

Report to Cabinet

Subject: Nottinghamshire Police Community Safety Accreditation Scheme

Date: 5 April 2018

Author: Service Manager, Public Protection

Wards Affected

All Wards

Purpose

- a) To seek approval for Gedling Borough Council to sign up to the Nottinghamshire Police Community Safety Accreditation Scheme (the scheme).
- b) To delegate to the Director of Health and Community Wellbeing the authority to sign the agreement and authorise appropriate working arrangements and delegations, to ensure that the scheme is implemented suitably and that the appropriate staff are delegated to enforce the additional powers confirmed by the scheme.

Key Decision

This is not a key decision

Background

- 1.1 The Police Reform Act 2002 introduced Community Safety Accreditation Schemes (CSAS) which allow police forces to delegate certain policing powers to accredited non-police staff, to contribute towards community safety and crime reduction.
- 1.2 In 2016 Nottinghamshire Police produced a document titled Nottinghamshire Police Community Safety Accreditation Scheme, Policy Guidelines, which details the purposes of individual schemes in Nottinghamshire as well as the standards required from each applicant and the additional powers available (appendix 1.). It is under the requirements of this document that GBC Public Protection has applied to be accredited.
- 1.3 Accordingly an agreement between Nottinghamshire Police and Gedling Borough Council has been produced detailing the working arrangements required for adoption of the scheme. (Agreement and Joint Operating Protocol Between Nottinghamshire Police and Gedling Borough Council

(the agreement) (Appendix 2.))The signing of the agreement confers on Gedling Borough Council's Neighbourhood Wardens, (subject to the completion of appropriate training), additional powers, specifically the ability to obtain names and addresses of individuals involved or believed to be involved in anti-social behaviour, the authority to require the surrendering of alcohol and stop cycles riding on a footpath. The accredited powers also provide a power to issue fixed penalty notices in relation to the possession or throwing of fireworks, trespassing on a railway and throwing stones at trains. Full details of these powers are laid out in part 3 of the agreement. The agreement at Appendix 2 is largely agreed between the Police and the Council but is still in draft form and may require some minor amendments prior to signature.

- 1.4 The agreement additionally details the procedures to be followed on communication, training, tasking, complaints and issues such as legal liability and uniforms. The Neighbourhood Wardens will be trained by the Police in respect of the accreditation powers but they remain employees of the Council when exercising those powers. By being accredited under the scheme the Neighbourhood Wardens will have access to a Police Airwave radio and be able to communicate directly with both Police Officers and Police Head Quarters. This is a positive development for the Neighbourhood Warden service as the radio will allow them to hear relevant information about issues in which they are working thus helping them to serve the community better and improve their own safety.
- 1.5 It is viewed that the scheme will further strengthen the already close working between the Neighbourhood Wardens and the Police in Gedling, building on the benefits of colocation in Jubilee House.

Proposal

- 2.1 It is proposed that Gedling Borough Council sign up to the Nottinghamshire Police Community Safety Accreditation Scheme.
- 2.2 It is proposed that authority is delegated to the Director of Health and Community Wellbeing in consultation with the Director of Organisational Development and Democratic Services to finalise and sign the Joint Operating Protocol between Nottinghamshire Police and Gedling Borough Council shown in draft at Appendix 2 to this report.
- 2.3 It is proposed that authority is delegated to the Director of Health and Community Wellbeing to authorise appropriate working arrangements and delegations, to ensure that the scheme is implemented and that the appropriate staff are authorised to enforce the additional powers confirmed by the scheme.

Alternative Options

- 3.1 Not to sign up to the scheme and therefore lose the ability to enforce the

extra powers as detailed above. In this case the wardens would continue their current working practices and close working with the police, however the powers under the accreditation give them an opportunity to more effectively investigate and deal with issues of anti-social behaviour within the Borough.

Financial Implications

- 4.1 There are no financial implications for this proposal, there is no fee payable to the Police for the accreditation, although there will be costs associated with the additional training wardens will require, this can be covered within existing budgets. Due to the already close working relationships, such as in joint patrolling which will not change all additional powers and the enforcement of them are covered within existing budgets.

Appendices

- 5.1 Nottinghamshire Police Community Safety Accreditation Scheme, Policy Guidelines (Appendix 1.)

Agreement and Joint Operating Protocol Between Nottinghamshire Police and Gedling Borough Council (Appendix 2.)

Background Papers

- 6.1 None

Recommendation(s)

That Members:

1. Agree to Gedling Borough Council signing up to the Nottinghamshire Police Community Safety Accreditation Scheme.
2. Delegate authority to the Director of Health and Community Wellbeing in consultation with the Director of Organisational Development and Democratic Services to finalise and sign the Joint Operating Protocol between Nottinghamshire Police and Gedling Borough Council shown in draft at Appendix 2 to this report.
3. Delegate authority to the Director of Health and Community Wellbeing to authorise appropriate working arrangements and delegations, to ensure that the scheme is implemented and that the appropriate staff are authorised to enforce the additional powers confirmed by the scheme.

Reasons for Recommendations

To ensure the Council has use of all the available powers conferred on it by the scheme so as to ensure that Gedling is as safe and secure as possible.

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Nottinghamshire Police Community Safety Accreditation Scheme

Policy Guidelines



Revised

September 2013

Mr Paul

Dickinson

Policy certified as being compliant with Human Rights Act, 1998

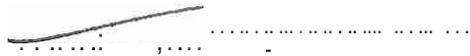
Date Approved by Policy Group as being compliant with Human Rights Act, 1998

Nottinghamshire Police Community Safety Accreditation Scheme

Policy Guidelines

The policy guidelines for the Nottinghamshire Police Community Safety Accreditation scheme are approved.

Signed



**Mr Christopher Eyre QPM
Chief Constable**

Dated.....



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| Version No. | Date | Post Holder/Author | Post | Reason for Issue |
|--------------------|-------------|---------------------------|-------------------|----------------------------|
| 1.0 | Sept | Paul Dickinson | Nominated Officer | Removal of Appeals Process |
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1. Definitions

The following words used throughout this document shall have the following meanings:

1.1 'The Act' shall mean the Police Reform Act 2002.

1.2 'Chief Constable' shall mean the Chief Constable of Nottinghamshire Police.

1.3 'Authorised Senior Officer' shall mean the person authorised to make decisions on behalf of the "Chief Constable" in regards to CSAS.

1.4 'Scheme' shall mean the Nottinghamshire Police Community Safety Accreditation Scheme under Section 41 of the Police Reform Act 2002.

1.5 'Nominated Officer' shall mean the duly appointed individual within Nottinghamshire Police

1.6 'Accredited Person' shall mean the person accredited under the employers' Community Safety Accreditation Scheme.

1.7 'Fee' shall mean such sum charged by Nottinghamshire Police from time to time for the administration of the Scheme as is notified on an annual basis to the Police Authority.

1.8 'Fit and proper person' is the term contained in the Act for an accredited person's employer but will include Chief Executives, Managing Directors, Accredited Persons and other identified responsible persons in the relevant organisations as agreed by the Nominated Officer.

1.9 'Authorised Signatory' shall mean the person authorised by the local authority, other public body or organisation seeking accreditation under the Scheme to sign documents on behalf of and to bind the said local authority, public body or organisation.

2. Introduction to Scheme

2.1 The Police Reform Act 2002 enables the Chief Constable of any police force to establish and maintain a Scheme to be known as a Community Safety Accreditation Scheme. This has created an opportunity for organisations that provide community safety and security functions to apply for accreditation, which will enable employees to utilise limited powers to help them to become more effective in their role. Such powers should only be applied with regard to local community needs and in compliance with local priorities and policies.

2.2 The benefits of such a Scheme include the standardisation of the training and vetting procedures for those who carry out security or community safety patrols, as well as individual interviews to assess suitability. It will enable better communication between the police and external organisations, formalisation of relationships with the extended police family and more effective non-police community safety patrols. This will lead to the detection and prevention of crime and anti-social behaviour. The Scheme will provide reassurance to members of the public by confirming that the organisation and its employees reach the high standards set.

2.3 It is widely accepted that a uniform presence on the streets and other public places has long ceased to be the sole preserve of police officers and public demand for uniformed foot patrols shows no sign of abating. As a consequence, the last decade has witnessed the expansion of privately funded security patrols in residential areas and shopping centres. More recently, a variety of warden schemes have evolved with local authorities, housing agencies and other partnerships that provide community safety patrols, utilising paid and trained staff. Such individuals and groups were not initially considered to be part of the police family.

2.4 Following the introduction of the Crime and Disorder Act 1998 great steps were made in bringing together partner organisations to work jointly to address community safety issues. Section 17 of the Crime and Disorder Act 1998 states that it shall be the duty of each authority to do all that it reasonably can to prevent crime and disorder in its area.

2.5 The development of these 'mixed patrols' brings with it the need for assurance as to its probity, professionalism and the ability to deliver a high quality service to the public. This has offered the police service the opportunity to act as guide and close partner to other organisations and agencies, with the intention of harnessing the commitment of those already involved in crime reduction and reassurance, thus giving rise to the 'extended police family'.

2.6 For the purposes of the Community Safety Accreditation Scheme, the Chief Constable will be focusing upon those organisations that provide patrol style community safety and security functions and the powers that can be conferred upon them.

2.7 Applications for Community Safety Accreditation are invited from all interested and relevant parties within the public, private and voluntary sectors in accordance with the guidelines contained within this document. Accreditation will be awarded in two parts, firstly for the employer and secondly for the employee.

2.8 Application for Community Safety Accreditation will be made to the Chief Constable for the area where the employee is to operate. Accreditation will not be valid outside the accrediting police force boundary and powers can only be applied when the accredited person is on duty, wearing the approved uniform and in possession of the identity and powers card. Regional, national or multi-national organisations may apply to ACPO CPI Ltd, listing the areas where their accredited staff will seek to operate. ACPO CPI Ltd contact details can be found on our website www.nottinghamshire.police.uk. The Nominated Officer must forward such applications to ACPO CPI Ltd, or if appropriate, to the Nominated Officers in other Scheme areas where accreditation is being sought.

2.9 The Nominated Officer will act on behalf of the Chief Constable for the application and accreditation process.

2.10 The Police Reform Act 2002 ('the Act') introduced a system whereby persons who are not police officers may exercise certain police powers. Under Section 40 of the Act it is stated that the Chief Officer of any police force may, if considered that it is appropriate to do so (for the purposes set out in Section 40(3) of the Act), establish and maintain a Scheme to be known as a 'Community Safety Accreditation Scheme' (CSAS).

The purposes set out in Section 40(3) are:

- (a) Contributing to community safety and security; and
- (b) In co-operation with the police force for the area, combating crime and disorder, public nuisance and other forms of anti-social behaviour.

2.11 Section 41 of the Act refers to accreditation under Community Safety Accreditation Schemes where the Chief Officer has entered into arrangements with any employer in respect of the carrying out of community safety functions by the employees of that employer.

2.12 Section 41(2) enables the Chief Officer to grant accreditation to any employee of the employer where an application has been made in the manner required by the Chief Officer. A Chief Officer shall not grant accreditation to a person under Section 41 unless he is satisfied:

- (a) That the person's employer is a fit and proper person to supervise the carrying out of the functions for the purposes of which the accreditation is to be granted;
- (b) That the person is a suitable person to exercise the powers that will be conferred on them by virtue of the accreditation;
- (c) That the person is capable of effectively carrying out the functions for the purposes of which those powers are to be conferred on them; and
- (d) That the person has received adequate training for the exercise of those powers (Section 41 (4)).

2.13 In addition, Section 41(5) allows a Chief Officer to charge such a fee as considered appropriate for considering an application for or the renewal of an accreditation under this section and/or granting such an accreditation.

2.14 Where the Chief Officer has granted accreditation to an employee under Section 41 then Schedule 5 of the Act (which sets out the powers that may be conferred on accredited persons) shall have effect (with any restrictions and/or conditions deemed appropriate by the Chief Officer). The powers detailed in Schedule 5 are set out in the

Act (the up-to date list of powers can be found at the Home Office web site).

