

Police barred list and police advisory list – Frequently Asked Questions

Further information about the Police Barred List and Police Advisory List is available in the Home Office Guidance and the [Explanatory Notes](#) to the Policing and Crime Act 2017 which will provide further information about the effect of the legislation and the policy intent.

An individual may retire or resign during an investigation or before an allegation against them comes out. If the matter in question relates to unsatisfactory performance proceedings (UPP), is this individual included on the advisory list?

The advisory list includes individuals who leave during investigations, or before an allegation comes out, relating to **conduct** only. The purpose of the advisory list is as an interim list which acts as a safeguard made available to future employers where disciplinary proceedings are yet to be concluded. As it is not possible to conclude performance/UPP proceedings once an individual has left the force, there is no need to report to the College of Policing under these circumstances.

At what point in the proceedings should an individual be reported to the College of Policing for inclusion on the advisory list?

There are four circumstances under which the force will need to report an individual for inclusion on the advisory list:

- a) an officer or staff member under investigation for a conduct matter which could lead to their dismissal retires or resigns during the investigation – *the force should report when the individual leaves the force,*
- b) an officer or staff member retires or resigns and a conduct allegation which could have led to their dismissal comes to light after they have left – *the force should report when the allegation comes to light,*
- c) a designated volunteer has their designated status withdrawn as the result of conduct, efficiency or effectiveness – *the force should report when the status is withdrawn,*
- d) a designated volunteer decides to stop volunteering after a relevant allegation against them comes to light – *the force should report when the volunteer decides to stop volunteering.*

The stage the investigation has reached (i.e. during investigation, referral to a misconduct hearing) has no bearing on the sending of this report – the above circumstances are the triggers for reporting, irrespective of the point in the process which has been reached.

Would an individual who leaves and has an allegation of misconduct as well as a live final written warning against them be placed on the advisory list?

No, this individual would not be placed on the advisory list. Disciplinary proceedings can only be brought against a former officer where the allegation itself amounts to gross misconduct. In gross misconduct cases, the officer would be included on the advisory list in the interim until the hearing has been concluded. If no disciplinary proceedings are brought, or the decision is made that the matter is misconduct only, and therefore it is decided that a misconduct hearing will not be held the officer is removed from the advisory list.

Police barred list and police advisory list – Frequently Asked Questions

Does the force need to hold the full hearing if the individual has left to ascertain whether dismissal would have been the outcome?

For former officers who meet the conditions set out in the regulations and where there is a case to answer for gross misconduct, the force should hold a misconduct hearing in order to decide whether the conduct did amount to gross misconduct and whether the officer would have been dismissed if they were still serving. This is set out in the regulations relating to former officers. For civilian police staff who have left, forces are not under a regulatory obligation to hold post-employment hearings. It is up to the force to determine whether such a post-employment hearing, convened according to local employment practices, should be held to determine if the individual would have been dismissed and should be added to the barred list. It is advisable that forces make a decision one way or the other – either to continue the hearing to its conclusion notwithstanding the individual has left or to withdraw the proceedings, in which case the individual will not appear on either list. As a result of a finding of “would have been dismissed”, both officers and staff would be included on the barred list.

In what circumstances can an individual be automatically removed from the advisory list?

Designated volunteers (who have been designated as community support volunteers or police support volunteers and who have certain powers of the constable conferred on them) will be automatically removed from the advisory list after 5 years, where they have been included due to performance. Where individuals, including volunteers, officers and staff members have been included on the advisory list due to conduct matters, they will be eligible to apply for removal after a period of 5 years.

Are staff members who are dismissed within their probationary period included on the barred list?

Staff members who are dismissed via the equivalent of Regulation 13 Police Regulations 2003 for officers will not be included on the barred list. It does, however, remain important that the formal disciplinary process is used in all appropriate cases to ensure that relevant information is included on the lists so that unsuitable people are not able to continue to work within policing.

What happens to a staff member who is dismissed from their role as a special constable?

Individuals who are dismissed as a special constable will also be dismissed as a staff member. This is in line with the primary legislation and the policy intent that any person included on the barred list should not be employed within policing, as they have the status of a “barred person” under s88C(1) and (3) of the Policing and Crime Act 2017. We want to avoid a perverse scenario in which a force is able to continue to employ an individual on the barred list because of their dual role.

Police barred list and police advisory list – Frequently Asked Questions

In what circumstances can an officer, special constable or staff member be included on the barred list?

Individuals are only included on the barred list on their dismissal for conduct, efficiency or effectiveness i.e. gross misconduct, gross incompetence or unsatisfactory performance or attendance under UPP proceedings. Reasons of ill health retirement, redundancy, mutual agreement, inability to redeploy and so on are outside the scope of the legislation and the intention behind the lists and should not be reported.

Is it fair that someone who is removed through ill health related attendance proceedings should go on the barred list?

Individuals who are dismissed under the Performance Regulations due to poor attendance, or the equivalent for police staff, should be included on the barred list. Such individuals will be included on the barred list for 12 months and will be automatically removed at this point – rather than needing to apply to the College of Policing for removal. These individuals will not be included on the public version of the barred list. Individuals who suffer from ill health and are removed from the force by mutual agreement or ill health retirement do not constitute “dismissal” for the purposes of the barred list and so would not be included on the list.

If someone leaves the force as a result of medical retirement whilst under investigation for gross misconduct, are they subject to the former officer provisions in the same way as if they had retired or resigned?

Where an individual leaves policing for a reasons of medical retirement, this does not in itself preclude proceedings being brought after the individual has left the force where there is an allegation of Gross Misconduct. If an individual leaves the force in these circumstances (i.e. by retirement related to medical reasons) and there is an allegation of gross misconduct or proceedings ongoing at the point of retirement, this would be a trigger for a report to be sent to the College for inclusion on the police advisory list, pending consideration as to whether proceedings will continue or be discontinued.

There is a specific consideration within the regulations concerning former officers which sets out criteria for making decisions as to whether it is appropriate to continue proceedings if an individual is suffering from ill-health or medical issues which means that they may not be fit to face disciplinary proceedings.

Disciplinary proceedings and considerations related to medical retirement or ill-health for police staff and former police staff are separate to these provisions and are set out in the local policy of individual forces.

If a decision is subsequently taken on medical grounds that proceedings will be discontinued or brought to a conclusion without there being a finding that the individual would have been dismissed, a report will be required to have the individual removed from the advisory list once such a decision to halt proceedings

Police barred list and police advisory list – Frequently Asked Questions

has been made. The individual would not be added to the police barred list but removed from the advisory list entirely.

If someone leaves the force as a result of redundancy or because their contract is coming to an end and not renewed whilst under investigation for gross misconduct, is a report for the advisory list required and would the individual be subject to the former officer or post-employment proceedings in the same way as if they had retired or resigned?

If an individual were to leave a police force for reason of redundancy or because their contract is coming to an end, this does not amount to a resignation or retirement and so would not trigger the sending of a report for the purposes of the advisory list (as set out in section 88I of Part 4A of the Police Act 1996). Police forces are therefore not required therefore to report to the College in these circumstances.

However, whilst a report for the advisory list would not be required, it would not necessarily preclude the continuing of proceedings against an individual in line with the former officers regulations (in the case of a police officer) or local staff policy (member of civilian staff) if the individual has an outstanding allegation or proceedings related to gross misconduct at the point of redundancy. If proceedings were continued post-service that resulted in a finding that they would have been dismissed, a report for the police barred list would be required. If proceedings were discontinued or concluded without such a finding, no further action would be required by the force in relation to the police barred list or police advisory list.