



Home Office

# Home Office Guidance

## Withdrawal of Police Vetting Clearance

**Statutory Guidance on the police vetting withdrawal and dismissal process**

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## About this guidance

This guidance tells practitioners, decision makers and those operating within the police vetting environment about the processes and procedures concerning the handling of the vetting withdrawal process, including how vetting withdrawal assessments and subsequent proceedings should be conducted. It can also be used by those who are subject or party to assessments and proceedings to understand these processes and provisions.

The guidance should also be used to provide clarity on the hierarchy of relevant processes and procedures within the police dismissal system; including how and when the matters identified in the vetting withdrawal process must be referred to the police conduct and performance procedures.

The guidance should be understood by all individuals who serve within policing and are therefore subject to the Vetting Code of Practice and Vetting Authorised Professional Practice, as well as line managers or supervisors who have responsibilities within the relevant processes outlined within.

This guidance is published in accordance with sections 87 and 87A of the Police Act 1996. There is also an additional non-statutory section of guidance which deals with appeals, appended at the end of this document.

### Contacts

If you have any questions about this guidance, please contact the Police Integrity Unit at the Home Office at: [police.vetting@homeoffice.gov.uk](mailto:police.vetting@homeoffice.gov.uk).

This guidance concerns the handling of matters that fall within the regulatory framework and accompanies the following regulations (as amended):

- [The Police \(Vetting\) Regulations 2025](#)
- [The Police Appeals Tribunals Rules 2020](#)

### Publication

This is Version 1 of the guidance, issued by the Home Secretary on 22<sup>nd</sup> July 2025.

### Relevant documents and guidance

This guidance should be read and considered alongside other relevant documents or guidance, which include the:

- [College of Policing's Vetting Code of Practice](#)
- [College of Policing's Vetting Authorised Professional Practice](#)
- [The College of Policing's National Decision Model](#)
- [College of Policing's Code of Ethics](#)
- [Standards of Professional Behaviour](#)

# Section 1: Introduction

This section contains guidance about the legal framework that applies to persons serving with the police related to vetting withdrawal matters and how they should be handled. It sets out the Standards of Professional Behaviour and the Code of Ethics which members of policing are expected to adhere to.

- [Chapter 1: Background & Application](#)
- [Chapter 2: Vetting Code of Practice](#)
- [Chapter 3: Standards of Professional Behaviour](#)
- [Chapter 4: Legal framework](#)
- [Chapter 5: Decision making and schemes of delegation](#)

## Chapter 1: Background & Application

### Introduction

- 1.1 This guidance is issued by the Home Secretary and relates to the processes and procedures for handling matters subject to police vetting withdrawal assessments and relevant appeal processes. It sets out how such matters should be handled, including the requirement for police officers to hold and maintain vetting clearance; provides guidance on the process for determining whether vetting should be withdrawn; details the procedures for information gathering (including interviews); and clarifies the relationship between vetting withdrawals and other relevant regimes (such as criminal and conduct).
- 1.2 The guidance also sets out the relationship between the vetting withdrawal process and the Vetting Code of Practice, which is issued by the College of Policing, and sets out the expectations of chief officers in relation to vetting, and to which all chief officers in England and Wales must have regard.
- 1.3 This guidance includes references to the Standards of Professional Behaviour that apply to all police officers in England and Wales and sets out the relationship between the vetting withdrawal assessment process and the Standards of Professional Behaviour, including consideration of the risk posed by an officer should they have breached these standards, and how that may impact their ability to maintain their vetting clearance.

- 1.4 The guidance details the process for the handling of first-stage appeals by the vetting withdrawal appeal panel and their administration. There is additional non-statutory guidance at the end of this document which covers the procedure for the bringing of second-stage appeals to a Police Appeals Tribunal and their administration.
- 1.5 The procedures described in this guidance are designed to accord with the principles of natural justice and the basic principles of fairness. The process and procedures covered by this guidance, along with the accompanying legal framework, should be administered accordingly and applied fairly and consistently to everyone. The guidance on the individual procedures is designed to further the aims of being fair to the individual who is subject to the process, as well as all parties involved. It is intended to assist with arriving at a correct assessment of the matter in question and providing public and policing confidence in the system.
- 1.6 It should be highlighted that vetting withdrawal assessments are engaged in vetting reviews or renewals only where it is considered that vetting clearance may be withdrawn. This may be the case where, for example, an officer fails to engage with the vetting renewal process in a way that gives rise to a concern as to whether they remain suitable to work within the police service or have access to police assets. But, generally speaking, routine vetting reviews, renewals and vetting for recruitment are not within the scope of the Vetting Regulations and guidance, and vetting practitioners should refer to the [College of Policing's Vetting Authorised Professional Practice](#) (Vetting APP) for guidance in these cases. This also applies to cases where a downgrade in vetting clearance is the clear outcome from the outset, and there is no indication that vetting would be withdrawn; i.e. if an officer holds MV clearance but a matter arises which results in the MV clearance being withdrawn, but does not impact RV clearance, then the Vetting Regulations are not engaged.

### **Legal powers for the publication and application of this guidance**

- 1.7 This guidance is issued by the Home Secretary in accordance with sections 87 and 87A of the Police Act 1996.
- 1.8 This guidance should be read alongside the relevant parts of the legal framework that covers the handling of vetting withdrawal assessments (as amended):
  - a. the [Police \(Vetting\) Regulations 2025](#)
  - b. the [Police Appeals Tribunals Rules 2020](#)
- 1.9 The College of Policing also issue guidance in relation to the handling of police vetting; the provisions in this document should be considered as part of the vetting regime alongside the Vetting APP and other relevant documents and guidance, including:
  - a. The [College of Policing's Vetting Code of Practice](#)

- b. The [College of Policing's Code of Ethics](#). This includes the ethical policing principles and the guidance for ethical and professional behaviour in policing.

## **Who the guidance applies to and how it should be used**

- 1.10 This guidance is issued to all members of policing and other relevant persons or bodies who may be involved in the vetting process. This includes local policing bodies, chief officers of police (Chief Constables and Commissioner ranks), all members of police forces and police staff employees. It is also intended to apply to His Majesty's Chief Inspector of Constabulary (HMCIC) or an inspector of constabulary nominated by HMIC - in relation to their function as Chair of the vetting withdrawal appeal panel for senior officer appeals.
- 1.11 The guidance should be understood and applied by decision makers as a practical guide to assist with the application of the Vetting Regulations by those who are responsible for vetting withdrawal assessments, decision-making and administering the vetting withdrawal appeal panel, including those who are exercising the decision-making powers of the Vetting Authority. In so far as is relevant, this guidance is also intended to apply to His Majesty's Chief Inspector of Constabulary and His Majesty's Inspectors acting on their behalf in these matters.
- 1.12 The guidance should be understood and followed by every police officer in England and Wales as it sets out the vetting withdrawal process and standards and expectations for police officers (including special constables), alongside the Vetting Code of Practice, Vetting Authorised Professional Practice, Code of Ethics and the associated Regulations. It also sets out the processes and procedures for gathering information, interviewing and calling witnesses to inform a vetting withdrawal decision.
- 1.13 The guidance also applies to Chairs and other panel members or persons responsible for the conducting and chairing of procedures detailed in Section 5 of the Vetting Regulations in setting out their responsibilities and duties in conducting those proceedings and ensure they are fair, transparent and efficient.
- 1.14 The guidance should be understood by those who represent police officers, including those acting as a police friend or providing legal representation within a staff association or trade union representative role. It should be followed for the purposes of the withdrawal assessment and relevant proceedings, in respect of such roles in assisting and representing officers and staff.
- 1.15 The guidance should be understood and applied by line managers and supervisors in order to understand how withdrawal assessments against those who they are responsible for should be handled and treated.

- 1.16 This guidance is also issued to police staff employees who have a role under the Vetting Regulations, Conduct Regulations or Performance Regulations i.e. as a police friend or line manager.
- 1.17 The vetting withdrawal assessment procedure set out in the Vetting Regulations applies only to police officers (inclusive of special constables), with relevant equivalent procedures for police staff and volunteers determined locally in accordance with their established policies and procedures.
- 1.18 Every person to whom this guidance is issued must have regard to it and in doing so must take the provisions into account fully when discharging their functions or when subject to matters covered by this guidance. Where the guidance is relevant to a case, it must only be departed from when there is good reason to do so which can be clearly justified.

### **Stakeholder engagement**

- 1.19 This guidance has been prepared by the Home Office and issued by the Home Secretary. It has also been shared with members of the Police Advisory Board for England and Wales (PABEW) for comment.
- 1.20 Input has been provided by the National Police Chiefs' Council Police Vetting Lead (Chief Constable Alexander Franklin-Smith), the Police Federation of England and Wales (PFEW), Police Superintendents Association (PSA), the Chief Police Officers Staff Association (CPOSA), Association of Police and Crime Commissioners (APCC), His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS), College of Policing, Independent Office for Police Conduct (IOPC) and subject matter experts and practitioners from across the Police Vetting portfolio.

### **Structure, use and interpretation**

- 1.21 This version of the Home Office guidance is set out in discrete sections and chapters and is intended to provide comprehensive guidance and support for making decisions and following processes set out in these individual sections.
- 1.22 These sections can be read standalone for these specific parts of the relevant process and decision making alongside the relevant legal provisions, with reference to other parts of the process where needed.
- 1.23 It is intended to be a practical guide that can be easily followed and as a go-to reference source to aid decisions on a case-by-case basis for Vetting Authority decision makers, Assessors, those responsible for bringing and conducting withdrawal assessments, line managers and individual officers and staff, and those assisting and representing officers and staff.

## Chapter 2: Vetting Code of Practice

### Introduction

- 1.24 This chapter sets out the relationship between the Vetting Code of Practice and the Vetting Regulations. The Vetting Code of Practice is a statutory Code of Practice, issued by the College of Policing. It sets out the expectations of chief officers in relation to vetting, which are applied by forces in England and Wales. It has also been developed to help achieve, implement and maintain national standards in relation to vetting, and ensure those standards are consistently applied nationally by police services.
- 1.25 In addition to setting out the expectations on chief officers to ensure effective police vetting in the police service, the Code also seeks to:
- a. ensure confidence that all those in policing are effectively vetted, so that only those who are suitable to work in policing, and can maintain the expected standards, are able to do so
  - b. identify and assess the risk posed by members of policing to the public and the police service
  - c. promote an ethical and professional environment in policing
  - d. uphold the Standards of Professional Behaviour
  - e. ensure the consistent application of vetting standards across the police service
- 1.26 The Code applies to **all members of policing**, including those who have applied to join the police service. It also applies to those in partner agencies who have unsupervised access to any police premises, or information that is not publicly available.
- 1.27 The Vetting Code of Practice is issued by the College of Policing under section 39A of the Police Act 1996. The Code relates specifically to chief officers in the discharge of their functions, and in discharging any function in which the Code relates chief officers **must** have regard to the Code pursuant to section 39A(7) of the Police Act 1996.

### The Vetting Code of Practice, Vetting Authorised Professional Practice and the Police (Vetting) Regulations 2025

- 1.28 The regulatory framework for the Vetting Code of Practice means that chief officers must have due regard to it; section 5.5 of the Vetting Code of Practice also sets out that forces are expected to have regard to the APP in relation to their responsibilities and the standards set out within.
- 1.29 The Vetting Regulations are concerned with how forces are to handle cases where a matter comes to its attention which indicates that an officer may no longer be suitable to hold vetting clearance. In order to help make an assessment on the matter, forces should consult both the Vetting Code of Practice and Vetting APP (including, but not limited to, references to



consideration of the standards of professional behaviour), as well as the Code of Ethics. The Vetting Authority should consult the Head of Professional Standards Department for advice on matters which may relate to criminality or could be dealt with under Conduct or Performance Regulations.

## Chapter 3: Standards of Professional Behaviour

### Introduction

- 1.30 It is of the utmost importance that members of policing uphold the Standards of Professional Behaviour. The Standards of Professional Behaviour are set out in Schedule 2 to the Police Conduct Regulations; they consist of 10 standards of behaviour expected of those working in policing. If it is assessed that an individual has breached the standards, then they may be subject to dismissal proceedings.
- 1.31 The Standards of Professional Behaviour reflect relevant principles set out in the European Convention on Human Rights and the Council of Europe Code of Police Ethics. They are a statement of the expectations that the police and the public have of how police officers should behave. They are not intended to describe every situation but rather to set a framework which everyone can easily understand. They enable everybody to know what type of conduct by a police officer is acceptable and what is unacceptable. The standards should be read and applied having regard to the College of Policing's Code of Ethics.
- 1.32 Practitioners should refer to the following statutory and non-statutory documents for further guidance and detail regarding the Standards of Professional Behaviour and their application:
- a. [The Police \(Conduct\) Regulations 2020](#)
  - b. [The Home Office Statutory guidance on Professional Standards, Performance and Integrity in Policing](#)
  - c. [The College of Policing's Code of Ethics](#)
  - d. [The College of Policing's Guidance on outcomes in police misconduct proceedings](#)

### The Standards of Professional Behaviour and the Vetting Regulations

- 1.33 These standards are relevant in vetting matters because all members of policing are expected to act with the highest levels of integrity; if an officer does not uphold these standards, then they may pose a risk that makes them unsuitable to hold vetting clearance.
- 1.34 When considering the suitability of an officer to hold or maintain vetting, the Vetting Authority and the Assessor should consider whether the individual has previously behaved in a manner inconsistent with the standards. Any such breaches should receive scrutiny during the withdrawal assessment; however scrutiny should be reasonable and proportionate, taking into account (for

example) the severity of the breach, the length of time passed since the breach and the relevance of the breach to the vetting matter at hand.

- 1.35 It is important to note that breaches of the Standards of Professional Behaviour, though potentially relevant to vetting, are first and foremost a conduct issue. As such, if any vetting enquiries identify a matter previously unknown or untested by the conduct process, which indicates that the Standards of Professional Behaviour or conditions of service have been breached, then the Vetting Authority should notify the Appropriate Authority.

## **Honesty & Integrity**

- 1.36 The standards include a requirement that officers act with honesty and integrity. It is what is expected. The behaviours of officers, either on or off duty, should not compromise their ability to hold vetting clearance. Officers are expected to disclose any relevant information during the vetting process. There may be circumstances in which a matter comes to the attention of the Vetting Authority which indicates that a police officer may no longer be suitable to hold vetting clearance; it may be appropriate for the Vetting Authority to ask questions of the officer concerned as part of preliminary inquiries to establish whether the matter should be handled as a withdrawal assessment or not. The officer concerned is expected to respond to reasonable questions asked of them, with the Vetting Authority noting that the officer at that time may not have the benefit of legal or other representation. The officers' responses at this stage may negate proceeding to a withdrawal assessment.
- 1.37 If information is purposefully withheld, then the honesty and integrity of the officer concerned may be questioned, and this could potentially lead to a referral to the Appropriate Authority as a breach of the Standards of Professional Behaviour. It may also lead to their vetting clearance being withdrawn and subsequently dismissed
- 1.38 Non-disclosure of information can expose policing to a range of vulnerabilities; that is why disclosure and transparency is important, especially when undergoing vetting or when circumstances change. If information is properly disclosed, then the force may be able to appropriately mitigate any risks or vulnerabilities.
- 1.39 Wherever the vetting withdrawal assessment includes consideration of the officer breaching the standard of honesty and integrity, the Vetting Authority should consult with the Appropriate Authority to establish whether the Crown Prosecution Service (CPS) should be notified, taking into consideration how the matter may impact the ability of the officer concerned to act as a witness of truth, as detailed in chapter 18 of the CPS's Disclosure Manual.

## **Duty of cooperation**

- 1.40 Under the Standards of Professional Behaviour, police officers have a duty to cooperate during investigations, inquiries and formal proceedings. This duty

extends to interviews and other proceedings held under the Vetting Regulations.

- 1.41 For withdrawal assessments, all officers have a duty to give appropriate co-operation. Where officers are identified as witnesses during a withdrawal assessment, they are expected to participate openly and professionally.
- 1.42 As per Regulation 18(1)(g), the officer concerned has a duty to give appropriate cooperation during the withdrawal assessment. This is a separate duty to the Duty of Cooperation set out in the Standards of Professional Behaviour.

## **The Standards of Professional Behaviour**

- 1.43 The headings below are the Standards of Professional Behaviour as they are set out in Schedule 2 to the Conduct Regulations. A breach of these standards must, first and foremost, be referred to the Appropriate Authority for consideration under the Conduct Regulations. A vetting withdrawal assessment cannot proceed for so long as the relevant matter is being or may be dealt with under the Conduct Regulations. Once disciplinary proceedings have concluded, the Vetting Authority may subsequently assess the risks posed by the officer concerned and whether they are suitable to hold a vetting clearance.

