



West Midlands Office for Policing and Crime Attendance Management and Sickness Absence Policy

West Midlands Office for Policing and Crime (WMOPC) is committed to the principles of equality and diversity. No member of the public, member of staff, volunteer or job applicant shall be discriminated against on the grounds of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; or sexual orientation.

Introduction

1. The accurate recording of sickness absence is an important responsibility for all staff. This policy sets out the process to be followed by a member of staff absent from work due to sickness and the necessary documentation to be completed. It also sets out the responsibilities of each individual in respect of compliance with the attendance management policy.

Absence Notification Procedure

2. On the first working day employees should notify their line manager immediately of their absence. If their manager is not available then they may notify another nominated senior member of staff. Notification of absence needs to be made as soon as possible so that alternative staffing arrangements can be made. This should be done if possible, before the normal start time to assist in the management /covering of workloads etc.
3. If the employee has not returned to work by the fourth day of absence they or a relative, must telephone in person and speak to their line manager to explain the circumstances. The manager should if possible ring the employee back if they are not available to take the initial call.
4. Where the absence is for a period of longer than seven calendar days the employee must submit a doctor's medical statement ("a Statement of Fitness for Work"), as soon as possible. By this stage they should have been contacted by their line manager to discuss the prognosis and when they are expected to be fit to return to work.
5. For any periods of absence lasting longer than the period covered by the first statement, further doctor's statements must be submitted when appropriate.
6. On their return to work the manager must hold a return to work discussion with the employee, which should wherever possible be on the day of their return. For periods of absence exceeding 14 days, or when more than one doctor's statement has been issued, the employee must obtain a final doctor's note confirming their fitness to return to duty.

[If you are ill or injured during a period of pre-arranged annual leave you may elect to treat the days of incapacity as sickness absence instead of annual leave. You must inform your manager of your incapacity and its likely duration as soon as possible even if you are abroad. You will not receive company sick pay unless you are able to provide a medical certificate or other evidence of incapacity at your own expense for the full period of incapacity].

Return to work discussions

7. The return to work discussion is crucial to improving attendance. An effective process will result in early identification of issues requiring specialist or managerial response and will ensure that the individual receives appropriate support from the organisation. The discussion should take place between the line manager and employee and should be as soon as possible after the individual's return to work, ideally on their first morning. It is part of the normal day to day management processes and will not therefore normally require the attendance of a Union representative. A note of actions arising from it should be recorded and also noted if the period of absence disability or maternity was related.
8. The interview should be carried out in private and sympathetically. Where there is concern about possible abuse of the procedure this must be brought to the attention of the Chief Executive.

Managing Attendance -The Manager's Role

9. Local management of attendance is crucial to the delivery of higher levels of attendance and ensuring that individual cases of absence are managed effectively.
10. Trigger points are designed to provide managers with early notice of potential issues i.e. eight or more day's absence in a twelve month period, and/ or more than two occasions. To that extent they support WMOPC in discharging a duty of care to all our staff.
11. Line managers have a better knowledge /understanding of individual attendance levels and of the reasons behind any changes in the frequency or amount of absence. Each case needs to be viewed individually.
12. Below are a set of basic managerial responsibilities to support improvements in attendance:
 - ensure that staff with excellent levels of attendance are recognised through their PDR process. This will apply to the majority of staff who do attend work on a regular and reliable basis
 - by covering the issue during the induction process
 - ensure employees understand and follow the absence notification procedure, for example, by covering this during the induction process and by ensuring all staff have a copy of the procedure
 - ensure return to work discussions take place and that appropriate follow up actions take place and are recorded
 - ensure regular contact is maintained with employees who are absent (through personal contact / telephone and / or letter whichever is most appropriate)
 - ensure that the attendance levels / absence trends of individual employees are brought to their attention and that this information is available locally through the computer system

- ensure where the employee is seen (outside the normal return to work discussion) that measures are put in place to address / improve their attendance
- Ensure that specialist support / advice is requested when needed.
- ensure that consideration is given to any temporary local changes in work location, hour of work or duties which are practical and may improve attendance.

13. It is important that individual absence is not allowed to drift and there is an appropriate managerial response to address attendance.

Management of short term absences

14. When dealing with frequent short-term absence there are normally four stages to the process: -

- Investigation
- Interview
- Action
- Monitoring and Review

Investigation - short term absences

15. The investigation process will normally be triggered where the individual has exceeded the attendance target, i.e. had eight or more day's absence and/or two or more periods of absence in the preceding twelve months. Before deciding on an appropriate managerial response it is important to investigate and gather as much information on the individual's attendance as possible. This will normally include: -

- The number of days lost and the number of separate incidents.
- Any pattern of absence for example around particular days of the week or times of the year.
- How the individual's absence compares with others in the team. This may help in encouraging the individual to understand the reason why they need to be seen formally.
- Reasons for the absences. For example, is there a common theme or link between the separate periods of sickness or known underlying cause?
- Is there a distinction between the reasons for self-certified absence and that supported by medical certificate?
- Is there any link between the absences and the individual's duties and/or their working environment?
- Are there any periods of absence, pregnancy related or the result of an assault or injury at work?
- Physical or mental impairment -
 - Substantial effect on day to day activities

- Long term effect (12 months or more)
16. Advice from Occupational Health Advisers should be obtained to determine the level of restriction and what duties can and cannot be performed in the case of physical or mental impairment, and these details should be available before the interview and provided the individual has had a return to work interview after each period of absence, most of the information will already be recorded. The details need to be set against any personal knowledge the line manager has of the circumstances surrounding the absences.

Interview - short term absences

17. If the investigation highlights areas of concern then the individual will need to be interviewed by their line manager. (This is separate from the Return to Work Interview). Prior to the interview they should be informed of its purpose, be advised of their right to be accompanied by a friend or Union Representative and given adequate notice to allow them to prepare. The interview should take place at work, which will make it necessary to await the return of an individual who is absent.
18. The purpose of the interview is to:
- explain to the individual that there is genuine concern for their health and to explore any appropriate support that can be provided.
 - make sure the individual is aware of the concern regarding the frequency/duration of their absence.
 - make the individual aware of the affect their absence has on workloads and colleagues.
 - allow the individual to offer their views and comments, and identify possible causes for their absences.
 - identify if there are any other non-medical reasons such as personal or domestic problems or issues relating to the job or working conditions that are causing the absence.
 - for individuals with disabilities or pregnancy related absence, the interview will present the opportunity to explore whether reasonable adjustments, an occupational health appointment, or reconsider maternity leave dates etc can be made to sustain an acceptable level of attendance.
 - enable the line manager to reach a view on the possible causes of the absences, medical or otherwise and agree with the individual the actions needed to improve attendance.

Action - short term absences

19. Depending on information provided during the interview, there are a number of options for further action. These include: -
- Do nothing at this stage
 - Referral for Occupational Health advice
 - Agree a period of monitoring, on the basis that the individual understands that an improvement in their level of attendance is required. The length of the review

period will depend on individual circumstances, although it is likely to be between three and six months. The individual should be made aware at this stage of the concern of the line manager regarding their attendance.

- In certain circumstances the withdrawal of the individual's right to self-certification may be appropriate but should not be used as a blanket approach in all cases. (Charges incurred for GP certificates are reimbursable by WMOPC). Linked to this it may be helpful for the individual to receive advice and guidance from their GP on measures to improve attendance. If withdrawal of self certification is decided by the line manager as an outcome of the action plan, they should send a letter to the individual.
- Where absences arise from temporary domestic problems, the line manager should discuss with the individual the possibility of using unpaid leave, taking a career break, annual leave, and/or referral to other agencies who may be able to provide specialist advice or assistance
- The line manager can give consideration to a temporary change in working hours, posting, or where it is considered that their current work activity is contributing to their absence, the possibility of redeployment to another activity, with retraining where appropriate. In these circumstances the advice of an Occupational Health Adviser should be obtained.
- The line manager to give consideration to the implementation of reasonable adjustments i.e hours, alteration of premises, reallocation of duties etc if the absence is disability or Maternity related.
- Details of the discussions should be confirmed in writing, including an action plan with time scales.

