

# NORTHERN IRELAND POLICING BOARD

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## GUIDANCE ON MANAGING A BREACH OF THE PCSP CODE OF CONDUCT

## **Northern Ireland Policing Board Guidance on Managing a Breach of the Policing and Community Safety Partnership (PCSP) Code of Conduct**

In accepting office as a Member of the PCSP, Members are agreeing to adhere to the Code of Conduct, included in the Member's Handbook. This Code sets out conduct which is expected of Members throughout their term of appointment, including adherence to the Seven Principles of Public Life set out by the Committee on Standards in Public Life along with five further principles of conduct that have been adopted by the Northern Ireland Assembly. These are:-

- Public Duty
- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership
- Equality
- Promoting Good Relations
- Respect
- Good Relationships

In addition to these principles, the Code sets out Members general responsibilities and requirements under the following:-

- Duty of members in relation to Registration of Interests
- Misuse of a Member's position
- Use of PCSP Resources
- Expenses and Allowances
- Public Comment
- Confidentiality
- Attendance
- Hospitality, Gifts and Entertainment

This document provides guidance on potential actions to be taken by the Policing Board in relation to identified breaches of the Policing and Community Safety Partnership (PCSP) Code of Conduct if such alleged breaches do not warrant immediate enactment of the

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Removal Policy in accordance with Schedule 1, 8 (a) to (d) of the Justice Act (Northern Ireland) 2011 as detailed below.

Schedule 1, 8 (a-f) of the Justice Act (Northern Ireland) 2011 provide the legislative basis under which a Member of the PCSP, a person (“P”) may be removed by the Policing Board, i.e;

- a) *In the case of an independent member, P failed to make the necessary disclosure in relation to P’s conviction for a criminal offence in Northern Ireland or elsewhere;*
- b) *In the case of an independent member, P has acted in breach of the terms of a declaration against terrorism;*
- c) *P has been convicted in Northern Ireland or elsewhere after the date of P’s appointment of a criminal offence (whether committed before or after that date);*
- d) *P has become bankrupt or made a composition or arrangement with P’s creditors;*
- e) *P has failed to comply with the terms of P’s appointment; or*
- f) *P is otherwise unable or unfit to discharge P’s functions as a member of the PCSP.*

In the case where a PCSP Member falls under sub-paragraphs a) to d), Board officials will enact the *Policy on the Removal of a Member of the PCSP from Office*.

In the case where a PCSP Member is alleged to fall under sub-paragraphs e) and f) of the above legislation the following guidance may be used to establish the circumstances and severity of the Member’s alleged actions/behavior and how same will be dealt with.

#### Alleged Breaches to Schedule 1, 8 (e) and (f) of the Code of Conduct

A breach is regarded as either neglect or non-adherence to the requirements of the Code of Conduct for PCSP Members.

It is anticipated that Board officials may be made aware of an allegation of a breach of the Code of Conduct through potentially one of the following:-

- The PCSP Manager;
- The Chair or a fellow Member of the PCSP;
- A member of the public; or

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- The media.

This is not an exhaustive list.

Dealing with Alleged Breach of Code of Conduct for Members under Schedule 1, 8 (e) and (f)

### Stage One

A breach to the Code of Conduct relating to Schedule 1, 8 (e) and (f), for example in respect of non-attendance at meetings, may be resolved locally by the PCSP Chairperson, using the PCSP Standing Orders. It is in everyone's best interests for an issue to be dealt with quickly and fairly and it is hoped that the majority of concerns will be resolved at this stage. In cases where a local resolution is likely, the PCSP Chairperson should advise Board officials providing details of the outcome.

### Stage Two

It is anticipated that not all alleged breaches will be able to be resolved by the PCSP Chairperson, particularly in cases where:-

- A local resolution has not been possible; or
- a breach is alleged to be of a serious nature with the potential to bring the relevant PCSP into disrepute or,
- a member is alleged to be unable or unfit to discharge the functions as a member of the PCSP or,
- where there is an alleged repeat of similar breaches or,
- where the member does not accept or agree that there has been a breach.

In such cases, the PCSP Chairperson will notify Board Officials and they will explore the alleged Breach further.

Correspondence shall be sent to the Member by the Board Officials detailing the alleged Breach of the Code of Conduct.

In exploring the alleged Breach of the Code of Conduct Board Officials shall seek to identify the facts surrounding any alleged breach (es) including hearing directly from the member concerned. All evidence within the PCSP Member and Board Officials possession should be reviewed during the investigation. Board Officials will collate all information relevant to the alleged breach and prepare a paper to be presented to the Partnership Committee. The Partnership Committee in considering the information shall take one of the following decisions:-

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- (i)** There are insufficient grounds for the allegation and therefore no further action should be taken;
- (ii)** The breach is of a nature that does not warrant removal of the member and therefore no further action will be taken;
- (iii)** The Member should temporarily step aside pending the outcome of any court proceedings or potential charges; or
- (iv)** There are sufficient grounds to consider removal of the member from office.

In the case where any of the first (i) or second (ii) decisions are taken, the matter will be closed and there will be no requirement for the Board to be notified. At this point, a letter will be issued to the Member advising that no further action will be taken but will also remind the Member of their duties in relation to adhering to the Code of Conduct in their role as a PCSP Member. In respect of decision (iii) the Member must notify the Partnership Committee of the outcome of any court proceedings or potential charges thereafter if necessary, the Partnership Committee may recommend to the Board the Policy on the Removal of a PCSP Member from Office should be instigated.

If the Partnership Committee recommends that the Board should consider the PCSP Member's removal from office (decision (iv)), the Board will be requested to approve the enactment of the Removal Policy and following approval the procedure as detailed in the Northern Ireland Policing Board Policy on the Removal of a Member of the Policing and Community Safety Partnership shall be instigated.

**Approved by the Board – 1<sup>st</sup> April 2021**

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#### DOCUMENT TITLE

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of Conduct**

#### ONLINE FORMAT

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While every effort has been made to ensure the accuracy of the information contained in this document, the Northern Ireland Policing Board will not be held liable for any inaccuracies that may be contained within.

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