

Guidance on Standards of Professional Behaviour

Introduction

1. The standards of professional behaviour are set out in Schedule 2 to the Conduct Regulations. As the professional body for policing in England and Wales, the College of Policing is responsible for setting standards of policing practice and for identifying, developing and promoting ethics, values and integrity. The Code of Ethics, issued by the College of Policing, sets out in detail the principles and expected behaviours that underpin the standards of professional behaviour for everyone working in the policing profession in England and Wales. This includes police officers, to whom the Conduct Regulations apply.

1.1. The standards of professional behaviour, as reflected in the Code of Ethics, are a statement of the expectations that the police and the public have of how police officers should behave. They are not intended to describe every situation but rather to set a framework which everyone can easily understand. They enable everybody to know what type of conduct by a police officer is acceptable and what is unacceptable. The standards should be read and applied having regard to the Code of Ethics.

1.2. The standards of professional behaviour also reflect relevant principles enshrined in the European Convention on Human Rights and the Council of Europe Code of Police Ethics. The Code of Ethics is issued as a code of practice under section 39A of the Police Act 1996 (as amended). The Code of Ethics applies to everyone in the police. For the purposes of any consideration under the Conduct Regulations the standards of professional behaviour apply to police officers of all ranks from Chief Officer to Constable, Special Constables and to those subject to suspension.

1.3. The Code of Ethics is the framework that underpins the standards of professional behaviour as set out in the Conduct Regulations. The Code of Ethics should inform any assessment or judgement of conduct when deciding if formal action is to be taken under the Conduct Regulations.

1.4. A breach of the Code of Ethics will not always involve misconduct or require formal action under the Conduct Regulations. Managers, supervisors, professional standards departments and appropriate authorities will be expected to exercise sound professional judgement and take into account the principle of proportionality in determining how to deal effectively with relatively minor shortcomings in behaviour. In doing so, they must ensure they comply with any requirements placed on them by legislation. The Code of Ethics provides general guidance on how behaviour that does not uphold policing principles or meet expected standards should be handled.

1.5. In carrying out their duties in accordance with these standards, police officers have the right to receive the full support of the police. It is recognised that the ability of police officers to carry out their duties to the highest professional standards may depend on the provision of appropriate training, equipment and management support.

1.6. The police forces have a responsibility to keep police officers informed of changes to police regulations, local policies, laws and procedures. Police officers have a duty to keep themselves up to date on the basis of the information provided.

1.7. Where these standards of professional behaviour are being applied in any decision or misconduct meeting/hearing, they shall be applied in a reasonable, transparent, objective, proportionate and fair manner. Due regard shall be paid to the nature and circumstances of a police officer's conduct, including whether his or her actions or omissions were reasonable at the time of the conduct under scrutiny.

1.8. The Code of Ethics gives examples to help police officers interpret the standards expected in a consistent way. They are not intended to be an exclusive or exhaustive list.

1.9. Where the misconduct procedure is being applied, it is important to identify the actual behaviour that is alleged to have fallen below the standard expected of a police officer, with clear particulars describing that behaviour.

1.10. It should be remembered that the unsatisfactory performance procedures exist to deal with unsatisfactory performance, attendance and issues of capability.

1.11. The headings below describe the standards of professional behaviour as they are set out in Schedule 2 to the Conduct Regulations. The Code of Ethics goes into greater detail about the expectations underlying each of these standards. There is also an additional heading below in relation to "Off-duty conduct". There are additional explanatory paragraphs below some of the headings that are outside of the scope of the Code of Ethics and which should be used in considering whether there has been a breach of the standards of professional behaviour for the purposes of formal disciplinary action under the Conduct Regulations.

Honesty and Integrity

1.12. Police officers are honest, act with integrity and do not compromise or abuse their position.

Authority, Respect and Courtesy

1.13. Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.

1.14. Police officers do not abuse their powers or authority and respect the rights of all individuals.

Equality and Diversity

1.15. Police officers act with fairness and impartiality. They do not discriminate unlawfully or unfairly.

Use of Force

1.16. Police officers only use force to the extent that it is necessary, proportionate and reasonable in all the circumstances.

Orders and Instructions

1.17. Police officers only give and carry out lawful orders and instructions.

1.18. Police officers abide by police regulations, force policies and lawful orders.

Duties and Responsibilities

1.19. Police officers are diligent in the exercise of their duties and responsibilities.

1.20. When deciding if a police officer has neglected his or her duties all of the circumstances should be taken into account. Police officers have wide discretion and may have to prioritise the demands on their time and resources. This may involve leaving a task to do a different one, which in their judgement is more important. This is accepted and in many cases essential for good policing.

Confidentiality

1.21. Police officers treat information with respect and access or disclose it only in the proper course of police duties.

1.22. Where a police officer provides any reference in a private as opposed to professional capacity, then he or she will make this clear to the intended recipient and will emphasise that it is being provided in a private capacity and no police information has been accessed or disclosed in giving such a reference.

Fitness for Duty

1.23. Police officers when on duty or presenting themselves for duty are fit to carry out their duties and responsibilities.

Discreditable Conduct

1.24. Police officers behave in a manner which does not discredit the police service or undermine public confidence, whether on or off duty.

1.25. Police officers report any action taken against them for a criminal offence, conditions imposed by a court or the receipt of any penalty notice.

1.26. Discredit can be brought on the police by an act itself or because public confidence in the police is undermined. In general, it should be the actual underlying conduct of the police officer that is considered under the misconduct procedures, whether the conduct occurred on or off duty. However where a police officer has been convicted of a criminal offence that alone may lead to misconduct action irrespective of the nature of the conduct itself. In all cases it must be clearly articulated how the conduct or conviction discredits the police.

Challenging and Reporting Improper Conduct

1.27. Police officers report, challenge or take action against the conduct of colleagues which has fallen below the standards of professional behaviour expected.

Off-duty conduct

1.28. Police officers have some restrictions on their private life. These restrictions are laid down in the Police Regulations 2003. These restrictions have to be balanced against the right to a private life. Therefore, in considering whether a police officer has acted in a way which falls below these standards while off-duty, due regard should be given to that balance and any action should be proportionate taking into account all of the circumstances.

1.29. Even when off duty, police officers do not behave in a manner that discredits the police service or undermines public confidence.

1.30. In determining whether a police officer's off-duty conduct discredits the police, the test is not whether the police officer discredits herself or himself but the police as a whole.

1.31. Police officers are particularly aware of the image that they portray when representing the police in an official capacity even though they may be off-duty (e.g. at a conference).

1.32. When police officers produce their warrant card (other than for identification purposes only) or act in a way to suggest that they are acting in their capacity as a police officer (e.g. declaring that they are a police officer) they are demonstrating that they are exercising their authority and have therefore put themselves on duty and will act in a way which conforms to these standards. For example, during a dispute with a neighbour a police officer who decides to produce a warrant card would be considered to be on duty.

1.33. Police officers may only hold or undertake a business interest or an additional occupation where an application to hold or undertake it has been approved in accordance with the Police Regulations 2003. Police officers do not conduct such interests or occupations if approval has been refused or withdrawn, nor do they breach any condition of approval imposed.

1.34. All forms of management action and formal outcomes for misconduct are available in response to off-duty conduct.