

**NATIONAL ASSOCIATION OF RETIRED POLICE OFFICERS
NOTTINGHAMSHIRE BRANCH**

MISCONDUCT POLICY

MISCONDUCT PROCESS

All members of the Association must treat as confidential any information communicated to them in connection with an investigation or misconduct matter.

Notwithstanding any other provision of these Rules, the Branch Committee may initiate legal proceedings against any member who appears to the Branch Committee to have committed any criminal or wrongful act against the Association, its members or officers and to terminate the membership of such member upon conviction of or judgment in such proceedings being passed against such member.

In the event of the Branch Secretary being unavailable or the subject of an allegation, the following process will be administered by the Assistant Branch Secretary or Branch Vice Chair.

1. ALLEGATION

- 1.1. On discovery or receipt of a report or allegation that a member has:
 - 1.1.1. Committed any serious or repeated breach or non-observance of any of the provisions of NARPO National or Branch Rules.
 - 1.1.2. Been convicted of any offence under any road traffic legislation in the United Kingdom or elsewhere for which an immediate or suspended custodial penalty is imposed or been convicted of any other criminal offence for which the law allows a custodial penalty to be imposed (whether or not a custodial penalty is in fact imposed).
 - 1.1.2.1. Where the conduct in question is the subject of a criminal investigation, charge or conviction, the Branch Secretary may suspend the action referred to in Rule 1.3 until such investigation and any resulting criminal proceedings are concluded.
 - 1.1.3. Been guilty of any fraud or dishonesty.
 - 1.1.4. Acts in any manner which brings or is likely to bring the member or the Association into disrepute or is materially averse to the interests of the Association.
 - 1.1.5. Has made any false statement in their application to join NARPO.
- 1.2. The Branch Secretary shall consider any relevant information and decide whether to proceed with a Misconduct Investigation.
- 1.3. The Branch Secretary may, having regard to the circumstances of the case, impose a period of precautionary suspension on the member concerned. During such a period of suspension, the member concerned must not visit any premises or meetings of the Association other than as may be necessary for the purpose of attending any hearing or appeal hearing the member concerned is asked to attend.

2. INVESTIGATION

- 2.1. If the Branch Secretary decides an investigation is appropriate, they shall appoint two members of the Branch Committee who are Full Members of the Association as Investigating Officers.
- 2.2. The Investigating Officers shall gather any relevant information and consider if there are grounds to convene a Misconduct Hearing, they will submit the results of their investigation and their recommendation to the Branch Secretary.
- 2.3. The Branch Secretary shall decide whether to proceed with a Misconduct Hearing.

3. HEARING

- 3.1. The Branch Secretary will appoint a Branch Misconduct Panel consisting of two Branch Committee Members who are Full Members of the Association (not the Investigating Officers) and an Independent Member who will be a member of a different NARPO Branch Committee.
- 3.2. The member concerned will be required to attend the Misconduct Panel Hearing. He/she will be informed in writing at their last known address of the allegations against them and the basis for those allegations. This will also include the following where appropriate:
 - 3.2.1. A summary of relevant information gathered.
 - 3.2.2. A copy of any relevant documents which will be used at the misconduct hearing.
- 3.3. The Branch Secretary will give the member concerned written notice of the date, time and place of the Misconduct Hearing which shall be before the Branch Misconduct Panel. The hearing will be held as soon as reasonably practicable, but the member concerned will be given a reasonable amount of time of up to seven days, to prepare their case based on the information given to them.
- 3.4. A member concerned who cannot attend the hearing should inform the Branch Secretary immediately and the Branch Secretary will arrange an alternative time. The member concerned may be accompanied by another member who may speak on his/her behalf. If the member concerned fails to attend without good reason, or is persistently unable to do so, the Branch Misconduct Panel may take a decision based on the available evidence in the members absence.
- 3.5. At the Branch Misconduct Panel Hearing the evidence that has been gathered will be considered. The member concerned will be able to respond and present any evidence including asking relevant witnesses to appear.
- 3.6. The Branch Misconduct Panel may adjourn the misconduct hearing if it needs to gather any further information in the light of any new points the member concerned raises at the hearing.
- 3.7. The member concerned will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 3.8. The available penalties for misconduct are a reprimand, a period of suspension, expulsion or a decision to take no action against the member.

- 3.9. The Branch Secretary will inform the member concerned in writing of the decision of the Branch Misconduct Panel and the reasons for it, usually within one week of the misconduct hearing.
- 3.10. Expulsion may be recorded on local and national databases and disclosed to NARPO HQ and Branch Committees, otherwise details of penalties imposed by a Branch Misconduct Panel shall be kept confidential.
- 3.11. No electronic recordings shall be made of any meetings or hearings conducted under this procedure.

4. APPEALS

- 4.1. If the member concerned feels that misconduct action taken against him/her is wrong or unjust he/she should appeal in writing, stating the full grounds of appeal, to the Branch Secretary within two weeks of the date on which he/she was informed of the decision.
- 4.2. The date on which any expulsion or suspension imposed by the Branch Misconduct Panel takes effect will not be delayed pending the outcome of the appeal. However, if an appeal is successful the member concerned will be reinstated or the suspension lifted (as the case may be).
- 4.3. If the member concerned raises any new matters in his/her appeal, further enquiries may need to be carried out. If any new information comes to light the Branch Secretary will provide the member concerned with a summary including, where appropriate, copies of additional relevant documents. The member concerned will have a reasonable opportunity to consider this information before the hearing and may comment on any new evidence arising during the appeal before any decision is taken.
- 4.4. The Branch Secretary will give the member concerned written notice of the date, time and place of the appeal hearing which shall be before the Branch Committee, including any members involved in the investigation or hearing. This will be not less than fourteen days after the member concerned receives the written notice.
- 4.5. The appeal hearing may be a complete rehearing of the matter or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at the discretion of the Branch Committee depending on the circumstances of the case.
- 4.6. The Branch Committee may adjourn the appeal hearing if there is a need to carry out any further enquiries in the light of any new points the member concerned has raised at the hearing. The member concerned will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 4.7. Following the appeal hearing the Branch Committee may:
 - 4.7.1. Confirm the original decision of the Branch Misconduct Panel.
 - 4.7.2. Revoke the original decision of the Branch Misconduct Panel

- 4.7.3. Substitute a different penalty (provided, for the avoidance of doubt, that the range of penalties that the Branch Committee may impose shall be subject to the limits set out in Rule 1.10).
- 4.8. The Branch Secretary will inform the member concerned in writing of the decision of the Branch Committee as soon as possible, usually within one week of the appeal hearing.
- 4.9. **There will be no further right of appeal.**

Reviewed January 2021