2.15 Section 41(6) of the Act states that a person authorised or required to do anything by virtue of an accreditation under Section 41:

(a) Shall not be authorised or required by virtue of that accreditation to engage in any conduct otherwise than in the course of their employment by the employer with whom the Chief Officer has entered into the arrangements referred to above and;

(b) Shall be so authorised or required subject to such other restrictions and conditions (if any) as may be specified in his accreditation.

2.16 Save where an accreditation has been previously withdrawn or ceases to have effect in accordance with Section 41(8), then the accreditation shall remain in force for such a period as may be specified in the accreditation. However, the accreditation may be renewed at any time with effect from the time when it would otherwise expire (Section 41(7)).

2.17 An accreditation ceases to have effect, (a) if the accredited person ceases to be an employee of the person with whom the Chief Officer has entered into the arrangements; or (b) if those arrangements are terminated or expire (Section 41(8)).

2.18 This Scheme has been compiled having taken cognisance of, and has adopted the guidance contained in the ACPO 'Community Safety Accreditation Schemes (CSAS) Guidance' published in January 2010 and the Home Office 'Community Safety Accreditation Schemes' guidance document.

3. Nottinghamshire Police Accreditation Scheme

3.1 The Scheme is a Community Safety Accreditation Scheme under Section 41 of the Act 2002. It is therefore the intention of the Chief Constable of Nottinghamshire Police to offer certain employers an accreditation scheme in respect of the carrying out of certain community safety functions as detailed in the Act.

3.2 Local authorities and private companies that represent the Nottinghamshire Police area and such other public bodies or managing agents acting on behalf of such local authorities or other public bodies, which, in the reasonable opinion of the Chief Constable, are able to meet the criteria for accreditation as set out in this document, will be considered for accreditation under the Scheme. The two elements incorporated into the accreditation process are accreditation of the employer and accreditation of the employee.

3.3 Although the accreditation scheme referred to under the Act is in respect of employees only, Nottinghamshire Police needs to satisfy itself that employers who want to take the benefit of the Scheme are fit and proper persons and have appropriate procedures and policies in place to properly supervise accredited

employees. Therefore it is the intention of Nottinghamshire Police to accredit employers that meet these criteria in accordance with the procedure set out within this document.

3.4 Schedule 5 of the Act details the powers that can be exercised by an Accredited Person if specified within the Accreditation. Apart from those powers, no person will receive accreditation to enforce any powers to him/her than those available to the ordinary citizen.

3.5 ACPO has developed a specific training requirement with the Vehicle and Operator Service Agency (VOSA) that covers all aspects of the power to stop vehicles including driving skills. The Department for Transport, ACPO and other stakeholders in the road haulage sector are devising standards for the escort of abnormal loads (this will cover regulations as well as the power to direct traffic available under the Act). Any applicant intending to apply for these powers will be required to achieve the National Standards as developed by ACPO. NOT PROTECTIVELY MARKED

4. Legislation and Supplementary Provisions relating to Accreditation

4.1 Section 42 of the Act contains supplementary provisions relating to designations and accreditation generally. Those provisions, which are relevant to accreditation under Section 41 are as follows:

Proof of Accreditation

4.2 A person who exercises or performs any power or duty in relation to any person in reliance on his designation under Section 38 or 39 or his accreditation under Section 41, or who purports to do so, shall produce that designation or accreditation to that person, if requested to do so.

Wearing of Uniform and Badges

4.3 A power exercisable by any person in reliance on their designation by a Chief *Officer* of Police under Section 38 or 39 or his accreditation under Section 41 shall be exercisable only by a person wearing such uniform as may be:

- a) Determined or approved for the purposes of this Act by the Chief Officer who granted the designation or accreditation; and
- b) Identified or described in the designation or accreditation; and in the case of an accredited person, such a power shall be exercisable only if they are also wearing such badge as may be specified for the purposes of this subsection by the Secretary of State, and is wearing it in such manner, or in such place, as may be so specified.

Modification / Withdrawal of Accreditation

4.4 A Chief Officer who has granted a designation or accreditation to any person under Section 38, 39 or 41 may at any time, by notice to the designated or accredited person, modify or withdraw that designation or accreditation.

4.5 Where any person's accreditation under Section 41 is modified or withdrawn, the Chief Officer giving notice of the modification or withdrawal shall send a copy of the notice to the employer responsible for supervising that person, in the carrying out of the functions for the purposes of which the accreditation was granted.

Liability

4.6 For the purposes of determining liability for the unlawful conduct of employees of a person with whom a Chief Officer has entered into any arrangements for the purposes of a community safety accreditation scheme, conduct by such an employee in reliance or purported reliance on an accreditation under Section 41 shall be taken to be conduct in the course of his employment by that employer; and, in the case of a tort, that employer shall fall to be treated as a joint tortfeasor accordingly. Any reference to joint tortfeasors means the employee and employer and not Nottinghamshire Police or Nottinghamshire Police and Crime Commissioner.

Section 46: Offences against designated and accredited persons

4.7 Any person who assaults:

- a) A designated person in the execution of their duty;
- b) An accredited person in the execution of their duty; or
- c) A person assisting a designated or accredited person in the execution of their duty is guilty of an offence and shall be liable on, summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or both.

4.8 Any person who resists or wilfully obstructs:

- a) A designated person in the execution of their duty;
- b) An accredited person in the execution of their duty; or
- c) A person assisting a designated or accredited person in the execution of their duty, is guilty of an offence and shall be liable on, summary conviction, to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale or both.

4.9 Any person who with intent to deceive:

- a) Impersonates a designated person or accredited person;
- b) Makes any statement or does any act calculated falsely to suggest that they are a designated person or accredited person;
- c) Makes any statement or does any act calculated falsely to suggest that they have powers as a designated person or accredited person that exceed the powers that he/she actually has, is guilty of an offence and shall be liable on, summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or both.

5. Standards

5.1 For an employer to obtain accreditation under the Nottinghamshire Police Scheme, the following standards will be adhered to in order to ensure the smooth and efficient running of the Scheme. It is necessary for the employer to demonstrate to the satisfaction of the Chief Officer that it is a fit and proper organisation to supervise employees in carrying out the functions for which the accreditation is to be granted. It is therefore incumbent upon the employer to ensure that the following protocols are put into place and strictly adhered to.

6. Accreditation Standards - Accountability Management

6.1 Section 41 (4) Police Reform Act 2002 provides that the person's employer is a fit and proper person to supervise the carrying out of the functions for which the accreditation is granted. Primary accountability of Accredited Persons will be to their employing agency.

Complaints and Procedure

6.2 Employers must have established and must maintain satisfactory arrangements for the handling of complaints made by either a member of the public or another employee relating to the carrying out by itself or its employee(s) of the functions for which accreditation is requested and be able to demonstrate these procedures. For the purpose of satisfying themselves that the employers complaints system is working properly, Nottinghamshire Police will require access to individual complaints records and to those operating the complaints system in accordance with Data Protection and Human Rights.

Criteria and acceptable evidence

| Criteria | Acceptable Evidence |
|--|--|
| 6.3. The Employer should have a Code of Conduct for employees, which is familiar to your staff. | 6.4. Documents containing the Code. A document containing the procedures and sanctions if a member of staff breaches it. Give details of staff and management training on the Code and consequences of breaches. |
| 6.5. The Employer should have a written, easy to use, complaints procedure that is available to the public. It should include a commitment to deal with complaints within a specific time limit whenever possible. | 6.6. Documents containing the procedure. The stages of the process should be set out clearly. Complainants should be able to register their complaint in a variety of ways including in person and in writing. Documents detailing any review procedure if a complainant is not satisfied with the initial process should be included. |
| 6.7. The Employer should give staff guidance and training in handling and recording complaints. | 6.8. Include guidance documents provided for staff. Provided details of training in complaints resolution for staff or management. |
| 6.9. The Employer should keep records of complaints and the action taken to deal with them. | 6.10. Documents used for recording complaints and any guidance provided on their use. Details of complaints received in the last year should be provided. Access to inspect your complaints records may be required. |

Powers

6.11 There is no provision within the Act to enhance the powers of 'Accredited Persons' beyond those of the ordinary citizen other than those issued under Schedule 5 of the Act which set out the powers that may be conferred on accredited persons (for an up-to-date list see the Home Office web site).

Liaison

6.12 Regular contact must take place between the employer, Nottinghamshire Police's nominated Liaison Officer and Nominated Officer to ensure that the Scheme is operating effectively and efficiently.

Monitoring and evaluation

6.13 Evaluation is a key aspect of any scheme and partners may wish to conduct their own specific evaluations but quarterly monitoring reports will be sent to the nominated officer giving basic details of the operation of the Scheme, incidents attended, publicity, initiatives carried out, etc.

6.14 To assist in assessing the impact of the Scheme the report can include:

- The makeup of accredited persons by gender, age and ethnicity
- Training costs per accredited person
- Staff attitude surveys
- Use of powers
- Issue of Fixed Penalty Notices
- Submission of intelligence reports
- Citizen's arrests
- Activity analysis
- Number of Anti Social Behaviour Orders (ASBOs) applications assisted
- Impact on reassurance/quality of life
- Impact on feelings of safety
- Impact on fear of crime
- Levels of recorded crime/incidents
- Level of calls from the public
- Details of complaints and their resolution
- Any relevant Performance Indicator
- Levels of crime and recorded crime
- Levels of fear of crime
- Feelings of Public Safety
- Public reassurance and quality of life
- Media coverage

6.15 Records of incidents, duty diaries, and any other record must be kept stored securely for a minimum of seven years by the organisation.

6.16 The existence and performance of any Scheme must also be included in any formal or informal audit policy and end of year reports produced by the accredited organisation.

Insurance

6.17 The Employer will be required to show certification stating they are in possession of employers' liability insurance of a sum not less than £5,000,000 and public liability insurance of not less than £5,000,000.

6.18 The Information Sharing and Joint Operational Protocols will be signed by the Chief Constable, Authorised Signatory of the Scheme and, where appropriate, the Crime and Drugs Reduction Partnership (CORP) and should be reviewed on an annual basis.

Security Industry Association (SIA) Licence

6.19 With the development of the Security Industry Association licensing scheme, national standards are being set that must be consistent with any that are established by the Scheme. Any authority, organisation or company which is required to be licensed at any time in the future for any or all of its functions must have this licence in order for accreditation to be granted, continued or renewed. The terms of the Nottinghamshire Police Scheme may be amended subject to the decisions and standards set by the SIA.

Changes in staff and suspension of accreditation

6.20 All changes in staff or contractual terms and obligations must be notified in writing to the Nominated Officer not more than 28 days from the date of that change.

6.21 The employers may themselves suspend an employee's accreditation at any time without prior reference to the Chief Officer. This should be considered when managing misconduct, although the employer should still notify the Nominated Officer within the agreed period.

Suspension and Withdrawal of Accreditation

6.22 Should an Accredited Person be:

- (a) Arrested, cautioned, reprimanded or receives a warning for or charged with a criminal offence;
- (b) Or had contact with the police, or come to the notice of the police, in a manner which may be viewed detrimentally by the police, during the period of his or her accreditation; the accreditation should be suspended immediately and be reviewed by the Nominated Officer, who at all times should engage in dialogue with the individual's employer.

6.23. The employers may themselves suspend an employee's accreditation at any time and should inform the Nominated Officer within 14 days. Furthermore, an employer must notify the Nominated Officer of any circumstances that would reasonably challenge the individual's status as a 'suitable person'.

6.24. Furthermore, an employer must notify the Nominated Officer of any circumstances that would reasonably challenge the individual's status as a 'fit and proper person'.

6.25. The employer must notify the Force if three complaints have been made and proven against an individual, or if three instances of misconduct have been found to have occurred, so that the accreditation may be reviewed.

