

10th February 2015



TITLE Policy for Dealing with Victims and Witnesses during Internal Investigations

CCMT Sponsor Deputy Chief Constable

Department/Area Professional Standards

Section/Sector

1.0 Rationale

- 1.1 Police officers and staff who are subject of a misconduct investigation have access to support from their relevant staff association. In the case of officers from within Federated ranks, this representation and support is provided by all suitable trained Police Federation representatives and co-ordinated by the Discipline Sub-Committee of the Police Federation (DSC). A member of police staff who is not a member of UNISON may seek the support of a nominated friend. Victims and witnesses should also receive support should they wish it and this policy sets out how that support should be provided.

This policy should follow the spirit of Article 6 of the ECHR, as incorporated into the Human Rights Act 1998, to ensure that all parties involved in the process to which it applies are treated fairly.

2.0 Intention

- 2.1 The intention of this policy is to ensure appropriate advice and support is available to all members of Thames Valley Police staff involved in misconduct investigations. It is recognised that the needs of witnesses and victims will vary in nature and degree. Some may choose not to accept assistance at all whilst others may require greater emotional and practical support. Whatever their needs, there must be a system in place which is easily obtainable and user friendly.

3.0 General Principles

- 3.1 The term staff is defined as any person working for Thames Valley Police, including the following:-

- i) Police officer (full or part time)
- ii) Police Staff (full or part time)
- iii) Special constable and PCSO

- iv) Contracted staff, e.g. gaolers (temporary staff under the supervision of an employee of Thames Valley police)
- v) Volunteers

The term witness includes victims and witnesses, and also those representing either persons by whom, or against whom, the allegations are made.

3.2 General Areas Of Concern

- a) There is a general misunderstanding at all levels of the effect on individuals when involved in internal investigations. As police officers are often considered to be “professional witnesses”, the impact of giving evidence at tribunals - both misconduct and employment - can be underestimated. The appropriate advice must be available to all staff in these circumstances.
- b) These guidelines obviously do not preclude any person from seeking their own support, but are designed to offer an equitable level of support to all individuals. The attention of members of staff should also be drawn to the staff associations, welfare, occupational health and counselling provisions that exist within the force.
- c) There are four main groups requiring care in these types of investigations:-
 - (i) The victim
 - ii) A member of staff reporting the professional misconduct of a colleague.
 - iii) Witnesses to the above. Some witnesses will be particularly vulnerable and will clearly need more support than others.
 - iv) The member of staff complained about.

This policy is concerned with the levels of support to be provided to those in categories (i) (ii) and (iii) above, as those in (iv) above are dealt with in other policies and procedures, (which should also ensure that the person complained of is also dealt with fairly, and given the appropriate amount of support).

4.0 Challenges and representations

Any person directly affected by this policy may make representations in writing in relation to this document and/or any decision taken in consequence of it, to:-

Detective Chief Superintendent
Professional Standards Department
Thames Valley Police Headquarters
Oxford Road
Kidlington
Oxon OX5 2NX

5.0 Guidance , Procedures and Tactics

5.1 Victims / those reporting professional misconduct

When a complaint / report is made, an Investigating Officer (IO) is appointed and makes the initial contact. The IO will have a duty in conjunction with the relevant line manager to refer the individual to appropriate support. This support will be co-ordinated by the Police Federation Joint Branch Board (JBB) Secretary or their deputy who will arrange support from the individual Police Federation representatives as appropriate, or if applicable UNISON or the Superintendent's Association, or any representative of a diversity group, unless the victim/witness would prefer an alternative. The individual will be given contact details for the JBB Secretary and will be encouraged to make contact. A referral will simultaneously be made (in non specific terms), direct to the JBB Secretary who will nominate an officer to act as support. That officer will, if requested, provide support from that point onwards throughout the investigation, the hearing (if applicable) and afterwards. If the individual does not make contact, a member of the Police Federation will contact them making a further offer of assistance.

5.2 It is recognised that where complaints arise from issues surrounding any discriminatory behaviour, referrals may also be made to the Force Equality Schemes Co-ordinator, a representative of the Diversity Team, the Support Association for Minority Ethnic staff (SAME), the Gay Police Association and any other appropriate support group who may be required to offer more specialist support. It is important to adhere to the needs of the individuals in each case.

5.3 Witnesses to professional misconduct

Witnesses can be placed into two groups:-

- i) Vulnerable witnesses - either because of the nature of their evidence, or their own sensitivity.
- ii) Witnesses who find the prospect of giving evidence against a colleague difficult and are confused over their role.

Vulnerable police witnesses will be referred to the Police Federation JBB Secretary by the Investigating Officer at the beginning of the investigation in the same way as the victim/officer reporting.

Other witnesses will need advice of a different nature. This will be provided by the local Police Federation representative or relevant Staff Association representative, or any representative from the relevant diversity group. His/her local knowledge and presence can be vital in liaison during the investigation, and will be important during the aftermath of an investigation to help deal with any outstanding issues.