Monitoring and Review - short term absences

20. Where a monitoring period is implemented, it is important that review dates are set and known at the outset, so that the situation can be kept under review. In preparing to review the individual's attendance the manager should be aware of: -
21. Any changes in the amount, frequency or reasons for the absences.
22. Any circumstances that have caused significant periods of absence during the monitoring period (e.g.), hospital treatment.
23. Any factors that may have had a positive effect on attendance and be ready to identify these with the individual.

The Review Meeting

24. If there has not been any improvement in attendance levels, the individual should be seen again by their line manager, accompanied if they wish by a friend or Federation/Union representative. The individual should be told that their level of absence remains unsatisfactory, that an improvement is necessary and the likely consequences if this is not achieved.
25. If the individual has not already been referred to Occupational Health, arrangements should be made for this to take place.
26. If the individual's attendance does not improve following the introduction of an action plan then a capability process/ should be considered as an option.

27. If there has been some improvement, but not to a satisfactory level, the improvement should be acknowledged and the reasons for it identified. However, a further period of monitoring should be agreed with timescales and a review date set.
28. If there has been sufficient improvement to a satisfactory level, the individual should be informed. However, it should be made clear that there is an expectation that the improvement will be maintained or that there will be further improvement. The individual should also be made aware that their attendance will continue to be monitored and that should it deteriorate again they will be subject to further monitoring.
29. Details of the discussions should be confirmed in writing.

Further Action - short term absences

30. Where an individual's absence continues to give cause for concern a case conference involving the line manager and Occupational Health Adviser should take place to agree an appropriate course of action, with timescales. It may be necessary to hold further case conferences to support the process.

Management of long term absences

31. Dealing with long term absence requires the line manager to take a balanced view of the needs of the organisation against the circumstances of the individual. Individuals who are absent for long periods can be worried about the impact on their job or employment and whilst a positive approach is needed in dealing with such cases, it needs to be balanced with a sympathetic and supportive style. Home visits by line managers are encouraged to maintain regular contact with the absent individual.

Process - long term absences

32. An individual who is unable to attend work because of chronic/long term ill health should be contacted as soon as it becomes clear that they are likely to be absent for a prolonged period, e.g. from information contained in the GP's sick note. In all circumstances they should have been contacted within the first week of absence. The initial contact may be by telephone or letter and depending on whether a return is imminent; arrangements should be made to visit the individual at home. Initially it will be important to identify the causes and nature of the illness and to determine whether any specialist advice or support is needed. Whoever visits should be sympathetic, but at the same time they should find out what the likelihood is of a return to work. Further visits and/or telephone contact should be maintained on a weekly basis.
33. To facilitate an early return it may be appropriate to explore the possibility of the individual returning on a short term/temporary basis on reduced hours in alternative duties/work place.

Continued Contact - long term absences

34. It is important throughout the process that the line manager remains in contact with the individual and that appropriate support and advice is offered. The individual may also need to have details of their full and half pay sick pay entitlements. Brief notes of meetings with the individual detailing what was discussed, and any help and advice offered should be kept. Union representatives should be involved and can provide useful support in the process, particularly in more sensitive cases.

35. Where in a small minority of cases there is concern that an individual may be abusing the provisions of the sick pay arrangements then this should be brought to the attention of the Chief Executive immediately and may be dealt with under the appropriate disciplinary procedures/regulations.

Consideration for half pay/no pay

36. If an individual remains absent, they will exhaust their entitlement to full or half pay. This is subject to length of service.
37. A Staff pay panel meets will meet to consider the case of any staff about to go onto half or no pay and makes the recommendations to the Chief Executive, based on managerial and medical advice.

Decision - long term absences

38. After a certain point it may become clear that the individual cannot return to their current post/duties and other options may need to be investigated. Their medical condition which may be disability related will be an important factor, however workload implications and the impact on colleagues and services resulting from their absence will also need to be considered.
39. At this stage the options will include:
- A return to work on restricted duties or alternative work
 - When an individual returns to work on a rehabilitation/return to work plan recommended by Occupational Health, it is important that the line manager oversees the plan and monitors progress. Recommendations can also be made by GPs via a "fit note" for restrictions to be put in place following a return to work, medical condition or pregnancy, for example temporary reduction in hours. Midwives can also provide "fit notes".

Ill-health Retirement

40. Every effort should be made to retain an individual's skills and knowledge within the organisation. In that context ill health retirement is generally a last resort, in the cases where an individual has a long term illness and/or disability which would make it impossible for them to be employed in any productive capacity, and from which it is unlikely that they will make any recovery.

Placement into a Retained Account

41. This is pending a decision being made on fitness for duty.
42. Typically this will affect individuals who have been absent for more than 12 months and have gone onto no pay. It enables their post to be filled and for them to return elsewhere in WMOPC on their return to fitness. There is no time limit on how long an individual may be held in a Retained account.

Referrals to Occupational Health and medical consent

43. Prior to seeking a referral to Occupational Health, the consent of the individual for enquiries to be made of their Consultants/GP may be needed. This can be obtained through completion of a Medical Consent Form.
44. Depending on whether the referral is about frequent short-term absences or long-term sickness, the line manager must consider what advice is needed from Occupational Health. If line managers are specific in the questions asked, a clearer response can be provided.
45. Typically the following issues should be covered as part of the referral process:
 - what is the individual's expected date of return?
 - will the individual be able to undertake the full range of duties of the post?
 - is there any underlying medical reason for the individual's absence?
 - after a period of treatment will the individual be fit to return to the post?
 - are there any employment based contributory causes for the absence?
 - will the individual be able to provide future reliable and efficient service?
46. These issues can be discussed at a case conference, involving an Occupational Health Adviser.
 47. All referrals to Occupational Health should include details of:
 1. the individual's current post and main duties
 2. a copy of their sickness record
 3. reasons for the referral and a brief description of the problem
 4. relevant personal details (e.g.) age, length of service, etc.



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West Midlands Office for Policing and Crime Business Interests Policy

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Introduction

1. Staff who have a business interest or wish to obtain approval for undertaking a business interest should comply with the procedure outlined within this policy.
2. This policy aims to ensure that all staff are treated equally, fairly and from an organisational perspective, security, ethics and responsibilities are taken into account.
3. The application of this policy will ensure that a business interest does not conflict with an individual's role within WMOPC.

Policy

4. This policy applies to all members of staff.
5. Staff are required to declare and seek approval to undertake a business interest if, outside their WMOPC employment they carry on any business or employment for hire or gain, and any of the following conditions apply:
 - they hold a post that requires management vetting
 - the business is one that could conflict with the functions of WMOPC
 - the business or its association is or could be in contract with WMOPC
 - they, their partner, spouse, or any family member holds, or possesses a pecuniary interest in a liquor license, public house, off license or betting/gaming establishment within the area, regardless of the post within which they are employed.
 - A business is operated by a family member at premises where the member of staff resides.
 - A business is operated by a staff member's spouse/partner (where they are not separated) at premises within the WMOPC area.
 - Irrespective of the above, any member of staff wishes to declare a business interest.

Note: For the purpose of this policy, family member is defined as spouse, civil partner, parent, son, daughter, brother, sister, long-term partner, and children from such relationship. Within this definition, it is accepted that in some cases, staff may not be taking any active part in the business.

6. Where the business interest already exists applicants for posts within WMOPC will be required to declare and seek approval as part of the recruitment and selection process. This must be completed prior to commencing employment.
7. Where an internal applicant is applying for a post which requires management vetting and has an existing business interest, which may or may not have been previously disclosed, they will be required to declare and seek approval for the business interest as part of the selection process. Declaration and approval must be completed before commencing the new position.
8. Voluntary declarations are encouraged from any staff member who has a business interest, regardless of the role they undertake within WMOPC.

