



Crime Reduction and Community Safety Group
Police Leadership and Powers Unit
4th Floor Peel
2 Marsham Street
London SW1P 4DF

Code@homeoffice.gsi.gov.uk www.homeoffice.gov.uk

27/2/06

NEW CODE OF PROFESSIONAL STANDARDS FOR POLICE OFFICERS

Introduction

A new Code of Professional Standards for police officers has been drawn up by a working party of the Police Advisory Board to replace the current Code of Conduct¹ and there will now be a three month public consultation process. The intention is that the new Code is modern, has a positive tone and is interpreted in a consistent way.

As with the current Code of Conduct, the new Code of Professional Standards will apply to all police officers and special constables. A similar code for police staff is currently being discussed.

The new Code of Professional Standards reflects the principles of the Council of Europe Code on Police Ethics. It is a key part of an improved discipline system which is currently being developed. The Association of Chief Police Officers, the Association of Police Authorities, police staff associations, the Independent Police Complaints Commission, practitioners from professional standards departments, Her Majesty's Inspectorate of Constabulary, the Arbitration, Conciliation and Advisory Service (ACAS), a representative from the police staff council trade union side and the Home Office have all been involved in drafting the Code and guidance and it is hoped that this has enabled us to produce a document which is suitable for a modern police service and which is easily understood by all its members.

Effective policing relies on the police service having the confidence of the public so it is equally important that the Code is easy for members of the public to understand and that it reflects their expectations of how police officers should behave.

¹ Schedule 1, The Police (Conduct) Regulations 2004, SI No. 645

To ensure that we have reflected these expectations and that the Code and guidance is easy to understand we invite you to comment.

What is a Code of Professional Standards?

A Code of Professional Standards reflects the expectations that the police service and the public have of how police officers should behave. It is not intended to describe every situation but rather to set a framework which everyone can easily understand. It should enable everybody to know what type of conduct by a police officer is right and what is wrong.

Why does it have guidance?

The Code which has been developed is deliberately very brief to make it as clear and simple as possible, but for the first time guidance has been created to accompany the Code.

The guidance is intended to assist police officers and the public to understand more clearly which types of conduct are unacceptable. The hope is that the Code will be interpreted in a consistent way because it will aid police managers and police professional standards departments (which handle police discipline cases) to decide whether an officer has acted in breach of the Code and whether disciplinary action should be taken.

Objectives for the Code of Professional Standards and Guidance

The Code and guidance should:

- Be easy to understand
- Reflect the standards of behaviour expected of police officers
- Enshrine the values of fairness and equality in policing

We invite your views on the proposed Code of Professional Standards and guidance. Please consider the above objectives and then answer the following questions:

- 1, Does the Code and the guidance reflect the standards that you expect of police officers? If it does not, please say why.
 - 2, Is there anything that should be added to or removed from the Code or the guidance?
 - 3, Is the Code and guidance easy to understand? If not, please say what difficulties you have had.
 - 4, Does the Code and guidance achieve its aim of enshrining the values of fairness and equality in policing? If it does not, please say why.
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The Consultation Process

The full public consultation process will last 12 weeks and started on 27/2/06.

Please send responses via e-mail to the Home Office:

Code@homeoffice.qsi.gov.uk

THE CLOSING DATE FOR THE CONSULTATION PROCESS IS 19/5/06 2006.

The draft Code of Professional Standards can be found in Appendix A and the guidance in Appendix B.

A summary of the responses received will be published within 3 months of the closing date for this consultation, and will be made available on the Home Office website.

This document has been sent to the organisations listed in Appendix C. If there are other interested parties then please inform us so that this document can be sent to them.

You should also contact the Home Office using the e-mail address Code@homeoffice.qsi.gov.uk if you require a copy of this consultation paper in any other format, e.g. Braille, Large Font, or Audio.

Responses: Confidentiality & Disclaimer

The information you send us may be passed to colleagues within the Home Office, the Government or related agencies.

Furthermore, information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

Please ensure that your response is marked clearly if you wish your response and name to be kept confidential.

Confidential responses will be included in any statistical summary of numbers of comments received and views expressed.

The Department will process your personal data in accordance with the DPA - in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

The Six Consultation Criteria

This consultation follows the Cabinet Office Code of Practice on Consultation - the criteria for which are set below:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

The full code of practice is available at:

www.cabinet-office.gov.uk/regulation/Consultation

Consultation Coordinator

If you have any complaints or comments specifically about the consultation process only, you should contact the Home Office consultation co-ordinator Bruce Bebbington by email at: bruce.bebbington@homeoffice.gsi.gov.uk

Alternatively, you may wish to write to:

Bruce Bebbington
Consultation Co-ordinator
Performance and Delivery Unit
Home Office
3rd Floor Seacole
2 Marsham Street
London
SW1P 4DF

Code of Professional Standards

The office of constable is unique because it is the duty of police officers to:

- (a) protect life and property;
- (b) preserve order;
- (c) prevent the commission of offences; and
- (d) where an offence has been committed, to take measures to bring the offender to justice.