6.26. Where any person's accreditation is modified or withdrawn, the Nominated Officer giving notice of modification or withdrawal shall send a copy of the notice to the employer responsible for supervising that person in the carrying out the functions for the purposes of which accreditation was granted.

6.27. Where either Nottinghamshire Police or the employer carry out any of the aforementioned, then any forms of identification, certification, accreditation and powers card must be returned to Nottinghamshire Police within 14 days from the date of change. The Chief Officer reserves the right to suspend or withdraw an employer or employee's accreditation at any time. Every effort will be made to consult and notify the employer should such action become necessary.

Legal Liability

6.28. Section 42(10) of the Act states that:

6.29 For the purpose of determining liability for the unlawful conduct of employees of a person with whom a Chief Officer has entered into any arrangements for the purposes of a Community Safety Accreditation Scheme.

6.30 Conduct by such an employee in reliance or purported reliance on an accreditation under Section 41 shall be taken to be conduct in the course of their employment by that employer; and, in the case of a tort, that employee shall be treated as a joint tortfeasor accordingly.

6.31 Any reference to joint tortfeasors here means the 'employee' and the 'employer', not Nottinghamshire Police or Nottinghamshire Police and Crime Commissioner.

Health & Safety

6.32 The employer is responsible for the health and safety of their employees at all times. The employer must ensure that employees are suitably trained, equipped and supervised to undertake their duties.

6.33 Employers will also be aware of and act upon their responsibilities in relation to employees working alone. The employer shall be liable for all costs, claims, demands and liabilities in respect of any loss or damage to vehicles or property, or death or personal injury suffered or incurred by the organisation, howsoever in connection with the Nottinghamshire

Police Community Safety Accreditation Scheme caused by the employers act or omission or by the act or omission of any of the employees or agents or of any person acting under its control.

7. Accreditation Standards - Calibre of Staff

Job Specifications

7.1 A detailed job and person specification shall be made available to the Nominated Officer prior to the recruitment procedure taking place.

Selection and Recruitment

7.2 A recruitment policy shall be established to ensure that only those persons suitable to hold the office will be employed, this will include satisfactory training and vetting procedures detailed in the Training section and Forms section. These should comply with Human Rights and Equal Opportunities legislation and with the general duty under the Race Relations (Amendment) Act 2000 in respect of employment and service delivery.

Vetting

7.3 Due to the association with Nottinghamshire Police it is essential that the background of accredited persons is thoroughly checked to ensure that they have previous good character and no relevant criminal convictions, cautions, reprimands or warnings.

7.4 Police checks will be carried out on those employees, and the supervisor/ line manager of those employees. This is a condition of the Scheme and is required to provide confidence to the public by showing that employers and employees are appropriate to carry out the role granted to them under the Scheme. In the case of private companies, the owner and/or directors will also be subject to the vetting process.

7.5 The Rehabilitation of Offender's Act 1974 does not apply and the employee's application must declare any spent convictions or cautions together with any pending matters. Nottinghamshire Police will conduct vetting checks on the employee and on the employee's spouse/partner and co-residents. This will consist of:

- Identification check
- A check against force local systems, or, if appropriate, the systems of other police forces for areas in which the employee has resided in the last five years
- A check against the Police National Computer and the Police National Database, and
- A financial check

7.6 Nottinghamshire Police are not obliged to disclose any information revealed during the vetting process that results in the refusal of an application.

7.7 Applicants are asked to inform their spouse/partner, all dependants over the age of 10 and all co-residents that their details have been provided for the purpose of vetting

clearance for accreditation.

7.8 The vetting checks are valid for a three-month period. If accreditation does not take place within three months an up-to-date police check will ensue at a reduced cost per employee (costs can be furnished upon application).

Training Plan

7.9 Section 41 (4) of the Act provides that the person is capable of effectively carrying out the functions for which powers are to be conferred on them, and that the person has received adequate training for the exercise of those powers. Therefore, it is suggested that employees are vetted and interviewed before commencing training. However, if completion of the relevant training of the employees is longer than three months from the date of vetting, then an up-to-date vetting check will ensue at a reduced cost; costs can be furnished at point of application per employee.

7.10 To this end the employer shall ensure that all successfully vetted employees receive training as notified in the application and approved by the Chief Officer. Further information in respect of the training required can be found in the CSAS Training Specification at www.nottinghamshire.police.uk/csas. Employers may consider any training organisation who provide appropriate training and certification should it be required. Evidence of any training received or qualifications obtained will be required.

7.11 It is suggested that employees seeking accreditation should have had training that covered these topics listed on www.nottinghamshire.police.uk/csas

- Roles and Responsibilities (including code of conduct)
- Basic Legal Knowledge (including citizen's arrest, human rights, legislation relevant to role)
- Communication skills (should include conflict management, assertiveness, and use of any communication equipment such as phones or radios)

- Reports (should cover when to make records of incidents, recording and reporting procedures, use of notebooks)
- Health and Safety (including personal safety, risk assessment and actions to take, and basic first aid)
- Diversity/Community and Race Relations (covering diversity awareness, fairness, prejudice and stereotyping, anti discriminatory practice, and Equal Opportunities, Race Relations and Disability Discrimination Acts)

- Data Protection Act 1998 and Information Security training.

Details of other relevant training or qualifications may be sought as these will assist in demonstrating capability.

7.12 The experience of an employee who has worked in the field for some time may also be considered relevant if there are gaps in formal training.

Supervision

7.13 Section 40 (8) of the Act provides that a Scheme must contain provision for making arrangements with employers to supervise employees carrying out community safety functions. A proper supervisory structure shall be put in place which will address the need for daily direction and control of employees to include work allocation and direction, health and safety of the employee whilst on duty, monitoring of workloads and interaction with the local police as appropriate. The supervisor shall also be subject to vetting procedures, see 7.3. Nottinghamshire Police shall have no management function over the accredited persons.

Discipline

7.14 The employer shall establish and maintain satisfactory arrangements for the handling of complaints relating to the carrying out by its employees of the functions for which accreditation is required. The employer shall notify the Nominated Officer of any changes or occurrences that may render the employee unsuitable and/or warrant withdrawal of the employers' accreditation or the employees' accreditation under the scheme.

8. Accreditation Standards - Identifiable and Distinct

Vehicles

8.1 Accredited Persons should be readily identifiable at local level and their vehicles should be distinct from that of the police in terms of livery and corporate image so as to avoid confusion to the public. Details of any vehicles and livery should be forwarded with the application for accreditation and be agreed as suitable by the Chief Officer.

Appearance

8.2 'Accredited' persons should be readily identifiable at local level. Their appearance should be distinct from that of the police in terms of uniform and corporate image so as to avoid confusion to the public. The employer shall provide an identifiable uniform to the employee that meets the needs of the employee in relation to the Health and Safety at Work Act. It should also be of a standard and design that is agreed by the Chief Officer as appropriate for the high visibility and reassuring role the accredited person is to perform. The uniform shall incorporate a means of identifying the wearer by means of an identification number or name badge. In addition it should include, as part of or separate from that design, the badge as specified for the purposes of Section 41(2) of the Act by the Secretary of State. The employer shall also ensure that the employee wears such badge in such manner, or in such place, as may be so specified by the Act.

8.3. The badge must be in same proportions with minimum dimensions of 73mm x 80mm.

9. Accreditation Standards - Role

Patrol Schedule

9.1 The area in which the scheme will be operating will be documented in the employer's application; this will include the shift pattern that the Accredited Persons will be working.

Functions

9.2 The role and function of the employees within the Scheme will be documented in the employers application providing evidence of the purposes set out in Section 40(3) of the Act (see para 2.10).

10. Accreditation Standards - Communication

Information Sharing

10.1 A Joint Operating and Information Sharing Protocol will be signed between the employer, Nottinghamshire Police's Nominated Liaison Officer and the Nominated Officer to clarify the information sharing arrangements, and provide a framework to facilitate and govern the sharing of information, intelligence and evidence. The dissemination of intelligence must be carefully managed and obligations under the Data Protection Act 1998 and/or the Computer Misuse Act 1990, and subsequent associated legislation must be met. It will invariably be in the interests of all partners to work towards the same aims and this will only occur if free and open lines of communication are maintained. Links in to the tasking and co-ordination processes at a local level, as per the National Intelligence Model, will be agreed as appropriate in individual circumstances. The Nottinghamshire Police Force Information Security Policy (FISP) will form the basis of this agreement. The employer must ensure all Accredited Persons are aware of the protocols and the consequence of non-compliance.

Security-

10.2 Any information provided by Nottinghamshire Police to an Approved Community Safety Scheme will only be accessed by accredited persons and when not being used will be stored in a secure place, in a locked cabinet accessible by Accredited Persons only. Any computer systems must be held within a secure environment, it should be password protected and will only be accessed by the accredited persons. A protocol will be signed by the Chief Constable and employer clarifying the security arrangements required to be enforced.

Communication Systems

10.3 The Employer must provide suitable equipment and resources to ensure adequate operational lines of communication between the employer and employee, their police liaison and for any emergency situations. The Joint Operating and Information Sharing Protocol agreement will assist in clarifying roles and responsibilities.

11. Powers available to Accredited Persons under the Scheme

11.1 Schedule 5 to the Police Reform Act 2002 refers to the powers under community safety arrangements made between a Chief Officer and any employer. Schedule 5 powers take effect when the Chief Officer grants accreditation to an employee under arrangements of Section 41 of the Police Reform Act 2002 (with any restrictions and/or conditions deemed appropriate by the Chief Officer). That person is then to be regarded as an accredited person under the Act. Employers may seek for their employees to be accredited with those powers relevant to their role, an up-to-list of available powers can be viewed on our website at www.nottinghamshire.police.uk - Services - Getting accredited - an employer's guide.

11.2 The main benefit of the Accreditation Scheme for all concerned is in having access to and sharing information and intelligence with Nottinghamshire Police. Full legislative information regarding the above powers can be found at http://www.homeoffice.gov.uk/docs4/powersaccredited_persons.pdf

12. Accreditation of the Employer

Process

12.1 For the employer to obtain accreditation under the Scheme it is necessary to demonstrate to the satisfaction of the Chief Officer that the employer is a fit and proper person to supervise employees in carrying out the functions for which the accreditation is to be granted

12.2 It is therefore incumbent upon the employer to ensure that the policies and procedures as set out in the Accreditation Standards are put in place see Section 12.3 -12.11.

Procedure

12.3 The Employer shall send to the Nominated Officer the following:

a) The employer's application for accreditation (Form A503) which will include the following:

- i. A statement of compliance with the purposes set out in Section 40(3) of the act (Paragraph 2.10) (Form A503 - Part 1)
- ii. Completed disclaimer (Form A503 - Part 2)
- iii. Undertaking of Confidentiality (Form A503 - Part 3)
- iv. Organisation Checklist (Form A503 - Part 4)

b) Completed employee forms for the authorised signatory, supervisor and all proposed employees in the case of a limited company vetting checks will also be required for all company directors and company partners or in the case of an unlimited company the sole trader or company owners (Form A504)

c) The appropriate fee (details of which can be found on our website). However, please note that if training has not been completed within three months of vetting, then an updated vetting check will ensure this will be at a reduced cost per person

d) Company logo (for use on Accredited Persons Identification badge) in electronic format, please supply in a high resolution Jpeg format.

12.4 A written policy statement identifying the organisation and any parent, subsidiary body or company and include a description of applicant's purpose and extent of operation.