### Honesty and Integrity

“Police officers are honest, act with integrity and do not compromise or abuse their position.”

### Authority, Respect and Courtesy

“Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.

Police officers do not abuse their powers or authority and respect the rights of all individuals.”

### Equality and Diversity

“Police officers act with fairness and impartiality. They do not discriminate unlawfully or unfairly.”

### Use of Force

“Police officers only use force to the extent that it is necessary, proportionate and reasonable in all the circumstances.”

### Orders and Instructions

“Police officers only give and carry out lawful orders and instructions.

Police officers abide by police regulations, force policies and lawful orders.”

### Duties and Responsibilities

“Police officers are diligent in the exercise of their duties and responsibilities.

Police officers have a responsibility to give appropriate cooperation during investigations, inquiries and formal proceedings, participating openly and professionally in line with the expectations of a police officer when identified as a witness.”

#### Confidentiality

“Police officers treat information with respect and access or disclose it only in the proper course of police duties.”

#### Fitness for Duty

“Police officers when on duty or presenting themselves for duty are fit to carry out their responsibilities.”

#### Discreditable Conduct

“Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.

Police officers report any action taken against them for a criminal offence, any conditions imposed on them by a court or the receipt of any penalty notice.”

#### Challenging and Reporting Improper Conduct

“Police officers report, challenge or take action against the conduct of colleagues which has fallen below the Standards of Professional Behaviour.”

## Chapter 4: Legal framework and other proceedings

### Timing: when do the Vetting Regulations apply?

- 1.44 The Vetting Regulations apply whenever a matter comes to the attention of the Vetting Authority which indicates that a police officer may no longer be suitable to hold vetting clearance. The Vetting Regulations do not prevent a Vetting Authority from carrying out a withdrawal assessment in relation to a matter of which it was already aware on the date the Vetting Regulations came into force. Nor do they prevent a Vetting Authority from carrying out a withdrawal assessment in relation to an officer whose vetting clearance had at any point been withdrawn before the coming into force date. Vetting authorities will need to carefully consider whether it is appropriate to apply the withdrawal assessment procedure to ‘historic’ cases, bearing in mind the overarching need to ensure fairness.
- 1.45 An officer should not usually be subjected to the process set out in the Vetting Regulations if a decision under the Vetting Regulations has already been made regarding a matter. Where a matter has already been subject to a withdrawal assessment, it should only be re-assessed by the Vetting Authority and subject to another withdrawal assessment **if new adverse information about the**

**officer concerned has materialised, or if a serious and material error in the original process is identified.** Where new or previously unknown information has materialised, the Vetting Authority may review previous adverse information in aggregation. The aggregation must be proportionate and relevant. It may include a pattern of similar behaviour occurring over time, that taken together, could result in a vetting withdrawal, but individually have not been used as part of a previous withdrawal assessment.

### **Cases which have been subject to criminal or other proceedings**

- 1.46 Officers may become subject to the Vetting Regulations after related criminal, performance or conduct proceedings have concluded, or as a result of findings from criminal, performance or conduct proceedings leading to a vetting review under the Vetting APP. In some cases, the findings or outcome of those proceedings, or the evidence or information gathered in the course of those proceedings, may trigger a vetting withdrawal assessment (following a vetting severity assessment) or, where a vetting withdrawal assessment has already been triggered, form part of the force's consideration of the matter.
- 1.47 Forces must give appropriate regard to the outcome of such proceedings; however, any outcomes which state that the matter being considered is unproven or that the officer is not guilty of having carried out the offence in question do not preclude forces from assessing whether the officer remains suitable to hold vetting clearance in light of the same matter. For example, it may be that evidence was inadmissible in criminal proceedings that is admissible as part of the vetting withdrawal assessment. The same principle applies where the officer has been found to have no case to answer or where an investigation has been discontinued for any reason. Vetting authorities will need to consider on a case-by-case basis what weight (if any) to attach to matters that have already been considered as part of criminal or other proceedings. Where the vetting withdrawal assessment leads to different conclusions from those reached in criminal, performance or conduct proceedings, the Vetting Authority should be able to give clear reasons as to why this is appropriate.

### **Should a matter be handled under the Vetting Regulations, or are the Conduct or Performance Regulations or Part 2 of the Police Reform Act 2002 more appropriate?**

- 1.48 All persons involved in any aspect of the vetting withdrawal process should be clear that this process must not interfere with criminal investigations or be used in lieu of any other, more appropriate process, under the Conduct or Performance Regulations or Part 2 of the Police Reform Act 2002.
- 1.49 Before proceeding to a withdrawal assessment - having concluded following the vetting severity assessment that the matter being considered could reasonably lead to the officer's vetting clearance being withdrawn - the Vetting Authority must satisfy itself that by doing so it would not prejudice any criminal proceedings, if necessary, following consultation with the relevant prosecutor.

- 1.50 The Vetting Authority must also consult with an individual to whom functions under Regulation 14 of the Conduct Regulations have been delegated, which in most instances will be the Head of the Professional Standards Department. The Line Manager of the officer concerned must also be consulted where appropriate. These individuals are expected to advise the Vetting Authority as to whether the matter is to be or may be dealt with as a conduct or performance matter (i.e., as to whether proceedings under the Conduct or Performance Regulations are underway or in contemplation). This may be determined following a ‘people intelligence meeting’; the purpose of these meetings is to consider matters known about an individual (i.e. the officer concerned) which is held by different departments – such as professional standards, counter corruption and HR – and agree the appropriate route to handle them.
- 1.51 There may be occasions where it is the case that the matter identified by the Vetting Authority could both “reasonably lead to vetting clearance being withdrawn” and involve an allegation which, “if proved, would amount to misconduct, gross misconduct or practice requiring improvement”. Any matters which meet the latter threshold must be handled under the Conduct Regulations before they can continue to be handled under the Vetting Regulations. This must lead to a pause in proceedings under the Vetting Regulations until proceedings under the Conduct Regulations have concluded.
- 1.52 There may also be cases where the unsatisfactory performance or attendance of an officer is also assessed as a matter which could reasonably lead to withdrawal of vetting clearance. As with conduct matters, these performance matters must be handled separately and under the Performance Regulations and vetting proceedings must be suspended in relation to the same matter until it is no longer being dealt with within the performance framework.
- 1.53 Separately, the Head of the Professional Standards Department is expected to consider whether the matter ought to be referred to the IOPC under the Complaints and Misconduct Regulations, or has already been notified to the force by the IOPC as part of a directed or independent investigation. If the matter is to be or may be dealt with under Part 2 of the Police Reform Act 2002 – whether as a complaint, conduct matter or DSI matter - then it must be treated in the same way as a pending conduct or performance matter and the vetting withdrawal assessment must be suspended.
- 1.54 There may be some cases where a matter which could reasonably lead to withdrawal of vetting clearance is identified but is separate to ongoing proceedings in relation to criminal, conduct or performance matters involving the officer concerned. If the matter does not engage the conduct, performance or complaints framework, and would not prejudice any criminal proceedings, the Vetting Authority must progress with carrying out a withdrawal assessment.
- 1.55 Before proceeding to a withdrawal assessment for a probationer, the Vetting Authority may wish to establish whether they could be discharged under Regulation 13 of The Police Regulations 2003.

## Chapter 5: Decision Making and schemes of delegation

- 1.56 In most cases, the Vetting Authority will be the chief officer of the police force concerned (i.e. the Chief Constable or, in relation to the Metropolitan Police Service or the City of London police force, the Commissioner). Where a matter relates to a Chief Constable or Commissioner (including an acting Chief Constable or Commissioner), the Vetting Authority will be the local policing body. This will usually be the Police and Crime Commissioner (PCC) for the area or, where there is a directly elected mayor who has had PCC functions devolved, the Mayor.
- 1.57 The functions of the Vetting Authority can be delegated to allow its roles to be exercised on a day-to-day basis by appointed persons for individual vetting withdrawal cases. It is good practice for all forces to develop and maintain a scheme of delegation to set out how the Vetting Authority decision making can be delegated.
- 1.58 As per **Regulation 3(1)**, the Vetting Authority may delegate any function under the Vetting Regulations to any member of a police force (or police staff equivalent) of inspector rank or above.
- 1.59 The person to whom the Vetting Authority delegates their functions, in most cases, is likely to be the Force Vetting Manager. Where this individual is not of inspector rank or above (or police staff equivalent), the Vetting Authority must take care to ensure that their functions are discharged by a person who is of inspector rank or above (or police staff equivalent).
- 1.60 To ensure that the severity of the suspension decision at **Regulation 13(1)** and the outcome decision at **Regulation 24(2)** is appropriately acknowledged, these decisions must, under **Regulation 3(2)**, be authorised by a senior officer. Where the functions of the Vetting Authority are already being exercised by a senior officer, there should be no need to obtain additional authorisation. It is worth noting that the senior officer does not exercise delegated authority on behalf of the Vetting Authority. The person authorised under regulation 3(1) continues to exercise the Vetting Authority's functions for the purposes of the Vetting Regulations.
- 1.61 Separately, where a chief officer is required to chair a panel under **Regulation 27(2)(a)**, they may under **Regulation 3(3)** delegate responsibility for chairing the panel to a senior officer (including an acting senior officer), a former senior officer (including a former acting senior officer) or a senior police staff member. As per **Regulation 3(4)(b)** a former senior officer or former acting senior officer must have been required to perform the duties of a member of a police force holding a rank above that of chief superintendent when they ceased to be a member of a police force. Under **Regulation 27(4)**, the third panel member is required to be a senior officer unless the panel chair is also a senior officer, in

which case the third panel member may be a police staff member considered to be of equivalent rank.

- 1.62 It is best practice for any authorisation under **Regulation 3(2)** to be given by a senior officer who has not previously given an authorisation. Further, a panel chair or third panel member must not have previously given a **Regulation 3(2)** authorisation. This is to reduce the possibility of there being unfairness within the vetting withdrawal assessment regime. However, it is acknowledged that there may be circumstances in which it is unavoidable that an authorisation is given by a senior officer who previously gave an authorisation – for example, due to resourcing challenges.



## Section 2: Vetting clearance

This section contains guidance about the duties on police officers to hold and maintain vetting clearance and the link between initial vetting reviews and the vetting withdrawal procedure. It also sets out the requirement on the Vetting Authority to keep records of any vetting withdrawal assessment decisions, outcomes and relevant documents

- [Chapter 6: Duty to hold and maintain vetting clearance](#)
- [Chapter 7: Maintaining and disclosing records](#)

### Chapter 6: Duty to hold and maintain vetting clearance

#### Police Vetting

- 2.1 Police Vetting is conducted to help identify, assess and manage potential risk posed by, or associated with, an individual who is either being recruited into the police service, or an individual who is already a member of the police service. Vetting helps forces to identify individuals who may pose a risk to the public or other members of policing, are unsuitable to work in the police service or have access to police assets - including those who have criminal associations or have a demonstrable lack of honesty.
- 2.2 Although integral in helping to provide assurance on integrity, vetting will not be effective in isolation. Police vetting forms one part of a wider protective security regime, in which force vetting units, HR departments, counter corruption units and others will need to work together effectively to ensure an effective security regime. This includes sharing relevant information where appropriate. Everyone in policing has a role to play in establishing a well-functioning vetting system.
- 2.3 The responsibility for vetting in a force sits with the chief officer. They will delegate responsibility to ensure the effective delivery of vetting in their force.
- 2.4 Forces are expected to conduct annual integrity and vetting reviews (AIVRs) on all those working in policing; this allows for the force to identify a variety of risks which may have an impact on an individual's vetting clearance and, where appropriate, take action. [The College of Policing's Vetting APP](#) provides detailed guidance on the handling of vetting at the recruitment stage, and subsequent vetting renewals and reviews.

- 2.5 All police officers have a duty, set out at **Regulation 5(b)** of the Vetting Regulations, to inform the force if they have had a change in personal circumstance, or any other matter which may reasonably affect their suitability to hold vetting clearance. All other persons serving or working in the police who have a vetting clearance are also expected to report a change in circumstance or other relevant matter to the force. A change in circumstance or other relevant matter may include, but is not limited to:
- a. Change of partner, marital status or civil partnership
  - b. Change of name or address
  - c. Changes in notifiable associations or new associations with individuals involved in or associating with criminal activity.
  - d. Change in business interests
  - e. Significant changes in financial status
  - f. Being the subject of, or person of interest in, a criminal or misconduct investigation
  - g. Being subject of criminal proceedings, civil matters or protective measures
- 2.6 Any changes in circumstance or other relevant matter must be reported promptly to both line managers and vetting units. Individuals should not rely on the AIVR process to declare noteworthy issues. By informing the force of a change in circumstance, individuals discharge their duty under regulation 5(b) and ensure that appropriate steps can be taken to ensure any potential risks are fully understood and managed appropriately. If an individual does not disclose a change in circumstance or other matter or has not disclosed information on a vetting form which should have been, then the force may consider whether a referral to other proceedings - such as conduct - or a vetting withdrawal assessment is appropriate.
- 2.7 Vetting clearance is granted for a defined period of time, subject to periodic review. Where an individual's vetting is close to or has expired, and vetting is still required, they will be subject to a new full vetting process. Any individual who transfers, re-joins (excluding those returning following reinstatement by a Police Appeals Tribunal) or has a delayed start of over 6 months following their initial vetting assessment, is also subject to a new full vetting process. For further detail regarding re-vetting, practitioners should refer to the College of Policing's Vetting Code of Practice and accompanying APP.

## **Vetting Reviews**

- 2.8 The maintenance of vetting clearance itself is a continual process throughout the entirety of the period it has been granted for and a legal duty on officers. The circumstances of any individual who has applied for, or already holds vetting clearance, can change at any time. Individual forces should have their own comprehensive vetting review regime - in alignment with the College of Policing's Vetting APP - in place to handle such matters. This process will provide greater detail and information on the review process, including expected timescales and next steps.

- 2.9 Vetting reviews, including the AIVRs, are important in ensuring ongoing assessment and suitability of vetting clearance.

### **The threshold for progressing to a vetting withdrawal**

- 2.10 When a matter comes to the attention of a Vetting Authority which indicates that a police officer may no longer be suitable to hold vetting clearance, and before determining whether a withdrawal assessment should occur, the Vetting Authority must establish the severity of the matter and whether it could reasonably lead to vetting clearance being withdrawn. In order to do this, it may be appropriate for the Vetting Authority to make preliminary inquiries as part of the vetting severity assessment. These inquiries should focus on the information that is readily available to the Vetting Authority and should be proportionate; not done as a substitute for a withdrawal assessment.
- 2.11 There may be circumstances in which it is appropriate for the Vetting Authority to ask questions of the officer concerned as part of these preliminary inquiries. The officer concerned is expected to respond to reasonable questions asked of them, with the Vetting Authority noting that the officer at that time may not have the benefit of legal or other representation.
- 2.12 This initial questioning should have the sole purpose of enabling the Vetting Authority to establish key information and context around the matter to help them determine whether or not the threshold for progressing to a withdrawal assessment is met – i.e. that the matter could reasonably lead to vetting clearance being withdrawn.
- 2.13 As it is the case throughout all vetting processes, it is in the interests of the officer to be as open and honest about the matter and to co-operate transparently in relation to the relevant subject matter. Failure to respond to reasonable queries put to them by the Vetting Authority, may in itself be taken as an indication that the officer may no longer be suitable to hold vetting clearance, or may constitute conduct which breaches the Standards of Professional Behaviour and should therefore be referred to professional standards.

### **Vetting withdrawal assessments following disciplinary or criminal proceedings**

- 2.14 Where an officer has been subject to either criminal or disciplinary proceedings, and not been dismissed as a result of either, the Vetting Authority should, in accordance with the College of Policing's Code of Practice, conduct a review of the officer's vetting clearance. It is important to note that this is not, in and of itself, a vetting withdrawal assessment, nor does it mean that the officer will be subject to a vetting withdrawal assessment.
- 2.15 The aim of this vetting review is to consider the officer's suitability to maintain their current police vetting clearance. If the Vetting Authority, during the course of the vetting review, assesses that there is a matter which indicates that an officer may no longer be suitable to hold vetting clearance, then they must act

in accordance with the Vetting Regulations. The vetting review will take a holistic view across the entire service of the officer. This will include all factors relevant to assessing the suitability of an individual to hold vetting clearance such as previous conduct or criminal matters, as well as factors such as positive performance or commendations.

