



Home Office

Home Secretary

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To all Chief Constables in England and Wales

Copied to:

CC Andy Marsh, CEO, College of Policing
Andy Cooke, HM Chief Inspector
Donna Jones, APCC Chair
CC Gavin Stephens, NPCC Chair

By email

31st August 2023

Dear Chief Constables,

The vast majority of officers are brave and hard-working individuals, something we are acutely reminded of in light of the recent death of Sergeant Graham Saville.

The Government is committed to ensuring the police discipline system is fair and effective at removing those officers who fall seriously below the high standards we rightly expect of them. Serious concerns persist regarding standards and culture in policing, particularly in light of recent cases and the concerning findings of Baroness Casey's review into culture and standards in the Metropolitan Police Service (MPS). It is for this reason that we launched a review into the police dismissals process in January of this year. The review has considered evidence from stakeholders, as well as the results of a national data collection. We are now looking to publish this report and take action as a result of the recommendations made.

The review has concluded that major changes need to be made to the system. As Chief Constables, you have made it clear that you want a greater role when it comes to who is serving within your forces – and we have listened. Today we are announcing a broad package of measures designed to ensure that the system is stronger on standards, gives a greater role to Chief Constables and is more efficient.

Proposals

Stronger on standards

- **A presumption for dismissal where gross misconduct is proven**
Concerns around the dismissals process have centred on leniency – where written warnings have been issued in cases where officers have been found to have committed gross misconduct. Existing guidance dictates that misconduct panels should consider the least severe sanction first, resulting in officers frequently retaining their jobs, despite being found to have committed serious acts of misconduct. This change will ensure that – unless exceptional circumstances apply

– officers found guilty of gross misconduct can expect to be dismissed.

- **Create a statutory requirement for officers to hold vetting – and support a legislative routeway to dismiss officers who fail vetting**

It cannot be right that officers who are unable to maintain basic vetting are able to remain in policing. We will put this beyond doubt, by making it a statutory requirement for officers to hold vetting – and supporting a legislative routeway to dismiss those who are unable to do so.

- **Specify that certain criminal offences automatically amount to gross misconduct.**

Those who uphold the law should not be breaking it – yet a number of police officers with criminal convictions remain in policing. We will therefore introduce a list of barred offences, meaning that conviction of certain criminal offences – including sexual offences – automatically constitute gross misconduct, thus avoiding the risk of perverse decision-making.

A greater role for Chief Constables

- **Return responsibility for chairing misconduct hearings to senior officers**

To ensure Chief Constables are afforded a stronger role in the system – whilst retaining necessary independence – the responsibility for chairing hearings will now sit with senior officers. A Legally Qualified Person (LQP) and Independent Panel Member (IPM) will sit alongside the senior officer.

- **Appeal rights for Chief Constables**

We will introduce a new appeal right for Chief Constables to the Police Appeals Tribunal against the finding or sanction at misconduct hearings. We will also explore with stakeholders the possibility of allowing Police and Crime Commissioners to appeal.

A more efficient system

- **A presumption for Chief-led fast-track hearings for former officers / specials**

More than half of officers / special constables dismissed have already resigned / retired at the point of dismissal, with some of those failing to engage in the process. This reform will introduce a presumption for former officer cases to be heard under accelerated procedures, freeing up valuable time, resources and money for forces.

- **Streamlining of the unsatisfactory performance procedures (UPP)**

We will look to streamline the current statutory performance system for police officers to make it easier to use. We expect this will allow a fair and proportionate process, which is able to identify under-performing officers and, where there is no improvement in their performance, effectively dismiss them. The new process must be timely and clear so that all forces are confident to use it. We expect this to include a rationalisation of the number of stages in the process so as to make it less bureaucratic.

- **Deliver new and robust guidance on discharging probationers**

We will support Chief Constables by delivering more robust guidance to encourage greater and more consistent use of this system. This will include consideration of

extending this process to special constables to ensure that there is consistency for all probationary officers.

- **Delegation of power by chief officers**

It is crucial that disciplinary decisions made swiftly and without delay. The Government is therefore supporting Chief Constables to reduce unnecessary delay by seeking to introduce new powers to delegate disciplinary functions – including decisions on dismissals – to other senior officers.

A number of other changes will improve the transparency and understanding of misconduct hearing outcomes, including any potential disproportionate impacts on those with protected characteristics.

We will publish a report shortly, setting out these proposals and analysis of the evidence collected.

Development and delivery

It is critical that we get the detail of these reforms right to deliver real and lasting change in the system. We will need your expertise, and that of those working in Professional Standards Departments, along with other key policing stakeholders, in order to work through the remaining issues over the coming weeks before we can legislate. We hope we can count on you for your continued co-operation and collaboration.

Much of this package of reforms will require changes to secondary legislation which we intend to deliver as swiftly as possible. We will want your input on developing this legislation, but also on prioritisation and sequencing as necessary.

We must stress that, while successful delivery of these reforms will strengthen the dismissals process and make it easier to remove those who should not be police officers, this alone will not improve standards and rebuild trust in policing. Removing those officers who commit misconduct and criminality is important to securing public confidence in policing but recently we have seen too many cases where officers were brought to a hearing only after committing multiple breaches of standards. As Chief Constable Andy Marsh, CEO of the College of Policing, has made clear – “it is the job of everyone in policing is to rebuild the public’s trust with high standards, strong ethics and better performance”. Chief Constables must bear responsibility for ensuring that those who work for them are clear about the high standards expected of them and are prepared to call out the bad behaviour of their colleagues. Ultimately, Chiefs must ensure that their forces are equipped to identify and deal swiftly, and robustly, with wrongdoing by officers and staff.



Rt Hon Suella Braverman KC MP
Home Secretary



Rt Hon Chris Philp
Minister for Crime, Policing and Fire