12.5 Copies of the following documents:

- a) Post Profile and Person Specification
- b) Recruitment Policy and compliance with Equal Opportunities
- c) The Training Plan for each post requiring accreditation for the whole period of accreditation as approved by the Nottinghamshire Police, which must include diversity and all other elements, listed (para. 7.11). Training must be completed within three months of vetting, otherwise an up-to-date vetting check will ensure at a reduced cost (the cost of which will be furnished up on application per employee)
- d) Written policies and procedures relating to the employee's supervisory structure which shall include details of how the employee will be directed and controlled on a daily basis including details of the immediate supervisor, work allocation and direction, area in which the employee will work if accredited, health and safety, monitoring of workloads, standards and interaction with the local police
- e) The employer's complaints procedure
- f) If appropriate written details of the system in place for the administration of the Fixed Penalty Scheme and the enforcement of unpaid fines
- g) Existing enforcement policies (local and government enforcement concordat) and proposals for additional powers if applicable
- h) Any other supporting documents e.g. Accreditation by another body, Charter Mark, Investors in People, ISO Standards, BS achievements, etc.
- (i) Other than in the case of a Local Authority, the last annual report
- (j) An application pack checklist for employers can be found on our website.

12.6 Upon receipt of the documents as detailed above, the Nominated Officer may seek further documents from the employer if such documents are required to assist the Chief Officer in granting accreditation. It may also be necessary for the Nominated Officer to visit the employer's premises and if so the employer shall provide all reasonable assistance in accommodating such requests for access. The Nominated Officer will also seek endorsement by the Divisional Commander and the Crime and Disorder Reduction Partnership (CORP), if appropriate, for the area in which the accreditation is sought. The Divisional Commander and CORP Co-ordinator will also agree to Joint Operating and Information Sharing Protocol, as appropriate.

12.7 Where information is controlled by Local Authority where Multi Agency Problem Solving (MAPS) and CORP work together should it be necessary for the employee to have access to Local Authority information then a further Information Sharing Protocol may be required to be completed in partnership with the Local Authority.

12.8 The employer should note that the decision to grant accreditation to an employer under this Scheme is at the complete discretion of the Chief Officer and their decision is final. If the Chief Officer is satisfied that the employer is a fit and proper person to supervise employees in carrying out the functions for which accreditation is to be granted, then an Accreditation Certificate shall be completed together with any conditions/restrictions attached and copies of duly countersigned Joint Operating and Information Sharing Protocol and forwarded to the Authorised Signatory. Whilst many schemes are likely to be local in nature there is a probability that some organisations, who seek accreditation for its staff may be regional, national or may be registered overseas. In this instance, and in the absence of any good practice dictating otherwise, the employer will have to seek approval from ACPO CPI Ltd.

12.9 ACPO CPI Ltd, a company owned by the Association of Chief Police Officers acting on behalf of every Chief Officer in England and Wales, has been nominated by the Association of Chief Police Officers to undertake the assessment of multi-force private sector companies seeking approval. ACPO CPI Ltd will then make recommendations to the Chief Officers as to whether, in a particular force area, a private sector company should have their staff accredited. All such applications will list the areas in which accredited staff will seek to operate. Upon receipt of such applications ACPO CPI Ltd will contact the other relevant Chief Officers of the areas named in the application outlining their recommendations.

12.10 It should be clearly understood that ACPO CPI Ltd is not responsible for granting or refusing accreditation. ACPO CPI Ltd undertakes the examination of a company and then makes a recommendation to the Chief Officer responsible in the force area in which the application for accreditation has been made. It is the decision of the Chief Constable who individually decides whether to grant approval or not. Clearly the application process for multiple forces will take longer than for single force applications.

Period of Accreditation

12.11 An employer shall be accredited for a period not exceeding one year in the first instance but this period may be extended to two years for subsequent renewals at the discretion of the Chief Officer. An employer may apply for re-accreditation provided such application is submitted at least three months and not more than six months prior to expiry of accreditation. It is the employer's responsibility to ensure that accreditation is renewed in sufficient time under the terms of the Scheme and that the Scheme is operating within the confines of the Nottinghamshire Police Community Safety Accreditation Scheme.

12.12 If for any reason accreditation is not renewed or is revoked the use of the Community Safety Accreditation Scheme logo or any relevant publicity will be removed by the organisation from any and all documentation.

13. Accreditation of the Employee

Process

13.1 Prior to an employee being permitted by an employer to carry out any of the functions for which accreditation is required, the employer shall ensure that the employee in question has been accredited by the Chief Constable of Nottinghamshire Police, it is an offence under Section 46 of the Police Reform Act 2002 to impersonate an accredited person.

13.2 It should be noted that the Chief Constable will not grant accreditation to an employee unless satisfied of the following;

- a) That the person's employer has been accredited in accordance with the Scheme;
- b) That the person is a suitable person to exercise the powers that will be conferred on him/her by virtue of the accreditation; in the event of no employment records or appraisals to evidence capabilities this will be monitored and evaluated quarterly by the employee's line manager who will keep the Nominated Officer informed of progress;
- c) That such person is capable of effectively carrying out the functions for the purposes of which those powers are to be conferred on him/her;
- d) That such person has received adequate training for the exercise of those powers and the various elements of diversity, human rights, etc;
- e) That such person has completed, understood and passed the Community Safety Accreditation Scheme training criteria and are confident in using the powers they have been trained in and are competent in working in partnership with Nottinghamshire Police;
- f) That such person, his spouse/partner and co-residents have been successfully Security Vetted by the Nominated Officer;
- g) That such a person was successfully and individually interviewed by the Nominated Liaison Officer and the Nominated Officer or their deputies;
- h) That such person, where appropriate, has received a clear financial check procedure.

i)

13.3 Prior to requesting accreditation of any person the employer shall in addition to their own vetting procedures send to the Nominated Officer:

a) The completed Employee Application Form (Form A504) with one passport sized photo of the employee, of which the employer, to state that the photograph is a fair and true likeness of the named applicant, must endorse the reverse;

b) Copies of any appraisals or reports on employee performance carried out within the last two years and records any relevant training and qualifications - see www.nottinghamshire.police.uk/csas. If the appraisals are not available, the Nominated Officer will accept a letter from the employer stating the following criteria:

- (i) That the employee has not been under any investigations and/or disciplinary procedures whilst employed with the employer
- (ii) That the employee has not received any proven complaints against them within the last three years
- (iii) That the employee has reached and/or exceeded the employers expected levels of performance
- (iv) That the employer knows of no detrimental reason why the employee should not be accredited
- (v) That the employer fully supports the employees' application and accepts responsibility for the employees Code of Conduct whilst on duty;

c) Completed vetting forms for the employee (the employer must enter the employee's name and date of birth and complete the ID verification section before passing the vetting form to the employee to complete. The employee should then return the completed form to the employer in the envelope provided, sealed and with the employer's and employee's name detailed on the envelope);

(d) The appropriate fee;

| Public Sector | Accreditation | Renewal |
|---------------|---------------|------------|
| Employer | £300 - £315 | £55 - £300 |
| Employee | £35 - £90 | £15 - £90 |

| Private Sector | Accreditation | Renewal |
|----------------|---------------|------------|
| Employer | £450 - £600 | £75 - £500 |
| Employee | £35 - £132 | £15 - £132 |

The costs given were right at the time this document was published. Up to date costs will be furnished upon application;

NOT PROTECTIVELY MARKED

(e) Before accreditation can commence all relevant employees must complete the relevant training. A training verification form will be sent to the organisation for completion once the vetting and interviewing process has been concluded. All successful employees training must be recorded and the form should be endorsed by the Authorised Signatory and sent to the Nominated Officer within three months of vetting. However, if the training has not been completed within the three month time period, then further vetting will have to ensue; this will be at a reduced cost per employee (details of charges can be furnished upon application).

13.4 Nottinghamshire Police shall carry out a vetting check on the said person, his/her spouse and co-residents, in accordance with the vetting procedure. The Nominated Officer shall notify the employer whether accreditation will be granted subject to a successful interview and relevant vetting checks. In the event of a refusal to accredit or renew the accreditation please refer to Section 14.

13.5 Upon receipt of a successful application and subject to successful vetting checks, there being no changes or occurrences in the intervening period, which render the employee unsuitable for accreditation, the Nominated Officer shall issue to the employer the Accreditation Certificate, together with any conditions/restrictions attached in respect of the said employee, an ID card and two scheme badges will also be issued. Extra scheme badges are available at a cost which will be furnished upon application.

Period of Accreditation

13.6 The employee shall be accredited for a period not exceeding one year but this period may be extended to two years for subsequent renewals subject to updated training, if required, a vetting check and, if appropriate, an interview. An employer may apply for reaccreditation for the employee provided that application is submitted at least three months and not more than six months prior to the expiry of the accreditation period. It will be the employer's responsibility to ensure that the accreditation for the organisation and employees is renewed in sufficient time under the terms of the Scheme.

14. Renewal procedure

14.1 In accordance with the procedures set in paragraphs 12.3 - 12.8, the employer shall submit the renewal form (Form A504) including details of all Accredited Persons also due for renewal. The application should be accompanied by a report setting out the progress of the Scheme and covering

the matters as set out in Accreditation Standards (in the format shown in the Evaluation Section 6.13) for the expiring period and a plan for the forthcoming period. Any updates of evidence or changes that may affect any of the arrangements connected with the Scheme shall also be notified.

14.2 The Nominated Officer may wish to visit the Scheme to review the evidence provided and monitor compliance with the principles of the Scheme and this should be facilitated and any reasonable requests complied with.

Appendix 2



NOTTINGHAMSHIRE
POLICE
PROUD TO SERVE



**NEIGHBOURHOOD WARDEN SERVICE
ACCREDITATION AGREEMENT AND JOINT OPERATING PROTOCOL
BETWEEN
NOTTINGHAMSHIRE POLICE AND GEDLING BOROUGH COUNCIL**

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1. Purpose of Agreement and Protocol

- 1.1 The purpose of this document is to provide the agreement between Nottinghamshire Police and Gedling Borough Council (“the Council”) for the accreditation of Gedling Borough Council’s Neighbourhood Wardens and to outline the joint operating protocol.
- 1.2 It is acknowledged that accreditation is granted by the Chief Constable but will be administered at the Neighbourhood Policing level.
- 1.3 This document outlines the agreed standards for accreditation, which must be maintained and how the Council agree to operate and incorporate the ethos of the accreditation into its own working arrangements.
- 1.4 No changes will be made to this document without prior agreement and consultation of all parties. Any reference to the Neighbourhood Policing Chief Inspector relates to the Neighbourhood Policing Chief Inspector, Nottinghamshire South, and Nottinghamshire Police. The duties of the Neighbourhood Policing Chief Inspector may be delegated by them to another named individual with the agreement of the other party.
- 1.5 The duties and responsibilities of the Council in relation to accreditation and this agreement will be the responsibility of the Director of Health and Community Wellbeing for Gedling Borough Council unless otherwise specified in the agreement, but may be delegated to other officers of the Council to ensure operational efficiency.

2. Agreed Standards for Accreditation

2.1 Designated powers will only be used by Neighbourhood Wardens whilst on duty in that role.

2.2 Neighbourhood Wardens will only be able to use powers designated by the Chief Constable once they have completed the designated training course provided by Nottinghamshire Police.

2.3 Accreditation is granted to the Neighbourhood Wardens individually; however subject always to the power of the Chief Constable to remove accreditation from any individual, both parties must be satisfied that Neighbourhood Wardens are suitable to exercise the powers conferred upon him/her and that appropriate performance development and support is in place.

2.4 All accredited persons will be covered by Police Reform Act 2002: Section 46 which clearly states that it is an offence to:

- Assault an accredited person or person assisting them in the execution of their duties
- To resist or wilfully obstruct an accredited person or a person assisting them in the execution of their duty

2.5 Neighbourhood Wardens will wear the outlined uniform (clause 8) at all times unless there are adverse weather conditions or approval is given by the Community Protection Manager, Gedling Borough Council.

NB. When not wearing approved uniform or not wearing the approved badge, employees otherwise accredited under this scheme cannot use the agreed powers and cannot rely on the protection otherwise afforded by Section 46 of the Act (see paragraph 2.4 above).

2.6 Neighbourhood Wardens will clearly display their Police accreditation badge on their uniform and carry their Gedling Borough Council and Police identification card at all times.