### **If an officer cannot hold or maintain their vetting clearance**

- 2.16 It is of the utmost importance that policing can effectively manage the risk individuals in policing pose to help maintain the high standards and integrity expected of all members of policing. To help ensure these standards are maintained and to protect the integrity of police assets and maintain public safety, it is crucial that individuals hold the appropriate vetting clearance for their role.
- 2.17 If an individual cannot hold or maintain the level of vetting clearance required to perform the duties of their particular role, then they must be dismissed. If an individual is able to hold a lower level of vetting clearance, but not the clearance required to perform the duties of their particular role, then the Vetting Authority may (as an alternative to dismissal) consider whether the vetting clearance of the officer concerned should be downgraded with or without conditions applied. This is likely to be an appropriate outcome where an alternative suitable role can be found, as the officer concerned will be unable to continue in their current role from the point at which their clearance is downgraded.
- 2.18 The Vetting Regulations reflect the principle in the Vetting Code of Practice that any member of policing who is unable to hold and maintain the lowest level of vetting clearance will be subject to dismissal proceedings. Under Regulation 5(a), police officers have a legal duty to hold and maintain the level of police vetting clearance that is required to perform the duties of their particular role. Where a police officer has the minimum level of vetting clearance withdrawn, they must be dismissed. To ensure a fair dismissal, the Vetting Authority must follow the process for a vetting withdrawal assessment, as set out in the Vetting Regulations. Where a higher vetting clearance is withdrawn and clearance is granted at an appropriate lower level, with or without conditions or restrictions, there is no requirement for the officer to be dismissed.
- 2.19 **Regulation 6** provides that, once an individual ceases to be a police officer (i.e. ceases to be a member of a police force or special constable), then their vetting must be terminated. An individual may cease to be a police officer for a number of reasons, these include:
- a. Resignation
  - b. Retirement
  - c. Dismissal
- 2.20 Where an individual has ceased to be a police officer for any reason and therefore had their clearance terminated as per Regulation 6, if they re-join policing they will be subjected to a new full vetting process. This includes where

officers have retired or resigned and have then immediately returned to the force.

- 2.21 **Regulation 6** does not apply to an individual who has been suspended under **Regulation 13** of the Vetting Regulations unless they otherwise cease to be a police officer during that period of suspension. An individual who has been subject to a vetting withdrawal assessment and has been dismissed, but is then reinstated as a police officer by either the vetting withdrawal appeal panel or the police appeals tribunal is not required to obtain a new clearance but a vetting review and risk mitigation may be required.

## Chapter 7: Maintaining and disclosing records

### Making and maintaining records

- 2.22 The Vetting Authority has a duty under **Regulation 7** of the Vetting Regulations to keep a record of each application for vetting clearance that it receives from a police officer. This includes recruitment applications, applications for vetting renewals and should include details of any vetting reviews or withdrawal assessments.
- 2.23 Record keeping of this kind is to ensure that forces have a clear log of information regarding a vetting application and any subsequent vetting considerations and decisions relating to those serving or working in policing. This is set out in section 5.12 in the [College of Policing's vetting Code of Practice](#).
- 2.24 Where a police officer's vetting clearance is subject to the withdrawal assessment proceedings, the Vetting Authority should, under **Regulation 14**, make and maintain records in relation to:
- a. The matter or matters which have come to the attention of the Vetting Authority which require escalation to a vetting withdrawal assessment.
  - b. Information provided by the vetting applicant.
  - c. Severity assessment decision and rationale, including where the vetting withdrawal assessment is or is not taken forward, or the matters have been referred to be dealt with under a different process.
  - d. The suspension decision and rationale, including any representations made by the officer concerned.
  - e. Detailed rationale for the vetting withdrawal assessment decision and subsequent outcomes, including any restrictions or conditions posed.
  - f. Details of any appeal made to the vetting withdrawal appeal panel.
  - g. Vetting withdrawal appeal panel considerations, outcome and rationale, including witness statements or accounts (where appropriate).
  - h. Where a case goes to a Police Appeals Tribunal, the outcome and rationale of that Tribunal.
- 2.25 The records relating to a vetting withdrawal assessment will form part of the vetting file for the individual concerned. This information may be requested for

disclosure; as such, where the relevant information cannot be disclosed in full, the Vetting Authority should prepare a summary of information which is suitable for disclosure. For further information regarding the disclosure of information as part of a withdrawal assessment, please see paragraphs 2.32 - 2.37 below.

- 2.26 Vetting files can be stored physically or electronically but must be maintained securely. Access should be limited to those with a business need. Vetting files should be stored separately to personnel files due to the sensitive material they contain.
- 2.27 Each Force Vetting Unit should have a retention schedule in place for vetting records. The retention of any vetting files should align with the College of Policing's [Police information and records management Code of Practice](#), and the [Information management Authorised Professional Practice](#). Where appropriate, FVUs should also refer to the [UKSV data retention policy](#).

### **The Police National Database**

- 2.28 The Police National Database (PND) is an information management system, used by the police service to manage and share intelligence and other operational information. The system aims to prevent and detect crime and make communities safer.
- 2.29 Where an individual has had their vetting withdrawn as part of the vetting withdrawal process, the Vetting Authority should create an intelligence marker on the PND to reflect this. The intelligence marker should record that the individual has had their vetting withdrawn, and include the details of the department retaining the relevant information. In the event that a future police vetting application is made, then the force should obtain and assess the information held by the department listed on the PND intelligence marker, to inform their decision. A PND intelligence report text template for adverse recruitment or vetting information can be found in the [College of Policing's Vetting APP](#).
- 2.30 If a police officer has had their vetting clearance withdrawn, but is then reinstated following either a Police Vetting Appeal Panel meeting decision or a Police Appeals Tribunal decision, then the record should be deleted. The [College of Policing's Vetting APP](#) provides further detail on intelligence reports.
- 2.31 Forces should use the PND to carry out national intelligence checks on all individuals who are undergoing a vetting withdrawal assessment, unless this has already been retrieved during the initial vetting review. This is to check whether there is an intelligence marker on PND which holds information that could be used to inform the vetting withdrawal assessment.

### **Disclosing information**

- 2.32 The Vetting Authority and the Assessor should, at relevant points, disclose as much information to the officer concerned during the vetting withdrawal assessment as they are able to, subject to the harm test. This is to ensure that

the officer concerned has the opportunity to consider the evidence and provide a full and meaningful response in their statement (as per **Regulation 19**) or at interview (**Regulation 20**).

- 2.33 Although best practice, there is no obligation on the Vetting Authority to continuously disclose information throughout the Vetting Withdrawal process. For example, providing the officer concerned with specific evidence at or prior to interview does provide a good opportunity to clarify the officer's account, and clarify or resolve any areas of dispute or differing interpretation.
- 2.34 The Assessor has a duty under **Regulation 18** of the Vetting Regulations to provide the officer concerned with a written notice which includes details of the matters under consideration for a vetting withdrawal assessment. The Vetting Authority has a further duty at **Regulation 25** to provide the officer concerned with a written report and any other documents relevant to the withdrawal assessment outcome, and the Assessor also has a duty at **Regulation 21** to provide periodic updates concerning the timelines of the assessment. As per paragraph 2.32, the Vetting Authority or the Assessor - subject where required to the harm test or the need to consider potential prejudice - must be as full and transparent as is appropriate in disclosing these documents to the officer concerned.
- 2.35 Where information has been withheld from the vetting applicant, either when providing information under **Regulations 18, 21 or 25**, or when information is otherwise requested or required in the duration of the vetting withdrawal assessment, then the Vetting Authority or the Assessor must ensure a detailed rationale is appropriately recorded, supporting the decision.
- 2.36 There should be a high threshold for providing no information to the officer concerned, and any rationale for complete non-disclosure ought to be carefully scrutinised. It is important that the officer concerned should be capable of understanding and appropriately addressing the case against them. Even where information relates to a third party, the Vetting Authority or the Assessor must seek to allow as full a disclosure as possible.
- 2.37 If the Vetting Authority or Assessor is uncertain about whether information should be disclosed, they may seek advice from their legal or information governance departments. [The College of Policing's vetting APP](#) may also be consulted, as this provides further detail on good practice in intelligence disclosure.

### **The Harm Test**

- 2.38 As set out at **Regulation 8** of the Vetting Regulations, information in documents gathered in the course of a vetting withdrawal assessment, which in the Vetting Regulations are stated to be subject to the Harm Test, must **not** be supplied to the officer concerned where the Vetting Authority considers that the prevention of disclosure to the officer is:

- a. Necessary for the purpose of preventing the premature or inappropriate disclosure of information that is relevant to, or may be used in, any-
  - i. criminal proceedings,
  - ii. misconduct proceedings, or
  - iii. accelerating misconduct hearing
- b. Necessary in the interests of national security
- c. Necessary for the purpose of the prevention or detection of crime, or the apprehension or prosecution of offenders,
- d. Necessary for the purpose of the prevention or detection of misconduct by other police officers or police staff members or their apprehension for such matters,
- e. Justified on the grounds that providing the information would involve disproportionate effort in comparison to the seriousness of the matter concerned,
- f. Necessary and proportionate for the protection of the welfare and safety of any informant or witness, or
- g. Otherwise in the public interest



## Section 3: Withdrawal assessments - general

This section contains guidance relating to disclosure considerations, and the support the officer concerned is entitled to as part of a vetting withdrawal assessment and vetting withdrawal appeal panel meeting. It sets out the re-deployment and suspension provisions, and what happens when an officer retires or resigns. It further sets out the relationship between the Vetting Regulations and the Conduct and Performance regulations

- [Chapter 8: Representation: Legal and other](#)
- [Chapter 9: Criminal and other proceedings](#)
- [Chapter 10: Suspension and restriction of duties](#)

### Chapter 8: Representation: legal and other

#### Role of the Police Friend

- 3.1 Police officers have the right to be accompanied by a police friend at any interview or appeal meeting during a vetting withdrawal assessment, and to be advised by a police friend at all stages of vetting withdrawal assessment proceedings. The police friend is there to support the officer and to make representations on their behalf. This role is integral to the proceedings and an important means of ensuring not only that the officer is supported during the process but also that correct procedures are followed.
- 3.2 A police friend can advise the police officer throughout the proceedings and can advise on how to gain legal representation and completion of relevant paperwork. They can make representations to the Vetting Authority concerning any aspect of the proceedings under the Vetting Regulations, including to the appeal panel (see paragraph 3.9). Whilst both a lawyer and a police friend may be present during an interview or an appeal meeting, the officer will be represented at those proceedings by their lawyer.
- 3.3 The officer concerned may choose a police officer, a police staff member or a person nominated by the police officer's staff association to act as their police friend. A person approached to be a police friend is entitled to decline to act as such.

- 3.4 A police friend should not otherwise be involved in the withdrawal assessment; officers are discouraged from choosing a police friend who may be asked to provide evidence as part of the withdrawal assessment. A police friend should not be asked to provide an account of the matters that are subject of the vetting withdrawal assessment, for example being cross-examined or called as a witness in relation to their role as police friend or the advice provided to the person they are representing.
- 3.5 Police officers are expected to act with honesty and integrity when undertaking their role as a police friend and continue to be subject to the Standards of Professional Behaviour. This means that their conduct as police friend must also adhere to the standards. The police friend can:
- a. advise the officer concerned throughout the proceedings under the Vetting Regulations;
  - b. make representations to the Vetting Authority concerning any aspect of the proceedings under the Vetting Regulations; and
  - c. accompany the officer concerned to any interview or appeal meeting under the Vetting Regulations.
- 3.6 It is good practice to allow the police friend to participate as fully as possible, but at an interview, meeting or hearing the police friend is not there to answer questions on the officer's behalf. It is for the officer concerned to speak for themselves when questioned.
- 3.7 A police friend who has agreed to accompany a police officer is entitled to take a reasonable amount of duty time to fulfil their responsibilities as a police friend and should be considered to be on duty when attending interviews or appeal meetings.
- 3.8 At any stage of a case, up to and including a vetting withdrawal appeal panel meeting, the officer concerned or their police friend may submit that there are insufficient grounds upon which to base the vetting withdrawal assessment and/or that the correct procedures have not been followed. This is subject to any timescales set out in the Vetting Regulations. The officer or their police friend should clearly set out the reasons for thinking that there are insufficient grounds or incorrect procedures and submit any supporting evidence. It will be for the person responsible for the relevant stage of the vetting withdrawal assessment (for example the chair of a vetting withdrawal appeal panel) to consider any such submission and determine how best to respond to it, bearing in mind the need to ensure fairness to the officer concerned, when balanced against wider public interest, and whether the process has resulted in serious unfairness.
- 3.9 At a withdrawal assessment interview or a police vetting appeal meeting under the Vetting Regulations where the police friend attends, they should be permitted to, except where the officer concerned is legally represented:
- a. put forward the police officer's case,

- b. sum up that case,
- c. make representations concerning any aspect of the proceedings,
- d. confer with the police officer,
- e. in a vetting withdrawal appeal panel meeting, ask questions of any witness, subject to the procedure adopted by the person(s) conducting that hearing.

### **Legal representation for the officer**

3.10 A police officer is entitled to be legally represented at a vetting withdrawal assessment interview or a vetting withdrawal appeal panel meeting, as set out at **Regulation 10** of the Vetting Regulations. Where they decide to be so represented, the police friend can also attend and may consult with the officer concerned; where both a lawyer and a police friend are present during an interview or an appeal meeting, the officer will be represented at those proceedings by their lawyer. In these circumstances, the lawyer will:

- a. put forward the police officer's case,
- b. sum up that case,
- c. make representations concerning any aspect of the proceedings,
- d. confer with the police officer,
- e. in a vetting withdrawal appeal panel meeting, ask questions of any witness, subject to the procedure adopted by the person(s) conducting that hearing.

3.11 It should be noted that the unavailability of one or more preferred lawyers (i.e. lawyers of the officer's choice) is not a valid ground for delaying an interview or an appeal meeting where alternative legal representation can be found.

3.12 Where a police friend is acting as such for a colleague from another force, then the Chief Officer of the police force of which the police friend is a member should pay the reasonable expenses of the police friend.

### **Representation for the Vetting Authority**

3.13 The Vetting Authority is entitled to be legally represented at a vetting withdrawal assessment interview or a vetting withdrawal appeal meeting. It is up to the Vetting Authority to consider whether this is necessary on a case-by-case basis, however it is recommended in cases which may be particularly complex or contentious.

3.14 The Vetting Authority can also be represented at an interview or an appeal meeting by a police officer or police staff member of the police force concerned

## **Chapter 9: Criminal and other proceedings**

3.15 Before proceeding to a withdrawal assessment having concluded that the matter being considered could reasonably lead to the officer's vetting clearance being withdrawn, the Vetting Authority must determine whether or not

proceeding with a withdrawal assessment would prejudice any criminal proceedings or whether it is being or could be dealt with under the Police Conduct Regulations, Police Performance Regulations or Part 2 of the Police Reform Act 2002.

- 3.16 To help determine whether a withdrawal assessment would prejudice any criminal proceedings or be dealt with under a separate legislative regime, the Vetting Authority must consult the Head of the Professional Standards Department, as well as the Line Manager of the officer concerned as there may be issues relating to performance. The Head of the Professional Standards Department will have sufficient knowledge of the Conduct, Performance and relevant Complaints matters to assist the Vetting Authority with its decision-making, though where there are criminal proceedings, the Vetting Authority may also ask the Head of the Professional Standards Department to contact the Director of Public Prosecutions for advice. Legal advice may also be sought.
- 3.17 Where withdrawal assessments would prejudice criminal proceedings or relate to conduct, performance or other relevant proceedings, the Vetting Authority must suspend withdrawal assessment proceedings and the Appropriate Authority or, where relevant, the officer's line manager, must ensure that the matter is dealt with under the relevant framework. Upon conclusion, the Appropriate Authority or the officer's line manager (where appropriate) must notify the Vetting Authority to enable vetting proceedings to continue. The Vetting Authority may consider it appropriate to conduct a revised severity assessment to establish whether a vetting withdrawal assessment is still required. This will require a revised notice to be given under **Regulation 18**.
- 3.18 There may be some cases where a matter which could reasonably lead to withdrawal of vetting clearance is identified but is separate to ongoing proceedings in relation to criminal, conduct, performance or otherwise. If the matter does not engage the conduct, performance or Police Reform Act 2002 framework, and would not prejudice any ongoing criminal proceedings, the Vetting Authority must progress with withdrawal assessment proceedings.