Principles

9. The Chief Executive has responsibility for the approval of business Interests.
10. In making that decision the Chief Executive will consider the details of the application along with the following factors:-
 - whether the activity is one regulated by the police, or where police are involved in licensing
 - whether a conflict of interest could arise, including any interest that has contract with WMOPC
 - whether the business interest has the potential to cause embarrassment or bring disrepute to WMOPC
 - any risk to the personal health and well being of the member of staff. A business interest could involve a risk of injury or increased stress and tiredness that may impact upon the member of staff's ability to perform their duties safely and / or to a satisfactory standard.
 - recognition of the Working Time Regulations, with specific regard to the total hours worked (in relation to their employment with WMOPC and their business interest) and the resultant risks to health and safety.

Process

11. The stages in the process are as follows: -
 - i) The staff member may meet with their line manager to discuss their business interest, prior to making a formal application. Application forms WP620 are available from the intranet. The application form is designed to provide staff members with the opportunity to demonstrate that their business interest(s) are compatible with their role.

- ii) Following this meeting the staff member will submit the application form to their line manager who will progress the application with the Chief Executive.
- iii) A final decision will be reached within 28 days from the application being received. Line managers will be responsible for keeping applicants informed of progress.
- iv) Where approval is granted the Chief Executive may impose certain conditions. A copy of the approval letter shall be retained on the personal file of the member of staff.
- v) Where approval is not granted a letter to the member of staff will record the reasons. A meeting must be held with the individual concerned, fully explaining the rationale for the decision. The application form will be placed on the staff member's personal file.
- vi) Members of Staff are required to declare any changes concerning the nature of the business interest and the Chief Executive will review these in light of the circumstances. Staff should be aware that depending on the degree of change, continued approval to a previously agreed business interest may not be granted.

Approval of Business Interests - Conditions

12. Where business interests are approved staff members must comply with the following conditions:-
 - Duties/commitments in connection with the business must be carried out in the staff member's own time and away from WMOPC premises.
 - They must not advertise their role as a member of WMOPC staff to promote the business or any product of the business, nor should they allow other organisations to do so.
 - The individual is responsible for compliance with Working Time Regulations and health and safety requirements.
 - Where one or more member of staff holds a joint business interest, each individual concerned must apply for approval in accordance with this policy.
 - Specific consideration will be given where individuals seek approval for a business interest and there is concern over their attendance levels.

Withdrawal of Approval of Business Interests

13. Where approval for a business interest is withdrawn the circumstances must be recorded in writing. A meeting must be held with the individual concerned, fully explaining the rationale for the decision.

Sanctions

14. Breaches of this policy will be dealt with under the Disciplinary Policy.



West Midlands Office for Policing and Crime Capability Policy & Procedure

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Policy Statement

1. The Capability Policy and Procedure (the "policy") applies to all members of staff ("you", "your") employed by WMOPC ("us", "we", "our").
2. The primary aims of this procedure are to provide a framework within which managers can work with employees to maintain satisfactory performance standards and to encourage improvement where necessary and to ensure the management of sickness absence in a fair and consistent way.
3. It is our policy to ensure that concerns over capability are dealt with fairly and that steps are taken to establish the facts and to give employees the opportunity to respond at a hearing before any formal action is taken.
4. We recognise that performance may be affected by many factors, including:
 - (a) lack of facilities and training;
 - (b) lack of aptitude, skill or experience;
 - (c) personal or family difficulties;
 - (d) poor attendance for health or other reasons; or
 - (e) changes in the nature and allocation of work, including heavy workload.
5. This policy is used to deal with all aspects of capability and applies in cases of poor performance and sickness absence. In cases of poor performance the procedure set out at paragraphs 19 to 43 should be followed. In cases of sickness absence the procedure set out at paragraphs 44 to 63 should be followed. The remaining paragraphs of this policy apply in cases of both poor performance and sickness absence.
6. This procedure does not form part of any employee's contract of employment and it may be amended at any time. We may also vary any parts of this procedure, including any time limits, as appropriate in any case.

Who is covered by the policy?

7. This policy applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.

Disabilities

8. Consideration will be given to whether poor performance or sickness absence may be related to a disability and, if so, whether there are reasonable adjustments that could be made to your working arrangements, including changing your duties or providing additional equipment or training. We may also consider making adjustments to this procedure in appropriate cases.
9. If you wish to discuss this or inform us of any medical condition you consider relevant, you should contact your line manager.

Confidentiality

10. Our aim is to deal with capability matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with a matter which is subject to this capability procedure.
11. You, and anyone accompanying you (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure.
12. You will normally be told the names of any witnesses whose evidence is relevant to your capability hearing, unless we believe that a witness's identity should remain confidential.

Notification of a Hearing

13. If we consider that there are grounds for taking formal action over capability, you will be required to attend a performance hearing or a sickness absence hearing. We will notify you in writing of our concerns, the reasons for those concerns, and the potential outcome(s). We will also include the following where appropriate:
 - (a) A summary of relevant information gathered as part of any investigation.
 - (b) A copy of any relevant documents which will be used at the capability hearing.
 - (c) A copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case we will give you as much information as possible while maintaining confidentiality.
14. We will give you written notice of the date, time and place of the hearing. The hearing will be held as soon as reasonably practicable, but you will be given a reasonable amount of time, usually two to seven days, to prepare your case based on the information we have given you.

Right to be Accompanied

15. You may bring a companion to any performance hearing, sickness absence meeting or appeal hearing under this procedure. The companion may be either a trade union representative or a colleague. You must tell the manager conducting the hearing who your chosen companion is, in good time before the hearing.
16. A companion is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so.
17. If your choice of companion is unreasonable we may require you to choose someone else, for example:
 - (a) if in our opinion your companion may have a conflict of interest or may prejudice the hearing; or
 - (b) if your companion is unavailable at the time a hearing is scheduled and will not be available for more than five working days.
18. We may, at our discretion, allow you to bring a companion who is not a colleague or union representative (for example, a member of your family) where this will help overcome a particular difficulty caused by a disability, or where you have difficulty understanding English.

Poor Performance Issues

19. Identifying performance issues
20. In the first instance, performance issues should normally be dealt with informally between you and your line manager as part of day-to-day management. Where appropriate, a note of any such informal discussions may be placed on your personnel file but will be ignored for the purposes of any future capability hearings. The formal procedure should be used for more serious cases, or in any case where an earlier informal discussion has not resulted in a satisfactory improvement. Informal discussions may help:
 - (a) clarify the required standards;
 - (b) identify areas of concern;
 - (c) establish the likely causes of poor performance and identify any training needs; and/or
 - (d) set targets for improvement and a time-scale for review.
21. Employees will not normally be dismissed for performance reasons without previous warnings. However, in serious cases of gross negligence, or in any case involving an employee who has not yet completed their probationary period, dismissal without previous warnings may be appropriate.
22. If we have concerns about your performance, we will undertake an assessment to decide if there are grounds for taking formal action under this procedure. The procedure involved will depend on the circumstances but may involve reviewing your personnel file including any appraisal records, gathering any relevant

documents, monitoring your work and, if appropriate, interviewing you and/or other individuals confidentially regarding your work.

