



Suspension from Duty
Standard Operating Procedure

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1. Purpose

- 1.1 This Standard Operating Procedure (SOP) supports the following Police Service of Scotland (hereafter referred to as Police Scotland) Policy:
- Professional Standards
- 1.2 This SOP is written primarily with reference to serving police officers up to the rank of Chief Superintendent. Special provisions apply for Chief Officers (Assistant Chief Constable (ACC) and above) as per The Police Service of Scotland (Conduct) (Senior Officers) Regulations 2013 and this is a matter for the Scottish Police Authority (SPA). For members of the Special Constabulary refer to the Police Service of Scotland (Special Constables) Regulations 2013.
- 1.3 The overriding principle remains that the act of suspension will not be taken as a presumption of guilt.
- 1.4 A police officer against whom a report or allegation has been made from which it may reasonably be inferred that an act or omission by that officer may amount to misconduct/gross misconduct or that the officer may have committed a criminal offence, may be suspended from duty. While the act of suspension may be carried out by any officer senior in rank, the decision to suspend will only be taken by the Deputy Chief Constable (Designate) (DCC Designate) or a deputising Deputy Chief Constable, following careful consideration of all the circumstances, balancing the requirement to maximise the effective use of policing resources with the need to maintain high standards within the service and retain public confidence in Police Scotland.
- 1.5 The following guidance notes have been compiled to assist supervisors and managers of officers suspended from duty and to remind them of such officers' entitlements, conditions and responsibilities whilst so suspended. The contents also provide information, which may be of value to suspended officers, colleagues and liaison officers appointed to maintain contact with suspended officers.
- 1.6 It is not intended to cover every eventuality and accordingly any queries should be referred to the Head of Professional Standards Department (PSD).
- ### **1.7 Application**
- 1.7.1 The application of the contents of this document is mandatory by way of statutory procedures as described in the legislation and applies only in relation to misconduct on the part of an officer below the rank of ACC.

1.8 Legal and Other References

1.8.1 For allegations of misconduct where the alleged act occurred prior to the 1st April 2014 the procedures described in this document are founded on the provision of:

- The Police Service of Scotland (Conduct) Regulations 2013;

These Regulations were interim Regulations which came into force on 1st April 2013. They replaced the following previously associated legislation:

- Police (Conduct) (Scotland) Regulations 1996;

1.8.2 For allegations of misconduct where the alleged act occurred on or after the 1st April 2014 the procedures described in this document are founded on the provision of:

- The Police Service of Scotland (Conduct) Regulations 2014

2. Statutory Position

2.1 For allegations of misconduct where the alleged act occurred prior to the 1st April 2014 Regulation 6 of The Police Service of Scotland (Conduct) Regulations 2013 gives authority to suspend a constable, below the rank of ACC, from duty when it may be reasonably inferred that the constable may have committed a criminal offence or who has been responsible for an act or omission which may amount to misconduct.

2.2 For allegations of misconduct where the alleged act occurred on or after the 1st April 2014 Regulation 8 of the Police Service of Scotland (Conduct) Regulations 2014 gives authority to suspend a constable, where there is an allegation of misconduct/gross misconduct and from which it can reasonably be inferred that the conduct of the officer may constitute a criminal offence; or amount to misconduct or gross misconduct. The decision may be taken by an officer of higher rank than the officer suspended, but can only do so if:

- a) an effective criminal or misconduct investigation may be prejudiced if the constable is not suspended; or
- b) having regard to the nature of the allegation and any other relevant considerations, the public interest requires the officer's suspension.

3. Action Prior to Suspension

3.1 While the legislation contains provision for an officer higher in rank to suspend another officer, the DCC (Designate) will normally authorise the suspension personally. As such, prior to any police officer being suspended, the Head of PSD is to be contacted. However, should any circumstances occur outwith

normal working hours contact should be made with the On Call Senior Officer from PSD.