## Chapter 10: Suspension and restriction of duties

### Temporary redeployment or alternative duties

- 3.19 An officer may be either temporarily redeployed or provided with alternative or restricted duties whilst undergoing a vetting withdrawal assessment. The Vetting Authority may consider temporary redeployment or alternative/restricted duties at any time during the withdrawal assessment. Any decision to temporarily redeploy or provide alternative or restricted duties must not prejudice or prejudice the outcome of the vetting withdrawal assessment. This action has no bearing on any indication that vetting clearance should be withdrawn, and should not be seen as such; it is only an acknowledgement that, until a vetting withdrawal assessment decision is made, it is reasonable

and proportionate for the officer to be removed from their current duties according to the circumstances of the case as understood at the time.

3.20 Whilst the decision to either temporarily redeploy an officer or provide them with alternative or restricted duties is ultimately for the Vetting Authority to make, this decision should only be taken where:

- i. There is an appropriate role for the officer to occupy whilst undergoing the vetting withdrawal assessment;
- ii. The vetting withdrawal assessment would not be prejudiced by the officer continuing to serve with the police for its duration; and
- iii. The public interest, having regard to the nature of the allegation and any other relevant considerations, requires that the officer should be temporarily redeployed or provided with alternative or restricted duties.

3.21 The officer should be told why they are being temporarily redeployed or provided with alternative or restricted duties, and this should be confirmed in writing. It should also be explained, so far as possible, what the public interest grounds are.

3.22 It is anticipated that, in most cases – and especially where a vetting withdrawal assessment has begun – the application of the criteria at paragraph 3.20 will lead to the conclusion that the officer concerned should not be temporarily redeployed or provided with alternative or restricted duties. The fact that the Vetting Regulations have been engaged suggests that there is an ongoing risk to the public or to police assets that cannot be mitigated by measures such as redeployment. This means that suspension is likely to be the appropriate outcome. However, the short-term mitigation of risk is not equal to long-term mitigation, and the Vetting Authority may consider that there are temporary measures such as intensive additional supervision that would facilitate redeployment in the short-term but which are not tenable in the long-term.

3.23 If temporary redeployment or alternative/ restricted duties are not considered to be appropriate, then the Vetting Authority may consider suspension.

## **Suspension**

3.24 An officer may be suspended while undergoing a vetting withdrawal assessment. Suspension can be pursued under **Regulation 13** of the Vetting Regulations. The Vetting Authority can consider suspension at any time from the point at which a matter comes to their attention that indicates that the officer may no longer be suitable to hold vetting clearance – as per **Regulation 4(1)**. Suspension must not prejudice or preclude the outcome of the withdrawal assessment. The decision to suspend an officer has no bearing on whether vetting clearance should be withdrawn, and should not be seen as such – suspension only occurs for the reasons set out below and based on the circumstances known at the time the decision is taken.

3.25 While suspended under the Vetting Regulations, the officer concerned ceases to hold the office of constable, save for the purposes of the Vetting Regulations.

They remain subject to the Vetting Code of Practice and Standards of Professional Behaviour. Therefore, at the point of suspension, the officer's warrant card or police identification must (unless exceptional circumstances apply) be removed. This should include any police-issued identification or item which allows or facilitates access to police premises, systems or which provides discounted travel for police officers on public transport.

- 3.26 For the reasons given at paragraph 3.22, it is anticipated that suspension is likely to be the outcome in the majority of cases. However, the decision to suspend a police officer may only be taken where no possible temporary redeployment or restricted/ alternative duties are appropriate in the circumstances of the case and it appears to the appropriate authority that either:
- i. an effective assessment may be prejudiced unless the police officer is suspended or
  - ii. the public interest, having regard to the nature of the allegation and any other relevant considerations, requires that the officer should be suspended.
- 3.27 It follows that temporary redeployment or restricted/ alternative duties must always be considered first as an alternative to suspension.
- 3.28 The police officer must be told why they are being suspended and this must be confirmed in writing. If suspension is on public interest grounds, it should be clearly explained, so far as possible, what those grounds are.
- 3.29 The officer or their police friend may make representations against the initial decision to suspend (before the end of 7 working days beginning with the first working day after being suspended) and at any time during the course of the suspension if they believe the circumstances have changed and that the suspension is no longer appropriate. The Vetting Authority must review the suspension conditions on receipt of these representations.
- 3.30 The use of suspension must be reviewed at least every 4 weeks, and sooner where facts have become known, whether by notification or otherwise, which suggest that suspension is no longer appropriate. In cases where the suspension has been reviewed and a decision has been made to continue that suspension, the police officer must be informed in writing and given a summary of the reasons why, within 3 working days beginning with the day after the review.
- 3.31 The officer concerned will remain suspended until a vetting withdrawal decision has been made or until the withdrawal assessment has been discontinued under **Regulation 22**) or otherwise where the Vetting Authority decides that the suspension conditions are no longer satisfied.
- 3.32 Suspension must be authorised by a senior officer. Any suspension requests put forth by the Vetting Authority for authorisation must include a clear rationale for the suspension, as well as any conditions or restrictions highlighted at

paragraph 3.33. The chief officer is responsible for the suspension of senior officers within their force and the local policing body is responsible for the suspension of the chief officer.

- 3.33 The Vetting Regulations and Standards of Professional Behaviour continue to apply to police officers who are suspended from duty. The Vetting Authority can impose such conditions or restrictions on the officer concerned as are reasonable in the circumstances, for example, restricting access to police premises or police social functions.
- 3.34 As set out in **Regulation 13** of the Vetting Regulations, where it is decided that the police officer will be suspended from duty, this will be with pay. The rate of any pay, including relevant allowances, will be that which the officer would be entitled to if not so suspended. This includes circumstances where an individual is in receipt of an allowance in respect of temporary promotion.
- 3.35 Where an officer has been temporarily promoted in rank and is the subject to a vetting withdrawal assessment, the officer should remain temporarily promoted and retain any relevant allowances where the circumstances are otherwise the same as they were before the matter came to the attention of the appropriate authority. Temporary promotion should not be rescinded solely on the basis that the officer is subject to these regulations.
- 3.36 Police officers who are suspended from duty are still allowed to take their annual leave entitlement in the normal way whilst so suspended, providing they seek permission from the Vetting Authority and receive authorisation from their line manager. The Vetting Authority should not unreasonably withhold permission to annual leave. Any annual leave not taken by the officer concerned within a year will still be subject to the rules governing the maximum number of days that may be carried over.

#### **Other proceedings and suspension, redeployment or alternative duties.**

- 3.37 On occasion, a withdrawal assessment may be paused whilst other processes, as set out in Chapter 4 and Chapter 9, are taking place. In these circumstances, if there are suspension provisions for those other processes (such as any process under the Conduct Regulations), then the officer should cease to be suspended under the Vetting Regulations and should instead be suspended under the relevant regulations. Where there are no suspension provisions (such as under the Performance Regulations), then the vetting suspension provisions will continue to apply.
- 3.38 The above process remains applicable where the officer concerned has been redeployed or provided alternative duties. However, in cases where there are no alternative suspension provisions (i.e. under the Performance Regulations), the Vetting Authority must assess whether suspension is more appropriate than maintaining the officer concerned on alternative duties or redeployment, given that risk mitigation for potentially lengthy processes may be untenable. This is to ensure protection of the public and police assets in delayed cases.

## **Resignation and retirements during the course of a vetting withdrawal assessment and proceedings**

- 3.39 Police officers who are subject to the vetting withdrawal assessment process may give notice to resign or retire. On resignation or retirement, the officer will cease to be a police officer and any vetting clearance they previously held will be immediately terminated.
- 3.40 Officers who give notice to resign or retire should no longer be subject to the vetting withdrawal process. The Vetting Authority should discontinue the vetting withdrawal process once they have received confirmation of the officer's retirement or resignation, unless exceptional circumstances apply. For example, if an officer gives notice of resignation or retirement, but it is not effective immediately or in the short-term, then the Vetting Authority may consider it appropriate to continue the vetting withdrawal process.
- 3.41 The assessor should produce a written report on the withdrawal assessment to that point, and the Vetting Authority should provide a statement alongside the report which clearly states that the officer has resigned or retired, and as such no further action will be taken with regards to the vetting withdrawal assessment. These records should be maintained in line with the requirements of **Regulation 14** and in alignment with the guidance set out at paragraphs 2.25 - 2.27.
- 3.42 The Vetting Authority should also ensure that an intelligence marker is placed on PND, which should, at a minimum, record details of the department retaining the relevant information. [The College of Policing's Vetting APP](#) provides more detail on this process, including an intelligence marker text template for adverse information. This will enable adverse information relating to the officer who retired or resigned to be assessed during any future police vetting applications. This will enable adverse information relating to the officer who retired or resigned to be assessed during any future police vetting applications.
- 3.43 Vetting records, including those on PND, should not be kept for longer than is necessary. Please refer to the Chapter on 'Record Keeping' and the College of Policing's [Information management APP](#) for further detail.
- 3.44 Should an officer whose vetting has been terminated seek to re-join the force, they must undergo a full re-vet.



## Section 4: Withdrawal assessments - procedure

This section contains guidance about the vetting withdrawal assessment process, including the gathering of information, interviews and the preparation of a written report. It sets out the decision-making process and outcomes. It also sets out the vetting withdrawal appeal panel composition, process and outcomes.

- [Chapter 11: Pre-assessment procedures](#)
- [Chapter 12: Vetting withdrawal: gathering information and intelligence](#)
- [Chapter 13: Vetting decisions: discontinuance, outcomes and reporting](#)
- [Chapter 14: Vetting withdrawal appeal panel](#)

### Chapter 11: Pre-assessment procedures

#### The Vetting Severity Assessment

- 4.1 When adverse information or other intelligence requiring consideration about an officer (which could include links to a relevant third party such as a family member or associate) comes to the attention of the Vetting Authority that indicates that they may no longer be suitable to hold vetting clearance - either through a vetting review or renewal, or any other means - the Vetting Authority must conduct a severity assessment to determine whether the matter(s) could reasonably lead to vetting clearance being withdrawn. This is set out in **Regulation 15** of the Vetting Regulations. A vetting severity assessment must be completed before a vetting withdrawal assessment is commenced.
- 4.2 As part of carrying out the vetting severity assessment, the Vetting Authority should come to a decision having assessed the information available to it at that point in time, as to whether the matter could 'reasonably lead to vetting clearance being withdrawn'. However, as noted in Chapter 6 above, the Vetting Authority may seek to ask relevant questions of the officer concerned or other persons which can specifically help them determine whether the matter could 'reasonably lead to vetting clearance being withdrawn'.
- 4.3 As noted in Chapter 6, there is an expectation that the officer engages openly and honestly with the Vetting Authority on its questions to help it to assess

whether the matter could ‘reasonably lead to vetting clearance being withdrawn’. If the officer does not enable the Vetting Authority to make such a determination, then it may be appropriate to proceed to carrying out a withdrawal assessment on the grounds that it is not possible for the Vetting Authority to reassure itself that the matter could not reasonably lead to vetting clearance being withdrawn.

- 4.4 The term ‘reasonably’ in this case, means that the threshold is met if a reasonable person, knowing everything that the Vetting Authority knows, would come to the view that the matter could lead to vetting clearance being withdrawn. **The vetting severity assessment result in itself does not presume that vetting clearance will be withdrawn.**
- 4.5 Where the Vetting Authority considers that the matters under consideration could not lead to vetting clearance being withdrawn, it must assess whether:
- a. The matter should be referred to be dealt with under-
    - i. The Conduct Regulations
    - ii. The Performance Regulations, or
    - iii. Part 2 of the 2002 Act, or
  - b. It should take no further action
- 4.6 The Vetting Authority (if they are a chief officer of police) must consult with the relevant persons as set out at **Regulation 15(3)** before making an assessment as to whether the matter should be dealt with under any of the legislation set out at **(a) i-iii** above). Please refer to Chapter 9 for further detail.
- 4.7 Where the Vetting Authority has determined that the matter could not reasonably lead to vetting clearance being withdrawn, they must inform the officer concerned in writing as soon as practicable that there will be no further action, or whether further action is taken in the form of a referral – i.e. for the matter to be dealt with under any of the processes set out at **(a) i-iii** above.
- 4.8 Where the Vetting Authority determines that the matter under consideration **could** reasonably lead to vetting clearance being withdrawn, then the officer concerned must be subject to a vetting withdrawal assessment. The officer concerned must be informed that they will be subject to a vetting withdrawal assessment as soon as is practicable, after an Assessor has been appointed. The Assessor must provide a notice as per **Regulation 18** of the Vetting Regulations (see para 4.21), which includes the result of the severity assessment.
- 4.9 The Vetting Authority may revise the severity assessment at any time during the vetting withdrawal assessment. This may be because in gathering further information, it becomes clear to the Assessor that the matters should be dealt with in a manner other than that of a vetting withdrawal assessment.
- 4.10 Where the Assessor believes that, taking into account new intelligence or information regarding the matters under assessment, the Vetting Authority is likely to determine that the matter could not reasonably lead to vetting

clearance being withdrawn, then the Assessor must submit a report to the Vetting Authority. This report should include, as per **Regulation 22(2)** of the Vetting Regulations:

- a. a statement of the assessor's belief and the grounds for it,
- b. a written report on the withdrawal assessment to that point, and
- c. a statement of the assessor's judgment as to how the matter should be referred to be dealt with under the Conduct Regulations, the Performance Regulations or Part 2 of the 2002 Act, or if it should take no further action.

4.11 Where the Vetting Authority decides to take one of the actions mentioned in **Regulation 15(2)(a)** (paragraph 4.5 (a) i-iii above) in accordance with **Regulation 15(6)** of the Vetting Regulations, the Vetting Authority must, as soon as practicable, notify the officer concerned in writing. Where the vetting severity assessment has been revised (as at **Regulation 15(5)**), and if a written notice has already been provided to the officer concerned, the Vetting Authority must provide the officer with a revised written notice. This written notice should, where possible, provide the reason for revised severity assessment.

### **Appointment of the Assessor**

4.12 Where the Vetting Authority has undertaken a severity assessment and determined that the matter could reasonably result in vetting clearance being withdrawn, then they must appoint an Assessor to assess the matter.

4.13 The Assessor can be a police officer, police staff member or another person, providing they have the necessary level of knowledge, skills and experience to plan and manage the withdrawal assessment, as set out in **Regulation 16** of the Vetting Regulations. The assessor may not be an interested party or work, directly or indirectly, under the management of the officer concerned. An interested party in this circumstance means a person whose appointment could reasonably give rise to a concern as to whether the person could act impartially. There is no specific rank requirement for the Assessor.

4.14 The Assessor may also be requested and subsequently appointed from a different force, or another relevant body – such as the College of Policing or the Police National Vetting Service. This may be helpful when assessing complex cases, or where appointing a person who is not an interested party from within the force concerned is difficult.

4.15 The Vetting Authority is not precluded from appointing themselves as the Assessor however consideration will need to be given on whether they would be assessed to be an “interested party”.

4.16 Where the Officer concerned is a senior officer, in addition to the restrictions highlighted at paragraph 4.13 above, the Assessor cannot be the chief officer of the same police force, or a member of the same police force as the officer concerned, or serving in the same command as the Officer concerned where they are a member of the Metropolitan Police Service. In practice, this means

that the Assessor must not be from the same police force as the officer concerned – though an exception has been made for the Metropolitan Police Service due to its size and the likely degree of separation between senior officers, though interested party considerations still apply.

- 4.17 The Vetting Authority who appoints the assessor must have confidence in the knowledge, skills and experience of the appointee to carry out the withdrawal assessment on the officer concerned.

### **Conducting the withdrawal assessment**

- 4.18 The Assessor must carry out the assessment in a fair and proportionate manner, taking into account all of the information and intelligence gathered and coming to an informed and reasonable decision. Throughout the process, the assessor should record a contemporaneous account of their decisions and rationale to ensure the Vetting Authority is able to take an informed decision upon conclusion of the assessment, and to ensure the officer concerned can understand in as much detail as possible how the final decision has been reached.
- 4.19 It is essential that the Assessor ensures that they are adopting a fair and consistent approach throughout the lifetime of the withdrawal assessment, including in relation to disclosure of documentation or information. Please refer to Chapter 7 for further detail.
- 4.20 It is good practice for the Assessor to keep the officer concerned informed of the progress of the withdrawal assessment. It is also good practice to keep the police friend informed of the progress at the same time. Where the withdrawal assessment is not completed within 15 days - beginning on the first working day after written notice is given - the Assessor, as per **Regulation 21(1)** of the Vetting Regulations, must provide in writing the following information: the progress of the withdrawal assessment; an estimate of when it will be concluded and a report submitted; the reason for the length of time taken for the withdrawal assessment; and a summary of steps to progress the withdrawal assessment and bring it to a conclusion. This information must be provided for each subsequent period of 15 working days, beginning with the day after the end of the previous relevant period.