Procedure at performance hearings

23. If you or your companion cannot attend the hearing you should inform us immediately and we will usually arrange an alternative time. You must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If you fail to attend without good reason, or are persistently unable to do so (for example, for health reasons), we may have to take a decision based on the available evidence.
24. The hearing will normally be held by your line manager. You may bring a companion with you to the hearing. Your companion may make representations, ask questions, and sum up your case, but will not be allowed to answer questions on your behalf. You may confer privately with your companion at any time during the hearing.
25. You may ask relevant witnesses to appear at the hearing, provided you give us sufficient advance notice to arrange their attendance. You will be given the opportunity to respond to any information given by a witness. However, you will not normally be permitted to cross-examine witnesses unless, in exceptional circumstances, we decide that a fair hearing could not be held otherwise.
26. The aims of a capability hearing will usually include:
 - (a) Setting out the required standards that we believe you may have failed to meet, and going through any relevant evidence that we have gathered.
 - (b) Allowing you to ask questions, present evidence, call witnesses, respond to evidence and make representations.
 - (c) Establishing the likely causes of poor performance including any reasons why any measures taken so far have not led to the required improvement.
 - (d) Identifying whether there are further measures, such as additional training or supervision, which may improve performance.
 - (e) Where appropriate, discussing targets for improvement and a time-scale for review.
 - (f) If dismissal is a possibility, establishing whether there is any likelihood of a significant improvement being made within a reasonable time and whether there is any practical alternative to dismissal, such as redeployment.
27. A hearing may be adjourned if we need to gather any further information or give consideration to matters discussed at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

28. We will inform you in writing of our decision and our reasons for it, usually within one week of the capability hearing. Where possible we will also explain this information to you in person.
29. Stage 1 hearing: first written warning
30. Following a Stage 1 hearing, if we decide that your performance is unsatisfactory, we will give you a first written warning, setting out:
 - (a) the areas in which you have not met the required performance standards
 - (b) targets for improvement
 - (c) any measures, such as additional training or supervision, which will be taken with a view to improving performance
 - (d) a period for review
 - (e) the consequences of failing to improve within the review period, or of further unsatisfactory performance
31. The warning will normally remain active for six months, after which time it will be disregarded for the purposes of the capability procedure.
32. Your performance will be monitored during the review period and we will write to inform you of the outcome:
 - (a) if your line manager is satisfied with your performance, no further action will be taken;
 - (b) if your line manager is not satisfied, the matter may be progressed to a Stage 2 hearing; or
 - (c) if the manager feels that there has been a substantial but insufficient improvement, the review period may be extended.
33. Stage 2 hearing: final written warning
34. If your performance does not improve within the review period set out in a first written warning, or if there is further evidence of poor performance while your first written warning is still active, we may decide to hold a Stage 2 capability hearing. We will send you written notification.
35. Following a Stage 2 hearing, if we decide that your performance is unsatisfactory, we will give you a final written warning, setting out:
 - (a) the areas in which you have not met the required performance standards;
 - (b) targets for improvement;
 - (c) any measures, such as additional training or supervision, which will be taken with a view to improving performance;
 - (d) a period for review; and

- (e) the consequences of failing to improve within the review period, or of further unsatisfactory performance.
36. A final written warning will normally remain active for 12 months.
37. Your performance will be monitored during the review period and we will write to inform you of the outcome:
- (a) if your line manager is satisfied with your performance, no further action will be taken;
 - (b) if your line manager is not satisfied, the matter may be progressed to a Stage 3 hearing; or
 - (c) if the manager feels that there has been a substantial but insufficient improvement, the review period may be extended.
38. Stage 3 hearing: dismissal or redeployment
39. We may decide to hold a Stage 3 hearing if we have reason to believe:
- (a) your performance has not improved sufficiently within the review period set out in a final written warning;
 - (b) your performance is unsatisfactory while a final written warning is still active; or
 - (c) your performance has been grossly negligent such as to warrant dismissal without the need for a final written warning.
40. We will send you written notification of the hearing.
41. The stage 3 hearing should be chaired by one of WMOPC's statutory officers or their nominated deputy. Your line manager will present the management case and you will have the opportunity to respond.
42. Following the hearing, if the Chair finds that your performance is unsatisfactory, we may consider a range of options including:
- (a) Dismissing you.
 - (b) Extending an active final written warning and setting a further review period (in exceptional cases where we believe a substantial improvement is likely within the review period).
 - (c) Giving a final written warning (where no final written warning is currently active).
43. Dismissal will normally be with full notice or payment in lieu of notice, unless your performance has been so negligent as to amount to gross misconduct, in which case we may dismiss you without notice or any pay in lieu.

Sickness Absence Issues

44. Sickness absence meetings procedure

45. We may apply this procedure whenever we consider it necessary, including, for example, if you:
 - (a) Have been absent due to illness on a number of occasions;
 - (b) Have discussed matters at a return to work interview that require investigation; and/or
 - (c) Have been absent for more than 21 days.
46. Unless it is impractical to do so, we will give you seven days written notice of the date, time and place of a sickness absence meeting. We will put any concerns about your sickness absence and the basis for those concerns in writing or otherwise advise why the meeting is being called. A reasonable opportunity for you to consider this information before a meeting will be provided.
47. The meeting will be conducted by your line manager. You may bring a companion with you to the meeting.
48. We may begin the sickness absence procedure set out in this paragraph at any stage and we may skip stages of the procedure should we deem it fair and appropriate to do so in the circumstances.
49. You must take all reasonable steps to attend a meeting. Failure to do so without good reason may be treated as misconduct. If you or your companion are unable to attend at the time specified you should immediately inform your line manager who will seek to agree an alternative time.
50. A meeting may be adjourned if your line manager is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. You will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.
51. Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal will be given to you in writing within seven days of a sickness absence meeting (unless this time scale is not practicable, in which case it will be provided as soon as is practicable).
52. If, at any time, your line manager considers that you have taken or are taking sickness absence when you are not unwell, they may refer matters to be dealt with under our Disciplinary Procedure.
53. Stage 1: first sickness absence meeting
54. This will follow the procedure set out above on the arrangements for and right to be accompanied at sickness absence meetings.
55. The purposes of a first sickness absence meeting may include:
 - (a) Discussing the reasons for absence.
 - (b) Where you are on long-term sickness absence, determining how long the absence is likely to last.

- (c) Where you have been absent on a number of occasions, determining the likelihood of further absences.
 - (d) Considering whether medical advice is required.
 - (e) Considering what, if any, measures might improve your health and/or attendance.
 - (f) Agreeing a way forward, action that will be taken and a time-scale for review and/or a further meeting under the sickness absence procedure.
56. Stage 2: further sickness absence meeting(s)
57. Depending on the matters discussed at the first stage of the sickness absence procedure, a further meeting or meetings may be necessary. Arrangements for meetings under the second stage of the sickness absence procedure will follow the procedure set out in this policy on the arrangements for and right to be accompanied at sickness absence meetings.
58. The purposes of further meeting(s) may include:
- (a) Discussing the reasons for and impact of your ongoing absence(s).
 - (b) Where you are on long-term sickness absence, discussing how long your absence is likely to last.
 - (c) Where you have been absent on a number of occasions, discussing the likelihood of further absences.
 - (d) If it has not been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required.
 - (e) Considering your ability to return to/remain in your job in view both of your capabilities and our business needs and any adjustments that can reasonably be made to your job to enable you to do so.
 - (f) Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying you.
 - (g) Where you are able to return from long-term sick leave, whether to your job or a redeployed job, agreeing a return to work programme.
 - (h) If it is considered that you are unlikely to be able to return to work from long-term absence, whether there are any benefits for which you should be considered.
 - (i) Agreeing a way forward, action that will be taken and a time-scale for review and/or a further meeting(s). This may, depending on steps we have already taken, include warning you that you are at risk of dismissal.
59. Stage 3: final sickness absence meeting
60. Where you have been warned that you are at risk of dismissal, we may invite you to a meeting under the third stage of the sickness absence procedure.

Arrangements for this meeting will follow the procedure set out in this policy on the arrangements for and right to be accompanied at sickness absence meetings.

61. The purposes of the meeting will be:
- (a) To review the meetings that have taken place and matters discussed with you.
 - (b) Where you remain on long-term sickness absence, to consider whether there have been any changes since the last meeting under stage two of the procedure, either as regards your possible return to work or opportunities for return or redeployment.
 - (c) To consider any further matters that you wish to raise.
 - (d) To consider whether there is a reasonable likelihood of you returning to work or achieving the desired level of attendance in a reasonable time.
 - (e) To consider the possible termination of your employment.
62. The stage 3 hearing should be chaired by one of our statutory officers or their nominated deputy. Your line manager will present the management case and you will have the opportunity to respond.
63. Termination will normally be with full notice or payment in lieu of notice.