Having given witness details to the JBB Secretary, the JBB Secretary will liaise with the local Federation representative and the Discipline Sub-Committee to ensure that there is no overlap or conflict of duties.

Records of all referrals will be kept on the investigation logs by the IO so that they can be reviewed periodically, if required, together with the LPA Commander/OCU Head of Department.

5.4 UNISON

UNISON have a similar structure to the Police Federation. In investigations involving police staff, UNISON will be asked to provide the same level of care and support to all parties. Non UNISON members may receive support from their nominated friend.

5.5 Mentors

In certain cases, it may also be beneficial to nominate a mentor from within the organisation to act as liaison, in addition to the Federation or relevant Staff Association. Where possible, they will work together. Whilst the success of this is acknowledged, it is vital that anyone taking on the role must fully understand the workings of the Professional Standards Department, and be able to provide realistic advice and expectations. This training will be undertaken by the Professional Standards Department.

5.6 Witness Protection

In exceptional circumstances there may be a need for liaison with, and reference to the South East Regional Witness Protection Unit (SERWPU). The decision for this referral will be made by the head of Professional Standards and any such action will be governed by the existing Forcewide policy and practice.

5.7 The supporter, in all cases, must have knowledge of investigation procedures and the format and functions of hearings.

5.8 Hearings

a) The actual Police misconduct hearing is currently held at Headquarters. The actions surrounding that hearing will be managed by the Professional Standards Department. The Department will continually assess their own procedures regarding witness warning and contact as well as ensuring that the venue is the best, and most practical available, including having suitable facilities available for all witnesses.

b) The Staff Associations will provide support to Police witnesses attending a hearing where needed. Volunteers recruited under the Force Volunteer Scheme will provide additional support to Police Staff who attend a hearing.

5.9 Factors to be considered

This policy places much emphasis on members of the Police Federation and UNISON offering themselves to support individuals. It will clearly need to be recognised that provision of this service may take them away from their normal functions. LPA Commanders/OCU Heads of Departments need to allow for this abstraction in the interests of the welfare of their staff. If the

policy is implemented correctly at an early stage, it will have an impact on the welfare of victims and witnesses, and may reduce the risk of sickness during and after an investigation.

5.10 Reintegration into the workplace

At all stages of an investigation, consideration will be given to the posting/position of a colleague within the workplace. The views and opinions of the individual will be a key consideration. Decisions will be taken by a reference group whose membership will normally include LPA Commander/OCU Department Head (or nominee), Human Resources and the Professional Standards Department. The presumption will normally be to attempt to protect/reintegrate the individual within his/her normal place of work.

6.0 Communication

6.1 This policy will be published on the Policy Management Unit and the Professional Standards Department Intranet sites.

6.2 Communications Strategy

This policy will be made available to all PSD Investigating Officers and HR Business Partners.

There will be a link from the Policy and Procedures Intranet site to the Professional Standards Intranet site. Links will be made to existing ACPO/HMIC/Home Office policies and guidance documents relating to the support of victims and witnesses during internal investigations and any legislation governing this subject.

7.0 Compliance and Certification

7.1 Human Rights Certification

Legal Basis

This policy document is not based on any legal basis. It is founded on what is considered to be good working practice.

Human Rights Articles Engaged

It is considered that this policy has no potential for engaging any of the Articles of the Convention. It does, however, enhance the likelihood of any trial or hearing being fair by allowing appropriate support to be available to those persons giving evidence.

7.2 Race Equality Impact Assessment

This policy has been screened as being of low relevance.

7.3 Data Protection

Policy notes will be made of all key decision-making processes by the Investigating Officer.

Files in relation to internal investigations will be retained either by the relevant HR Business Partner or Professional Standards Department. They will be held for a period of seven years.

7.4 Freedom of Information Act

This policy is available to the general public. Copies of this policy can be obtained by writing to:-

Policy Management Unit
Corporate Development
Thames Valley Police Headquarters
Oxford Road
Kidlington
Oxon OX5 2NX

7.5 Protective markings

There is nothing contained within this policy that would preclude it from being made available to the public.

7.6 Health and Safety at Work

This policy contains Health and Safety implications in relation to the welfare of:-

- ii) The member of staff complained of.
- ii) The member of staff reporting misconduct of a colleague.
- iii) Members of staff who are witnesses to misconduct.

The policy provides a means of support for all the above groups.

8.0 Monitoring and Review

8.1 Links to Best Value/PPAF/Priorities/Performance Indicators

This policy links with the PSD Service Priority 1.

8.2 Review Process

This policy will be reviewed annually, in January, by the Inspector, Professional Standards Department. The review will take account of the following criteria:-

- * changes in legislation
- * any Home Office Guidance issued on the subject
- * changes to ACPO guidance
- * representations made by any of the Staff Associations
- * representations made by individuals

Policy Authorisation

Policy approved at (e.g. meeting or committee):

Date policy signed off:

Policy signed off by:

(Name of relevant ACC) (Signature) (Functional area)

Version	Date	Author	Reason
V1	2 nd May 2013	Mark Weston	Update following review
	10 th Feb 2015	Mark Weston	Reviewed