- 3.2 For allegations of misconduct where the alleged act occurred on or after the 1st April 2014 the DCC (Designate) must notify the suspended constable in writing of any decision to suspend and the reasons for that decision, on a Notification of Suspension form 039-001.
- 3.3 Suspending an officer will always be regarded as an important decision with significant consequences for the public, the Service and indeed the officer concerned. The public are denied a valuable resource and Police Scotland is hindered in its efforts to provide excellent policing services, while the officer and their family members undoubtedly suffer considerable strain by their removal from all duties.
- 3.4 Consequently all other available options should first of all be taken into account, including:
 - Temporary transfer to another police station, sub-division, division or department;
 - Temporary removal from operational duties or postings to duties involving little or no contact with members of the public; and/or
 - Temporary removal of access to Information Communication Technology (ICT) systems.

4. Officer Subject of Misconduct or Criminal Enquiries

- 4.1 In normal circumstances an officer subject to a misconduct investigation with no criminal allegation involved will not be suspended. Only in cases where an effective criminal or misconduct investigation may be prejudiced if the officer is not suspended and/or having regard to the nature of the allegation and any other relevant considerations will suspension be imposed, e.g. the public interest requires the officer's suspension.
- 4.2 Suspension will not follow simply because an officer is the subject of a report to the Procurator Fiscal, nor simply because the officer is due to appear from custody or an undertaking in a court of law to answer a criminal charge. However, where the circumstances are likely to lead to an officer being prosecuted on indictment it is imperative that details of the circumstances are communicated immediately to the Head of PSD who will brief the DCC (Designate) or deputising DCC, accordingly. A decision will then be made as to whether the relevant officer is to be suspended from all operational duties or if specific control measures are to be adopted in respect of the officer's duties.

5. Suspension Procedure

- 5.1 The decision to suspend an officer will only be taken by the DCC (Designate) or in their absence a deputising DCC. Where a report, allegation or complaint is received from which it may reasonably be inferred that an act or omission of an officer may amount to misconduct or that they may have committed a criminal offence, that officer may be suspended from duty by any officer of the Service of a higher rank.
- 5.2 The decision to suspend an officer will normally only be taken after each individual set of circumstances have been rigorously and objectively examined prior to any decision being made and in general only the more serious cases will lead to suspension (see Appendix D).
- 5.3 Suspending officers must be aware of their requirements and procedures prior to carrying out a suspension (see Appendix E).
- 5.4 The police officer or their police representative may make representations against the initial decision to suspend at any time during the course of the suspension if they believe the circumstances have changed and that the suspension is no longer appropriate.
- 5.5 Suspension is not a formal misconduct outcome and does not suggest any prejudgement.
- 5.6 The period of suspension should be as short as possible and any investigation into the conduct of a suspended police officer should be made a priority.
- 5.7 The police officer should be told exactly why he or she is being suspended and this should be confirmed in writing. If suspension is on public interest grounds, it should be clearly explained, so far as possible, what those grounds are.

6. Officer Unfit for Duty

- 6.1 Notwithstanding the aforementioned, should occasion arise whereby an officer is deemed to be unfit for duty due to intoxicating liquor or other intoxicating means, a supervisor will have the officer relieved from duty for the remainder of that tour of duty. In such circumstances a supervisor will ensure the officer's warrant card, current notebook, CS/PAVA Incapacitant Spray, locker key, and other equipment, such as Airwave terminal, are seized and retained locally. Arrangements are to be made for the officer to be transported home and left in the care of a family member, partner, relative or other appropriate person.
- 6.2 The officer will be advised that they will be contacted by, their respective Divisional/Departmental management prior to commencement of their next tour of duty. Details of the circumstances are to be communicated to the relevant Divisional Commander/Head of Department, who will thereafter

advise the Head of PSD, who will seek instruction from the DCC (Designate) regarding the officer's return to duty.

