

## Other Appointments

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The appointment of all other Police Authority officers (and employment related decisions) will be undertaken by the Chief Executive in accordance with the Police Authority's recruitment and selection procedure. Appointments other than the Chief Executive, Treasurer and Monitoring Officer may not be made by Members.

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## Disciplinary Action

### Police Force Executive (ACPO)

Disciplinary regulations pertaining to ACPO officers emanate from the Police Act 1996. Investigatory powers are contained within the Independent Police Complaints Commission Regulations 2003.

### **Chief Officer Complaints and Conduct Matters – Delegation Arrangements**

#### Delegation to the Professional Standards Panel

- As appropriate, to exercise the powers and duties of the Authority in connection with complaints and conduct issues against Chief Police Officers (and related procedural issues) pursuant to the Police Act 1996 and the Police Reform Act 2002 and regulations made thereunder.
- Suspension of the officer concerned and review of suspension arrangements (this power to be exercised in consultation with the Chair of the Authority, in addition to other consultation requirements);
- In the light of an Investigating Officer's report, to determine whether there is a case to answer in respect of any alleged misconduct on the part of a Chief Police Officer (and related procedural issues) and the manner in which it should be dealt with.

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#### Delegation to the Leadership Panel

- Without prejudice to the powers of the Professional Standards Panel in relation to the statutory framework governing complaints and misconduct matters insofar as they relate to Chief Police Officers, to

exercise powers of recruitment, remuneration, appointment, and/or removal (where the Police Act 1996 (as amended) or other legislation provides powers or duties to the Authority in relation to these matters) of Chief Police Officers of Cleveland Police.

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### Delegation to the Chief Executive

In connection with complaints and conduct issues against Chief Police Officers:

- In relation to complaints, to determine (and respond to the complainant accordingly) wherever possible within 5 days of the complaint being received, whether or not the Authority is the appropriate authority, to consider such a complaint;
- Wherever possible and appropriate and in consultation with the Authority Chairman and/or the Professional Standards Panel Chairman, to make decisions in dealing with complaints and conduct matters against the Chief Police Officers including:
  - o Recording decisions (for complaint/conduct matters);
  - o Initial assessments;
  - o Suitability for local resolution;
  - o Referral to the IPCC;
  - o Determining whether special conditions are satisfied following receipt of information from an investigator;
  - o Severity assessments;
  - o Referral to a special case hearing;
  - o Referral to the Crown Prosecution Service;
  - o Consultation with IPCC in relation to suspension;
  - o Application to the IPCC for dispensation or discontinuance;
  - o Appointment and briefing of the investigator;
  - o Appointment of misconduct hearing or meeting members (and related determinations);
  - o The Authority's representations (or the decision not to make representations) to misconduct proceedings in accordance with regulation 35(10) of the Police (Conduct) Regulations 2008;
  - o Police Authority representation at proceedings, meetings, appeals, hearings and for other such related matters; and
  - o Any other relevant matter on behalf of the Authority in relation to officer conduct.

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### Delegation to the Chair of the Professional Standards Panel and the Chair of the Authority (Professional Standards Sub-Committee)

The Chair of the Authority and the Chair of the Professional Standards Panel have the power to exercise all of the powers and duties of that Panel between scheduled meetings of that Panel if they deem it appropriate, in the interests

of efficiency and effectiveness, or where circumstances would otherwise justify that the exercise of those powers and duties should not wait until the next scheduled meeting.

Any decisions taken by the Chair of the Police Authority and Chair of the Professional Standards Panel in these circumstances shall be reported both to the Members of that Panel after the decision is taken and to the next meeting of the Panel. Members taking decisions under this provision should always seek professional advice.

## Statutory Designated Officers

The Chief Executive and Monitoring Officer may be suspended whilst an investigation takes place into alleged misconduct. Suspension will be on full pay. No other disciplinary action may be taken in respect of any of these officers except in accordance with a recommendation in a report made by a independent person/investigator designated by the Authority. Such process will be in accordance with the relevant regulations and appropriate conditions of service.

## Police Authority Staff

Unless approved by the Chairman of the Professional Standards Panel in consultation with the Chief Executive (if appropriate) and the Chairman of the Authority, members will not be involved in the disciplinary action (including dismissal) taken against any employee below the level of the Chief Executive except:

- As provided for in this Code of Corporate Governance
- Where such involvement is necessary for the investigation or inquiry into alleged misconduct
- As a Member of the Police Authority Staff Appeals Panel for the purpose a hearing/appeal
- Where it is within any discipline related policy or procedure.

Disciplinary procedures pertaining to Police Authority Staff will be in accordance with relevant regulations and conditions of service. The Cleveland Police Disciplinary Policy and Procedures for Police Staff will apply where appropriate subject to changes necessary to make the procedures applicable and workable for Police Authority staff.

### Delegation to the Chairman of the Professional Standards Panel

The following matters are delegated to the Chairman of the Professional Standards Panel, in consultation with the Chief Executive (if appropriate) and the Chairman of the Authority:

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<#>Wherever possible in consultation with the Authority's Legal Advisors and/or the Chief Executive, as appropriate, to make decisions in dealing with complaints and conduct matters against the Chief Police Officers including:¶  
<#>Recording decisions (for conduct matters);¶  
<#>Initial assessments;¶  
<#>Suitability for local resolution;¶  
<#>Referral to the IPCC;¶  
<#>Determining whether special conditions are satisfied following receipt of information from an investigator;¶  
<#>Severity assessments; ¶  
<#>Referral to a special case hearing;¶  
<#>Referral to the Crown Prosecution Service;¶  
<#>Consultation with IPCC in relation to suspension; ¶  
<#>Suspension of the officer concerned and review of suspension arrangements (this power to be exercised in consultation with the Chair of the Authority, in addition to other consultation requirements);¶  
<#>Application to the IPCC for dispensation or discontinuance;¶  
<#>Appointment and briefing of the investigator;¶  
<#>Appointment of misconduct hearing or meeting members (and related determinations) from a list maintained for the purposes of the Regulations;¶  
<#>The Authority's representations (or the decision not to make representations) to misconduct proceedings in accordance with regulation 35(10) of the Police (Conduct) Regulations 2008;¶  
<#>Police Authority representation at proceedings, meetings, appeals, hearings and for other such related matters; and¶  
<#>Any other relevant matter on behalf of the Authority in relation to officer conduct. ¶

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- As appropriate, to exercise the powers and duties of the Authority in connection with procedural matters relating to the discipline and conduct issues against Police Authority Staff.
- Appoint/designate an investigator or other person to report to the Authority.
- Determine the application or otherwise of the Cleveland Police Disciplinary Policy and Procedures for Police Staff to any particular matter and make any changes necessary to make the procedures applicable and workable for Police Authority staff.
- Determine the panel membership and appoint or designate members or officers for any disciplinary hearing, appeal or similar panel/body dealing with staff disciplinary matters.

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### **Delegation to the Professional Standards Panel**

The following matters are delegated to the Professional Standards Panel:

- Decisions relating to the suspension of the Chief Executive, Treasurer or the Monitoring Officer.
- In the light of an investigating officer's report concerning a senior officer of the Authority, the Chief Executive, Treasurer or the Monitoring Officer, to determine the manner in which it should be dealt with.

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 Members will not be involved in the disciplinary action (including dismissal) taken against any employee below the level of Chief Executive except:¶  
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 <#>Where such involvement is necessary for any investigation or inquiry into alleged misconduct.¶  
 <#>As a Member of the Police Authority Staff Appeals Panel for the purposes of hearing appeals.¶  
 <#>Where it is within policy for discipline.¶