



# South Yorkshire Police

## PUBLIC MISCONDUCT HEARINGS

### Conditions of entry for the Public & Press

#### Introduction

The Police (Conduct) (Amendment) Regulations 2015 direct that misconduct hearings and special case hearings will be held in public, subject to the discretion of the person chairing or conducting the hearing to exclude any person from all or part of the hearing.

Any member of the public or press wishing to attend a misconduct hearing may apply to do so. Due to limitations on space and capacity, attendance at the hearing will be limited and administered and booked by application through the South Yorkshire Police Website.

Hearings are held in accordance with the following legislation and guidance:-

*The Police (Conduct) Regulations 2012*

*Home Office Guidance - Unsatisfactory Performance, Complaints and Misconduct Procedures*

**All attendees at South Yorkshire Police Misconduct Hearings will view the proceedings in a public hearing room, on a screen via an electronic link. (This may not apply to interested persons or complainants)**

#### Panel Composition

The misconduct hearing will be conducted by a panel of three people, and will be chaired by a senior police officer (ACPO Rank) who has had no previous dealings with the incident or with the investigation. The other panel members will be an officer of at least the rank of Superintendent and an independent lay person selected from an approved list held by the Office of the Police and Crime Commissioner

In the case of a special case hearing it will be conducted by the Chief Constable and there will be no other panel members

#### Purpose of Public Hearing

The purpose of a public hearing is to show that the Police disciplinary system is open and honest, fair and effective, and that the service holds officers to account for their actions.

Throughout the hearing, officers are given the opportunity to speak personally, or have their legal representative and/or appointed Police Federation friend speak on their behalf.

The burden of proof remains with the Appropriate Authority of the South Yorkshire Police and the standard of proof is the civil one of “on balance of probabilities”, unless the facts are admitted. The panel then have to be satisfied that it is more likely than not that the conduct alleged has occurred in order to find that a case is proven against the officer.

The hearing is conducted in two parts. The first part considers the facts of the allegation against the officer. At the end of this examination of facts, the Panel retire and decide whether the officer’s conduct amounts to gross misconduct, misconduct or neither. A finding of gross misconduct means that the matter is deemed so serious that dismissal may be justified. If it is established to the Panel’s satisfaction that the officer’s conduct did fail to meet the required standards, the second part of the hearing will determine the outcome of the proceedings.

All misconduct hearings will be in public, subject to any representations made by the officer concerned, the Appropriate Authority, the complainant, the Independent Police Complaints Commission (IPCC), any interested person and/or any witness(es) and considerations made by the Panel Chair.

If the Panel Chair decides that the evidence to be given by a witness or any other person should not be disclosed in public, the link to the public hearing room will be turned off.

Notice of a public hearing will be made not less than 5 working days prior to the hearing. Should the hearing, or part of the hearing, be in private, reasons for this may be given and published on the South Yorkshire Police website.

Upon the conclusion of the hearing, the Chair will decide whether it is appropriate to publish an outcome notice in relation to the proceedings.

### **Special Case Hearings**

A special case hearing is a fast track procedure, where there is sufficient evidence in the form of written statements or other documents, without the need for further evidence, whether written or oral, to establish on the balance of probabilities that the conduct of the officer concerned constitutes gross misconduct and it is in the public interest for the officer concerned to cease to be a police officer without delay

This procedure is designed to deal with cases where the evidence is incontrovertible. There will be no witness testimony other than from the police officer concerned. A special case hearing is a streamlined process, which is highly unlikely to last more than one day.

### **Attending a Hearing**

- If you are a witness to a listed hearing you will not be eligible for a public seat.
- A hearing could be cancelled at short notice.
- All attendees attend at their own expense. No expenses will be met by the Force.

Hearings will be **viewed in a public hearing room, on a screen via an electronic link** at the Life- Wise Centre, Rotherham, South Yorkshire, S66 8LB. **A limited number of seats will be available:** for members of the public and accredited press reporters/media representatives. Seats are allocated in advance via the South Yorkshire Police web-site.

You will be required to apply to attend as soon as the Notice of Hearing is published. The closing date for applications will be advertised for each hearing and all applications must be received by the time and date stated. If the maximum number of places for attendees is reached prior the closing date this will be made clear on the website.

You will be required to indicate which days of the hearing you wish to attend.

### **Conditions of Entry**

- Full details must be submitted on the application to attend form
- Only pre-registered attendees are able to gain access to the site
- Members of the press are requested to bring their official press ID

**The following documentation must be produced for checking by South Yorkshire Police staff on each day of the hearing:**

- Your printed booking confirmation email or letter
- Photographic identification (such as a passport or driving licence)

As a condition of entry, South Yorkshire Police staff will check your identification documents against those provided in your application to attend.

The regulations state that the Chair may also impose further conditions of entry in addition to those set out in this document. If this arises, the further conditions will be published on the website prior to the hearing.

### **Security**

You will be provided with a Visitor badge, which must be worn until you leave the hearing and pass back through security. **Should anyone breach these conditions of entry, they will be asked to leave and will be escorted from the premises.**

Members of the public and press together with any bags will be subject to a **security search** as a condition of entry, or re-entry. Sharp objects or blades will not be permitted. Police will retain the authority to seize any article found during a search, which may cause harm to any person.

Individuals will be required to sign in and out when accessing or leaving the Life-wise Centre site.