7. Suspension Review

- 7.1 For allegations of misconduct where the alleged act occurred prior to the 1st April 2014 all suspensions will be reviewed by the DCC (Designate) and Head of PSD on, at least, a monthly basis, and as otherwise required.
- 7.2 A record of the review and the reasons for continuation or termination of the suspension will be recorded by the DCC Designate and kept within the relevant case file within PSD.
- 7.3 For allegations of misconduct where the alleged act occurred on or after the 1st April 2014 a suspension under the 2014 Conduct Regulations has effect from the date of the written notice given and must be reviewed by the DCC (Designate) not more than 4 weeks from that date and not more than every 4 weeks thereafter. In carrying out a review the DCC (Designate) must consider any representations made by the officer suspended and/or their police representative. The review will be documented on a Review of Suspension form which will be provided to the suspended officer.

8. Members of Police Staff and Special Constables

- 8.1 Members of Police Staff may also be suspended from duty. In this instance reference should be made to the Disciplinary SOP. In addition to the guidance provided in the SOP, the Head of PSD should also be advised of any circumstances where a police staff member may be suspended from duty.
- 8.2 Regulation 19 of The Police Service of Scotland (Special Constables) Regulations 2013 makes provision for the suspension of special constables. The responsibility for related matters lies with the Deputy Chief Constable or if applicable a Nominated Officer. The Professional Standards Department should be contacted to ensure that the necessary procedures are followed.

9. Liaison Officer

- 9.1 Immediately upon being informed by PSD of the suspension of an officer, the appropriate Divisional Commander/Head of Department will appoint a suitable liaison officer. The liaison officer should not be involved in any way, either as a witness or as an investigator in the investigation. The liaison officer's details must be communicated to PSD.

- 9.2 The liaison officer appointed will preferably be an officer senior in rank. The liaison officer should be introduced to the suspended officer as soon as reasonably practicable after the suspension has taken place, but will not be involved before then. All efforts should be made to ensure that the liaison officer remains consistent throughout the term of the suspension.
- 9.3 The appointed liaison officer should be acceptable to the suspended officer and maintain regular contact. In the event no one is acceptable to the suspended officer, the relevant senior officer will still appoint a liaison officer who should be senior in rank to the suspended officer to act on behalf of the Service.
- 9.4 Should the appointed liaison officer have any doubts or questions as to their role they should seek clarification from PSD.

10. Welfare

- 10.1 Support is available to suspended officers throughout their time of suspension via Employee Assistance Providers of Police Scotland. Suspended officers may still be covered by any insurance/accident scheme sponsored by the Service or Staff Association, if they are paying members.
- 10.2 Suspended officers should also seek the assistance of the Scottish Police Federation (SPF) or Association of Scottish Police Superintendents (ASPS) as appropriate.
- 10.3 Suspended officers who contribute to The Police Treatment Centres may still attend, however a risk assessment would require to be carried out by the centres prior to any visits. Liaison officers will advise PSD of any such visits.

11. Status

- 11.1 During a period of suspension, officers are not empowered to carry out duties of a police officer. That said, they remain subject to the Police and Fire Reform (Scotland) Act 2012 and the Police Service of Scotland (Conduct) Regulations 2014 and they must comply with lawful orders and instructions contained within Police Scotland orders.

12. Uniform and Equipment

- 12.1 An officer suspended from duty will not wear police uniform, with the exception of attending any misconduct proceedings.

- 12.2 An officer suspended from duty will be required, at the time of suspension, to surrender their warrant card, any other authorisation held, current notebook, CS Incapacitant Spray/PAVA and other equipment, such as Airwave terminal, work issue Blackberry/mobile phone and all police keys (this should not be considered an exhaustive list).
- 12.3 The suspended officer's Head of Department/Divisional Commander or PSD, if appropriate, will retain all notebooks. Other items taken possession of at the time of suspension will be retained by PSD.
- 12.4 Any outstanding work requirements will be the responsibility of the suspended officer's first line manager.

