

SI0618

Service Confidence Procedure

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This Service Instruction outlines protective measures that may be put in place when the Police Service loses confidence in an Officer, with a view to managing and reducing risk.

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1. Introduction

The purpose of this Service Instruction is to manage the risks posed when confidence in the integrity, honesty and trust of an Officer has been lost.

It is primarily concerned with protecting the Public, the Police Service, Police Operations and Colleagues.

2. Key Principles

When serious concerns exist about the conduct of an Officer, those concerns will be addressed by instigating criminal or misconduct proceedings wherever possible, as well as a review of the Officer's vetting status.

This [Service Confidence](#) Process (SCP) will only be used when this is not possible, for example where the information is credible intelligence that cannot be used in an investigation, or when proceedings have been concluded and yet serious concerns remain.

Use of the process is focused on managing ongoing risks posed by an Officer in whom the Service has lost confidence. It is not

intended to be punitive. This process applies to all Police Officers of all ranks up to and including Chief Superintendent.

The legal basis for this Service Instruction is [Section 33 of the Police \(Northern Ireland\) Act 2000](#).

3. Serious Concerns

A precise definition of 'serious concerns' is not possible as each set of circumstances must be judged on their own merits. However, the following types of behaviour are likely to be categorised as 'serious concerns'. This list is not exhaustive:

- Suspected unethical or dishonest conduct or corruption;
- Suspected disclosure or leakage of information;
- Suspected drugs activity or other criminality;
- Inappropriate associations with individuals involved in criminality;
- Abuse of position for financial or sexual gain; and/or

- Inter-personal relationships which result in serious negative impact on the efficiency or reputation of the Police Service or with the potential for the same.

Where 'serious concerns' exist, contact should be made with the Service Vetting Officer as there is potential that those concerns may impact on the Police Officer's vetting status also.

4. Pre-Panel Stage

Ethical Interview

Where 'serious concerns' exist it may be appropriate to conduct an ethical interview with an officer so they can answer the concerns and be advised of the potential for invoking the SCP. It also provides an opportunity for the subject Officer to improve their ethical behaviour. However, it is recognised that it is not always possible or appropriate to conduct such an interview, particularly if this could expose the public or Police Service to further risk.

An ethical interview is not a disciplinary interview. The purpose of the ethical interview is to raise concerns with an individual with a view to managing the

concerns or to give them an opportunity to respond to the allegation or information, offer an explanation, or to improve their ethical behaviour. A record will be kept of the ethical interview along with any response provided by the Officer concerned.

Any Officer subject to an ethical interview may be accompanied by a 'friend' as defined in [regulation 6 of the Police Conduct Regulation 2016](#).

Although not mandatory, an ethical interview is advisable, prior to a SCP, where the officer is not already aware of the concerns which have been raised and/or has not had the opportunity to respond to them.

Vetting Interview

Serious concerns may also prompt a vetting review with the Officer. A vetting interview is not a disciplinary interview. The purpose of the vetting interview is to raise concerns with an individual with a view to informing an assessment as to whether any identified risks can be managed at the relevant vetting level. A record will be kept of the vetting interview along with any response provided by the Officer concerned.

5. Convening a SCP Panel

Triggers for SCP

'Serious concerns' may be brought to the attention of the Service through a number of means. The following are non-exhaustive examples:

- Failing vetting processes;
- Reliable information;
- Inappropriate Associations; and/or;
- Residual recommendations from misconduct procedures where ongoing risks remain.

Composition of the Panel

On receipt of serious concerns the Chief Superintendent Professional Standards' Department (PSD) (or Deputy) may convene a Service Confidence Panel. The Panel may be comprised of the following, along with any other relevant individuals who may assist with decision-making:

- Chief Superintendent Professional Standards (Chair);
- Anti-Corruption & Vetting Branch Representative;
- PSD Solicitor;

- Human Resources Representatives and
- Senior Manager for the Officer.

To ensure the independence of the Panel, the Panel should not include anyone who has been directly involved in any prior criminal or disciplinary proceedings against the Officer.

Notification upon the Officer and Disclosure

The Chair of the Panel will ensure that the officer is personally notified that Service Confidence Process (SCP) is under consideration, and provided with the information relating to the concerns.

The Officer will be given disclosure of documentation which is relevant to (i.e. capable of supporting or undermining) the concerns which have been raised so that they are in a position to understand and respond to them. Careful consideration will be taken regarding the scope of the information that can be provided to the Officer, bearing in mind the potential for risk to the public, the Police Service or investigations.