2.7 It is the responsibility of the Community Protection Manager to ensure accredited personnel understand the agreed standards for accreditation.

3. Agreed Powers for Accreditation

The Council's Neighbourhood and Town Centre Wardens will be accredited by the Chief Constable, Nottinghamshire Police with the following powers in the relevant police area as described in Schedule 5 of the Police Reform Act 2002:

Power to require giving of name and address: Power to require the name and address of a person whom an accredited person has reason to believe has committed a relevant offence (Relevant offences are defined under paragraph 2(3)(a) of Schedule 5 of the Police Reform Act 2002 or an offence the commission of which appears to the accredited person to have caused –

- i) injury, alarm or distress to another person; or
- ii) loss of or damage to another person's property.

Power to require name and address for anti-social Behaviour: An accredited person has the power of a constable in uniform under section 5 of the Police Reform Act 2002 to require a person whom he has reason to believe to have been acting, or to be acting, in an anti-social manner (within the meaning of section 1 of the Crime and Disorder Act 1998 to give his or her name and address.

Photographing of persons given fixed penalty notices: Under Schedule 5 Para 9ZA of the Police Reform Act 2002 as amended by Schedule 8 Part 2 Paras 17, 21 of the Serious Organised Crime and Police Act 2005, to take a photograph, elsewhere than at a police station, of a person to whom an accredited person has given a fixed penalty notice or a penalty notice for disorder in exercise of any power to issue such notices under Sec 64A(1A) of the Police and Criminal Evidence Act 1984. Schedule 5 Para 9ZA of the Police Reform Act 2002 as amended by Schedule 8 Part 2 Paras 17, 21 of the Serious Organised Crime and Police Act 2005

Power to require persons aged under 18 to surrender alcohol: Under section 1 of the Confiscation of Alcohol (Young Persons) Act 1997, an accredited person has the power of a constable who reasonably suspects that a person in a relevant place is in possession of alcohol and that either –

- a) he is under the age of 18; or
- b) he intends that any of the alcohol should be consumed by a person under the age of 18 in that or any other relevant place; or
- c) a person under the age of 18 who is, or has recently been, with him has recently consumed alcohol in that or any other relevant place

to surrender anything in his possession which is, or which the constable reasonably believes to be, alcohol or a container of alcohol (other than a sealed container) and to state his name and address. Paragraph 4 of Schedule 5 to the Police Reform Act 2002

Power to require such a person to surrender sealed containers of alcohol: if the accredited person has reason to believe that the person mentioned in section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 (above) is, has been or intends to consume alcohol in a relevant place.

Power to dispose of alcohol surrendered: Under section 1(2) of the Confiscation of Alcohol (Young Persons) Act 1997 may dispose of anything surrendered to him under this section in such manner as he considers appropriate

Power to require persons drinking in designated places to surrender alcohol: Power under section 12 (1) & (2) of the Criminal Justice and Police Act 2001 to require a person whom an accredited person reasonably believes is, or has been, consuming alcohol in a designated public place or intends to do so, to not consume that alcohol and to surrender any alcohol or container for alcohol.

Power to dispose of alcohol surrendered: An accredited person has the power of a constable under section 12(3) of the Criminal Justice and Police Act 2001 to dispose of anything surrendered to him under subsection (2) in such manner as he considers appropriate.

Power to seize tobacco or cigarette papers from a person apparently under the age of 16: An accredited person has the power of a constable to seize anything that a constable in uniform has a duty to seize under section 7(3) of the Children and Young Persons Act 1933, that being if a person apparently under the age of 16 is smoking in any street or public place to seize and to dispose of that tobacco or cigarette papers in a manner directed by the employer of an accredited person. An accredited person shall have the power of a constable;

- (a) Whilst engaged in the regulation of traffic in a road to direct a person driving or propelling a vehicle to stop the vehicle or to make it proceed in, or keep to, a particular line of traffic;
- (b) Whilst engaged in the regulation of vehicular traffic in a road to direct a person on foot to stop proceeding along or across the carriageway.
- (c) For the purposes of a traffic survey, to direct a person driving or propelling a vehicle to stop the vehicle, to make it proceed in, or keep to, a particular line of traffic, or to proceed to a particular point on or near the road.

As prescribed by section 35(1) &(2) and section 37 of the Road Traffic Act 1988, section 8B of schedule 5 of the Police Reform Act 2002, as amended by section 122(7), schedule 8, Part 2, paras 17 & 20 of the Serious Organised Crime and Police Act 2005.

Power to stop cycles: An accredited person shall have the powers of a constable in uniform to stop a cycle under section 163(2) of the Road Traffic Act 1988 when an accredited person has reason to believe that a person has committed the offence of riding on a footpath under section 72 of the Highways Act 1835 (inserted by section 89 of the Anti-Social Behaviour Act 2003)

Power to Issue PND's

Offences for which Accredited Persons may issue penalty notices for disorder under Chapter 1 Part 1 of the Criminal Justice and Police Act 2001

Lower Tier – offences that attract a £60 fixed penalty

- Consumption of alcohol in designated public places contrary to section 12 Criminal Justice and Police Act 2001.
- Trespassing on a railway section 55 of the British Transport Commission Act 1949.

- Throwing stones at a train section 56 of the British Transport Commission Act 1949.

Upper Tier - Offences attracting a penalty of £90

- Breach of fireworks curfew Fireworks Regulations 2004 under s11 of the Fireworks Act 2003.
- Possession of a category 4 firework Fireworks Regulations 2004 under s11 of the Fireworks Act 2003.
- Possession by a person under 18 of an adult firework Fireworks Regulations 2004 under s11 of the Fireworks Act 2003.
- Throwing fireworks, s80 of the Explosives Act 1875.
- Drinking in a designated public area Section 12(4) of the Criminal Justice and Police Act 2001.

4. Recruitment & Selection

- 4.1 The Council's Community Protection Manager will provide the Neighbourhood Policing Inspector with an up to date list of all employees for whom accreditation is requested with a declaration that all named persons have passed Police vetting checks that they have completed all the required training to the designated standard and are otherwise suitable persons to exercise the powers conferred on them through accreditation
- 4.2 The Council's Director of Health and Community Wellbeing will notify the Neighbourhood Policing Chief Inspector within 28 days of any changes to accredited personnel.
- 4.3 Recruitment for all vacancies will follow the standard the Council's Recruitment and Selection procedure.
- 4.4 All offers of employment will be subject to passing Police Vetting checks.

5. Training

5.1 All Neighbourhood Wardens will undertake training courses appropriate to their position. As decided by the Council, taking into account any advice from Nottinghamshire Police.

5.2 The Council's Mandatory Training Courses for Neighbourhood Wardens include:

- Corporate Induction
- Health and Safety
- Equality and Diversity Training
- Customer Care
- General Manual Handling and Lifting
- Safeguarding Children
- Pocket notebook training
- FPN training.
- Data Protection training

5.3 The Council's Neighbourhood Wardens will also undertake additional training courses as determined by the Council, such training to be provided in house or through external provider's.

5.4 Training will be commissioned from Nottinghamshire Police's CIPD team in relation to accreditation, powers and personal safety. This training must be fit for purpose and conducted by suitably qualified trainers. Neighbourhood Wardens will not use delegated powers unless they have successfully completed training and the training remains valid.

5.5 Training in the use of airwave radios will be commissioned from Nottinghamshire Police and Neighbourhood Wardens will not use an airwave radio unless they have attended and passed a training course. Airwave radios are to be secured in a locked safe within the police or council premises when not in use by a Neighbourhood Warden who is on duty and at work.

6. Change of Circumstances

6.1 It will be the requirement of all accredited employees to notify the Community Protection Manager of any changes in circumstances including if they are subject to any criminal proceedings.

6.2 The Council's Community Protection Manager, will notify the Neighbourhood Policing Chief Inspector within 7 days of it coming to their attention of any circumstances that would reasonably challenge the individual's status as a 'suitable' person.

6.3 The Chief Constable may remove accredited powers from an individual however, in the spirit of partnership working, the Neighbourhood Chief Inspector will advise on the full circumstances.

7. Complaints Procedure

- 7.1 The Council has a robust complaints and compliments procedure whereby members of the public can raise concerns and comments about any Council employee or level of service they have received. Should a complaint be received about a Neighbourhood Warden whilst carrying out any accredited function, the Community Protection Manager will inform the Neighbourhood Policing Chief Inspector within 7 working days of the Council receiving the complaint. Any investigation will be conducted in accordance with the Council's complaints process and should disciplinary action be taken this will be undertaken in accordance with the Council's disciplinary procedures. A copy of the complaints procedure is included as Appendix A to this document.
- 7.2 All complaints concerning the abuse or misuse of accredited powers, or misconduct of their enforcement, will be reported to the Neighbourhood Policing Chief Inspector by the Community Protection Manager within 7 working days of the complaint being received by the Council. The Neighbourhood Policing Chief Inspector will decide if the complaint is serious, and if it is deemed to be, may suspend the accreditation of that person until an investigation into the complaint has been conducted. The Service Manager for Public Protection may also suspend an employee's accreditation until a full and fair investigation is carried out. This may result in disciplinary action being carried out in accordance with the Council's disciplinary process. The outcome of the disciplinary process should be reported to the Neighbourhood Policing Chief Inspector who will then decide what action to take in relation to the accreditation of the individual. A copy of the disciplinary process is included as Appendix B to this document.
- 7.3 If any Council Neighbourhood Warden's employment is terminated, the Community Protection Manager at Gedling Borough Council will notify the Neighbourhood Policing Chief Inspector of such termination within 7 working days of the termination.

8. Uniform

- 8.1 When on duty all Neighbourhood Wardens will wear the prescribed uniform and will carry a card describing their uniform and outlining the accredited powers available to them.
- 8.2 The uniform worn by Neighbourhood Wardens will not resemble that worn by Police Officers or Police staff (ACPO fundamental Principles April 2002) including anything with the wording 'Police' on, but will enable a high visibility deterrent and reassurance to the community. The prescribed uniform for Neighbourhood Wardens is as follows:
- Black footwear Shoes/Boots.
 - Black utility type trousers
 - Light blue shirts with Gedling Borough Council badges and the words 'Neighbourhood Warden' on the back
 - Black fleece with Gedling Borough Council badges and the words 'Neighbourhood Warden' on the back
 - Black jackets with Gedling Borough Council badges and the words 'Neighbourhood Warden' on the back.
 - High visibility jacket with panel on the back marked 'Neighbourhood Warden' on the back.
 - The CSAS accreditation card will be displayed at all times

9. Legal Liability:

- 9.1 The Council, in accordance with Section 42 (10) of the Police Reform Act 2002 has liability for the unlawful conduct of its employees when using accredited powers.

With respect to legal liability section 42(10) of the Police Reform Act 2002 states

“For the purpose of determining liability for the unlawful conduct of employees, of a person with whom a Chief Constable has entered into any arrangements for the purposes of a community safety accreditation scheme, conduct by such an employee in reliance or purported reliance on an accreditation under Section 41 shall be taken to be conduct in the course of their employment by that employer; and in the case of a tort, that employer shall be treated as a joint tortfeasor accordingly.”

10. Vehicles and Bicycles:

- 10.1 Where vehicles are provided for Neighbourhood Wardens they will be clearly marked and will be clearly painted in the Gedling Borough Council livery.
- 10.2 Vehicles and bicycles will not be driven in pursuit of any other vehicle or person.
- 10.3 Police marked cars are only available to Police staff and Neighbourhood Wardens will not ride in a Police Vehicle unless authorised by a Police Supervisor.

11. Period of Accreditation:

- 11.1 The period of accreditation will be for a period of three years from 1st April 2018 expiring on 31st March 2021 unless ended sooner in accordance with the terms of this agreement. An operational review will be conducted after the initial year of accreditation. Upon agreement by both parties in writing that the aim of the accreditation is being met, this agreement will then stay in place until the expiry date.
- 11.2 Nottinghamshire Police will not charge a fee for the accreditation of the Gedling Borough Council Neighbourhood Warden Service in the financial year 2018/19 and thereafter for the duration of the agreement.
- 11.3 An annual review meeting shall be held between the Neighbourhood Policing Chief Inspector and the Director of Community Health and Well-Being to:
 - (a) Review individual officer accreditations
 - (b) Review the accreditation agreement 'as a whole' to remain cognisant of any Operational or strategic changes.