13. Authorisations

- 13.1 Suspended officers will have their authorisations for all Police Scotland computer systems withdrawn. 'Specialist Officers' (Firearms, Negotiators etc) will similarly have their authorisations withdrawn and the relevant 'call-out' lists will be amended accordingly. PSD will liaise directly with the appropriate departments and arrange for the withdrawal of all relevant authorisations.

14. Rest Days and Annual Leave

- 14.1 The rest days of suspended officers will revert to Saturday and Sunday. Suspended officers will be required to be available between 9am and 5pm, Monday to Friday.
- 14.2 Suspended officers will have annual leave period(s) allocated to them. Pre-arranged dates will be honoured. Their annual leave address will be notified to the Division or Department in the normal way and recorded there. This should be done, by submitting the appropriate annual leave request either via the designated liaison officer, email or by post.
- 14.3 Short-term absences from the approved place of residence will not normally be regarded as annual leave but the liaison officer should be kept informed of any proposed absences.

15. Access to Police Premises

- 15.1 Except at the discretion of the DCC (Designate), in consultation with the Head of Department/Divisional Commander, suspended officers will not be permitted access to police premises. If required to visit police premises, the suspended officer should make prior arrangements and must, on arrival, report to the Officer in Charge.

- 15.2 The restriction to police premises does not apply to the Federation Office, however, where the premises are owned by, rented from or shared with Police Scotland, attendance should be in response to an appointment and the Officer in Charge of the relevant premises must be informed on arrival.

16. Sickness

- 16.1 Conditions of service in respect of sickness are unaffected by the fact that an officer is suspended from duty. A suspended officer, who becomes ill during a period of suspension, must comply with the Attendance Management SOP in the same way as if they had been on normal duty.
- 16.2 Officers should report any sickness or injury and self-certification in relation to their incapacity to an appropriate supervisory officer or via the liaison officer where practicable. After the relevant self-certification period, the officer concerned should obtain a Medical Certificate for any continuous period of illness in the normal fashion. Notification of fitness must be made as soon as practicable.
- 16.3 Any sickness or injury should be reported to the subject officer's Divisional Commander/Departmental Head.

17. Precognitions

- 17.1 It would be unjust to deny solicitors the right to precognosce a suspended officer. Should there be such a requirement, the suspended officer will require to discuss the matter with the appointed liaison officer who will, as necessary and appropriate, arrange access to notebooks and police reports.

18. Court Appearances

- 18.1 Where a suspended officer is cited to give evidence at Court, this will be considered as normal duty and 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 normal duty.
- 18.2 All cases in which a suspended officer is called as a witness will be brought to the attention of the officer's liaison officer who will inform the relevant Procurator Fiscal.
- 18.3 A suspended uniformed officer who is called as a witness to Court shall attend in business dress as opposed to uniform.

19. External Business Interests/Secondary Employment

- 19.1 Officers are not permitted to take employment or undertake voluntary work whilst suspended from duty without consent of the DCC Designate. Any application for such consent will be submitted via the officer's Head of Department/Divisional Commander.
- 19.2 Where an officer has been permitted to undertake such work this will be subject of review and may be withdrawn dependent on the circumstances.

20. Misconduct Proceedings

- 20.1 A suspended officer will be required to attend any Misconduct proceedings that may be arranged under The Police (Conduct) (Scotland) Regulations 1996, The Police Service of Scotland (Conduct) Regulations 2013 or The Police Service of Scotland (Conduct) Regulations 2014. Uniformed officers will be required to attend any Misconduct proceedings in uniform or, at the discretion of the DCC (Designate), in business dress. Non-uniform officers will be required to attend in business dress.