The Officer will be afforded the opportunity to make written representations within

seven working days of being supplied with the documentation outlined above.

The Officer will also have the right to appear before the Panel to provide oral submissions should they wish to do so.

They may be accompanied by a “Friend”

This timescale may be extended by the Chair of the Service Confidence panel.

Interim protective measures may be put in place pending receipt of representations and the decision by the Chief Superintendent Professional Standards’.

6. Decision Making Process

Once the Officer has made their representations in writing and also by way of oral representations (should they chose to do so), the Service Confidence Panel will use the [National Decision Making Model](#) and discuss the following:-

- Nature of the concerns;
- The risks that are posed;
- The representations provided by the Officer; and
- The disclosure furnished

The Chair will consider all of the above and determine what recommendations if any, will be implemented by the relevant senior command.

7. Risk Management Measures

Measures taken to manage the risk cannot be prescriptive, and every case will be considered on its individual merits.

However the following (non-exhaustive) measures may be considered:

- Transfer to a different post or geographic area on either a permanent or temporary basis.
- Restriction in access to PSNI information systems;
- Removal of the Officer from the evidential chain;
- Restricting the Officer from working with a specific group, for example children or vulnerable individuals;
- Preventing the Officer from being placed in a role which involves minimal supervision; and / or
- Making recommendations on the officer’s eligibility for future promotion.

The Service Confidence Panel will agree the extent of information that can be provided to the Officer's management team to enable them effectively to manage the risk.

8. Notification after the Hearing

The Chair shall provide written reasons for their decision and will be responsible for ensuring that the Officer is notified of the decision and of their right to appeal this decision to an ACC.

9. Appeal

The Officer may appeal the decision of the Chair to an Assistant Chief Constable (ACC). Written reasons for appealing the decision should be forwarded to the ACC within seven working days of being notified of the Chair's decision. This timescale may be extended by the Assistant Chief Constable.

The ACC must be supplied with all documents relevant to the concerns, which should already have been supplied to the Officer. If the ACC considers it necessary or appropriate, the ACC may invite the

officer to a meeting at which to discuss the concerns and give the Officer an opportunity to respond. The ACC's decision, which should be followed up with written reasons to the Officer is final.

10. Record Keeping

All members of the Service Confidence Panel will be required to sign a confidentiality agreement and any hearing will be digitally recorded.

Anti-Corruption & Vetting will be responsible for the maintenance of records in relation to Ethical Interviews, Vetting Interviews and the Service Confidence Process, and will also ensure that annual reviews are initiated.

11. Review of Service Confidence Process

Each case involving use of the Service Confidence Process will be reviewed annually, unless there is information which would suggest it should be reviewed earlier.

The Chair of the Service Confidence Panel will convene the Panel to consider whether

continuation of measures under the SCP remain necessary & proportionate.

The Panel will, wherever possible, comprise the same people who made the original recommendation, unless this is not reasonably practicable.

The Officer will be advised of the review in advance, provided with relevant disclosure (i.e. those documents capable of supporting or undermining any ongoing concerns which exist, including any new material since the last panel recommendation) and invited to make written representations. The Officer will be afforded the opportunity to make written representations within seven working days of being supplied with the documentation outlined above.

12. Right to Appeal Review

Panel

The officer may appeal the decision of the review Panel to an Assistant Chief Constable (ACC). Written reasons for appealing the decision should be forwarded to the ACC within seven working days of the subject officer being notified of the Chair's decision.

This timescale may be extended by the Assistant Chief Constable.

The ACC must be supplied with all documents relevant to the concerns, which should already have been supplied to the officer. If they consider it necessary or appropriate, the ACC may invite the officer to a meeting at which to discuss the concerns and give the officer an opportunity to respond. The ACC's decision, which should be followed up with written reasons sent to the Subject Officer, is final.

13. Permanent Adjustments

If, following review, it is apparent that permanent adjustments or conditions are required to manage the risk presented by the subject Officer over the longer term, the Service Confidence Panel may make a recommendation to the Deputy Chief Constable that adjustments are to be permanent and that reviews will cease.