### **Notification of the withdrawal assessment to the officer concerned**

- 4.21 The Assessor, as soon as reasonably practicable after being appointed, must provide the officer concerned with written notification that they are subject to a vetting withdrawal assessment and the outcome of the severity assessment under **Regulation 18** of the Vetting Regulations. This notice will:
- a. describe the matter(s) under consideration, and how that matter may indicate that the officer may no longer be suitable to hold vetting clearance,

- b. explain the result of the severity assessment conducted by the Vetting Authority; this should include an explanation that further severity assessments can be conducted at any time during the withdrawal assessment.
- c. inform the officer that there will be a vetting withdrawal assessment, and the name of the Assessor,
- d. explain the potential outcomes of the vetting withdrawal assessment, and that any outcomes – other than where the assessment is discontinued - must be agreed by a senior officer,
- e. inform the officer concerned that they may provide, within 10 working days following receipt of the notice of withdrawal assessment, a written or oral statement relating to the matter or matters which triggered the assessment, and the officer or their police friend may provide any relevant documents to the Assessor within this time.
- f. inform the officer that they have the right to seek advice from their staff association or other body and the right to have a police friend,
- g. inform the officer that they have the right to be represented by a relevant lawyer during a vetting withdrawal assessment interview, and at any subsequent appeal meeting. If the officer decides not to be legally represented, they may still be accompanied by a police friend. The notice should make it clear that if the officer decides not to be legally represented, they may be dismissed, or receive any other outcome of the withdrawal assessment, without being represented,
- h. inform the officer that they have a duty to give appropriate cooperation during the withdrawal assessment.
- i. inform the officer that whilst they do not have to say anything, it may harm their case if they do not mention when interviewed or providing any information within the relevant time limits something which they later rely on. The notice should also highlight to the officer that if they demonstrate an unwillingness to co-operate openly and honestly, the Vetting Authority may be unable to assess any identified risk and therefore may be unable to satisfy itself that the officer is suitable to hold clearance.

4.22 The Assessor should also provide the officer concerned with clear notice of the legal basis of the withdrawal assessment that they are subject to - i.e. that the withdrawal assessment is held under the Police (Vetting) Regulations 2025, and inform the officer concerned that, if they were to be dismissed following the vetting withdrawal assessment, an intelligence report will be placed against the officer on the PND.

4.23 The notice should be written in clear and unambiguous language. Where the officer has identified a need to obtain an accessible version of the notice, this should be provided to them. The Vetting Authority is required to reissue a revised notice to the officer concerned if there is a revision to the severity assessment.

4.24 The Assessor must take into consideration the harm test before providing the officer concerned with the written notice. The Assessor need not provide information to the officer concerned where to supply this information would

cause one of the harms set out at **Regulation 8** of the Vetting Regulations (see paragraph 2.38). Where the Assessor considers that it might prejudice the withdrawal assessment, or any other investigation, they must not provide any notice at all. Any decision not to provide written notice to the officer should be recorded by the decision-maker and kept under regular review. As highlighted in paragraph 2.36, the threshold for non-disclosure of information is high.

- 4.25 Where the officer does not co-operate in a manner to enable the Vetting Authority to carry out a vetting severity assessment effectively, the Vetting Authority should set this out in as much detail as possible. This may provide further grounds for withdrawing vetting clearance from the officer and so it is essential that this is recorded.

### **Representation to the Assessor**

- 4.26 The Officer concerned, once they have received a written notice as laid out in **Regulation 18** of the Vetting Regulations, may under **Regulation 19** make representations to the Assessor before the end of 10 working days, starting the first working day **after** the notice has been received. This opportunity is essential to both the Assessor and the officer concerned, as it allows the officer to engage in the withdrawal assessment and provide a written or oral statement. It enables the officer an opportunity to provide a clear version of their account relating to the matters under consideration, whilst also providing an explanation for their actions or role within these matters.
- 4.27 Representations by the officer also aid the Assessor with potential routes of inquiry and sources of information, enabling them to establish the facts and circumstances of the matter, and gain insight into the officer's view of the circumstances of the matter under consideration. These details - alongside other intelligence or information - are essential in developing a broader picture of the matter, which will enable the Assessor to build a clearer understanding of the circumstances to inform their decision making. The Assessor will also have the ability to develop more structured and insightful follow-up questions for any subsequent withdrawal assessment interview.
- 4.28 Any written or oral statement to the Assessor must be made by the officer concerned. In addition to a written or oral statement, the officer concerned (or their police friend) may also provide any documents which they consider to be relevant to the matter under consideration to the Assessor. This includes suggestions for lines of inquiry, any potential sources of information, and witnesses for interview.
- 4.29 The account provided by the officer should also include any mitigating circumstances or factors which may be relevant to the assessment of the matter. It is important that such mitigating circumstances are made known to the Assessor as early in the process as possible to allow the Assessor to fully assess the implications of the withdrawal assessment and consider the most appropriate action.

4.30 The Assessor has a duty, as set out at **Regulation 19(2)**, to consider the representations and documents provided by the officer concerned and record receipt of these. They should also document reasons for following or not following any submissions made by either the officer concerned or their police friend, in order to ensure fairness and transparency. This will allow a proportionate withdrawal assessment report to be prepared, which will support the Assessor's decision-making. The Assessor may also extend the 10-working day time limit for provision of these representations, where they consider it appropriate or necessary.

### **Cases involving more than one matter**

4.31 There may be more than one matter relating to the officer concerned when conducting a withdrawal assessment. Where the Vetting Authority or the Assessor have identified multiple matters for consideration, the matters may be taken together and treated as a single matter for the purpose of the withdrawal assessment and the decision on it.

4.32 The aggregation of matters enables the Vetting Authority or the Assessor to make an assessment of those matters to determine, among other things, whether:

- a. at the vetting severity assessment, they meet the threshold for a withdrawal assessment to be held, or
- b. during the withdrawal assessment, they amount to the threshold for vetting clearance to be withdrawn, or conditions placed upon it

## **Chapter 12: Vetting withdrawal: gathering information and intelligence**

### **Purpose of withdrawal assessment**

4.33 The purpose of the vetting withdrawal assessment is to enable the Assessor to assess any matter posing a risk to the holding of a vetting clearance. This is done by gathering evidence, including interviews, witness statements and other information, to enable the Assessor and, subsequently, the Vetting Authority to assess the facts and circumstances appropriately, and make a decision regarding the vetting clearance of the officer concerned.

4.34 It is of the utmost importance that the vetting withdrawal assessment is conducted fairly, without bias or pre-judgement. The role of the Assessor and the Vetting Authority is to ensure that this approach is upheld throughout the assessment.

## Good practice and timeliness in withdrawal assessments

- 4.35 Withdrawal assessment processes help vetting authorities to reach a reasonable and proportionate outcome taking into account risks to public safety whilst also balancing protections for officers. To ensure that withdrawal assessments demonstrate both objectives, they should be thorough and detailed with contemporaneous notes being taken to inform the final decision. These notes should be logged as if they will be subject to further scrutiny – either at the force appeal stage, by a Police Appeals Tribunal or by His Majesty's Inspectorate of Constabulary and Fire & Rescue Services.
- 4.36 Assessments must be carried out as efficiently and effectively as possible to ensure that the time taken is reasonable and proportionate, given the effect such an assessment will have on the officer concerned as well as any others affected. This is particularly crucial where the officer has already been subject to a lengthy investigation in any other proceedings, such as conduct or performance.
- 4.37 The Vetting Regulations set out that withdrawal assessments are to be conducted within 15 working days, beginning with the first working day after a written notice under **Regulation 18** is provided to the officer concerned. However, it is acknowledged that some matters may be delayed due to various complexities, or the assessment may be paused or otherwise delayed due to other ongoing proceedings, such as criminal or conduct, which would reasonably justify a delay. Where an assessment takes more than 15 days, the Assessor must **under Regulation 21** explain the delay and, subject to the harm test, the reason for delay in writing. The purpose of this is to ensure transparency and accountability, and to provide reassurance to both the public and policing that withdrawal assessments are undertaken efficiently, to reduce any negative impacts. The information provided to the officer concerned must include:
- a. The progress of the withdrawal assessment
  - b. An estimate of when the withdrawal assessment will be concluded and a report submitted
  - c. The reason for delay
  - d. A summary of planned steps to progress the withdrawal assessment and bring it to a conclusion
- 4.38 If there is a delay due to other ongoing proceedings, the Assessor may agree with the officer concerned that they will only provide written notice for this delay once. The Assessor will then inform the officer concerned when or if the assessment will be resumed.
- 4.39 Particular care should be taken to ensure that assessments into those who are subject to a Regulation 18 notice, and suspended or on limited duties are undertaken as efficiently as possible, given the potential impact on those officers.



## Information sources

- 4.40 It is important that, at the outset of a withdrawal assessment, the Assessor conducts any checks on the officer concerned that they think are required to assist the withdrawal assessment. This is to establish what information is already held and identify gaps in any required information to enable them to effectively assess risk. **All vetting enquiries should be completed with professional rigour and curiosity.** These checks may have already been conducted as part of the initial vetting review. It is up to the Assessor to establish whether further checks are required for the officer concerned before information gathering relating to the matters of concern are commenced.
- 4.41 The main sources of information that the Assessor may wish to check are:
- a. A vetting form submission from the vetting applicant (if applicable)
  - b. Any vetting review considerations
  - c. All previous police vetting files
  - d. Police information systems, such as PND, and relevant casefiles
  - e. Credit reference databases
  - f. Open-source checks
  - g. People intelligence meetings
  - h. PSD & Counter-Corruption records
- 4.42 [The College of Policing's Vetting APP](#) provides further detail on relevant checks and assessments which the Assessor may wish to refer to. This includes detailed guidance on assessing threat and risk, factors requiring particular scrutiny, assessing circumstances which may impair judgement, and building a working strategy. The Assessor should also refer to the [National Decision Model](#), and develop a working strategy for information and intelligence gathering and risk assessment in alignment with the model.
- 4.43 Though ultimately a decision for the Assessor to make, they may consider it helpful to complete these checks prior to exploring any further lines of inquiry – such as officer or witness interviews, statement requests or intelligence leads. This is to ensure the Assessor can fully consider the information available to them and establish appropriate lines of inquiry.

## Withdrawal assessment interviews

- 4.44 During a withdrawal assessment, as set out at **Regulation 20** of the Vetting Regulations, the Assessor may require that the officer concerned attend an interview. The purpose of the interview is to clarify any queries ambiguities or other concerns the Assessor may have, and to hear an account of the matter under consideration from the officer concerned. The officer concerned may also request for an interview to be held during the withdrawal assessment process. Any interview should be held following the completion of relevant vetting checks as highlighted at paragraphs 4.40 – 4.42, to ensure that the Assessor has access to all the relevant information available to them.

- 4.45 Where either the Assessor has deemed that a withdrawal assessment interview is necessary, or the officer concerned has requested an interview, the Assessor must agree a date, time and place for the interview with the officer concerned. Where this cannot be agreed, the Assessor must set a date and time for the interview. An interview cannot be held if the officer concerned has not received a written notice of the withdrawal assessment, as required at **Regulation 18** (paragraph 4.21).
- 4.46 The interview may be conducted by the Assessor or on the Assessor's behalf by any other person who holds the required knowledge, skills and experience to effectively conduct such an interview, which could include an individual working in professional standards.
- 4.47 The officer concerned has a right, set out at **Regulation 10**, to legal representation during the interview; they may also choose to be accompanied by a police friend under **Regulation 9**. Where applicable, the Assessor should inform the police friend of the date, time and place of the interview. It should be noted that neither the lawyer nor the police friend may answer questions asked of the officer concerned on their behalf. Where sensitive information is being disclosed at the interview, the police friend may be requested to leave for a short period of time. The Assessor should also consider any data protection implications when disclosing information. The Vetting Authority, should they be involved in the interview, is also entitled to legal representation.
- 4.48 Prior to the interview, the Assessor should consider inviting representations from the officer concerned regarding disclosure (see paragraph 4.51) in order to avoid the risk of delay caused by the officer concerned making these representations during the interview. The Assessor should respond accordingly to any representations by, or on behalf (i.e. by the police friend), of the officer concerned.
- 4.49 Where an interview has been requested by the Assessor, the officer concerned must attend the interview. If the officer fails to attend the interview, without good reason, the assessor may be unable to satisfy themselves that the matter can be managed and that risk mitigation is possible. Where an interview has been requested by the officer concerned, they may retract this request. If the officer has retracted their request for an interview, they continue to have the right to provide a written or oral statement. If this is provided within the timeframe set out at **Regulation 19(1)**, then the Assessor must accept the written or oral statement, otherwise it is at the discretion of the Assessor whether they accept the written statement, but it is considered best practice to do so.
- 4.50 There may be circumstances in which the officer concerned, or their police friend, is unable to attend the interview at the date and time set by the Assessor. In these cases, the officer concerned may propose an alternative date or time. If it is reasonable, and the proposed date or time falls within 5 working days of the original scheduled interview - beginning with the first working day after the day originally specified by the Assessor – then the interview will be postponed to accommodate the request. Officers should not seek to avoid or extend a withdrawal assessment by making unreasonable

requests to attend an interview; this behaviour will not be considered favourably during the assessment and can be taken into consideration by the Assessor. As per Regulation 20(9), the officer must attend the interview.

- 4.51 To ensure that the officer can appropriately consider the information held by the force relevant to the matter, and provide a full and meaningful response at interview, it is considered best practice for the Assessor to be as full and open with the disclosure of evidence as possible, subject to the harm test or any other prejudice. The Assessor should fully consider, before giving the officer concerned this information, whether there is a good reason to withhold all or some of the evidence collected during the withdrawal assessment, including any potential benefits of staged disclosure. If there is no good reason, the Assessor should share all the relevant evidence obtained during the withdrawal assessment up until that point with the officer concerned. Where the Assessor has previously chosen not to disclose information (i.e. in the written notice) they may review this decision in preparation for the interview.
- 4.52 During the interview, the officer concerned may be given the opportunity to respond to the evidence disclosed by the Assessor. Providing the officer with specific information or intelligence at or prior to interview provides an opportunity to clarify the officer's account and resolve areas of dispute or different interpretation. This information should include specific details of the matters being brought against the officer concerned, including any relevant dates and places.
- 4.53 Where the officer concerned is on certificated sick leave, the Assessor should establish when the officer will be fit for interview. It may be that the officer is not fit for police duty but would be capable of being interviewed. Alternatively, the officer concerned may be asked to provide a written response to the allegations within a specified period and may be sent the questions which the Assessor wishes to ask.
- 4.54 It is essential that the welfare of the officer concerned is balanced against the need to ensure the withdrawal assessment is conducted as quickly as possible.
- 4.55 At the start of the withdrawal assessment interview, the officer concerned should be reminded of the matters set out in **Regulation 18(1)(g)** and **Regulation 18(1)(h)** of the Vetting Regulations.
- 4.56 A record of the withdrawal assessment interview should be made. The record of the interview should be given to the officer concerned after the interview has been conducted, either as an electronic recording or a written summary of the interview. Where this is provided as a written summary, the officer concerned should be given the opportunity to review the record and sign that they agree that it is an accurate record of what was said.
- 4.57 Where the officer concerned refuses or fails to exercise their right to agree and sign a copy, this should be noted by the Assessor. The officer concerned may make a note of the change(s) they wish to be made and a copy of this should be sent to the Assessor.

- 4.58 The Assessor may not always deem that a withdrawal assessment interview with the officer concerned is necessary, and it may be more appropriate to request a written account from the officer instead. Where an officer has already provided a full and detailed account as part of a written or oral statement, this may well, in some circumstances, negate the need for a withdrawal assessment interview. No adverse inference should be drawn against the officer in these circumstances. Unless requested by the officer concerned, the decision to hold an interview is at the discretion of the Assessor. Though it is worth highlighting that an interview can be beneficial in exploring the account of the officer, as well as providing the opportunity to the Assessor to ask relevant follow-up questions or probe further where an account has been given.
- 4.59 Where no interview has been held, this does not necessarily indicate that there is limited evidence in such a withdrawal assessment. For example, it may be that sufficient evidence was provided by the officer concerned as part of their written or oral statement under **Regulation 19**. In deciding whether or not to hold an interview, Assessors should consider the need and purpose of holding the interview and what further information they are seeking to obtain from the person they intend to interview.
- 4.60 The Assessor should refer to the [College of Policing's Vetting APP](#) for supplemental advice on handling exploratory vetting interviews.