12. Supervisory Structure and Tasking:

- 12.1 The Neighbourhood Service is managed by the Community Protection Manager and supported by the Senior Neighbourhood Warden
- 12.2 Neighbourhood Wardens are tasked by the Community Protection Manager often through the Senior Neighbourhood Warden
- 12.3 The use of all accredited powers will be recorded by each warden in a pocket notebook and will be checked on a weekly basis by the Community Protection Manager
- 12.4 The Community Protection Manager will ensure the supervision of the exercise of accredited powers.
- 12.5 The Community Protection Manager will ensure all documents produced in the course of the use of powers are supervised by the Senior Neighbourhood Warden to ensure powers have been used properly and that the documents are completed to a satisfactory standard.
- 12.6 Neighbourhood Wardens will be required to attend court and give evidence in respect of any use of any accredited powers that results in a contested hearing.
- 12.7 Neighbourhood Wardens will not use civilian powers to arrest whilst acting as a Neighbourhood Warden or become involved in public disorder or other violent incidents unless to record and observe, seize firearms or ammunition or conduct a search of an individual.
- 12.8 In the event of an emergency of that involving a missing, young or vulnerable person, any Police Officer can give reasonable instruction or direction to any accredited Neighbourhood Warden to assist, without the need to seek authorisation from the Community Protection Manager.

13. Communications

- 13.1 The Council's Neighbourhood Wardens are routinely issued with mobile phones for Council Business. However to assist the Police, each Neighbourhood Warden will be equipped with an Airwave radio. Airwave radios will be used for point to point contact with Safer Neighbourhood Teams to request assistance, contact with other wardens and for use at major events.
- 13.2 In the event of a loss or theft of an Airwave radio the Community Protection Manager or other relevant person will immediately report its loss to the Police Supervisor, so that immediate action can be taken to stun the device to make it inoperable.
- 13.3 The Airwave radios will remain the property of Nottinghamshire Police and Nottinghamshire Police will retain control over the Wardens ability to use them on police radio channels.

14. Information Sharing

- 14.1 The Council and Nottinghamshire Police have an existing data sharing protocol in place. All Neighbourhood Wardens and Police personnel (including Non Police Personnel) will be trained on and informed of any changes to this protocol whilst it is in existence.
- 14.2 Intelligence obtained by the Neighbourhood Wardens will be passed on to the relevant Beat manager who will input this information onto Police systems where applicable.
- 14.3 All Neighbourhood Wardens will comply with the Nottinghamshire Police IT policies and Data Protection principles.
- 14.4 The information sharing agreement between Gedling Borough Council and Nottinghamshire Police must be adhered to at all times.

15. Police and Criminal Evidence Act approved book

- 15.1 Each Neighbourhood Warden has a Police and Criminal Evidence Act approved notebook. Any action undertaken to deal with an accredited powers will be recorded in the Neighbourhood Wardens PACE book.

16. INDEMNITY

16.1 The Council agrees to indemnify and keep indemnified Nottinghamshire Police (the Police) from and against any and all direct loss, damage or liability, whether criminal or civil, reasonable legal fees and costs incurred by the Police which results from breach of this agreement by the Council caused by:

16.1.1 Any act, neglect or default of the Council, its employees or agents.

16.2 The Police agree to indemnify and keep indemnified the Council from and against any and all direct loss, damage or liability, whether criminal or civil, reasonable legal fees and costs incurred by the Council which results from breach of this agreement by the Police caused by:

16.2.1 Any act, neglect or default of the Police, its employees or agents.

16.3 Default

16.3.1 If either party considers the other Party to be in Default of its obligations under the Agreement it shall notify the other Party in writing of the way in which it is considered the other party is in Default and if appropriate the matter shall be considered by all Parties at a meeting. All Parties shall make a reasonable effort to agree a joint plan of action to remedy the situation.

16.3.2 Where despite any action taken, a Party still considered the other Party to be in default it may serve on that Party a Default Notice which shall specify the Default and shall state a period of time in which remedial action is to be taken.

16.4 Termination

16.4.1 This agreement shall end on the expiry of 3 years from 1st April 2018, on 31st March 2021. This agreement may be terminated earlier than the above date by either party giving 3 months' notice in writing.

16.4.2 If either party is in Default of their obligations under the agreement and fails to comply with a default notice in respect of such default the other party may serve a Termination Notice.

16.4.3 On termination of this agreement for any reason, the parties will as soon as reasonably practicable, return any assets or property then in its possession in connect with this agreement

16.5 Notices

16.5.1 Any notice or other communication (other than the service of any proceedings or documents in any legal action) given to a party under or in connection with this agreement shall:

- (a) Be in writing, addressed to that party at its office, and shall be delivered personally, or sent by prepaid first class post or other next day delivery service, commercial courier, fax or e mail.
- (b) Be deemed to have been received: if delivered personally, all that date and time of delivery; if sent by prepaid first class post or other next working day delivery service, at 10am on the second Business Day after posting; if delivered by commercial courier, on the date and time on the courier’s signed receipt; if sent by fax or e mail, one Business Day after transmission.

17. AFFIRMATION

- 17.1 Gedling Borough Council and the Chief Constable of Nottinghamshire Police understand the obligations set out in this protocol and agree to comply with every requirement of this document.
- 17.2 Gedling Borough Council acknowledges that failure to comply will result in the Chief Constable of Nottinghamshire Police withdrawing accreditation from the Neighbourhood Warden Service.
- 17.3 The Chief Constable of Nottinghamshire Police agrees to accredit Gedling Borough Council with the powers outlined in this document and to meet any obligations entered into by Nottinghamshire Police.

Date:.....

Date:.....

David Wakelin
Director of Health and Community Wellbeing
Gedling Borough Council

Craig Guildford
Chief Constable
Nottinghamshire Police

Appendix A



Neighbourhood Warden Job Description

Post Details

| | | | |
|---------------------|------------------------------|------------------------|--------|
| Job Title: | Neighbourhood Warden | Grade: | Band 6 |
| Directorate: | Community Protection Manager | Post Ref: | EEE09 |
| Department: | Public Protection | Car Allowance : | |

Job Purpose

To act in the capacity of a Neighbourhood warden, and carry out functions in relation to dog fouling and straying, litter control, fly tipping, graffiti, environmental crime, antisocial behaviour and crime reduction on behalf of Gedling Borough Council

Reporting Relationships

Accountable to: Community Protection Manager

Responsible for: Not applicable

Duties and Responsibilities – Job Specific

The standard working week will be 37 hours (including weekends). The working week can be any days during the period of Monday to Sunday inclusive. Work carried out on any of these days is part of the standard working week and will be remunerated at plain time rates irrespective of which day work is performed.

Part time employees hours will be pro-rata accordingly.

In determining working arrangements to suit the needs of the service, the Authority will take into account, subject to the needs of the business, the Working Time Regulations the circumstances of individuals or groups of individuals.

| |
|---|
| <p>1. To enforce environmental legislation in particular the provisions of the Dogs (Fouling of Land) Act 1996, and subsequent legislation as adopted by the Authority, and provisions of the Environmental Protection Act 1990 and subsequent legislation covering litter, waste and noise. This includes the taking of witness statements and interviews in accordance with P.A.C.E. requirements to enable the issuing of fixed penalty notices and preparing case files and gathering evidence for attendance in court.</p> |
| <p>2. To investigate complaints, implement policies and strategies relating to the enforcement and public awareness of antisocial behaviour, waste, fly tipping, dog fouling, litter, graffiti, vandalism and other related environmental issues.</p> |
| <p>3. To carry out and support other members of staff in undertaking surveys, inspection and investigations, to act as professional witnesses and undertake specified enforcement action where required.</p> |
| <p>4. To carry out daily patrols of the Borough in order to reduce crime, and the fear of crime, and to gather information and intelligence that may be used by other organisations, such as the police and the environment agency.</p> |
| <p>5. To liaise with businesses, Parish Councils, councillors, community groups and other bodies on local publicity and enforcement campaigns, including attendance at meetings, carrying out presentations as required and reporting on these activities.</p> |
| <p>6. To collect sharps and other items of litter if and when appropriate.</p> |
| <p>7. To collect money and payments in relation to the seizure of stray dogs.</p> |
| <p>8. To install covert CCTV in accordance with the Regulation of Investigatory Powers Act, 2000</p> |
| <p>9. To support the work of the Technical Officer and Environmental Protection Assistant as required, particularly in respect to:</p> <ul style="list-style-type: none"> • Carrying out examinations and of drains, in particular smoke, water, and dye tests. • Carrying out treatments to control rats or other pests in domestic and commercial premises and public and private sewers in the form of sewer baiting. • Seizure of stray dogs |
| <p>To carry out duties within the general level of scope and responsibility of the post as determined between the in accordance with priorities dictated by policy, service need, statutory requirements or emergency situations.</p> |

Duties and Responsibilities - General

| |
|--|
| To operate according to the Council's core values, mission statement and codes of behaviour. |
| To take reasonable care for your health and safety and have regard to other persons who may be affected by the performance of your duties, in accordance with the provisions of Health & Safety legislation, and Council Codes of Practice and Procedures. |
| To exercise proper care in handling, operating and safeguarding any equipment, vehicle or appliance provided, used or issued by the Council or provided or issued by a third party for individual or collective use in the performance of your duties. |
| To promote and deliver fair, sensitive and quality services as a commitment to and understanding of the Council's approach to equality and diversity. |
| To comply with the Council's Data Protection, Freedom of Information Act and ICT Codes of Practice. |
| To adhere to existing working practices, methods, procedures, undertake relevant training and development activities and to respond positively to new and alternative systems. |
| To carry out any other reasonable duties and responsibilities within the overall function, commensurate with the grading and level of responsibilities of the post. |

Criminal Records Bureau / Independent Safeguarding Authority Registration

The Post holder is required to undergo a DBS Check and pass Non Police Personnel Vetting.

Date Produced/Last Amendment

Signature

Kevin Nealon, Community Protection Manager, Public Protection

This job description represents a statement of the duties of the post but does not include all minor duties. It is inevitable that over time the nature of an individual job will change and existing duties may be lost or others gained without changing the general character of the duties or the level of responsibility entailed. As a result the Authority will expect this job description to be subject to revision.

Appendix B



Disciplinary Policy

Disciplinary Policy

Purpose

1.1 This procedure is designed to help and encourage all employees to achieve and maintain required standards of conduct. The aim is to ensure consistent and fair treatment for all.

1.2 The objective of the procedure is to bring about improvement, rather than to 'punish' an offender. Whilst the general procedure is capable of universal application in respect to issues of conduct, the following procedures will be more appropriate for the management of other employment issues:

| Issue | Procedure |
|---|--|
| Long term absence due to genuine ill-health | Attendance Management Policy |
| Unacceptable levels of genuine short-term absence | Attendance Management Policy |
| Medical capability to carry out job | Capability Procedure/ Attendance Management Policy |
| Other problems of capability to carry out job (eg skills) | Capability Procedure |
| Concerns about conduct / suitability during probation | Probationers Scheme |
| Redundancy | Early Retirement & Redundancy Policy |

Other policies do have linkage to the Disciplinary Procedure, for example the Harassment Policy. Issues dealt with under one policy may legitimately be treated within other policies as evidence comes to light.

1.3 Generally, it will be most appropriate to treat matters raised under different procedures separately. However, where an issue is raised through the Disciplinary Procedure and there is clear linkage to a matter formally raised through the Grievance Procedure, it may be appropriate for a manager (who is either investigating or chairing within the Disciplinary Procedure) to deal with the issue as a single matter and to report on their findings to the person raising the grievance as part of the general process within the Disciplinary Procedure. In such a case, the employee raising the grievance will be notified both of the intent to proceed in this way and of the decision relating to the grievance.