Right to Appeal

64. If you feel that a decision about poor performance or sickness absence under this procedure is wrong or unjust you should appeal in writing, stating your full grounds of appeal, to the Chief Executive within one week of the date on which you were informed in writing of the decision.
65. If you are appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful you will be reinstated with no loss of continuity or pay.
66. If you raise any new matters in your appeal, we may need to carry out further investigation. If any new information comes to light we will provide you with a summary including, where appropriate, copies of additional relevant documents and witness statements. You will have a reasonable opportunity to consider this information before the hearing.
67. We will give you written notice of the date, time and place of the appeal hearing. This will normally be two to seven days after you receive the written notice.
68. The appeal hearing may be a complete re-hearing of the matter or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at our discretion depending on the circumstances of your case. In any event the appeal will be dealt with as impartially as possible.
69. Where possible, the appeal hearing will be conducted by a manager who has not been previously involved in the case. You may bring a companion with you to the appeal hearing.

70. A hearing may be adjourned if we need to gather any further information or give consideration to matters discussed at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

71. Following the appeal hearing we may:

- (a) confirm the original decision;
- (b) revoke the original decision; or
- (c) substitute a different penalty.

72. We will inform you in writing of our final decision as soon as possible, usually within one week of the appeal hearing. Where possible we will also explain this to you in person. There will be no further right of appeal.



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West Midlands Office for Policing and Crime Childcare Voucher Policy

West Midlands Office for Policing and Crime (WMOPC) is committed to the principles of equality and diversity. No member of the public or member of staff, volunteer or job applicant shall be discriminated against on the grounds of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; or sexual orientation.

Computershare Voucher Services (Previously known as Busy Bees)

1. **WMOPC** conjunction with Computershare Voucher Services (Scheme Number: WES726) operates a system whereby part of your salary can be exchanged for childcare vouchers. These vouchers provide some exemption from National Insurance and Tax.

Childcare Approval Scheme

2. From April 2005 Child carers were required to be registered with OFSTED, or have "Approved Status" in order to accept childcare vouchers as a method of payment. Child carers will also be required to provide evidence of their OFSTED registration or Approved Status to Computershare as this is a legal requirement under the new tax regime.

What counts as registered or approved childcare?

3. Registered and approved childcare includes;
 - Registered child-minders, nurseries and play schemes.
 - Out of hour's clubs on school premises run by a school or local authority.
 - Childcare schemes run by approved providers e.g. an out of school hour's scheme or provider approved under Ministry of Defence Accreditation Scheme.
 - Childcare given in the child's own home that has been approved under a government scheme (except where care is provided by a relative of the child).
 - Accredited childcare for 8s and over by an approved organisation

Limitations

4. Childcare Vouchers are exempt from both tax as well as National Insurance but will be capped to a limit of £55 per parent/legal guardian per week, [this equates to £243 per calendar month].
5. Both parents/legal guardians can each order the capped limit provided their employers operate a Childcare Voucher Scheme.

Tax and National Insurance Exemption

6. Childcare vouchers allow working parents the opportunity to save **tax and national insurance** on the cost of their childcare.

The scheme is available for **children up to 1st September after their 15th birthday (or after their 16th birthday if the child is disabled) who use registered or approved childcare.** Both parents can take part in this scheme potentially doubling savings. Savings made will be dependent upon any tax credits applied.

Application

7. All administration for the scheme is undertaken by Computershare.
You can contact them on 0845 002 1111 alternatively visit their website <http://www.computersharevoucherservices.com> (or email them at parent@computershare.co.uk).
8. You will need to complete an application form and sign an agreement that enables vouchers to be provided and your salary adjusted.



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West Midlands Office for Policing and Crime Use of IT, Communications, Internet & Social Media Policy

West Midlands Office for Policing and Crime (WMOPC) is committed to the principles of equality and diversity. No member of the public, member of staff, volunteer or job applicant shall be discriminated against on the grounds of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; or sexual orientation.

Introduction

This Use of IT, Communications, Internet & Social Media Policy (the "Policy") applies to all members of staff including temporary members of staff, those on work experience, directors, consultants, contractors, trainees, home-workers, and volunteers ("you", "your") employed or engaged by WMOPC ("us", "we", "our"). Third parties who have access to our electronic communication systems and equipment are also required to comply with this policy.

The Policy aims to:

- set out the parameters of use of the telephone, e-mail and internet permitted by us;
- inform you of the monitoring we may undertake of telephone, email and internet use;
- clarify which type of use may constitute a misuse of the telephone, email and internet;
- Provide guidance on the use of all forms of social media, including Facebook, LinkedIn, Twitter, Wikipedia, all other social networking sites, and all other internet postings, including blogs;
- inform you of how we will treat any non-compliance with the Policy; and
- protect our interests.

General Principles

This policy does not form part of any employee's contract of employment and it may be amended at any time. We may also vary any parts of this procedure, including any time limits, as appropriate in any case.

During your contracted hours of work you are required to devote your time and attention to our business and to support our goals and objectives. Therefore, the telephone, email and internet systems are in place for work related matters only.

When using any of the telephone, email or internet, you must do so in a manner that is responsible, professional and is consistent with our normal standards of business. Any personal use of the telephone, email and internet is subject to this Policy and may be permitted only if such use is reasonable and limited.

Users of our communications systems sometimes have access to highly sensitive information and staff are expected to maintain the highest professional and ethical standards.

Inappropriate use of the telephone, email and internet may lead to legal claims against us and/or you. You must not knowingly use the telephone, email or internet to break the laws and regulations of the UK or any other country.

You are expected to comply with this Policy at all times to protect our electronic communications systems and equipment from unauthorised access and harm.

It is your responsibility to familiarise yourself with the Government Protective Marking Guidelines as set out at Appendix A.

We may take disciplinary action against you if you do not comply with any part of the Policy.

The examples of prohibited misuse or activities set out in this policy are non exhaustive.

Telephone Use

You should use the telephone system primarily for your work and in the normal course of our business and serving our customers. You may make private/personal calls but these should be short, infrequent, and (if outgoing) within the UK. Overseas calls are not allowed except for work related purposes.

You may be supplied a mobile phone for work-related purposes. All mobile phones should be switched onto silent/vibrate mode when on open working floors. Private use of a supplied mobile phone is permissible but you must reimburse us for all private use. Examples of misuse of mobile technology include:

- private or freelance business;
- gambling;
- pornography;
- chat lines;
- conducting political activity;
- sending, forwarding or replying to offensive or obscene text or other messages or attachments;
- passing on confidential information about us or any of our work, or any other information which could bring us into disrepute or could amount to a security breach;
- making potentially libellous or untrue malicious statements; and
- making or sending hostile, harassing or bullying calls or messages.

Postal Mail

All post, whether marked personal, private or confidential or in any other way will be opened and dealt with by us in accordance in our normal procedures.

You must not send out any private correspondence using our letterhead.

You may sign correspondence, invoices or orders for us only if you have authorisation and only in accordance with our normal procedures.

Email Use

You should use email, both internally and externally, primarily for your work and in the normal course of our business and serving our customers. The standard and content of email messages must be consistent with the standards we expect for other written communications and email messages should always be presented in the approved corporate style.

Email should not be used to transmit information which should be protected by the grading of restricted and above by the Government Protected Marking System for documents (see Appendix A).

If emails being sent externally contain information about any individual then the sender should be aware that this might constitute the disclosure of personal data subject to the Data Protection Act. It must be ensured that such disclosure is in compliance with our policies on data protection and the disclosure of information.

Use of the internet for personal purposes is at our discretion. A small amount of personal email use is permitted provided that:

- it does not interfere or conflict with business use;
- it is not undertaken during work time; and
- the restrictions set out in this policy are adhered to.

Prohibited Uses / Activities

You must not:

- send or circulate emails which contain language which is abrupt, inappropriate or abusive;
- forward unsolicited junk email or other advertising material to other users who did not specifically request such material, whether internally or externally;
- accept or open any file received as an email attachment if you are in any doubt about its source or content;
- access external personal email accounts;
- create, transmit, download, print or store software, anything which may cause harassment or alarm or anything which breaches copyright or other intellectual property rights;
- receive emails from internet sites with which you have registered and which are not for business purposes;
- disseminate information either within or outside WMOPC which you know to be confidential about us or our staff, customers or suppliers, unless you have the relevant authority to do so;

- transmit, receive, retain, display, print, forward or otherwise disseminate material which we deem to be offensive, fraudulent, illegal, harassing, discriminatory, offensive, pornographic, obscene or defamatory; or
- deliberately or recklessly disseminate destructive programs such as viruses or self-replicating codes.