Before making a decision, the DCC must:

- Be supplied with all documents relevant to the ongoing risk and recommendation made, which should have already been supplied to the Officer; and

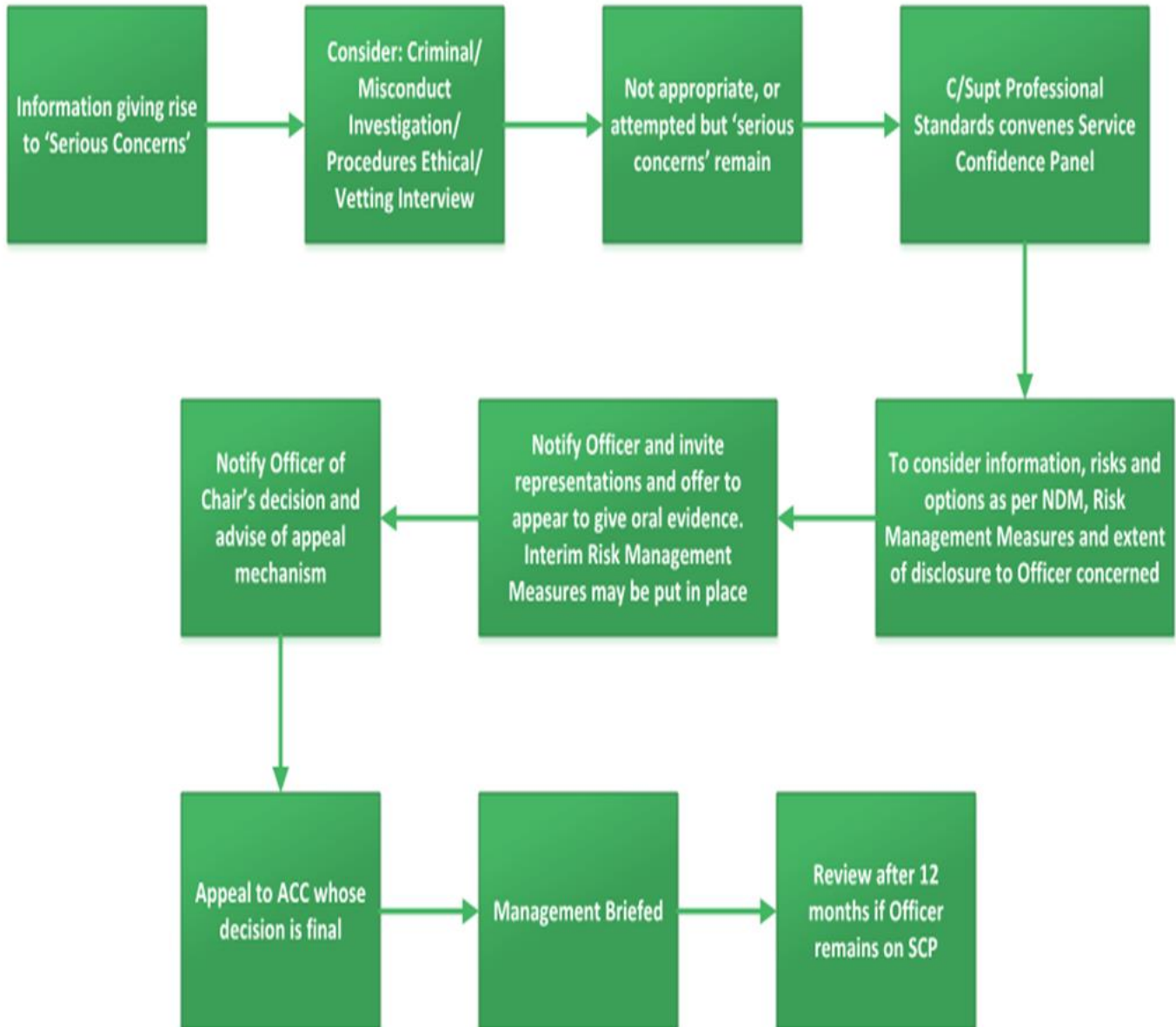
- Invite the Officer to a meeting at which to discuss these matters and give the officer an opportunity to respond. The DCC's decision, which should be supported by written reasons, will be final.