21. Financial Position

- 21.1 Where it is decided that the police officer will be suspended from duty or moved to alternative duties, this will be with pay. The rate of any pay will be that which applied to the police officer at the time of suspension. Therefore if the police officer concerned was in receipt of a Competency Related Threshold Payment at the time of his or her suspension or temporary move to a new location or role as an alternative to suspension, those payments will continue to apply. Payment of allowances will be as outlined in Schedule 2 of the Police Service of Scotland Regulations 2013.

22. Roles and Responsibilities

22.1 Heads of Department/ Divisional Commander's Responsibilities

- 22.1.1 Heads of Department/ Divisional Commanders will be responsible for ensuring the wellbeing of those suspended officers who are under their command. They will ensure that the liaison officer makes regular contact and that all contact is recorded. A Suspended Officer Contact Log (form 039-033) should be maintained and returned to PSD at the conclusion of the suspension so they can be held in the related file in line with the Record Retention Standard operating Procedure. Where there are any concerns for the physical or mental health of the suspended officer, they should be encouraged to consult with their General Practitioner in the first instance. There is also support available to the officer via Police Scotland Employee

Assistance Providers and contact details should be provided to the suspended officer.

22.2 Professional Standards Department Responsibilities

- 22.2.1 The Head of PSD will be responsible for liaising with the DCC (Designate) and facilitating the investigation of the alleged misconduct and/or crime or offence as appropriate.
- 22.2.2 PSD should, where possible be responsible for ensuring the preparation of the relevant paperwork for the suspension of an officer and the necessary guidance documents for the Divisional/Departmental senior officer.
- 22.2.3 PSD will be responsible for the safekeeping of the suspended officers Warrant Card and associated authorisations and keys and the disposal of same in the event that the officer resigns or is dismissed.
- 22.2.4 It is important that the suspended officer is kept up to date with the progress of the investigation. To that end, PSD will be responsible for maintaining contact with the liaison officer. Should the suspended officer prefer that contact be maintained through the SPF or ASPS representative then this will be arranged.
- 22.2.5 The officer's duties will be amended on SCoPE to ensure that their post will not show on their Shift/Department strength or Operational Base Level.
- 22.2.6 PSD will, upon confirmation of an officer's suspension, notify P&D in order that systems are updated and processes implemented.
- 22.2.7 Any action concerning the officer whilst still suspended should be communicated to the officer as soon as possible. Suspended officers should not have to learn of developments from any other source.
- 22.2.8 PSD will be responsible for the collation and filing of all documents and paperwork in relation to the suspended officer when the suspension is removed.

23. Contact with Other Officers

- 23.1 Suspension of an officer can cause feelings of isolation from work, colleagues and friends. This SOP places no restriction upon any member of the Service wishing to visit or socialise with a colleague during a period of suspension from duty. In view of the nature of investigations, however, care should be exercised to protect the integrity of all parties.

24. Contact with the Media

- 24.1 Police Scotland do not disclose details of internal conduct investigations to the media, but are obliged to respond to queries, which have been legitimately raised. In these circumstances Police Scotland limits itself to only confirming or denying that an internal enquiry is being conducted and/or where appropriate a report has been submitted to the Procurator Fiscal.
- 24.2 If a suspended officer is approached directly by the media it is strongly recommended that the officer should notify the Service and contact their liaison officer and/or their staff association representative before responding to any queries.

25. Police Diploma/Career Development Procedures

- 25.1 Suspended officers wishing to participate in career development processes during a period of suspension from duty will submit their application in the normal manner. The suspended officer's Head of Department/Divisional Commander will ensure that all relevant information is conveyed to the suspended officer in sufficient time for the appropriate application(s) to be submitted.
- 25.2 Liaison officers should liaise with P&D to ensure the suspended officer has sufficient study material and is not disadvantaged due to their circumstances.

26. Membership of Recreation Club

- 26.1 Suspended officers will not be allowed to participate in, be eligible for selection, or be involved in Police Scotland sporting activities in any way, unless under specific authority of the DCC (Designate) or Head of PSD.