#### **Witness statements or interviews**

- 4.61 As at **Regulation 17**, the Assessor may interview witnesses as part of the withdrawal assessment. A witness should only be requested to attend an interview if the Assessor reasonably believes that their attendance is necessary to resolve any disputed issues related to the matter concerned. Where the witness is the officer concerned, the procedure must be in accordance with Regulation 20.
- 4.62 Where the Assessor deems it necessary for a witness, who is currently serving or working in policing, to attend an interview, the witness should be made available to attend by the parent force. The Vetting Authority should meet reasonable expenses of any witness.
- 4.63 As at **Regulation 19**, the officer concerned, or their police friend, may make suggestions for witnesses to interview. Based on the information and intelligence they hold, the Assessor may decide that a witness which has not been suggested by the officer concerned, or their police friend, should be interviewed.
- 4.64 The Assessor should cause any witness, whether they are policing or otherwise, to be given a notice that their attendance at an interview is necessary, and provide them with the date, time and place of the interview.
- 4.65 The Assessor cannot compel a police officer witness to attend an interview for a withdrawal assessment at this point, however the Assessor should outline

that failure to do so may prove contrary to the Duty of Cooperation. As such, should a police officer witness refuse to cooperate with the Assessor, they may be referred to the Appropriate Authority for a potential breach of professional standards. The Assessor is also unable to compel any non-police witness to attend the interview; non-police witnesses have a right to refuse a summons to interview.

- 4.66 The interview may be conducted by the Assessor or on the Assessor's behalf by any other person who holds the required knowledge, skills and experience to effectively conduct such an interview, which could include an individual working in professional standards.
- 4.67 The Assessor may also make a decision that witnesses need not attend an interview. In these circumstances, the Assessor may instead request a written statement, with specific questions put to the witness to help them to compose the statement. The Assessor may also rely on any previous interview, statements or cross-examination of the witness from other proceedings which may have been held.

## Chapter 13: Vetting decision: discontinuance, outcomes and reporting

### Decision considerations

- 4.68 The Assessor should ensure that all relevant and necessary information or intelligence has been gathered before they make any judgment regarding the vetting clearance of the officer concerned. It is crucial that the Assessor fully considers all the relevant information, to ensure an informed, reasonable and proportionate judgment is reached.
- 4.69 In assessing the information and intelligence they have gathered as part of the withdrawal assessment process, the Assessor should refer to, and make their judgment in accordance with the relevant statutory and non-statutory documents, such as:
  - a. The National Decision model
  - b. The College of Policing's Vetting Code of Practice
  - c. The College of Policing's Vetting APP
- 4.70 The Vetting Test is set out in the Vetting Code of Practice and accompanying APP. It is a two-stage test which the Assessor must apply to aid them in determining whether vetting clearance should be withdrawn. They should consider the specific circumstances of the case/matter and apply their judgement in a fair and proportionate manner. The Vetting Test consists of the following considerations:

- a. Are there reasonable grounds for suspecting that the applicant, a family or other relevant associate:
  - i. is or has been involved in criminal activity?
  - ii. has financial vulnerabilities (vetting applicant only)?
  - iii. is, or has been, subjected to any adverse information?
- b. If so, is it appropriate, in all circumstances, to withdraw vetting clearance?

## **Witness evidence**

- 4.71 Assessors will often be faced with conflicting accounts or information relating to the matter under consideration. It is important that, despite this, all information is appropriately tested. This includes evidence which may be more tenuous, such as witness evidence which is weak, vague or inconsistent with other intelligence or evidence. Proper consideration of this type of information ensures that the Assessor is able to make a fairer, more informed decision based on varying accounts. Please refer to the [College of Policing's vetting APP](#) for further detail.
- 4.72 There will be cases where, for example, two conflicting witness accounts - i.e. one witnesses' word against another, or against the officer concerned - may on the analysis of evidence appear equally plausible. The Assessor should take these conflicting accounts into consideration in order to make an informed judgement about which account carries the most weight. It will be up to them, or the individual conducting the interview, to assess the evidence gathered at interview or the witnesses' demeanour to further inform on the judgement.
- 4.73 Where a witness other than the officer concerned refuses to attend an interview, the Assessor may wish to consider any previous cross-examination, interviews or statement provided by that witness in any previous proceedings when making their judgement.
- 4.74 A refusal by a witness to attend an interview does not imply that their account is incorrect, wilfully false or otherwise unreliable but the Assessor must bear in mind that the account has not been tested in the vetting process when considering the weight that may fairly be attached to it.
- 4.75 Conflicting accounts do not automatically imply that both accounts are equal in plausibility. There will be matters in which one witness account is inherently implausible on the basis that it is contradicted by the weight of other evidence, intelligence or information. This does not in itself call into question the credibility of the account. However, the Assessor should consider, particularly where there are clear discrepancies in accounts, whether there are concerns regarding credibility, and take this into consideration when making their judgement.
- 4.76 Any considerations relating to conflicting witness evidence should be appropriately documented. The Assessor should ensure that their considerations and judgement of such evidence is absolutely clear.

## The withdrawal assessment report

4.77 Having completed the vetting withdrawal assessment, the Assessor must under **Regulation 23**, as soon as practicable, submit a written report of the assessment to the Vetting Authority. There should be no unnecessary or unreasonable delay in the preparation and completion of the report. The assessment report should be completed with due care and attention, as this is an important document on which the withdrawal assessment decision made by the Vetting Authority will be based. The report must include the Assessor's judgement as to whether the vetting clearance of the officer concerned should or should not be withdrawn and, if it should not be withdrawn, how the case should otherwise be handled in accordance with **Regulation 15(2)**.

4.78 Additionally, as set out at **Regulation 23**, the written report must:

- a. Provide an accurate summary of the evidence available to the assessor, in addition to any information or intelligence gathered; and
- b. Attach or clearly refer to any documents that the Assessor considers relevant.

4.79 It is good practice to include a schedule of all material gathered during the course of the assessment, whether or not the Assessor considers them relevant. Sensitive material should be indicated on the schedule.

4.80 The report should be written objectively and in plain English, clearly explaining any technical terms used. The purpose of the withdrawal assessment report should be to:

- a. Explain the initial matter(s) which engaged the vetting withdrawal assessment;
- b. Summarise the initial severity assessment decision, and any subsequent severity assessment decisions;
- c. Set out key facts and evidence, and any information and intelligence gathered and provide a full analysis of these (including where these are disputed or not disputed in different versions of events);
- d. Include all relevant information, intelligence and evidence;
- e. Provide a focussed and proportionate summary of the information, evidence and intelligence gathered. Enough information should be provided to allow any reader to understand the facts and circumstances of the matter, and form a basis on which the vetting clearance decision can be taken.

4.81 It is recommended that the withdrawal assessment report should have two parts; the first part should contain the factual and objective description of any key facts and evidence, as well as information and intelligence which are relevant to the case. This should include any extracts of transcripts or summaries of interviews with either the officer concerned, witnesses or other relevant persons, as well as any written statements. The second part of the report should detail the Assessor's considerations of the information set out in

part one, including their overall judgement as to whether the vetting clearance of the officer concerned should be withdrawn. It should also provide detail on how the Assessor - having considered the facts and circumstances of the case - formed their judgment.

- 4.82 The Assessor must suggest, where the recommendation is that vetting clearance should not be withdrawn, how the matter should be dealt with under **Regulation 15(2)**. In these circumstances, the Assessor should also indicate their judgment as to whether any of the other outcomes under **Regulation 24(2)** should be considered (i.e., conditions should be imposed on the officer's vetting clearance or the officer's vetting clearance is downgraded with or without conditions).
- 4.83 Where the Assessor has considered any risk mitigation measures and their appropriateness, the report should detail these. This will be useful to demonstrate a thorough consideration of all potential outcomes but may also be useful for the Vetting Withdrawal Appeal Panel and for a Police Appeals Tribunal who will need to understand reasons for decisions taken. If the risk posed by the officer cannot be mitigated by imposing conditions or downgrading vetting clearance, the assessor should set out why.
- 4.84 Once submitted to the Vetting Authority, the withdrawal assessment report will form the basis of the final decision-making process and formal determination as to the outcome of the vetting withdrawal assessment.

### **Discontinuing the withdrawal assessment**

- 4.85 The Assessor may, at any point during the withdrawal assessment make a judgement, based on the evidence compiled, that it be discontinued. This judgement may be exercised where, during the course of the vetting withdrawal assessment, the Assessor discovers information or intelligence which was not available at the time of the initial severity assessment or any other subsequent revised severity assessments.
- 4.86 The Assessor must believe that, in considering this information, the Vetting Authority is likely to determine that the matter could not reasonably lead to the vetting clearance of the officer concerned being withdrawn.
- 4.87 Where the Assessor has judged that the withdrawal assessment should be discontinued, they must under **Regulation 23** submit a report (hereby known as the discontinuation report) to the Vetting Authority, providing all relevant information relating to the withdrawal assessment to that point. The report must include:
- a. A statement of the Assessor's belief that the Vetting Authority would, upon consideration of the evidence (as set out on the report), determine that the matter could not reasonably lead to vetting clearance being withdrawn
  - b. The grounds for that belief



- c. A statement of the Assessor's judgement as to how the matter should be dealt with in accordance with **Regulation 15(2)**.

4.88 Once the Vetting Authority has received the discontinuation report and any accompanying information, they must undertake a **Regulation 15** vetting severity assessment. The Vetting Authority will take the Assessors judgement into consideration when undertaking the severity assessment, but they will make the final decision.

4.89 Where the Vetting Authority assesses that the matter could not reasonably lead to vetting clearance being withdrawn, then they must discontinue the withdrawal assessment, and consider how the matter should be dealt with. As set out at **Regulation 15(2)**, the Vetting Authority may take no further action in relation to the matter, or, in relevant cases, refer the matter to be dealt with under:

- a. The Conduct Regulations
- b. The Performance Regulations
- c. Part 2 of the Police Reform Act 2002

4.90 The decision to discontinue a withdrawal assessment does not require authorisation by a senior officer.

4.91 Referral to one of the above (a-c) processes is expected to be infrequent at this stage in the withdrawal assessment process. However, it is worth noting that information or intelligence may come to light in the course of a withdrawal assessment which would require such a referral. In these circumstances, the Vetting Authority should speak to the Professional Standards Department or equivalent, and the line manager of the officer concerned to understand whether any matters should then be referred to them.

4.92 The Vetting Authority must, as soon as is practicable, notify the officer in writing that the withdrawal assessment has been discontinued, and that any notice provided under **Regulation 18** has been withdrawn and no further action relating to the withdrawal notice will be taken. The Vetting Authority must also provide any written notice required under **Regulation 15(6)**, although the same document may serve for notice under both provisions.

4.93 If the Vetting Authority, on receipt of the discontinuation report and having considered all of the facts and circumstances gathered - in addition to the Assessor's judgment - maintains the matter concerned could still reasonably lead to vetting clearance being withdrawn, then the Assessor must resume the withdrawal assessment.

### **Pausing the withdrawal assessment**

4.94 Where information or intelligence is uncovered during a withdrawal assessment, which may lead to a referral under points (a-c) above, the Assessor should alert the Vetting Authority at the earliest time as is practicable. This includes matters where the Assessor believes that the matter/matters

could still reasonably lead to vetting clearance being withdrawn, but other processes must take precedence.

- 4.95 In these circumstances, the Assessor must as soon as practicable after notifying the Vetting Authority, provide a report and any relevant documentation, in as close an alignment as the requirements set out at paragraphs 4.80 and 4.81 as is practicable.
- 4.96 The Vetting Authority, upon receipt of this information and any subsequent report, must consult with the relevant persons (as detailed in Chapter 9) to assess whether the withdrawal assessment should proceed. As at Regulation 12(3), no such withdrawal assessment may proceed where **Regulation 12(4)** applies. The withdrawal assessment will be paused until those processes have concluded. Please refer to the Chapter 9 for further detail.
- 4.97 If the Vetting Authority assesses that the matter should continue to be dealt with under the Vetting Regulations, the Assessor must resume the withdrawal assessment.

#### **Outcome of a completed withdrawal assessment**

- 4.98 On receipt of the **Regulation 23** report, the Vetting Authority must determine what outcome is fair, reasonable and most appropriate given the facts and circumstances of the matter. The Vetting Authority must consider the full details of the report, including all relevant information and intelligence set out in said report, and the judgment of the Assessor. They should also consider any risk mitigation strategies or potential conditions suggested by the Assessor.
- 4.99 The actions, as set out at **Regulation 24**, which may be taken are to:
- a. Impose conditions on the vetting clearance of the officer concerned
  - b. Downgrade the vetting clearance with or without conditions
  - c. Withdraw the vetting clearance, or
  - d. Direct that the matter should be dealt with in accordance with **Regulation 15(2)**, namely:
    - i. No further action
    - ii. Referral to be dealt with under:
      - 1. Conduct Regulations
      - 2. Performance Regulations
      - 3. Part 2 of the Police Reform Act 2002
- 4.100 In circumstances where the Vetting Authority is not a Senior Officer and proposes to impose conditions on, downgrade or withdraw the vetting clearance of the officer concerned, the Vetting Authority must outline its judgment, then provide the full **Regulation 23** report (including relevant documentation) to a Senior Officer for authorisation, as per **Regulation 3(2)(b)**. Where the Vetting Authority disagrees with the judgment of the Assessor, their reasoning should be clearly set out, in writing, to the Senior Officer, alongside the **Regulation 23** report.

- 4.101 Where an action cannot be agreed ‘on the papers’, the Senior Officer may request a meeting with the Vetting Authority and/ or the Assessor to discuss the matter.
- 4.102 The Senior Officer must decide whether to authorise the action to be taken. Whether or not the Senior Officer authorises the action proposed by the Vetting Authority, they should provide their reasoning in writing. It is important to note that the Senior Officer’s role is not a ‘rubber stamp’. They must carefully scrutinise both the **Regulation 23** report and the Vetting Authority’s reasons in order to determine whether the Vetting Authority’s decision was correctly made.
- 4.103 The Vetting Regulations do not prescribe what should happen if the Senior Officer does not authorise the decision made by Vetting Authority. But the withdrawal assessment does not come to an end, and the Vetting Authority should therefore consider the reasons provided by the Senior Officer and consider the next steps to be taken, for example whether a meeting should be held with the Senior Officer to discuss their concerns. The Vetting Authority may only proceed with an outcome if it has been authorised by the Senior Officer.
- 4.104 Police officers have a duty at **Regulation 5** of the Vetting Regulations to hold and maintain a vetting clearance. Any officer who has had their vetting clearance withdrawn must be dismissed without notice. Any dismissal made at **Regulation 24(3)** following the withdrawal of vetting clearance has effect from the date on which the officer concerned is notified of this outcome.
- 4.105 Any other action under **Regulation 24(2)** also take effect from the date on which the officer concerned is notified of the outcome of their withdrawal assessment.

### **Notification of the outcome**

- 4.106 Once an outcome decision has been made, it is up to the Vetting Authority to notify the officer concerned as soon as practicable. This should be made in writing, and must include:
- a. The outcome of the withdrawal assessment
  - b. Subject to the harm test;
    - i. the withdrawal report submitted at **Regulation 23**, or at a minimum, the parts which relate to the officer concerned; this should include any documents attached or referred to in the report which relate to the officer. The report and any accompanying documents may be suitably redacted where appropriate.
    - ii. any other document which might reasonably be considered to support or undermine the outcome of the withdrawal assessment. These may also be suitably redacted where appropriate.

- 4.107 Where the officer concerned has had their vetting clearance withdrawn, the Vetting Authority must also send the officer a written notice of their dismissal. This notice must include information regarding the officer's right to appeal under **Regulation 26**, including the name of the person to whom an appeal should be sent. The appeal should, usually, be sent to the Vetting Authority who made the decision and provided the outcome notification (i.e. in the majority of cases, the person who exercised the delegated functions under **Regulation 3(1)**). Only in exceptional circumstances (for example, where the Vetting Authority falls ill) should the force nominate another person to receive the appeal.
- 4.108 The information provided to the officer concerned as part of a **Regulation 25** notification should also, where appropriate, include any comments or relevant information provided by the Vetting Authority regarding their decision, and any relevant considerations made by the senior officer authorising the outcome decision at **Regulation 24**.