1.4 This could not happen where a grievance had been raised against either an investigating officer or the officer due to chair a hearing under the Disciplinary Procedure; in these cases, the two procedures would continue to be run separately, with the grievance issue normally being tackled first.

1.5 In cases where a grievance and conduct issue are dealt with at the same time, any

appeal against the decision taken by a manager will be dealt with separately under the respective policy.

2. Scope

2.1 The procedure applies in general terms to all employees of the Authority covered by the terms of the National Joint Council for Local Government Services. This includes full and part-time employees and temporary employees. The Disciplinary Policy is written to accord with the requirements of the Employment Act 2002 (Dispute Resolution) Regulations 2004.

2.2 Employees covered by the Joint Negotiating Committees for Chief Officers and Chief Executives, and NJC posts nominated as the Council's Monitoring and Section 151 Officers will have particular provisions applied to them under the Council's Standing Orders Relating to Staff. In these cases, this Disciplinary Procedure will be applied as closely as possible subject to such modification as may be required pursuant to those Standing Orders.

2.3 Where minor matters of concern arise in respect to issues of conduct, a manager may deal with the situation informally. This will mean that behaviour will try to be corrected by either speaking to the individual, outlining expectations for the future, or by issuing a management instruction in writing. Neither of these constitutes a warning within the Council's Disciplinary Procedure. It is the line manager, who may be advised by Personnel Services, who will determine whether an issue of conduct will be treated informally in this way.

2.4 Acts of potential misconduct occurring during an employee's probationary period will be treated solely within the Probationary Review Scheme. Any proven misconduct taking place during the probationary period will be taken into account when consideration is given to the new employee's suitability for continued employment.

3. Procedure

3.1 Investigation of Cases of Alleged Misconduct

3.1.1 When an allegation of misconduct is discovered, the facts will be investigated immediately. The supervisor or manager of the individual employee concerned will normally undertake this investigation. In exceptional circumstances, a more senior manager who is not the individual's line manager, or a manager from another department may undertake the investigation; this would be the case where, for example, a direct line manager could not for some reason, carry out the role impartially. A decision will be taken at an early stage as to whether or not the case may be considered to be one of gross misconduct. If the manager suspects that gross misconduct may have occurred, the applicability of suspension will be considered.

3.1.2 The investigation will not be undertaken by the manager who is to carry out a formal hearing of the case under the procedure. A report of the facts of the investigation will be prepared for the manager who is to preside at any hearing to decide whether a formal hearing under the disciplinary procedure is warranted.

3.1.3 In cases where there are allegations of theft, fraud or deliberate falsifications of records, before a departmental manager begins to investigate the matter, either the Head of Finance or other suitably qualified senior professional will be notified in order

that appropriate methods of investigation are used. This will ensure that Financial Regulations are satisfied and that there are no breaches of either PACE regulations or the Audit Code of Practice.

3.2 Suspension

3.2.1 In some cases, depending on the nature of the allegation, , an employee may be suspended on full pay. Suspension shall not be used as a disciplinary penalty in itself, but rather to allow proper investigation of the facts or where there are grounds for doubting suitability of continued attendance at work whilst awaiting a hearing under the procedure. A decision to suspend may be given verbally in the first instance but will be confirmed in writing at the first opportunity. A decision to suspend may be taken by any manager. However, where practicable, it will be taken after consultation with the relevant Head of Service and the Head of Customer Services and Organisational Development, or their representatives; it is recognised that there will be occasions where this is not possible. **3.2.2** The Head of Service or authorised representative following consultation with the Head of Customer Services and Organisational Development shall confirm suspension in writing. **3.2.3** In the event of a subsequent decision of 'no misconduct' by the employee, the suspension shall be terminated immediately.

3.3

The Hearing

3.3.1 The hearing under the disciplinary procedure shall be chaired by an officer senior to the person investigating the alleged disciplinary case.

3.3.2 The requirement for a person to attend a Hearing under the Disciplinary Procedure shall be made in writing giving at least seven working days' notice. This allows the person the opportunity to arrange to be accompanied or represented by either a trade union representative or by a workplace colleague (In exceptional circumstances and where the allegations and potential outcome of the hearing may adversely affect an employee's career, rather than only their continued employment by the Council, the Chair may allow representation by a specialist professional who is not an employee of the Council.) The written notice will indicate the purpose of the hearing and the nature of any allegation, together with any supporting documentation as appropriate. A copy of the written notice of the hearing shall be forwarded to the Head of Customer Services and Organisational Development for information.

3.3.3 Although, exceptionally, the officer conducting the hearing may rely on the written statement of the investigating officer, unless extreme circumstances prevent their attendance, the investigating officer will be present at the Hearing to present their findings and to answer questions as necessary. Witnesses may be called by either party to provide evidence. If written witness statements or other supporting evidence are to be used, a copy will be provided for the other party at least 24 hours prior to the hearing taking place.

3.3.4 No employee can be compelled to attend a Hearing as a witness. Where an employee declines to attend as a witness, the Chair may accept the evidence by way of a written statement.

3.3.5 The manager conducting the Hearing may choose to be accompanied by an officer from Personnel Services who will act as Secretary to the meeting, advise on procedure, and help ensure consistency in the decision making process.

3.3.6 The decision of the manager conducting the Hearing will be made after considering all the evidence presented and considering any mitigating circumstances that might be presented by the employee or their representative.

3.4 Appeal

3.4.1 An employee may choose to appeal for example because:

- They think a finding or outcome is unfair;

- New evidence comes to light since the completion of the Hearing;

- They think the disciplinary procedure wasn't followed correctly

3.4.2 An employee may appeal against a decision to dismiss and this will be heard by the Appeals Sub Committee of the Council. The appeal shall be made in writing to the Head of Customer Services and Organisational Development to be received within seven working days from the date of receipt of the written confirmation of the disciplinary action taken. The Local Appeals Committee will hear such an appeal. The Head of Customer Services and Organisational Development shall convene a meeting of the Local Appeals Committee as quickly as possible.

3.4.3 An employee may appeal against a disciplinary decision short of dismissal and this will be heard by an officer more senior in the organisation than the officer chairing the original hearing. In the warning letter issued to the employee, the officer to whom they should appeal in writing will be specifically identified. Again, any application for an appeal to be heard will need to be made in writing to the Head of Customer Services and Organisational Development, within seven working days from the receipt of notification of decision.

4. Warnings 4.1 Under normal circumstances, disciplinary warnings will be issued as part of a progressive sequence as follows:-

Stage 1 - Formal Oral Warning Where an employee's conduct does not meet acceptable standards, an oral warning may be issued in the first instance. The employee shall be advised of the reason for the oral warning, details of improvements required and any relevant timescales involved and that further and more formal disciplinary action may follow if there is no improvement or further instances of misconduct arise. A summary of this will be provided in writing within seven working days, including a statement of appeal rights.

Stage 2 - Written Warning If a further offence has occurred whilst an oral warning is still current, a written warning may be appropriate. It is also possible to issue a written warning as a first warning where the misconduct is considered to be sufficiently serious.

Stage 3 Final Warning If there is still a failure to improve following a written warning and the employee's conduct is still unsatisfactory, or if the misconduct is sufficiently serious even though no other disciplinary record exists, a final written warning may be given.

4.2 All warnings must be signed by the Officer who chairs the formal hearing or on their behalf by the Personnel Officer attending the Hearing. A copy of this will be sent to the departmental Head of Service and the Head of Customer Services and Organisational Development. The written confirmation of the warning must state the nature of the offence, the implications of any further misconduct, which in the case of a final warning may be dismissal, the length of time the warning will remain valid where appropriate, and the right of appeal.

4.3 Although disciplinary steps will normally follow the sequence through stages 1 to 3, if an offence is considered to be of a particularly serious nature, warnings at stages 1 or 2 may be by-passed. However, dismissal will not take place unless the prior warning was a final written warning or where the offence is considered to be one of gross misconduct.

4.4 There may be exceptional circumstances where a person is considered to be guilty of an offence and is given a warning at the same level as one which currently exists, effectively extending the date of a current warning of a particular level.

5. Dismissal

5.1. Accrued Warnings- If at some time whilst a final warning is current, a decision is reached as a result of a further formal hearing under the Disciplinary Procedure that an employee's conduct is still unsatisfactory, the Head of Service, other senior manager or authorised representative, after consultation with the Head of Customer Services and Organisational Development or authorised representative, may dismiss the employee with proper notice or payment in lieu of notice. This decision shall be confirmed in writing notifying the person of the reason for the action and the right of appeal; this letter will carry the signature of the Manager who chairs the hearing and has decided upon the action to be taken, or that of an officer acting on their behalf.

5.2 Gross Misconduct- No dismissal, including cases involving gross misconduct, will be effected without prior and proper investigation of the circumstances. No employee shall be subject to "instant" dismissal. The procedure described above will be applied to case of gross misconduct, including the right of appeal. If the final decision of the officer chairing a Hearing under the Disciplinary Procedure is that the alleged gross misconduct is substantiated and there are no acceptable mitigating circumstances, summary dismissal will follow with no entitlement to notice or payment in lieu of notice

5.3 Some examples of misconduct may be:-

- Theft, fraud, deliberate falsification of records.
- Unauthorised removal of the Council's property.
- Damage to Council property, either deliberately or without due care.
- Fighting, assault or threatening physical violence.
- Gross negligence or serious breaches of safety regulations, which causes unacceptable loss, damage or injury, or which carry potential for such consequence.
- Indecency.
- Incapability at work due to alcohol or illegal drugs.
- Unlawful discrimination or harassment.
- Gross insubordination.
- Refusal to carry out reasonable instruction of a manager.

- Unauthorised absence from work, non-compliance with absence reporting procedures or claiming to be absent from work through sickness that is not genuine.
- Neglect of duty, including carelessness, failing to report or properly record accidents, damage or dangerous occurrences.
- Improper disclosure of information.
- Improper record keeping.
- Non-compliance with Council policies.
- A serious breach of confidence.
- Bring the Council into disrepute.
- Deliberate access (or attempted access) to Internet sites containing pornographic, offensive or obscene material.
- Possessing at work, or displaying at work, printed material that in its content is pornographic, offensive or obscene.
- Any that are in contravention of criminal law.

5.4 This list of examples is not intended to be exhaustive but aims to give guidance; activities not included in this list may be deemed to be acts of misconduct when investigated in accordance with the procedure. These and other actions may be considered to be acts of misconduct when taken in relation to employees, customers, residents, service users, contractors, Councillors or members of the public. The gravity and circumstances of a particular case may warrant its treatment as an act of gross misconduct.

5.5 The following actions by an employee will always be investigated as potential acts of gross misconduct:

- Violence against any other person
- Discrimination/ harassment/ bullying/ victimisation
- Criminal damage
- Theft
- Fraud

Again, this list is not exhaustive.

5.6 Due process as described within this policy will always be followed when investigating any act of suspected misconduct, including gross misconduct. Although proven acts of gross misconduct can lead to dismissal from the Council, it is not an automatic consequence. The Chair of any Hearing will have regard for mitigating circumstance.

6. Records

6.1 Records shall be retained within employees' personal files, held within the Personnel Section, detailing the nature of any breach of disciplinary rules, the action taken and the reasons for it, whether an appeal was lodged, its outcome and any subsequent developments. These personal records will be carefully safeguarded and kept confidential, but shall be available for inspection by the employee concerned giving reasonable notice of such request. The outcome of Hearings will be recorded as required by the Race Relations (Amendment) Act 2000.

6.2 Normally, breaches of disciplinary rules will be disregarded after the following periods of satisfactory conduct:-

- Oral warnings - 6 months
- First written warning - 1 year
- Final written warning - 2 years

6.3 These timescales may be varied (either increased or decreased) after consultation with the Head of Customer Services and Organisational Development, or Personnel representative. Although a time limit for the currency of the warning will always be applied, where a management instruction or expectation for future conduct is specified as part of the warning, it will be the case that the instruction will apply into the future without such a limit.