To fulfil these duties, police officers are granted extraordinary powers and a wide discretion with which to exercise them. Therefore, the public and the police service have the right to expect the highest professional standards of behaviour. The principles set out in this Code reflect these expectations and every police officer must attain these standards. Anybody who falls short of these standards will have his or her conduct examined.

Principle 1- Responsibility and Accountability

Police officers are personally responsible and accountable for their actions or omissions.

Principle 2- Honesty and Integrity

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

Principle 3- Lawful Orders

Police officers obey lawful orders and refrain from carrying out any orders they know, or ought to know, are unlawful.

Police officers abide by the law.

Principle 4- Use of Force

When police officers use force it is only to the extent that is necessary and reasonable to obtain a legitimate objective.

Principle 5- Authority, Respect and Courtesy

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

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

Principle 6- Equality

Police officers act with fairness and impartiality. They do not discriminate unlawfully on the grounds of sex, race, colour, language, religion or belief, political or other opinion, national or social origin, association with a national minority, disability, age, sexual orientation, property, birth or other status.

Principle 7- Confidentiality

Police officers treat information with respect and access or disclose it only for a legitimate police purpose.

Principle 8- Fitness for Duty

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

Principle 9- General Conduct

Police officers, on duty, act in a professional way.

Police officers do not behave in a manner which brings, or is likely to bring, discredit on the police service or that undermines or is likely to undermine public confidence in the police, whether on or off duty.

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

Principle 10- Challenging and Reporting Improper Conduct

Police officers challenge and when appropriate take action or report breaches of this code and the improper conduct of colleagues.

Appendix B

Guidance on the Code of Professional Standards

Introduction

This guidance is issued by the Secretary of State in accordance with the provisions of section 87 of the Police Act 1996. As such, those who are responsible for administering the procedures described in this guidance are reminded that they are required to take its provisions fully into account when discharging their functions. The guidance should not be departed from without good reason. This guidance is not a definitive interpretation of the relevant legislation. Interpretation is ultimately a matter for the courts.

Public confidence in the police depends on police officers demonstrating the highest level of personal and ethical standards based on respect for human rights. The Code of Professional Standards reflects these standards and the principles enshrined in the European Convention on Human Rights. It does not seek to restrict police officers' discretion; rather it aims to define the parameters of conduct within which that discretion should be exercised. A breach of these high standards may damage confidence in the police service and could lead to disciplinary action, which in serious cases could involve dismissal.

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

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

The public have the right to expect the police service to protect and vindicate their human rights by safeguarding the rule of law and providing a professional police service. Police officers have the right to the same expectations and to a working environment free of any form of harassment or discrimination.

Where this Code is being applied in any decision or hearing, it shall be applied in a reasonable, transparent, objective and proportionate manner. Due regard shall be paid to the nature and circumstances of an officer's conduct including whether their actions or omissions were reasonable.

Principle 1- Responsibility and Accountability

Police officers are personally responsible and accountable for their actions or omissions.

Police officers do not neglect the duties or responsibilities that they know or ought to know they have.

When deciding if a police officer has neglected their duties all of the circumstances should be taken into account. Police officers have a lot of 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.

Police supervisors are role models for delivering a professional, impartial and effective policing service. They have a particular responsibility to maintain professional standards and integrity by advice, remedial or other relevant and appropriate action.

Police officers ensure that accurate records are kept of the exercise of their duties and powers as required by relevant legislation, force policies and procedures.

In carrying out their duties police officers have a responsibility to exercise reasonable care to prevent loss or damage to property of others including police property.

Principle 2- Honesty and Integrity

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

Police officers act with integrity and are open and truthful in their dealings with the public and their colleagues, so that confidence in the police service is secured and maintained.

Police officers do not knowingly make any false, misleading or inaccurate oral or written statements or entry in any record or document, kept or made in connection with any police activity.

Police officers never accept any gift or gratuity that could compromise their impartiality as a police officer. During the course of their duties police officers may be offered hospitality (e.g. refreshments) and this may be acceptable as part of their role. However, police officers always consider carefully the motivation of the person offering a gift or gratuity of any type and the risk of becoming improperly beholden to a person or organisation.