## Chapter 14: Vetting Withdrawal Appeal Panel

### Making an appeal to the Vetting Withdrawal Appeal Panel

- 4.109 Officers who have had their vetting clearance withdrawn and are therefore dismissed are entitled to appeal the decision to withdraw clearance under grounds set out at **Regulation 26(2)**. This provides the officer with an opportunity to address any perceived shortcomings as part of the withdrawal assessment.
- 4.110 The grounds of appeal are that:
- a. **the decision was unreasonable.** The Vetting Authority's decision must be within the range of reasonable responses open to the Vetting Authority based on the information available to them. It is recommended that Vetting Authorities carry out their assessment thoroughly, explaining their decision-making and rationale to help demonstrate that the outcome that has been reached is reasonable.
  - b. **there is evidence that could not reasonably have been considered as part of the withdrawal assessment which could have materially affected the decision.** Officers wishing to challenge the withdrawal decision on this ground must set out why such evidence was either a) not brought to the attention of the Vetting Authority by the officer in general terms for their awareness or b) not known to the officer at the time either but did emerge later. It may also be appropriate to bring an appeal on this ground where there are issues of credibility or contested facts that would justify the holding of an appeal meeting.
  - c. **there was a breach of the procedures set out in the Vetting Regulations or unfairness which could have materially affected the decision.** Any breach in the procedures or unfairness must be

material. Transparency and justifiable rationale for any decisions taken throughout the vetting withdrawal assessment process may mitigate circumstances in consideration of this ground.

- 4.111 Officers wishing to commence an appeal must do so within 15 working days, beginning with the working day after they have been informed by the Vetting Authority of the outcome of the vetting withdraw assessment under **Regulation 25**. The Vetting Authority may extend this period in exceptional circumstances.
- 4.112 To commence the appeal, the officer concerned must submit a written notice to the Vetting Authority setting out the grounds of appeal and whether they are requesting an appeal meeting under **Regulation 29**. As set out in **Regulation 26(6)**, to assist the appeal panel in making a determination, the Vetting Authority must supply the panel with:
- a. the written report submitted under **Regulation 23(1)**, together with any document attached to or referred to in that report,
  - b. any document of a kind referred to in **Regulation 25(b)(ii)**,
  - c. the notice of appeal given by the officer concerned under **Regulation 26(3)**, and
  - d. any evidence of a kind referred to in **Regulation 26(2)(b)** that the officer wishes to submit in support of the appeal
- 4.113 The Appeal Panel must then consider whether or not the ground/s set out in the officer's notice to the Vetting Authority are arguable having assessed the material provided. If the ground or grounds of appeal are not arguable, it must dismiss the appeal. Whilst there is no further appeal to a Police Appeals Tribunal, as a matter of good practice and to help ensure fairness, the panel may request that this decision be reviewed by a subject-matter expert, such as a force vetting manager from a different force. The decision of the Appeal Panel to dismiss the appeal is amenable to judicial review
- 4.114 If the Officer concerned has not requested an appeal meeting under **Regulation 26(3)(b)**, and the panel determines that there are grounds for appeal, then the panel must decide the matter on the information available.
- 4.115 The threshold to dismiss an appeal for having no arguable grounds is high; it is imperative that the vetting withdrawal appeal panel does not use the process set out at paragraph 4.113 above to dismiss cases that have a prospect of success. For example, an appeal should not normally be dismissed where there are matters where the facts are disputed or matters which would require witness evidence to be appropriately tested at an appeal meeting before a decision can be reached.

### **Composition of Appeal Panels**

- 4.116 Appeal Panels are to consist of three members which include a chair and two other members. Each person on the panel is required to meet the criteria set out in Regulation 27. This is also the case for Senior Officer appeal panels

though there are some differences in arrangements between panels for those above the rank of Chief Superintendent.

- 4.117 Panel Chairs: For officers who are the rank of Chief Superintendent or below, the Chair of the Panel is to be the chief officer of the police force concerned. However as per Regulation 3(3), they are able to delegate this responsibility to a senior officer, a former senior officer (including a former acting senior officer) or a police staff member who in the opinion of the chief officer of the force, is of at least a similar level of seniority to a senior officer. Unless there are exceptional circumstances, the vetting authority should not delegate the function of chairing the panel to anyone who has been directly involved in the exercise of any function under the Vetting Regulations. Such a person is likely to be an interested party and therefore barred from being a panel member under **Regulation 27(6)**. The Chair is not required to be an officer from the same force. In cases where senior officers are subject to a vetting appeal panel, the panel chair is to be His Majesty's Chief Inspector of Constabulary or an Inspector from the Inspectorate nominated by them.
- 4.118 Second Panel Member: Must be a lay person appointed by the local policing body with qualifications and experience relevant for the purpose of withdrawal assessments. They must also be selected on a fair and transparent basis. It is anticipated that qualifications and experience relevant for the purpose of withdrawal assessments will generally be the same as or similar to those relevant for disciplinary proceedings. This means that the local policing body may be able to maintain the same or similar lists under both **Regulation 27(3)(b)** of the Vetting Regulations and Regulation 28(4)(b)(ii) of the Conduct Regulations.
- 4.119 Third Panel Member: Must be appointed by the Vetting Authority and be a senior officer. However, unless the Chair of the appeal panel is a Former Senior Officer or a police staff member, the third panel member can alternatively be a member of police staff who in the opinion of the Vetting Authority is at least a similar level of seniority to a senior officer. The third panel member is not required to be an officer from the same force.
- 4.120 Where the chief officer is required to Chair an appeal but is an interested party, they must without delay appoint someone else as per **Regulation 3(3)** to fulfil that function. As soon as any other members of the panel become aware that they may be an interested party, they should notify the local policing body, the chief officer of police, His Majesty's Chief Inspector of Constabulary or the Vetting Authority (as appropriate) so that arrangements can be made for another relevant person to take part in the appeal in their place.
- 4.121 Under **Regulation 10(5)**, forces are able to appoint an individual to advise a panel chair. Panels may wish to consider other force vetting managers for this purpose or for example, recognised subject matter experts. The person appointed for this purpose must not be an 'interested party' meaning there should not be any concerns of a reasonable nature about the individual's impartiality that could arise as a result of their appointment.

- 4.122 By written notice, the Vetting Authority must inform the officer concerned of the names of all individuals on the appeal panel as well as any advisers appointed under **Regulation 10(5)**. The officer may under **Regulation 28** object to any member of the appeal panel or appointed adviser within three working days starting with the first working day after the officer was notified of the person's name.
- 4.123 In submitting an objection, the officer concerned must set out clear and reasonable objections as to why a particular person should not conduct or advise at the proceedings. For example, the officer concerned may object to persons on an appeal panel or advising at such proceedings if, for example, the officer considers that the person is an interested party. The objection should be made to the Vetting Authority, unless the objection is to a second panel member, in which case it should be made to the local policing body, or to a person to whom functions have been delegated under **Regulation 3(3)**, in which case it should be made to the chief officer of police.
- 4.124 If the officer concerned submits a compelling reason why a person or persons should not be involved in the proceedings, a replacement must be found and the officer will be notified of the name of the replacement and the officer concerned will have the same right to object to that replacement, but not subsequent replacements.
- 4.125 Any decisions taken by the panel must be based on a majority. This will include determining whether or not the grounds of appeal submitted by the officer are arguable and an appeal should be heard and the outcome of any appeal.

### **Appeal Meeting**

- 4.126 If the appeal panel determines that the officer has submitted arguable grounds for an appeal, and the officer requests an appeal meeting in their written notice of appeal, the panel must under **Regulation 29** hold a meeting with the officer before the end of five working days starting with the day after determining that arguable grounds for an appeal have been made out. The period of five working days can be extended if it would be in the interests of justice to do so. It must be suspended due to the unavailability of the officer or the officer's police friend, so long as the officer proposes a new date and time which is reasonable and falls before the end of the period of five working days beginning with the first working day after the date initially set by the panel.
- 4.127 In order to progress with an appeal meeting, for which the panel is responsible for determining the procedure (subject to the provisions of the Vetting Regulations), the Vetting Authority must provide the officer concerned with written notice of the date, time and place of the appeal meeting. The Vetting Authority must also have supplied the panel with a copy of the documents set out at Regulation 26(6). This meeting must be held in private.

### **Witnesses**

- 4.128 The courts have recognised that there is no absolute right to call or cross-examine witnesses in disciplinary proceedings. However, the panel should allow a witness to give evidence if the panel reasonably believes that it is necessary to do so in the interests of justice. The interests of justice may require a witness to give evidence where, for example that evidence is likely to be significant in the determination of an important and disputed factual issue. This is a crucial aspect of procedural fairness and, if the panel is in doubt as to whether it would be appropriate for a particular witness to give evidence, they should seek further advice.
- 4.129 Given the nature of vetting decisions, which involve the multifactorial assessment of risk, the fact that a witness, whose oral evidence is deemed necessary in the interests of justice, does not attend to give evidence is not conclusive as to the dispute of fact to which their evidence relates. The appeal panel should consider all of the relevant circumstances including any of the witnesses' written evidence (or an account of their evidence), all of the other evidence in the case, the matters which the officer would have put the witness had they attended to give oral evidence, and the witnesses' reason for not attending.
- 4.130 Those serving or working in policing can be compelled to attend the appeal meeting whereas witnesses from outside policing should be given written notice of their necessary attendance with the time, date and place of the appeal hearing.

### **Finding of Appeal**

- 4.131 Having considered all of the available evidence, the panel may under **Regulation 30** confirm the decision made by the Vetting Authority in its original withdrawal assessment decision or reverse that decision. If the decision is reversed, the panel can deal with the vetting clearance in any manner that the Vetting Authority could have originally dealt with it, meaning they can:
- a. impose conditions on it;
  - b. downgrade it with or without conditions, or
  - c. direct that the matter should be dealt with in accordance with **Regulation 15(2)**.
- 4.132 Where the panel reverses a decision to withdraw vetting clearance and instead makes a determination to downgrade vetting clearance, the appeal panel should have taken into account the view of the Vetting Authority when considering whether redeployment following a downgrade in vetting clearance is possible.
- 4.133 The panel must provide a summary of the reasons for its determination. In cases where a decision to withdraw vetting clearance has been reversed, this summary must also include a statement of the panel's opinion as to how any risks identified as part of the withdrawal assessment should be managed. Where the panel does not consider that any of the risks identified as part of the



withdrawal assessment are required to be managed, it should set out its rationale.

- 4.134 In all cases, following the conclusion of the appeal, the Vetting Authority must provide the officer concerned with written notice of the panel's determination as well as a copy of the summary of the reasons for its determination. In cases where the appeal panel confirms the Vetting Authority's decision to withdraw clearance, the officer concerned, in addition to the written notice and summary of reasons, must also be provided with written notice of the right of appeal to a police appeals tribunal.
- 4.135 The decision of the appeal panel replaces the original decision from the Vetting Authority. A police officer ordered to be reinstated in their former force will be deemed to have served in their force and/or rank continuously from the date of the original decision to the date of reinstatement. Reinstatement means that the officer is put back in the role that they would have been in had they not been dismissed. This has immediate effect. Unless otherwise determined at the appeal meeting, the officer is deemed to have served in the force for the purposes of their pay from the date of the original decision. Any subsequent appeal lodged to a Police Appeals Tribunal will consider the determination made by the appeal panel under Regulation 30.

# Section 5: Police Appeals Tribunals

The following section contains non-statutory guidance about the administration, preparation and conduct of appeals to the Police Appeals Tribunal following the vetting withdrawal decision and vetting withdrawal assessment panel proceedings.

*[Note: the guidance in Chapter 15, which relates to police appeal tribunal appeals, is not statutory, as it does not come under the definition of conduct, efficiency and effectiveness as set out in the Police Act 1996. The following guidance will still be helpful in determining the procedure and process for appeal meetings and hearings.]*

- [Chapter 15: Appeal from a vetting withdrawal appeal panel decision](#)

## Chapter 15: Appeal from a vetting withdrawal appeal panel decision

### Introduction

- 5.1 This chapter of the guidance applies to any officer who wishes to appeal to a Police Appeals Tribunal following a decision made by the vetting withdrawal appeal panel to withdraw their vetting clearance and thereby dismiss them as set out in **Regulation 30(1)(a)** of the Vetting Regulations.

### Useful Terms

- 5.2 The following terms are used exclusively in this chapter, with the following meanings:
- a. 'appellant' – the police officer or former police officer who has submitted an appeal
  - b. 'respondent' – where the appellant is a chief officer or acting chief officer, the local policing body, and in all other cases, the chief officer of the force.
  - c. 'relevant person' – the relevant local policing body, or where the relevant local policing body has delegated functions for the

administration of the appeal to another local policing body, that other body.

5.3 For the purposes of the Police Appeals Tribunals Rules and this chapter:

- a. 'police officer' means a constable or special constable who was a warranted constable at the time the determination that is the subject of the appeal was made

### **Circumstances of appeal**

5.4 All officers have a right of appeal to a Police Appeals Tribunal against a decision to confirm the withdrawal of vetting clearance imposed by a vetting withdrawal appeal panel.

### **Composition of the tribunal**

5.5 The make-up of Police Appeals Tribunals is set out in Schedule 6 to the Police Act 1996 (including amendments).

5.6 Where the appellant is **not a senior officer**, the tribunal consists of:

- a. a legally qualified chair taken from a list maintained by the Home Office,
- b. a serving senior officer, and
- c. a lay person.

5.7 A "lay person" is defined in Schedule 6 to the Police Act 1996 and is a person who is not, and has never been, a member of a police force or special constable, civilian police staff, local policing body or other policing body as per the Act. The inclusion of the lay person member allows a further independent and impartial view on the tribunal from outside policing.

5.8 The members of the tribunal should be chosen on a fair and transparent basis by the local policing body (as the "relevant person" for the purposes of Schedule 6). There is a clear need for flexibility within this process but good practice would be for the local policing body to select chairs and lay persons from a list on a random basis to ensure that all members are given the same opportunity for hearing cases. It is also good practice for the local policing body to publish, or be open to publishing, how their system operates.

5.9 The method of selection is an important principle of fairness for the officer concerned as is ensuring proceedings are conducted in accordance with principles of natural justice in order that the selection itself and any subsequent proceedings cannot be called into question on the basis of any perceived, or actual, unfairness.

5.10 Where the appellant **is a senior officer**, the tribunal consists of:

- a. a legally qualified chair taken from a list maintained by the Home Office,
- b. HM Chief Inspector of Constabulary or an Inspector of Constabulary nominated by the Chief Inspector, and
- c. the Permanent Secretary to the Home Office or a Home Office Director nominated by the Permanent Secretary.

5.11 In the interests of fairness, an individual should not sit on a tribunal in relation to any officer if they have already heard the same case at a vetting withdrawal appeal panel.

5.12 It is the responsibility of the local policing body to satisfy itself that the members who are sitting on the tribunal are sufficiently independent of the matter so as not to give rise to any suggestion of unfairness.

5.13 Chairs should be appointed as early in the process as possible to ensure that they have sufficient time to read all documentation and come to an understanding of the case.

#### **Grounds of appeal – Rule 5A**

5.14 An appeal hearing is not a re-hearing of the matters considered at the vetting withdrawal appeal panel meeting. Instead the grounds of appeal for matters dealt with under the Vetting Regulations are:

- a. that the decision to confirm the withdrawal of vetting clearance was unreasonable,
- b. that there is evidence that could not reasonably have been considered as part of the withdrawal assessment which could have materially affected the decision, or
- c. that there was a breach of the procedures set out in the Vetting Regulations or unfairness which could have materially affected the decision.

#### **Notice of appeal – Rule 9**

5.15 Where an officer wishes to appeal, they will need to give notice in writing to their local policing body. This notice must be given within 10 working days, beginning with the first working day after the police officer is first supplied with a written copy of the decision they are appealing against.

5.16 In setting out the specifics of the appeal in the notice, it is important that the officer clearly articulates how the officer considers that the grounds of appeal are made out, and in particular demonstrates why the decision or outcome was unreasonable based on the matters and the evidence considered during the course of the original appeal meeting or how the decision or outcome was materially affected by fresh evidence or unfairness due to procedural irregularity.