Internet/Intranet Use

The Chief Executive will have responsibility for maintaining the standards of our Internet and Intranet sites and ensuring that the IT system complies with the agreed security measures.

Any official information about us that is to be published on the internet or intranet should be coordinated by the Chief Executive. Further guidance on the correct use of social media is included at Appendix B to this policy. You must ensure that you are familiar with this policy and with the attached guidance.

Only computers provided by the West Midlands Office for Policing and Crime or authorised by the Chief Executive may be used to access the internet or intranet on our network. Only approved software may be installed on our computer hardware. No software will be downloaded from the internet without the prior permission of the Chief Executive.

Laptops will not contain internet access software unless otherwise agreed by the Chief Executive. Laptops may not be used to access the internet through the data network without the Chief Executive's agreement and they will not under any circumstances be used to access the internet through the telephone network.

Security of a laptop and the data stored thereon will remain the responsibility of the individual user. Advice on encrypting laptop computers to ensure the security of information contained thereon is available from the IT Department. Encryption should be utilised whenever material is graded as Confidential or above by the Government Protective Marking Guidelines (see Appendix A).

You should only use the internet for your work in the normal course of our business and serving our stakeholders.

Use of the internet for personal purposes is at our discretion. A small amount of personal internet use is permitted provided that:

- it does not interfere or conflict with business use;
- only browsing of the internet is undertaken;
- the activity is not undertaken during work time; and
- the restrictions set out in this policy are adhered to.

If unsuitable material is accidentally accessed on the internet you should immediately report this to your line manager so that the circumstances can be explained and considered. Generally, no action will be taken for genuine accidental access to unsuitable material.

Where you suspect that any accessed file may contain a computer virus, you must immediately break the connection, stop using the computer and report the matter to the IT support desk.

Prohibited Uses / Activities

You must not:

- access private email accounts;
- visit auction sites, sites promoting offensive or extremist views, sites promoting any form of discrimination or hate crimes, personal contact and dating sites, music and entertainment sites, games sites or any other sites which could bring us into disrepute;
- register on internet sites to receive regular emails from such sites which are not for business purposes;
- download software or copyright information from the internet without prior permission;
- take part in shares or securities dealing or undertake financial transactions related to a personal business;
- post or disseminate information which you know to be confidential about us or our staff, suppliers or other stakeholders unless you have the relevant authority to do so;
- gamble on the internet;
- purchase private goods or services; or
- view, access, attempt to access, download or upload materials which we deem to be obscene, offensive, harassing, discriminatory, violent or pornographic.

This is not an exhaustive list of prohibited activities.

Social Media

This Policy deals with the use of all forms of social media, including Facebook, LinkedIn, Twitter, Wikipedia and all other social networking sites, and all other internet postings, including blogs. It applies to the use of social media for both personal and business purposes, whether this is done during business hours or otherwise. It also applies whether social media is accessed using our IT facilities or equipment belonging to you. Further detailed guidance is included at Appendix B to this policy and should be read alongside the policy.

Prohibited Uses/Activities

If your duties require you to speak on our behalf in a social media environment you must still seek approval for such communication from the Chief Executive, who may require you to undergo training before you do so and impose certain requirements and restrictions with regard to your activities.

You must not:

- use social media in a way that breaks any of our other policies;
- break any rules of relevant regulatory bodies;
- break any obligations you have relating to confidentiality;
- jeopardise our trade secrets and intellectual property;

- use our logos, brand names, slogans or other trademarks, or post any of our confidential or proprietary information without prior written permission;
- misappropriate or infringe the intellectual property of other companies and individuals;
- breach our Disciplinary Policy;
- defame or disparage us or our affiliates, business partners, suppliers, vendors or other stakeholders or make any communication which (in our opinion) brings us, or them into disrepute or causes harm to our or their reputation;
- render us liable for copyright infringement or fail to accurately reference sources of information posted or uploaded;
- harass or bully other staff in any way;
- unlawfully discriminate against other staff or third party;
- breach our Data Protection Policy (for example, never disclose personal information about a colleague online);
- comment on sensitive topics related to our work; or
- breach any other laws or ethical standards (for example, never use social media in a false or misleading way, such as claiming to be someone other than yourself or by making misleading statements).

If you see content in social media that disparages or reflects poorly on our organisation or our stakeholders, you should inform us. All staff are responsible for protecting our reputation.

Personal use of social media is never permitted during work time or by means of our computers, networks and other IT resources and communications systems.

We may require you to remove any internet postings which are deemed to constitute a breach of this Policy. Failure to comply with such a request may in itself result in disciplinary action.

Monitoring

Telephone calls

The number, duration and destination of telephone calls made and received may be monitored and reports produced. This is to ensure that no excessive or inappropriate use is made of the telephone system.

You must ensure that at least one other member of staff has access to your work email account. This is to ensure continuity of work in the case of your being unavailable. We may access your voicemail whilst you are absent, e.g. due to holiday or sickness, to check whether any messages are about your work or our business.

In certain rare circumstances, we reserve the right to record and listen to telephone conversations. This will be where we suspect you are carrying out illegal or criminal activity (including forms of discrimination, bullying or harassment), or activity which puts our interests at serious risk. We will only take this action if it is not possible, feasible or realistic to obtain the information / evidence in any other way.

Email Use

We may monitor your individual email traffic, including the use of certain email addresses. We may limit your access if we consider that you are making excessive or inappropriate use of email for private purposes.

We have the right to access your email account whilst you are absent, eg due to holiday or sickness, or after you have left our employment, to check whether any emails are about your work or our business.

We also reserve the right to retrieve and read any email you send or receive if we suspect you are carrying out illegal or criminal activity (including forms of discrimination, bullying or harassment), or activity which puts our interests at serious risk. We will only take this action if it is not possible, feasible or realistic to obtain the information / evidence in any other way.

Internet Use

We may monitor your individual internet traffic, including viewing which internet sites you have accessed. We may limit your access if we consider that you are making excessive or inappropriate use of the internet for private purposes.

Social Media

We may monitor your individual social media postings and activities to ensure that our rules are being complied with and for legitimate business purposes and you consent to such monitoring by your use of such resources and systems.

Disciplinary Action

Failure to comply with this Policy will normally be considered Ordinary Misconduct under the Disciplinary Policy, although serious misuse can be treated as Gross Misconduct.

Examples of behaviour which may be treated as Gross Misconduct include but are not limited to:

- disseminating information either within or outside the Authority which you know to be confidential about us or our staff or our work, unless you have the relevant authority to do so;
- failure to comply with the Government Protective Marking system;
- transmitting, receiving, retaining, displaying, printing, forwarding or otherwise disseminating material which we deem to be fraudulent, illegal, harassing, discriminatory, offensive, pornographic, obscene or defamatory;
- deliberately or recklessly disseminating destructive programs such as viruses or self-replicating codes;
- posting or disseminating information which you know to be confidential about us or our staff, stakeholders or suppliers unless you have the relevant authority to do so;
- gambling on the internet;
- bring us, or our affiliates, partners, suppliers, vendors or other stakeholders into disrepute; or

- viewing, accessing, attempting to access, download or upload materials which we deem to be obscene, offensive, harassing, discriminatory, violent or pornographic.

Any other misuse (such as those set out elsewhere in this Policy) will be considered under the Disciplinary Policy in the light of the nature and seriousness of the misuse.

THE FOUR PROTECTIVE MARKINGS

There are four levels of protective marking for documents. These are:

- a. TOP SECRET
- b. SECRET
- c. CONFIDENTIAL
- d. RESTRICTED

In view of the types of information that staff may come into contact with, this notice will concentrate on documents with protective markings of CONFIDENTIAL and RESTRICTED.