It is not anticipated that inexpensive gifts would compromise the integrity of a police officer, such as those from conferences (e.g. promotional products) or discounts aimed at the entire police force (e.g. advertised discounts through police publications). However, all gifts and gratuities must be declared in accordance with local policy where authorisation may be required from a line manager, Chief Officer or Police Authority to accept a gift or hospitality. If an officer is in any doubt then they should consult with their line manager.

Police officers never use their position or warrant card to gain advantage (financial or otherwise) that could give rise to the impression that the officer is abusing their position. A warrant card is only for identification and to express authority.

Principle 3- Lawful Orders

Police officers obey lawful orders and refrain from carrying out any orders they know, or ought to know, are unlawful.

Police officers abide by the law.

The police service is a disciplined body and as such police officers follow orders to the best of their ability and never carry out any orders they know, or ought to know, are unlawful.

Two factors should be considered when assessing if it was reasonable not to follow a lawful order. First of all, was there a good reason and secondly, was it sufficient to justify not following such an order having regard to the circumstances and possible consequences.

Police officers, to the best of their ability, support their colleagues in the execution of their lawful duty.

Police officers abide by police regulations and accept the restrictions on their private lives contained within.

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

Principle 4- Use of Force

When police officers use force it is only to the extent that is necessary and reasonable to obtain a legitimate objective.

Police officers act proportionately in carrying out their duties and as far as it is reasonable in the circumstances, apply non-physical methods available to

them before resorting to the use of force. Section 3 of the Criminal Law Act 1967 makes it clear that force may only be used when it is reasonable in the circumstances. Police officers use force only if other means remain ineffective or without any realistic prospect of achieving the intended result.

Article 2 (2) of the European Convention on Human Rights provides a stricter test for the use of lethal force and the use of such force must be absolutely necessary.

Police officers respect everyone's right to life and do not, under any circumstances, inflict, instigate or tolerate any act of torture, inhuman or degrading treatment or punishment (as enshrined in Articles 2 and 3 of the European Convention on Human Rights).

Principle 5- Authority, Respect and Courtesy

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

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

In exercising their duties, police officers never abuse their authority or the powers entrusted to them. Police officers are uniquely placed to protect the human rights of individuals and groups within society. They have been given important powers and responsibilities due to the complex and difficult situations they deal with. The public have the right to expect that such powers are used professionally, impartially and with integrity, irrespective of an individual's status.

Police officers do not, under any circumstances inflict, instigate or tolerate any act of inhuman or degrading treatment (as enshrined in Article 3 of the European Convention on Human Rights).

Police officers, to the best of their ability, respect the fact that some individuals who come into contact with the police, such as victims, witnesses or suspects may be vulnerable and therefore may require additional support and assistance.

Police officers use appropriate language and behaviour in their dealings with their colleagues and the public. They do not use any language or behave in a way that they know, or ought to know, is offensive or is likely to cause offence.

Principle 6- Equality

Police officers act with fairness and impartiality. They do not discriminate unlawfully on the grounds of sex, race, colour, language, religion or belief, political or other opinion, national or social origin,

association with a national minority, disability, age, sexual orientation, property, birth or other status.

Police officers carry out their duties in accordance with Article 14 of the European Convention on Human Rights and current equality legislation.

Police officers respect all individuals and their traditions, beliefs and lifestyles provided that such are compatible with the rule of law. In particular police officers do not discriminate unlawfully when exercising any of their duties, discretion or authority.

Police officers pay due regard to the need to eliminate unlawful discrimination and actively promote equality of opportunity and good relations between persons of different groups.

Police supervisors have a particular responsibility to support the promotion of equality and by their actions to set a positive example.

In certain cases different treatment, which has an objective justification and is a proportionate means of achieving a legitimate aim, may not amount to discrimination.

Principle 7- Confidentiality

Police officers treat information with respect and access or disclose it only for a legitimate police purpose.

The police service shares information with other agencies and the public as part of its legitimate policing business. Police officers never access or disclose any information that they know or ought to know is not for a legitimate policing purpose. Police officers who are unsure if it is legitimate to access or disclose information always consult with their line manager or department that deals with data protection or freedom of information before accessing or disclosing information.

Police officers oppose any attempt by a third party to gain access to any information that they are not entitled to. This includes for example, requests from family or friends, approaches by private investigators and disclosure to the media.

Principle 8- Fitness for Duty

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

Police officers do not make themselves unfit or impaired for duty as a result of drinking alcohol, using a substance for non-medical purposes or intentionally misusing a prescription drug.

Police officers who present themselves to their force with a drink or drugs misuse problem will be supported. However, the use of illegal drugs cannot be condoned.

Police officers who are aware of any health concerns that may impair their ability to perform their duty should seek guidance from the occupational health department or their line manager as to their fitness to perform their assigned role.