- 5.17 The officer must also set out in the notice of appeal whether or not they consent for an appeal to be considered without a hearing.
- 5.18 The local policing body must appoint a chair to deal with the notice of appeal and any applications for extensions to the time limits. The same chair may, but need not necessarily, chair the tribunal that deals with the substantive appeal, if the matter proceeds to that stage.
- 5.19 The local policing body, upon receipt of a notice of appeal, must, as soon as reasonably practicable, supply a copy of the notice to the respondent.

### **Notice of appeal out of time – Rule 10**

- 5.20 Where the appellant fails to submit their notice of appeal within the time period of 10 working days as referred to in paragraph 5.15, they may apply for an extension of the time limits within a reasonable amount of time after the end of that period. They must give their notice of appeal to their local policing body, along with the reasons for it not having been given within the time period and the reasons the appellant considers that it has been given within a reasonable time after the end of that period.
- 5.21 Upon receipt of a notice of appeal outside the time limit, the local policing body must provide a copy of the notice and the reasons to the chair who must determine:
- a. whether or not it was reasonably practicable for the notice to be given within the time limit, and
  - b. whether the notice was given within a reasonable time after the end of the 10 working day period.
- 5.22 Where the chair determines that it was reasonably practicable to have given the notice of appeal within the time limit or the chair determines that the notice was not given within a reasonable time after the time limit, the appeal must be dismissed.
- 5.23 Where the chair determines that it was not reasonably practicable to have given the notice within the 10 working day period and that the notice was given within a reasonable time after the end of that period, the appeal must be allowed to proceed.
- 5.24 In all cases the appellant must be notified of the outcome of this decision.

### **Delegation of appeal functions – Rules 7 and 8**

- 5.25 In most circumstances, the role of administration of the hearing will fall to the relevant local policing body i.e. the local policing body for the police force area of which the appellant was a member. However, where the relevant local policing body considers it appropriate – for example where it would minimise delay or introduce a greater element of independence or if the original vetting withdrawal appeal meeting was delegated to another force– it may delegate

this responsibility to another local policing body.

- 5.26 This is a discretionary power and should only be used by the local policing body where they consider that it would be beneficial in order to increase the flexibility of the administration of the tribunal, for example.
- 5.27 The appellant must give their notice of appeal to the local policing body of the force where they are, or were at the given time, a member, or for which they were appointed as a special constable, who will then decide whether to delegate their appeal function to another local policing body.
- 5.28 On receipt of the notice of appeal and where the local policing body has determined to delegate their functions, the local policing body must, as soon as reasonably practicable, give the appellant and the respondent written notice of the delegation and the details of the relevant person who will then be dealing with the appeal.

### **Procedure on notice of appeal – Rule 13**

- 5.29 As soon as reasonably practicable after receipt of a copy of the notice of appeal, the local policing body must supply a copy of the notice to:
- a. the respondent, and
  - b. the relevant person, where their functions have been delegated to another local policing body
- 5.30 Where (b) applies and the local policing body has delegated their functions, the relevant person must take over the administration of the hearing from this point onwards.
- 5.31 As soon as reasonably practicable after receipt of a copy of the notice of appeal and within 15 working days beginning the first working day following the day of the receipt, the respondent must provide the relevant person with:
- a. a copy of the decision appealed against,
  - b. any documents that were available to the panel conducting the original appeal.
- 5.32 The appellant, within 35 working days beginning with the first working day following the day on which the appellant gave notice of their appeal, must provide to the relevant person:
- a. a statement setting out the decision appealed against and of their grounds for the appeal
  - b. any supporting documents

- c. where the appellant is permitted to adduce witness evidence<sup>1</sup> (see paragraph 5.63)
  - i. a list of any proposed witnesses and
  - ii. a witness statement from each of the proposed witnesses
- d. if the appellant consents to an appeal being determined without a hearing (i.e. on the basis of the papers alone), notice in writing to confirm their consent.

5.33 The relevant person must ensure that these documents are copied to the respondent as soon as practicable after receipt.

5.34 On receipt of these documents, the respondent must provide the relevant person within 20 working days beginning with the first working day following the day on which the respondent receives the documents:

- a. a statement setting out the respondent's response to the appeal
- b. any supporting documents
- c. where the respondent is permitted to adduce witness evidence,
  - i. a list of any proposed witnesses,
  - ii. a witness statement from each of the proposed witnesses and
- d. if the appellant consents to an appeal being determined without a hearing (i.e. on the basis of the papers alone), notice in writing to confirm their consent.

5.35 The respondent must also copy to the appellant, at the same time, the documents in (a), (c) and (d) above, together with a list of any documents provided under (b).

5.36 The relevant person must give a copy of these papers to the chair appointed to deal with the notice of appeal following receipt. Documents must be given to the chair as early as possible once received to allow the chair to consider them with enough time. Best practice for the relevant person would be to copy all papers to the chair immediately on receipt, wherever practical.

5.37 It should be noted that all time limits within the Rules and this section of guidance are upper limits. Every effort should be made to truncate these timelines, as far as appropriate, with agreement from both parties. It is in the interest of all parties to conduct timely and efficient proceedings without undue delay.

#### **Extension of time limits – Rule 14**

5.38 The appellant and/or respondent are able to apply to the relevant person for an extension to the time limits for providing documents. They may do this by

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<sup>1</sup> The appellant / respondent may only propose to adduce witness evidence where the grounds relied upon for bringing the appeal relate to new evidence that has come to light and had not previously been available or considered by the original panel.

setting out their reasons for the application and the length of extension being sought.

- 5.39 On receipt of an application by the appellant or respondent, the relevant person must copy the other party as soon as practicable after receipt and ask whether they consent to the application.
- 5.40 Where the other party **does** consent to the application, the time limit must be extended by the agreed amount. Where the other party **does not** consent to the application, the relevant person must refer the application to the chair of the tribunal who must determine whether the relevant time period should be extended and for how long.
- 5.41 There is an expectation that the time limits set out in the Police Appeals Tribunals Rules will ordinarily be complied with and only in exceptional circumstances, such as a particularly complex case, will there be an extension of the time limits.

### **Review of appeal – Rule 15**

- 5.42 Once the chair has received all the relevant documentation, they must consider the notice of appeal and determine whether the appeal should be dismissed at this stage. The chair will normally make this preliminary determination within 10 working days of receipt of the documents.
- 5.43 The chair must dismiss the appeal at this stage if it appears to them that, on one or more grounds of appeal:
- a. the appeal has no real prospect of success and
  - b. there is no other compelling reason why the appeal should proceed.
- 5.44 Chairs have discretion under this Rule to dismiss individual grounds of appeal but allow a substantive appeal to be heard, or dismiss grounds in their entirety. Where one or more grounds of an appeal are dismissed but the appeal is permitted, only those grounds which have not been dismissed must be considered by the person conducting the appeal, or the full panel where a hearing is convened.
- 5.45 Where the chair determines to dismiss the appeal at this stage, they must notify both parties in writing of their view and their reasons for making this determination.
- 5.46 The appellant and/or respondent may, within 10 working days, beginning with the first working day after being notified of the chair's preliminary view, make written representations to the chair and the chair must consider any such representations before coming to their final decision.
- 5.47 The chair must inform the appellant, respondent and relevant person of their final decision. It is expected that the decision will be made and communicated within 10 working days beginning with the day of receipt of the last of the



representations. Where the chair dismisses the appeal, or as the case may be ground of appeal, this notification must include their reasons for doing so.

### **Moving on from review stage**

- 5.48 Following the review, the chair must determine whether a hearing is required or whether the appeal / grounds of appeal can be determined on the papers alone without a full hearing. The appeal may only proceed without a hearing with the consent of the appellant, otherwise a hearing must be convened.
- 5.49 It is expected that the chair will make the decision on whether to hold a hearing on the papers within 10 working days of receiving the representations from the appellant and respondent. Where those representations are contained within the application of appeal, this may be determined and communicated simultaneously with the **Rule 15** determination as appropriate.
- 5.50 In the event that the chair decides that there should be a hearing, and the appellant had consented to the matter being determined on the papers, the appellant is under no obligation to attend but is entitled to reconsider their position. The appellant may also reconsider their consent to the determination of the appeal without a hearing prior to a decision on this issue by the chair. The appellant's withdrawal of consent must be notified to the relevant person in writing and a full hearing must be held.
- 5.51 Where the appellant, having seen the documents provided by the respondent, withdraws their consent to the matter being dealt with on the papers, a full hearing must be held.
- 5.52 If the appellant has consented to an appeal being dealt with on the papers, the chair may determine that the appeal must go forward without a hearing. If the appellant has not consented to an appeal being dealt with on the papers, the appeal must be dealt with at a hearing. Where the appeal is dealt with at a hearing, the chair must give the appellant and the respondent their name and contact details.
- 5.53 Where the chair allows the appeal to go forward to a hearing, the relevant person will be responsible for making the administrative arrangements before and during the hearing. The relevant person must also ensure that the members of the tribunal are provided with the relevant papers together with a schedule of documents.
- 5.54 The chair who made the determination to allow the notice of appeal to proceed need not necessarily be the same chair who hears the subsequent appeal. However, the chair who makes the decision as to whether the appeal should be dealt with at a hearing or on the papers must be the chair appointed to hear the appeal itself.
- 5.55 The relevant person, in consultation with the chair, is expected to organise the hearing as soon as reasonably practicable and in any case, no later than 3

months after the determination by the tribunal chair that a hearing should be held, bearing in mind the ability to truncate timescales as set out in 5.37.

### **Exchange of documentation – Rule 17**

- 5.56 Once the appellant and respondent have submitted their respective documents, either of them may apply to the chair for disclosure of any documents by the other party where it is relevant to the appeal.
- 5.57 The chair may request the disclosure of any such document and where it is disclosed, a copy must be given to the chair and the party which requested it.
- 5.58 Where the appellant or respondent does not comply with a request to disclose any document, then the appellant or respondent (as appropriate) must give the chair and the other party their reasons for non-disclosure in writing.
- 5.59 The tribunal in making its final determination after the appeal hearing may take into account any non-disclosure of documents where the tribunal decides that the requested documents may have been relevant to the determination of the appeal, if they had been disclosed.

### **Notice of the hearing – Rule 18**

- 5.60 The chair must cause the appellant and respondent to be given written notice of the date, time and place of the hearing at least 20 working days, or such shorter period as agreed by both parties, before the date on which the hearing is due to begin.
- 5.61 The appellant, respondent, any interested person and/ or any witness may provide written representations to the chair regarding the exclusion of any person from the hearing. The chair may, having considered these representations, exclude any such person.
- 5.62 Hearings held under **Rule 5A** of the Police Appeals Tribunal Rules, must not be held in public and the force is not required to publish any information regarding the hearing on their website.

### **Calling of witnesses**

- 5.63 Witnesses may only be called in appeal hearings where the ground of appeal included in the appellant's notice of appeal is that there is evidence which could not reasonably have been considered at the original hearing which could have materially affected the finding or decision. Both the respondent and the appellant are able to call witnesses in these circumstances.
- 5.64 In such cases, the respondent may propose a witness who may give evidence to deal with the issue raised by the appellant. For example, where the appellant submits new medical evidence that was not available at the withdrawal assessment, the respondent may wish to propose their own witness to give evidence on this issue.

- 5.65 The chair must determine before the hearing whether to allow any witness that either party proposes to call to give evidence in front of the tribunal. Witnesses will only be permitted where the ground, or one of the grounds, of appeal is that there is evidence that could not reasonably have been considered at the original hearing which could have materially affected the finding or decision.
- 5.66 No witnesses can give evidence at the hearing unless the chair reasonably believes that it is necessary for the witness to do so. Any witness who does attend the hearing may be subject to questioning and cross-questioning. Where the chair does believe that the evidence is necessary, the chair must require the witness to attend, where the witness is a police officer. Where the witness is not a police officer, the chair must give written notice to the witness that their attendance is necessary and the date, time and place of the hearing.
- 5.67 It is for the tribunal to decide on the admissibility of any evidence, or to determine whether or not any question should be put to a witness.
- 5.68 The tribunal may admit as evidence a written witness statement of a proposed witness supplied as per **Rule 21**. Evidence given in this manner will not be admissible if it would not have been admissible had it been given orally.

### **Representation at the hearing – Rule 19**

- 5.69 The appellant can be represented at a hearing by a relevant lawyer or a police friend. Where the appellant is represented by a lawyer, the appellant's police friend may also attend. If the appellant decides not to be represented by a lawyer, the hearing may take place and the appeal may be determined without the appellant being represented.
- 5.70 The respondent may be represented at the hearing by the relevant and appropriate person. If the respondent is the force, they may be represented by a lawyer or police officer. If the respondent is the local policing body they may be represented by the chief executive or other officer or employee of the relevant local policing body.
- 5.71 It is the responsibility of the respondent to ensure that their representation at the hearing could not give rise to the suggestion of unfairness. For example, person appointed to advise the vetting appeal panel should not represent the respondent at the Police Appeals Tribunal.

### **Procedure at the hearing – Rule 20**

- 5.72 The procedure for the appeal hearing is set out in greater detail in the Police Appeals Tribunals Rules and is otherwise determined by the chair themselves, according to the principles of natural justice and fairness.
- 5.73 The relevant person shall arrange for a verbatim record of evidence given at the hearing to be taken and kept by the local policing body for at least 2 years, beginning with the day after the date of the end of the hearing.

- 5.74 The tribunal have discretion to proceed with the hearing in the absence of either party, whether represented or not, if it feels it is just and proper to do so. Where the hearing proceeds in the absence of either party, the tribunal should record its reasons for doing so. The tribunal may adjourn the appeal as necessary.
- 5.75 The chair may hear representations from the appellant, respondent or otherwise in relation to the exclusion of any person from all or part of the proceedings.
- 5.76 Appeal hearings held under Rule 5A must not be held in public, and police forces are not required to publish information regarding the hearing of their website. This is because evidence considered during the vetting withdrawal assessment will often include personal information and circumstances which should not be made public.

### **Determination of appeal – Rule 26**

- 5.77 A tribunal, having considered the evidence presented at the hearing, must determine whether the ground or grounds of appeal which the appellant relies on have been made out. A tribunal does not need to be unanimous in its determination of the appeal or any other decision and may reach a decision based on a majority. Where a tribunal finds itself divided equally, the chair will have the casting vote. The tribunal must not indicate whether any determination was taken unanimously or by a majority.
- 5.78 A tribunal may make any decision that the original panel could have imposed at the original vetting withdrawal appeal.
- 5.79 Where the tribunal decides that the decision or outcome may be unsafe due to new evidence or procedural unfairness, then the tribunal may set aside the relevant decision and remit the matter back to the force to be decided again in accordance with the relevant provisions of the Vetting Regulations. The vetting appeal meeting must be reheard by a fresh panel which does not contain any of the members of the original panel.
- 5.80 The decision of the tribunal will normally be made on the day of the hearing. Where this is not practicable then the decision must be made as soon as possible.

### **Report of the determination of appeal**

- 5.81 The chair must prepare a written statement of the tribunal's determination and its reasons for it. This will include any representations with regard to placing an intelligence marker on PND.

- 5.82 The appellant must be given written notice of the decision of the tribunal before the end of three working days, beginning with the first working day after the day on which the appeal is determined.
- 5.83 As soon as reasonably practicable after the determination of the appeal the chair must ensure that a copy of this written notice is given to the respondent, relevant person and, where functions have been delegated, local policing body. Where the appeal was in relation to a complaint, a copy of the written notice of determination must also be given to the complainant and any interested person.
- 5.84 A police officer ordered to be reinstated in their former force will be deemed to have served in their force and/or rank continuously from the date of the original decision to the date of reinstatement. Reinstatement means that the officer is put back in the role that they would have been in had they not been dismissed. This has immediate effect. Unless otherwise determined at the hearing, the officer is deemed to have served in the force for the purposes of their pay from the date of the original decision.

### **Payment of costs**

- 5.85 All fees and expenses of the tribunal members are paid for by the local policing body – including where the administration of the tribunal has been delegated to another local policing body as the relevant person.
- 5.86 An appellant must pay their own costs of the appeal unless the tribunal directs that the whole or part of their costs are to be paid by the local policing body. Absent dishonesty or lack of good faith, a costs order should not be made against the local policing body unless there is good reason to do so. In considering an award of costs against the local policing body the tribunal must balance the financial prejudice to the particular complainant, against the need to encourage public bodies to exercise their public function of making reasonable and sound decisions without fear of exposure to undue financial prejudice, if the decision were to be successfully challenged.
- 5.87 Where the tribunal decides to award costs in favour of the appellant, it is suggested that the tribunal sets out the reasons for this and identifies any lessons to be learned for the force as a result of the case.