27. Legal Assistance

- 27.1 Where proceedings are brought against an officer in respect of an act alleged to have been committed in the execution of their duty, the officer concerned may write to the Chief Constable and request an approach be made to the Scottish Police Authority for legal assistance. The officer is encouraged to consider approaching their staff association to obtain support, advice and assistance throughout the period of suspension.
- 27.2 Further information regarding the circumstances and criteria to be met for the granting of legal assistance to police officers in respect of criminal and/or civil proceedings may be obtained from their relevant staff association representative.

28. Revocation of Suspension

- 28.1 All suspensions must be subject to periodic review as per the regulations. Revocation of suspensions must be in line with the provisions of the respective regulations.
- 28.2 Where the DCC (Designate) has revoked the suspension of an officer, that officer may not be suspended again in respect of the report, allegation or complaint, which led to the initial suspension.

29. Return to Work Processes

- 29.1 In the event an officer being suspended from duty for a lengthy period of time, consideration must be given to a structured return to work process. There is no prescriptive list, but a quick unstructured return to duty with little or no support can in itself cause difficulties for the officer and Police Scotland. The Divisional Commander or Head of Department will also assist in this process.

30. Withdrawal of Computer Access

- 30.1 Under the terms of the ICT User Access Security SOP, Police Scotland has an obligation to ensure that access to Service computer systems are restricted or withdrawn from personnel who are not likely to require access for a period of time. This procedure applies to any staff member who is suspended from duty.
- 30.2 Where the reason for withdrawal is suspension from duty, it will be the responsibility of PSD to notify both P&D and ICT of the requirement to withdraw access.
- 30.3 On or immediately prior to return of duty, it will be the responsibility of the suspended officer's line manager to ensure access rights are restored.

List of Associated Legislation

- The Police Service of Scotland (Conduct) (Senior Officers) Regulations 2013
- The Police Service of Scotland (Special Constables) Regulations 2013
- The Police Service of Scotland (Conduct) Regulations 2013
- The Police (Conduct) (Scotland) Regulations 1996
- The Police Service of Scotland (Conduct) Regulations 2014
- Police and Fire Reform (Scotland) Act 2012

List of Associated Reference Documents

Policy

- Professional Standards

Standard Operating Procedures

- Disciplinary SOP
- Attendance Management SOP
- ICT User Access Security SOP

List of Associated Forms

- Regulation 8 (4) Notification of Suspension (039-001)
- Regulation 8 (5)(b) Review of suspension (039-002)
- Regulation 9 Alleged Criminal Offences (039-003)
- Regulation 10 Preliminary Assessment (039-004)
- Regulation 10 (4) Appointment of Investigator (039-005)
- Log of Action and Investigation (039-006)
- Log of Action and Investigation Continuation Sheet (039-006A)
- Regulation 11 Notice of Misconduct Investigation (039-007)
- Regulation 11 (2) Revised Notice of Investigation (039-008)
- Regulation 12 Notice of Misconduct Interview (039-009)
- Regulation 12 (8) Draft Written Record of Misconduct Interview (039-010)
- Regulation 12 (8) Final Written Record of Misconduct Interview (039-011)
- Regulation 13 Investigators Report - Disclosable (039-012)
- Regulation 13 Investigators report - Non Disclosable (039-013)
- Regulation 14 Determination on Misconduct Proceedings (039-014)
- Regulation 15 Misconduct Proceedings (039-015)
- Regulation 15 (5) Constables Notice of Acceptance (039-016)
- Regulation 15 (9) Notice of Requirement to attend misconduct proceedings (039-017)
- Regulation 16 Appointment of Constable to Conduct Misconduct Proceedings (039-018)
- Regulation 17 Determination of Witnesses (039-019)
- Regulation 18 (6) Draft Written Record of Misconduct Proceedings (039-020)
- Regulation 18 (6) Final Written Record of Misconduct Proceedings (039-021)
- Regulation 23 Notification of Determination and Action (039-022)
- Regulation 24 Written Appeal Notice (039-023)
- Regulation 25 (6) Notice of Requirement to attend Appeal Hearing (039-024)
- Regulation 26 Determination of Appeal - Notice of Decision (039-025)