14. Appeal of Permanent Adjustments

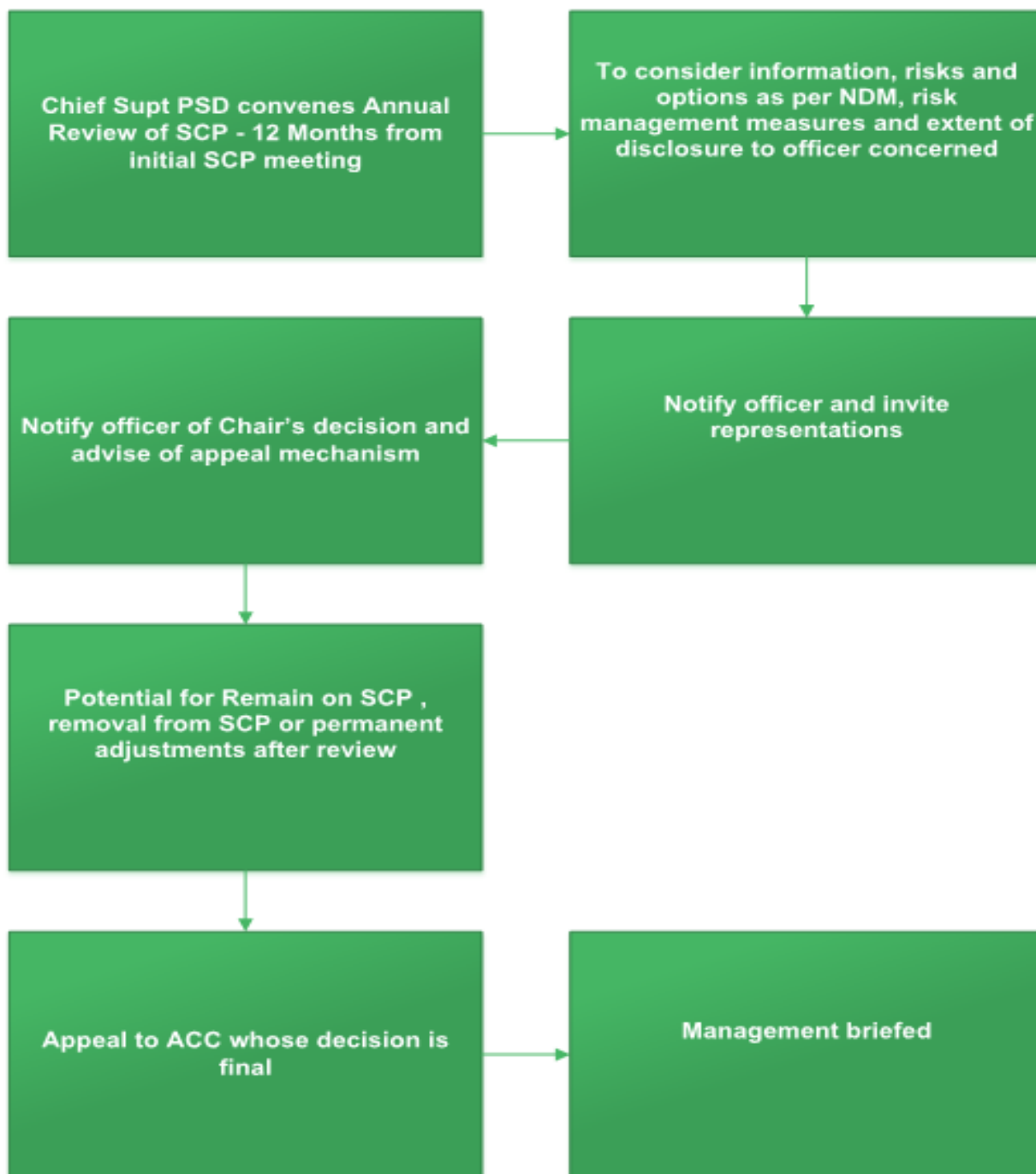
The Officer may appeal the decision of the DCC to the Chief Constable (CC). Written reasons for appealing the decision should be forwarded to the CC within ten working days of the subject Officer being notified of the DCC's decision. This timescale may be extended by the CC.

The CC must be supplied with all documentation relevant to the ongoing risk and need for permanent adjustment(s), which should already have been supplied to the Officer. If the CC considers it necessary or appropriate, the CC may invite the Officer to a meeting at which to discuss the concerns and give the Officer an opportunity to respond. The CC's decision, which should be supported by written reasons is final. Appendix A provides an overview of the Service Confidence Process.

Appendix A Service Confidence Overview



Appendix B Annual Review of SCP Process



Appendix C Contact Us

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