CONFIDENTIAL

The compromise of assets marked CONFIDENTIAL would be likely to:

- Materially damage diplomatic relations, that is, cause formal protest or other sanctions.
- Prejudice individual security or liberty.
- Cause damage to the operational effectiveness or security of UK or allied forces or the effectiveness of valuable security or intelligence operations.
- Work substantially against national finances or economic and commercial interests.
- Substantially undermine the financial viability of major organisations.
- Impede the investigation or facilitate the commission of serious crime.
- Seriously impede the development or operation of major government policies.
- Shut down or otherwise substantially disrupt significant national operations.

Examples

- a. As a general rule, any reference to an informant would be CONFIDENTIAL, irrespective of the level at which the informant works, as compromise would prejudice that informant's individual security or liberty.
- b. Documents relating to on-going operations are likely to be at least CONFIDENTIAL because their compromise would impede the investigation of serious crime.
- c. A conversation on a telephone might be CONFIDENTIAL if it named a particular individual as being the object of police interest.
- d. Documents containing the analysis of a pattern of criminal activity and possible methods of disrupting that activity could be CONFIDENTIAL as their compromise could impede the investigation of serious crime.

Generally speaking, much operational work is likely to merit this level of protective marking. The protective marking should appear on all logs, reports or paper produced, regardless of whether it is intended or anticipated that the document will be seen outside.

RESTRICTED

The compromise of assets marked RESTRICTED would be likely to:

- Adversely affect diplomatic relations.
- Cause substantial distress to individuals

- Make it more difficult to maintain the operational effectiveness or security of UK or allied forces.
- Cause financial loss or loss of earning potential to, or facilitate improper gain or advantage for, individuals or companies.
- Prejudice the investigation or facilitate the commission of crime.
- Breach proper undertakings to maintain the confidence of information provided by third parties.
- Impede the effective development or operation of government policies.
- Breach statutory restrictions on disclosure of information.
- Disadvantage government in commercial or policy negotiations with others.
- Undermine the proper management of the public sector and its operations.

Examples:

- a. Work involving information passed from foreign countries' police services could be RESTRICTED if it was not generally known that information was exchanged between the UK and that other country.
- b. Information provided by an individual could be RESTRICTED if its disclosure would prejudice an investigation, even though the case has not yet to come to court.
- c. Documents involving management issues (e.g. contracts) could be marked RESTRICTED if there was a possibility of the negotiations being prejudiced by unwarranted disclosure.

Appendix B - Additional Guidance on use of social media

This guidance forms part of the IT, Communications and Internet Policy. When using social media, all members of staff should follow the guidance set out below.

1. Ensure that your security settings on social media accounts are set to the maximum for personal safety.
2. When posting information on social media sites, both personal and corporate, consider the risks:
 - Personal safety and exploitation of personal information. Avoid providing addresses, phone numbers, email addresses etc.
 - The security of the organisation.
 - Security of information relating to family, friends and other contacts.
 - Indirect reference to your role or the organisation.
 - If you are using a mobile device, consider turning off any GPS / location tracking options within social media apps that identify your location.
3. Staff should not make reference to West Midlands Police or the Police and Crime Commissioner on personal social media accounts, particularly if comments are critical, or ridicule the organisation or other colleagues.
4. Whilst it is acknowledged that staff may choose to use their own personal mobile phones to update their corporate social media accounts, users are reminded to be careful about the security of their own equipment. If a personal mobile device with a police social network is lost, the member of staff should contact the IT Department as soon as possible.
5. Any lost phones or computers with West Midlands Office for Policing and Crime social media accounts should be reported to IT so that the account can be protected.
6. The administrator of any social media account is responsible for the management of the account's password. The administrator should observe appropriate security levels in relation to these shared account passwords. Administrators should keep details of all staff members with access, and change passwords when team membership changes.
7. Be careful about adding applications to social media accounts, as you will often be granting permission to account information to the third party provider, and therefore may compromise the security of your account
8. If you use third party apps make sure you read the small print before signing up. For example, any photos added to Twitpic are then owned and can be used by Twitpic.

PRIVATE USE OF SOCIAL NETWORKING AND VIDEO SHARING SITES

9. All staff are accountable for whatever they put into the public domain even in a privately held account. Inappropriate use or inappropriate disclosure of personal information on social networking and video sharing sites is subject to criminal proceedings (in accordance with s55 of the Data Protection Act it is a criminal offence to disclose personal information unlawfully) and/or misconduct procedures.
10. Members of staff who use their personal details to contribute to social networking, blogs and video sharing websites should take into consideration the fact they will be placing personal details into the public domain. This may impact on their own privacy, the security of family and friends, and may compromise their vetting status.
11. Users should also be aware that the media use social media to gather information about public sector staff, including personal details, telephone numbers, e-mail addresses and links, images and interests, and are entitled to report on anything posted.

12. All staff must note that any comments made on social media will be deemed to be in the public domain and seen as official comment. Any comments could therefore be liable to a misconduct severity assessment. This applies to both personal and corporate sites.
13. In order to protect our reputation users should not express personal views which may be controversial, derogatory towards colleagues or conflict with organisational views on social media pages.
14. Comments made on personal sites should not reveal confidential information or jeopardise police operational matters.
15. When using private social networking, blogs and video sharing websites, no use may be made of the West Midlands Office for Policing and Crime name, crest or insignia without the express permission of the Chief Executive. Consideration must also be given to any other matters of copyright.
16. When using private networking no use may be made of West Midlands Office for Policing and Crime photographs or images without the permission of the Chief Executive.
17. No member of staff should send messages about West Midlands Office for Policing and Crime without authority to do so.
18. To protect our reputation staff should not set up unofficial or spoof groups, pages or accounts.
19. During election periods staff should not post comments which could be judged to express political opinion on their own social networking sites, or on other peoples sites (in particular the political candidates). This is particularly important during elections for Police and Crime Commissioners.

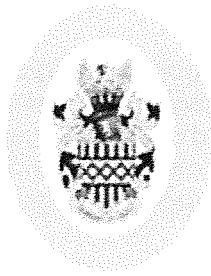
THE CORPORATE USE OF SOCIAL NETWORKING AND VIDEO SHARING SITES

20. All applications for new corporate accounts must be approved by the Chief Executive before they are opened by staff.
21. Any member of staff who wishes to open an account must demonstrate that the account has a purpose to promote the work of the West Midlands Office for Policing and Crime, that they understand their responsibilities in managing the account (highlighted throughout this document) and they have familiarised themselves with the appropriate guidance documents.
N.B. All applications must be submitted in an email to the Chief Executive.
22. The Chief Executive reserves the right to refuse new social media accounts, or close any social media accounts that do not comply with this policy.
23. Line managers will be responsible for monitoring and supervising the content of the account.
24. All social media accounts must have their usernames and passwords registered with the Chief Executive to ensure that accounts can be protected and recovered if hacked.
25. Staff must also inform the Chief Executive when they change their password, name of account or owner of the account at the time of its change.
26. All West Midlands Office for Policing and Crime corporate social networking and video sharing sites will be administered by the Chief Executive.
27. Social media should always be considered as one channel for communication, and should not be used in isolation.

MANAGEMENT OF CONTENT

28. All social networking, blogs and video sharing sites must be accurate, as well as kept up to date and relevant, with a regular flow of new content to maintain user interest. Out-of-date content should be removed as soon as it becomes out of date. The development of corporate sites will be the responsibility of the Chief Executive.

