotland reserves the right to inform their line management of the identified or potential risk to the individual or organisation through dissemination of a report to the respective Divisional Commander / HoD.

This ensures that the Divisional Commander / HoD can implement appropriate measures to monitor the welfare of the Authority / Police Staff member and ensure that the Chief Constable and Authority fully discharge their duty of care to said individual.

## Recording and Retention

Where applicable, at the conclusion of the Advice and Guidance Briefing, a record of the agreed outcomes will be confirmed and provided to the individual within 10 working days.

This record will be followed up by an Advice and Guidance Briefing - Welfare and Support Report to the individual’s Divisional Commander / HoD. This is accessible to each individual via their relevant line manager.

This report will contain confirmation of the outcomes from the Advice and Guidance Briefing and ensure that the organisation complies with and exceeds its statutory duties as a responsible employer.

Written records and the Advice and Guidance Briefing Welfare and Support Reports are secured within a lock fast cabinet within the ACU / PSD offices. These records will be stored in line with the procedures as laid out within the Management of Records SOP, at the end of which they will be subject to review. Following review, and in the absence of any new and relevant information or intelligence, the record will be destroyed.

Requests for copies of the records and / or audio recording by the subject of the Advice and Guidance Briefing should be made through the Right of Access process (Part 3, Section 45 of Data Protection Act 2018).

All records will be handled, stored and disposed of in accordance with the Information Security SOP, Management of Records SOP and Record Retention SOP.

## Roles and Responsibilities

The ACU / PSD enquiry officer or designated representative is responsible for:

* Seeking permission from the individual’s Divisional Commander / HoD to contact the individual’s line manager.
* Liaising with the individual’s line manager to ascertain a mutually agreed time and date for the purposes of conducting an Advice and Guidance Briefing.
* Sending an email of confirmation to the individual.
* Ensuring that prior to the commencement of the meeting the individual is aware of their rights.
* Facilitating the attendance of a representative if the individual has not made prior arrangement.
* Affording the individual the opportunity to have the Advice and Guidance Briefing audio recorded.
* Where applicable, providing the individual with a record of agreed outcomes.
* Providing a welfare and support report to the individual’s Divisional Commander / HoD.
* Ensuring compliance with the record retention period.
* Facilitating any request to access the records or audio recording, if Advice and Guidance Briefing was audio recorded.

The individual’s line manager is responsible for:

* Advising the individual of the ACU / PSD’s intention to undertake an Advice and Guidance Briefing.
* Explaining the purpose of an Advice and Guidance Briefing and advising the individual of their rights.
* In the case of Authority / Police Staff, advising them that their involvement in the Advice and Guidance Briefing process is voluntary, obtaining consent where applicable and advising that consent can be withdrawn at any time, or recording that consent has been refused.
* Notifying ACU / PSD of Authority / Police Staff member’s agreement or otherwise to participate.
* Notifying ACU / PSD of agreed time and date.
* Facilitating the individual’s attendance at the Advice and Guidance Briefing.

The individual is responsible for:

* In the case of Authority / Police Staff, agreeing or not to participate in the Advice and Guidance Briefing process.
* Agreeing to a proposed time, date and venue.
* Arranging the attendance of a representative, if desired.

## Feedback Process

The Advice and Guidance Briefing process seeks to ensure that the needs of the individual are fully met and as such, in order to assess effectiveness it is requested that consideration is given to the Advice and Guidance Briefing - Feedback Evaluation Part 1 (Form 037-063) being completed by the individual to record:

* The individual’s experience of the wellbeing provisions in place during the Advice and Guidance Briefing process.
* What went well during the process or what could be improved upon?
* Did the individual understand the process?
* Was the process followed?
* What improvements could have been made which would further enhance the support provided?

In the Advice and Guidance Briefing – Feedback Evaluation Part 2 (Form 037-063A) the Line Manager(s) / Representative and where appropriate, the Wellbeing Champion, shall add additional comments with regard to:

* Their perception of the Advice and Guidance Briefing process and the individual’s experience;
* Consistency of wellbeing provisions and service;
* Process of personal improvements which would enhance future support;
* Emerging wellbeing trends;
* Concerns of disengagement through a negative experience.

Both Forms 037-063 and 037-063A are available on the Police Scotland Intranet.

## Grievance Process

There is no appeal mechanism in relation to the Advice and Guidance Briefing process as it is based on wellbeing and support.

If, however, an individual wishes to challenge or dispute the content of the information provided then the existing channels for grievance procedures remain available to them.

## Further Information

Should individuals require any further information regarding the Advice and Guidance Briefing Procedure please contact the ACU or PSD.

## Compliance Record

EqHRIA completion / review date: 08/03/2023

Information Management Compliant: Yes

Health and Safety Compliant: Yes

## Version Control Table

| Version | History of amendments | Approval date |
| --- | --- | --- |
| 1.00 | Initial Approved Version | 06/12/2016 |
| 2.00 | Amendments made to provide clarity and incorporate Professional Standards Department into the existing process; inclusion of information regarding an individual withdrawing consent and updated formatting standards applied. | 07/08/2017 |
| 3.00 | Inclusion of Feedback Process, minor grammatical amendments, change to nomenclature for roles “Director of People & Development” and “People and Development People Partner” and updates to reference relevant legislation and SOPs. | 16/11/2022 |
| 4.00 | Minor update to reflect change in SPA structure. | 24/03/2023 |

## Feedback

All Police Scotland service delivery Policies, Standard Operating Procedures (SOPs) and National Guidance are subject to regular reviews. It is important that user feedback is taken into account when documents are reviewed.

If any officer / staff member wishes to provide comment, or make suggestions for improvements to this or any associated document, Force Form 066-014 should be used.