A police officer who is unexpectedly called to attend for duty should be able to say that they are not fit to perform the required duty as a result of having consumed alcohol without risk of bringing discredit on themselves or the police service.

Police officers when absent from duty, on account of sickness, do not engage in activities that they know, or ought to know, are likely to impair their return to duty. It is expected that police officers will engage with the force medical officer or other member of the occupational health team if required.

Principle 9- General Conduct

Police officers, on duty, act in a professional way.

Police officers do not behave in a manner which brings, or is likely to bring, discredit on the police service or that undermines or is likely to undermine public confidence in the police, whether on or off duty.

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

Bringing discredit on the police service is when public confidence or the reputation of the police service is damaged or could be damaged by the actions of a police officer or group of police officers. In the interests of fairness, consistency and reasonableness the test is not solely about the amount of media coverage but having regard to all the circumstances.

Actions which could bring discredit to the police service and which may result in disciplinary action include arrest, summons for an offence, a penalty notice for disorder, an endorsable fixed penalty notice for a road traffic offence, or a charge or caution for an offence by any enforcement agency in the UK or elsewhere. This also includes convictions and conditions imposed by a court. 'Conditions imposed by a court' would include, for example, the issue of an Anti-Social Behaviour Order, a restraining order, or a bind-over. Police officers

are required to report as soon as reasonably practicable to their force any occasion where these have occurred.

Police officers do not purchase or consume alcohol when on duty, unless specifically authorised to do so or it becomes necessary for the proper discharge of a particular police duty.

Police officers on duty whether in uniform or in plain-clothes, display a positive image of the police service in the standard of their appearance which is appropriate to their operational role.

Police officers attend punctually when rostered for duty or other commitment (eg attendance at court).

Off-duty conduct

Police officers have some restrictions on their private life and this has to be balanced against the right to a private life. These restrictions are laid out in Police Regulations. Therefore, in considering whether a breach of this Code has occurred for off-duty conduct due regard should be given to that balance and any action should be proportionate taking into account all of the circumstances.

Even when off duty, police officers should never behave in a manner that brings or is likely to bring discredit upon the police service.

In determining whether an officer's off-duty conduct brings or is likely to bring discredit to the police service, the test is not whether the officer brings or is likely to bring discredit on herself or himself but on the police service as a whole.

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

When police officers produce their warrant card (other than for identification purposes only) or act in a way to suggest that they are a police officer (i.e. declaring that they are a police officer) they are demonstrating that they are exercising their authority and have therefore put themselves on duty for the purposes of this code. For example, during a dispute with a neighbour an officer who decides to produce a warrant card would be considered to be on duty.

An approved business interest should always be carried out in a way that does not give the impression of compromising the officer's impartiality and in such a way as not to risk bringing discredit on the police service.

All managerial actions and disciplinary outcomes are available in response to off-duty conduct and in all cases, whether on or off-duty, it should be the actual conduct of the officer that is considered. It must also be clearly

articulated how that conduct brings or is likely to bring discredit to the police service.

Principle 10- Challenging and Reporting Improper Conduct

Police officers challenge and when appropriate take action or report breaches of this code and the improper conduct of colleagues.

Police officers are supported by the police service if they report a breach of this Code unless such a report is found to be malicious or otherwise made in bad faith.

Police officers challenge and when appropriate report unlawful orders, improper conduct and breaches of this Code. It is accepted however that it will not always be necessary to report an officer's conduct if the matter is of a minor nature and has been dealt with by normal management action.

Appendix C
DISTRIBUTION LIST

Chief Officers

ACPO
ACPOS
APA
Association of Police Lawyers
Association of Scottish Superintendents
Bar Council
British Association of Women in Policing
British Transport Police
Centrex
Chair of Police Authorities
Children's Society
Citizens Advice
Commission for Racial Equality
CPOSA
Crimestoppers
Criminal Defence Service
Criminal Law Solicitors' Association
Crown Prosecution Service
Dept for Constitutional Affairs
Disability Rights Commission
Equal Opportunities Commission
General Municipal and Boilermakers Union
GPA
Her Majesty's Inspectorate of Constabulary
Independent Custody Visiting Association
Independent Police Complaints Commission
INQUEST
Justice
Law Society
Legal Services Commission
Liberty
Metropolitan Women Police Association
Ministry of Defence Police
Muslim Council of Britain
National Appropriate Adult Network
National Black Police Association
National Disabled Police Association
Neighbourhood Watch Association
Police Action Lawyers Group
Police Service of Northern Ireland
Police Superintendents Association
Police Federation
Skills for Justice
Police Staff Council (Trade Union Side)
Serious Organised Crime Agency
Special Constabulary

Superintendents' Association of Northern Ireland
Victim Support
Welsh Assembly