- Account owners will be responsible for the content of local sites. Line supervisors will be responsible for monitoring the accuracy and relevance of local content.
29. The Chief Executive will have access to all sites and will be capable of removing inappropriate material. Therefore login account details must be forwarded to the Chief Executive, who will maintain a list of all accounts. Changes to login details and passwords should be notified to the Chief Executive.
 30. The Chief Executive will monitor all corporate social media accounts to ensure that they comply with policy and guidelines, and will issue guidance to staff where appropriate.
 31. Any serious complaints, issues, discrepancies or breach of this policy or accompanying guidance with any West Midlands Office for Policing and Crime accounts will be dealt with by the Chief Executive.
 32. All video footage, comments, text and photographs appearing on social networking sites should reflect the corporate nature of the site. Nothing should be posted that could bring the West Midlands Office for Policing and Crime into disrepute or conflict with our corporate message/style.
No information that would be considered Restricted or above should be posted on the site (*see GPMS*).
 33. It is the responsibility of the member of staff posting photographs or footage to ensure that they comply with legal or data protection requirements and, if necessary, a risk assessment and/or EQIA should be carried out.
 34. Uploading any information to social networking sites is a form of disclosure and therefore must comply with data protection principles. Staff should also ensure that they are familiar with the Freedom of Information Act 2000.
 35. Where possible, links back to the main West Midlands Office for Policing and Crime website should be used to help provide context and background as well as to help drive traffic onto the main site.
 36. All pages will clearly display an agreed disclaimer.
Official social media users must follow the guidance laid out in the relevant social media guidance document. This is available from the Chief Executive or on the Force Corporate Communications Department intranet site.
 37. The Chief Executive may send messages to social media users with directions or instructions. These should be followed by all social media users.
 38. Social media accounts should not be used to liaise with journalists. All requests from journalists or information to be given out to journalists should be coordinated by the Chief Executive.
 39. Any member of staff who no longer wants to have an official account must either pass the account to another team member to carry on (informing the Chief Executive when this happens) or close the account down. Nobody can change an official account to a personal account.



west midlands
office for policing
and crime

CONFIDENTIAL REPORTING POLICY

November 2013
(Revised 05/11/2013)

November 2013

INTRODUCTION

1. Employees are often the first to realise that there may be something seriously wrong within the West Midlands Office of Policing and Crime. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Police and Crime Commissioner. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
2. The Police and Crime Commissioner is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees and others that we deal with, who have serious concerns about any aspect of the work of the Police and Crime Commissioner, to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
3. This Policy makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. *This Confidential Reporting Policy is intended to encourage and enable employees to raise serious concerns rather than overlooking a problem or "blowing the whistle" outside.* The Employment Rights Act 1996 provides protections to employees in respect of "qualifying disclosures". You are strongly advised to take advice if you are proposing to make disclosures outside the organisation as you will only be protected in certain circumstances.
4. This Policy applies to the Commissioner's staff (i.e. the Chief Executive's staff) but it may be invoked by any person who has a major concern falling within paragraph 7 below. This Policy also applies to those contractors working for the Police and Crime Commissioner on premises of the Police and Crime Commissioner, for example, consultants. The Chief Executive is also the Monitoring Officer for the Commissioner.
5. This Policy adopts the wording for the Policy used by the former West Midlands Police Authority which had been discussed with the relevant trade unions and has their support.

AIMS AND SCOPE OF THIS POLICY

6. This Policy aims to:
 - encourage you to feel confident in raising concerns within the organisation and to question and act upon concerns about practice
 - provide avenues for you to raise those concerns and receive feedback on any action taken
 - ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
 - reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in the public interest.

7. There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:-
 - conduct which is an offence or a breach of law, including data protection
 - disclosures related to miscarriages of justice
 - significant health and safety risks, including risks to the public as well as other employees
 - the unauthorised use of public funds
 - possible fraud and corruption

8. Thus, any serious concerns that you have about any aspect of service provision or the conduct of the Police and Crime Commissioner, Deputy Police and Crime Commissioner, or others acting on behalf of the Police and Crime Commissioner, can be reported under the Confidential Reporting Policy. This may be about something that:
 - makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Police and Crime Commissioner subscribes to; or
 - is against the Police and Crime Commissioner's Standing Orders, Financial Regulations and policies; or
 - falls below established standards of practice; or
 - amounts to improper conduct.

SAFEGUARDS

Harassment or Victimisation

9. The Police and Crime Commissioner is committed to good practice and high standards and wants to be supportive of employees.

10. The Police and Crime Commissioner recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, or if you have reasonable grounds for believing that it is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

11. The Police and Crime Commissioner will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

12. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

CONFIDENTIALITY

13. All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may be asked to come forward as a witness.

ANONYMOUS ALLEGATIONS

14. This Policy encourages you to put your name to your allegation whenever possible.
15. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Police and Crime Commissioner.
16. In exercising this discretion, the factors to be taken into account would include:
 - the seriousness of the issues raised
 - the credibility of the concern; and
 - the likelihood of confirming the allegation from attributable sources.

UNTRUE ALLEGATIONS

17. If you make an allegation in the public interest, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation in bad faith frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

HOW TO RAISE A CONCERN

18. As a first step you should normally raise concerns with your immediate manager, their superior or the Chief Executive. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved, you should approach the Head of Internal Audit.
19. Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:
 - the background and history of the concern (giving relevant dates), and
 - the reason why you are particularly concerned about the situation.
20. The earlier you express the concern the easier it is to take action.
21. Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
22. Advice or guidance on how to pursue matters of concern may be obtained internally from:-

Jacky Courtney, Chief Executive

Tel: 0121 626 5396

j.courtney@west-midlands.pnn.police.uk

Legal Adviser

Tel: 0121 626 6060

David Giles, Head of Internal Audit d.giles@west-midlands.pnn.police.uk

Tel: 0121 626 5380

If you are unsure whether or how to use this Policy, you may seek free confidential help from the independent charity, **Public Concern at Work**

Tel: 0207-404-6609

whistle@pcaw.co.uk

Public Concern at Work will also be able to help if you feel that it would be inappropriate to speak to any of the officers referred to above.

23. You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.
24. You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

HOW WEST MIDLANDS OFFICE FOR POLICING AND CRIME WILL RESPOND

25. Those to whom you report will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
26. Where appropriate, the matters raised may:
 - be investigated by management, internal audit or through the disciplinary process
 - be referred to the police for investigation
 - be referred to the external auditor
 - form the subject of an independent inquiry.
27. In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Police and Crime Commissioner will have in mind is the public interest.
28. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

29. Within ten working days of a concern being raised, the responsible person (the Chief Executive or the Head of Internal Audit or the Legal Adviser or a person nominated by any of those persons) will write to you:
- acknowledging that the concern has been received
 - indicating how we propose to deal with the matter
 - giving an estimate of how long it will take to provide a final response
 - telling you whether any initial enquiries have been made
 - supplying you with information on staff support mechanisms, and
 - telling you whether further investigations will take place and, if not, why not.
30. The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Commissioner will seek further information from you.
31. Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a friend.
32. The Chief Executive will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Chief Executive will arrange for you to receive advice about the procedure.
33. The Police and Crime Commissioner and Chief Executive accept that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

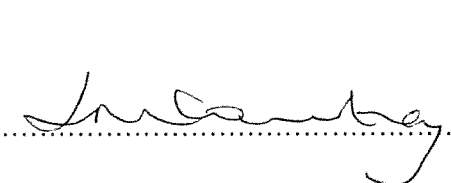
THE RESPONSIBLE OFFICER

34. The Chief Executive, (or in her absence the Head of Internal Audit) has overall responsibility for the maintenance and operation of this Policy. The Head of Internal Audit maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report to the Chief Executive.

HOW THE MATTER CAN BE TAKEN FURTHER

35. This Policy is intended to provide you with an avenue to raise concerns. It is hoped you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the West Midlands Office of Policing and Crime, the following are possible contact points:
- the external auditor
 - your trade union
 - relevant professional bodies or regulatory organisations
 - a relevant voluntary organisation
 - the police
 - Public Concern at Work (see paragraph 22 above).

36. If you do take the matter outside the West Midlands Office for Policing and Crime, you should ensure that you do not disclose confidential information. The Employment Rights Act 1996 provides statutory protection where you believe disclosure is in the public interest. Check with the contact point about that.



<p>Jacky Courtney Chief Executive West Midlands Office for Policing and Crime</p>	<p>David Giles Head of Internal Audit West Midlands Office for Policing and Crime</p>
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