Suspension Considerations

Though not an exhaustive list the following should be considered prior to suspension. A risk assessment around the vulnerability of the officer, colleagues and the public should be undertaken before making a decision to refer to PSD

Criteria:

- An officer will be suspended from duty if, in all the circumstances, there is reasonable cause to believe that suspension is in the best interests of the individual, the public and/or Police Scotland.

The following points will be considered in determining 'best interests':

- Is the information credible? (Could the allegations be malicious?)
- Are the allegations serious? (Each to be judged on individual circumstances)
- Are the allegations current or historic?
- Will suspension prevent further allegations being made?
- Are the media aware? (Are media likely to confront subject officer?)
- What is the history of recent events? (Do recent circumstances present evidence of bigger picture, are there welfare issues?)
- Does the Moorov Doctrine apply?
- Has the officer failed to desist? (Complaints history?)
- Could the officer influence witnesses?
- Could evidence be interfered with or destroyed?
- What is the geographical location of the officer? (Could the officer encounter their accuser or witnesses?)
- Is it appropriate to redeploy the officer?
- Is the officer a supervisor? (Can the officer be allowed to credibly supervise others given nature of allegation?)
- Were the allegations reported 'in house'?
- What are the alternatives to suspension? (Could the officer be moved to a non-operational or administrative post?)
- Will suspension protect the officer and/or Police Scotland?

Suspending Officer's Aide Memoire

- Arrange for corroboration.
- Arrange for officer to be accompanied by staff association representative or friend/colleague (if considered appropriate).
- Inform officer that they are being suspended from duty and explain reason(s) why.
- For alleged conduct prior to 1st April 2014 officer is to be provided with 'Suspension from Duty' notice. For alleged conduct on or after 1st April 2014 officer is to be provided with 'Notification of Suspension Form'.
- Take possession of officers:
 - Warrant Card
 - Police Notebook
 - CS/PAVA Incapacitant Spray
 - Airwave Terminal
 - Police Keys (buildings, Airwaves cabinet, etc.)
 - Firearms Authorisation
 - Advise officer where his/her notebook will be retained. (Circumstances will dictate)
 - Lodge items removed with PSD.
 - Ensure relevant Head of Department/ Divisional Commander; Appropriate Staff Association; Human Resources; are informed of suspension.
 - Ensure relevant 'Specialist Team' supervisor aware if officer a member (Firearms, Search, etc.).
 - Ensure appropriate liaison officer appointed (Head of Department/ Divisional Commander responsibility).
 - Ensure suspension of Police Scotland Computer Access.
 - Ensure Head of Department/Divisional Commander arrange for Procurator Fiscal to be made aware of suspension where 'subject officer' is cited as a witness.

Role of the Liaison Officer

- Maintain regular contact with the suspended officer at mutually agreed time intervals and at locations suitable to both parties. Any visits should be in plain clothes utilising an unmarked vehicle.
- Provide Divisional/Departmental management with details of any welfare needs/concerns.
- Act as a preferred point of contact for information and official communications from PSD or the officer's division/department. In all circumstances the liaison officer should be informed in advance of any intention to communicate with the suspended officer, other than for welfare purposes. All contact with the suspended officer should be recorded.
- Ensure that arrangements are in place to keep the suspended officer updated on Police Scotland information.
- Record brief details of all contact.
- Submit relevant information to PSD to inform the review process.
- In the event of any perceived or actual media attention, to liaise with Corporate Services to keep the suspended officer and their family apprised. (Any media strategy agreed upon would be disseminated at this time).

Notes for the Guidance of Officers Suspended from Duty

1. General

It must be emphasised that the act of suspension should not be taken as a presumption of guilt.