Should you sign out, and then wish to re-attend, you will be only be allowed re-entry when a member of South Yorkshire Police staff is available to collect you.

Members of the public and press will be directed and accompanied by South Yorkshire Police or security staff at all times.

**No-one attending the Public Hearing room shall either intervene in or interrupt the running of the hearing. If anyone behaves in a disorderly or abusive manner or otherwise**

**acts inappropriately, a member of South Yorkshire Police staff may exclude them from the remainder of the hearing.**

**Should anyone breach these conditions of entry and refuse to leave, you will be ejected.**

If it is necessary for you to leave the public hearing room, you must make a request to the South Yorkshire Police Staff member in the room, and you will be escorted from the site.

### **Electronic Devices**

- All mobile phones, pagers, recording machines or other electronic items must be switched off in the Public Hearing room
- The use of recording or photographic equipment is strictly forbidden in the Public Hearing room and it is requested that such equipment is not brought on to the Lifewise Centre site
- No person is permitted to make, or attempt to make a sketch of any person in the hearing room, of any person being a panel member, legal representative, member of police staff, police officer, witness or any other interested party to the misconduct proceedings.
- Laptops & tablets may only be used by accredited members of the press association for the purpose of writing, and may not be used to access the internet or used for other purposes.

**Any person found to be using such equipment will be asked to leave by South Yorkshire Police staff.**

It is requested that photographs are **not** taken of any person entering or leaving the site.

**Failure to comply with this requirement will result in you being directed to leave and escorted off the premises.**

### **Smoking**

Smoking is not allowed within the area of the Lifewise Centre site.

### **Disabled Access**

- Please note that due to the limited amount of space and access to the public viewing rooms, for safety reasons, only one wheelchair user per day can be admitted. A wheelchair user will be asked to mark the relevant box within the bookings form. If a wheelchair user requires another person to accompany them, their name must be provided on the booking form.
- Visitors with hearing impairments must arrange their own interpreters, if required.
- Accessible toilets are available.

## **Parking**

There are limited car parking facilities on the roads surrounding the venue.

## **Start Times**

The start time for the first day of each Misconduct Hearing will be found on the South Yorkshire Police website. (Please note that these can be delayed on the day).

All attendees will need to be at the Lifewise centre up to 30 minutes but no less than 15 minutes prior to the start of the hearing to allow the security procedures to be followed and individuals to be seated in the room.\*

\*Attendees arriving late may not be permitted to enter the site.

## **Adjournments during the Proceedings**

During the course of the proceedings it may be necessary for the hearing to be adjourned. The Panel Chair will announce the adjournment, the reason for it and if possible, the time at which the hearing will re-commence. This time cannot be guaranteed.

During adjournments, attendees must remain in the Public Hearing room, and will be escorted if a comfort break is required.

## **Lunch Breaks**

The hearing will stop for lunch at a convenient point in the proceedings. A return time to re-commence proceedings will be announced by the Panel Chair. If you leave the Life-wise Centre site you will be expected to return through security a minimum of 15 minutes prior to the recommencement of the proceedings.

At the end of each day you will return your security pass and be escorted off the site by a member of South Yorkshire Police Staff.

## **Refreshments**

Members of the public and press will be required to make their own arrangements for lunch and refreshments. There is a small canteen on the Life-wise Centre site, where attendees will be able to purchase food within the building.

**Attendees are reminded to return to the site a minimum of 15 minutes prior to the reconvening of the hearing.**

## **Toilets**

There are toilet facilities. Disabled toilets are also provided. All attendees will be accompanied to the outside of the toilet facilities.

## **Visiting the Lifewise Centre**

The full postal address for satellite navigation is:

## **Lifewise Centre**

**Kea Park Close,  
Helliaby Industrial Estate,  
Rotherham ,  
S66 8LB**

All visitors must enter via the main front entrance. If you are driving, you should park your vehicle on one of the roads adjacent to the centre and make your way to the main reception, where you will be met by a member of South Yorkshire Police Staff. The security process will then be followed and you will be issued with a visitor pass.

You will then be escorted to the Public Hearing Room.

## **Health & Safety**

Any person attending who requires a Personal Emergency Evacuation Plan must make this known when applying to attend a hearing. A member of the South Yorkshire Police Health & Safety Team will assist you in completing the plan prior to the commencement of the proceedings.

### **Action on discovering a fire**

- If you discover a fire, alert others by operating the nearest fire alarm call point by breaking the glass.
- Leave the building with your escort via the nearest safe fire exit and go to the assembly point

### **On hearing the Fire Alarm**

- When you hear the fire alarm your escort will direct you to the nearest safe fire exit and the assembly point. You will be accompanied by a member of South Yorkshire Police Staff
- You must not stop to collect personal belongings.

### **Assistance required?**

- If you are unable to undertake the fire evacuation process detailed above – please inform the Force prior to your arrival on site.
- A Personal Emergency Evacuation Plan (PEEP) will be prepared for you. The PEEP will take into account your personal requirements and will be designed to allow you safe exit from the building during an emergency.

### **Accidents and Near Misses**

- If you have an accident in the building, please tell a member of staff who will contact a first aider.
- The first aider will offer first aid and contact the emergency services, if required.
- All accidents must be reported using the relevant accident form which will be provided by a member of South Yorkshire Police Staff.