6.4 After the time limit of a disciplinary penalty has elapsed, the warning will be disregarded for the purpose of any subsequent disciplinary action.

7. Special Considerations

7.1 The Council's Disciplinary Procedure applies to all employees. However, special consideration will be given to the way in which disciplinary procedures operate when applied to:-

7.1.1 Employees working in isolated locations or where there is no easy access to trade union representative. In these circumstances, and subject to the discretion of the Head of Service or their representative, extended periods of time may be offered to allow an employee to prepare their case and to arrange representation.

7.1.2 Trade Union Representatives - Although normal disciplinary standards apply to the conduct of union representatives, no disciplinary hearing involving a union representative or branch officer shall take place until the circumstances of the case have been discussed with a Senior Trade Union Representative or a full-time official, and the Head of Customer Services and Organisational Development. This does not mean that investigation of allegations under the Disciplinary Procedure or a decision to suspend whilst investigation takes place cannot be undertaken or made without discussion with these parties; conducting an investigation or suspending an employee are not in themselves disciplinary action.

7.1.3 Criminal Offences outside Employment - These are not to be treated as automatic reasons for dismissal regardless of whether the offence has any relevance to the duties of the individual as an employee. The main considerations shall be whether the offences either make the individual unsuitable for their type of work or make future working relationships untenable. Employees shall not be dismissed solely because a criminal charge against them is pending or because they are absent through having been remanded in custody.

As in all other cases where disciplinary action is contemplated, no decision will be determined until the relevant circumstances have been properly investigated.

8. Other Disciplinary Measures

8.1 In certain cases of serious misconduct, other disciplinary measures may be taken in addition to the issue of a final written warning or in rare circumstances as an alternative to dismissal. Such penalties may include:

- The downgrading of an employee to a lower graded post where, through a conduct issue, there is insufficient confidence that that person can continue to function effectively at the

previous higher level. In such a case, the effect will be immediate and no salary protection will be applied.

- The removal of one or more parties from their present job or job location and moving them to another job that they are suitable to undertake, perhaps at another work location; this example may be appropriate where harassment or bullying has been proven. In such a case, the effect will be immediate, no salary protection will be applied and nor will any expenses be paid that arise out of additional travel costs incurred as a result of work base being altered.
- The repayment of time or money where an employee is proven to have over-claimed an entitlement to time off work or expenses or other payment.

These are only examples of other disciplinary measures; the list is not intended to be exhaustive.

9. Special Circumstances

9.1 The Disciplinary Procedure will normally be used for all occasions where there is concern about employee conduct. However, it is not expected that the procedure will be used where:

- It is not practicable to do so within a reasonable period.
- The employee does not respond to invitations to attend a hearing

9.2 In the examples above, or in similar cases, where an employee does not, or cannot attend a Hearing, it will be reasonable to make arrangements for another date to be set within seven working days of the original proposed Hearing date. If the employee does not or cannot attend this second Hearing, the employer may choose to consider the facts of the case in the absence of the employee.

9.3 In such circumstances written submission by the employee or attendance by a union representative or workplace colleague without the employee themselves present will also be acceptable. In such cases, evidence will be heard and considered in a way that mirrors normal procedures, outlined in Section 3, as closely as possible. Any decision will be notified to the employee in writing and the right of appeal will be offered.

9.4 As above, if an employee appeals against a disciplinary decision but either does not or cannot attend an appeal hearing the chair of the appeal hearing may elect to conduct an appeal in the absence of the employee, the outcome of such an appeal will be notified in writing to the employee.

9.5 Where an employee, against whom allegations of misconduct have been made, is away from work due to sickness absence, appropriate consideration will be given to when and how investigation takes place or a hearing is held; independent medical advice may be taken.

9.6 However, where absence appears to be ongoing and without prospect of return within a reasonable length of time, arrangements will be made as appropriate to investigate the allegation in the most effective way that is practicable, and, if necessary, a hearing will be convened as described in Section 3. If the employee cannot or will not attend the hearing, the matter will be decided in their absence as described above.

Appendix C



Complaints Procedure

The Council is committed to continually improving the quality of, and access to, the services it provides. This policy covers all services delivered by the Council, or for which it has responsibility, it does not include services where there are separate complaints procedures, for example the conduct of elections or about the conduct of Councillors.

A clear and accessible Compliments, Complaints & Comments process allows the Council to demonstrate its commitment to managing customer feedback effectively.

This purpose of this Policy is to ensure that:

- Providing feedback to the Council is made as easy as possible.
- Feedback is dealt with promptly and efficiently.
- There is effective communication between council staff and both the person making the complaint and any other partners involved in the complaint from an early stage.
- Every effort is made to resolve any complaints that are received at an early stage.
- The Council learns from all feedback received taking appropriate steps to improve service provision or celebrate good feedback.
- There is clarity on the roles of staff with the process.
- Credibility and accountability are maintained through meaningful review and monitoring.

Definitions

For the purpose of this Policy the following definitions will be used;

Compliments

Compliments are expressions of satisfaction from customers concerning a function or a service provided by the Council.

Comments

Comments are views that customers may have about a service that is provided by the Council or an initial request for a service.

Complaints

There is often confusion about what constitutes a complaint, which leads to complaints mistakenly being labelled as requests for service. A request for service is not a situation where the Customer is requesting an item or service

that is missing/has been missed, this is a complaint. Where there is any doubt whether the customer's feedback is a complaint, a comment or a request for service, it is to be treated as a complaint.

A complaint is also any expression of dissatisfaction with the standard of a service that is provided by the Council. This may include the action or lack of action taken by the Council and/or the way in which the service has been provided, including the conduct of staff. This will also include situations where customers state that the perceived failure has repeatedly occurred.

The above definitions also extend to complaints in respect of partners or contractors providing services on behalf of the Council, in these cases the contracting/managing department is responsible for ensuring that complaints are investigated, resolved and responded to.

There is no difference between a formal and an informal complaint. Both are expressions of dissatisfaction that require attention as a complaint and a response.

English language requirement for Public Sector workers

The Council is under a duty to ensure that all staff in customer facing roles are fluent in spoken English to the extent necessary to enable them to perform their role effectively.

If a customer feels that a member of staff in a customer facing role has insufficient proficiency in spoken English for the performance of their role they can complain to the Council. This complaint will then be investigated and a response provided in accordance with the Policy.

Please note that a complaint about a member of staff's accent, dialect, origin or nationality will not be considered a legitimate complaint.

How a customer may provide feedback

A customer may provide feedback either;

- by using the on-line complaints form on the Council's website
- by telephone
- in writing (by email or letter)
- in person
- via a councillor

Unless requested we will respond to customers via email, unless it is appropriate to respond via other channels of contact (for example the telephone).

Customers are encouraged to put their complaints in writing to give as much information as possible to aid investigation. If they are making a verbal complaint, we will take down their details and confirm with them that they wish the complaint to be investigated and how to contact them with the outcome of the investigation. Standard forms are available on the Council's website and at all Council reception areas.

The Council's Leisure Centre's have 'comments books' available for customers in the Reception areas. The Manager of the Leisure Centre reviews these each day and provides a response in the book, this can be checked by the customer who made the comment, and other customers which ensures there is comprehensive feedback.

The Council will ensure that reasonable adjustments are made to help customers access and use the Council's services. The Council will provide assistance to those who may struggle with providing feedback or require information in another language or format,

Recording compliments, complaints and comments

The Service Manager (Customer Services and Communications) is responsible for the Council's compliments, complaints and comments system.

To ensure that there is consistency across the different Council departments, Service Managers must designate appropriate staff to receive and deal with any feedback regarding their service area. They must also ensure that relevant staff in their departments are aware of the importance of recognising what compliments and complaints are and are dealt with and recorded on the Council's compliments, complaints and comments system.

All compliments and complaints must be recorded promptly in the Council's compliments, complaints and comments system and dealt with in the agreed timescales. This will allow the Council to; take into account customer feedback, pass on compliments to relevant staff, learn from mistakes, identify improvements to service delivery and identify training needs.

Where there is a complaint involving more than one department of the Council then the departments involved will identify a lead officer to investigate and deal with the complaint.

If a complaint involves more than one organisation, for example Nottinghamshire County Council, the dealing department should ensure that communication is made with the third party to ensure the Customer receives a proper response and to avoid customers being passed back and forth between organisations.

Framework for managing complaints

The Council has a three stage complaint process:

Stage 1 - Service Department Complaint (Investigated at point of service delivery)

1. An acknowledgement should be sent within 2 working days of receipt of the complaint.
2. A full response should be sent within 10 working days of receipt of the complaint. If this is not possible because of the complexity of the complaint, the customer will be advised that the investigation is continuing and giving an indication of when it will be completed. Regular contact should be maintained until the complaint is resolved.
3. The customer will be advised in the Council's response of what they need to do to progress to stage 2 if they remain dissatisfied with the outcome of the complaint.

Stage 2 - Service Department Reviews

1. An acknowledgement should be sent within 2 working days of receipt of the request for a review.
2. The relevant Service Manager (or Director if the stage 1 complaint was dealt with by the Service Manager) will ensure that an objective review is carried out for any stage 2 complaint that is received. As well as reviewing the original complaint and the Council's response under stage 1 of the complaints procedure it will also take in to account any further relevant information provided by the customer.
3. A full response should be sent within 10 working days of the request for a review. If this is not possible, because of the complexity of the complaint, the customer will be advised that the investigation is continuing and giving an indication of when it will be completed. Regular contact should be maintained until the complaint is resolved.
4. The customer will be advised in the response that they may complain further to the Local Government Ombudsman if they remain dissatisfied with the outcome and sent details of their procedure.

Stage 3 – Referral to the Local Government Ombudsman (LGO)

Any correspondence received from/sent to the LGO will be handled by the Council's Service Manager: Legal Services on behalf of the Council's Monitoring

Officer who will enter the referral on to the LGO system. The actual referral will also be sent to the relevant Service Manager for their comments.

Feedback relating to staff behaviour

Where feedback relates to a specific member of staff they will be informed. Notifying staff of compliments made about them can improve staff satisfaction, staff morale, customer service and performance. Staff will be informed of complaints made about them and given an opportunity to comment before a response is sent

Remedies

Where a complaint investigation identifies that things have gone wrong an appropriate remedy will be determined. Appropriate remedies could include:

- An apology
- An explanation of what went wrong
- Actions to put things right
- Some form of compensation to the customer (in line with delegated powers)

The guiding principle must be that, where possible, the customer is put back in the position they would have been if things had not gone wrong.

Evaluating our response to customers

Customer Services may contact customers, following resolution, asking them to complete a satisfaction form. The aim of this is to provide information to help the Council determine:

- Whether the complaint procedure was accessible and easy to use.
- Levels of satisfaction with the way the complaint was handled and remedy offered

Monitoring

Service Managers should ensure that they monitor and review outcomes of all feedback that they receive within their departments to identify trends and to use them for discussion at team meetings, staff development and PDR's.

Each quarter, the Service Manager (Customer Services and Communications) will collate details relating to the number of compliments and complaints received by the Council for each Service area. These details will be entered onto the

Council's Corporate Performance Management System. Following this the Customer Insight Officer will prepare a report and analysis for consideration by SLT.

Unreasonably persistent complaints

On occasions certain complaints can be difficult to resolve and can cause anxiety and distress to customers and employees. Whilst the aim of the council is always to try to find a way to resolve matters, there are occasions when customers become unreasonable or unreasonably persistent in their actions to obtain the outcome that they want.

There is a need to ensure that these complaints are dealt with fairly. However, there is also a need to ensure that Council resources are used effectively and that other customers or employees do not suffer any detriment as a result of their behaviour. There is a separate policy to deal with any unreasonably persistent complaints.