The following notes have been compiled to assist officers suspended from duty and to remind them of their entitlements, conditions and responsibilities whilst so suspended. It should be noted that the guidance is not intended to cover every eventuality and any queries arising as a result of suspension should be referred to the Head of PSD.

2. Status

While suspended, a police officer ceases to hold the office of constable, save for the purposes of the misconduct proceedings. However, the Standards of Professional Behaviour continue to apply to individuals who are suspended from duty. The DCC Designate can also impose such other conditions or restrictions as are reasonable in the circumstances e.g. restricting access to police premises or police social functions.

3. Pay and Allowance

Where it is decided that the police officer will be suspended from duty or moved to alternative duties, this will be with pay. The rate of any pay will be that which applied to the police officer at the time of suspension. Therefore if the police officer concerned was in receipt of a Competency Related Threshold Payment at the time of his or her suspension or temporary move to a new location or role as an alternative to suspension, those payments will continue to apply. Payment of allowances will be as outlined in Schedule 2 of the Police Service of Scotland Regulations 2013.

4. Sickness

Conditions of service in respect of sickness are unaffected by the fact an officer is suspended from duty. An officer who becomes ill during such a period must, therefore, comply with procedures in the same way as if they had been on normal duty. Officers are reminded that payment of benefits received whilst sick should still be paid into the Service. Officers should report any sickness or injury to their liaison officer and in line with current arrangements and self-certificate their incapacity. After seven days they shall then obtain a medical certificate for any continuous period of illness.

5. Welfare

Suspended officers should be encouraged to contact the Scottish Police Federation who will advise on entitlements within the Group Insurance Scheme.

Support is available to suspended officers throughout their time of suspension via Employee Assistance Providers of Police Scotland. Suspended officers are still covered by any insurance/accident scheme sponsored by the Service or Staff Association, if they are paying members.

These Notes of Guidance place no restrictions upon any member of the Service wishing to visit a colleague during a period of suspension from duty. Officers should be aware of the misunderstandings and difficulties that can arise from these circumstances.

6. Recall to Duty

Where an officer suspended from duty is recalled to perform a specific duty, e.g. to give evidence at Court, expenses will be met in the same way as if the officer were on usual duty.

All cases in which suspended officers are called as witnesses will be brought at once to the attention of the Procurator Fiscal. The suspended officer will give details of outstanding cases to their Liaison officer as soon as possible so that the appropriate line manager can be advised and action taken.

Suspended uniform officers, who are called as witnesses to court, will attend court in smart civilian dress.

If a defence agent requires to precognosce an officer who is suspended, there is no reason why this cannot be arranged with the officer. Should the officer require access to notebooks for this purpose this should be arranged through the liaison officer.

7. Annual Leave and Rest Days

Officers suspended from duty may take annual leave during the course of suspension with the authority of the Divisional Commander /Departmental Head. Short-term absences from the approved place of residence, e.g. visits to friends, relatives or dependants 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 Divisional Commander /Departmental Head through the liaison officer.

8. Uniform and Equipment

Officers suspended from duty will be required at the instant of suspension to surrender items of uniform and equipment including their warrant card, notebook, firearms authorisation or any other police authorisation, CS Incapacitant Spray/PAVA, Airwave terminal and keys issued in connection with their duties.

9. Visits to Police Premises

Only in exceptional circumstances are suspended officers allowed on police premises (other than police owned and occupied houses) and if required to visit such premises they must, on arrival, report their presence to the officer in charge.

10. External Business Interests/Secondary Employment

Officers are not permitted to take employment or undertake voluntary work whilst suspended from duty without the consent of The DCC (Designate). Any application for such consent will be submitted to the Divisional Commander/Departmental Head through the liaison officer.

11. Complaints

Although an officer is suspended from duty, the investigation of any complaint involving the officer shall progress in the normal manner.