

# Dyfed Powys Police

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## *References provided by Police Officers Policy*

*HQ Policy Ref No: 14/01*

<b>Author</b>	Insp. H. Morgans	<b>Dept</b>	Professional Standards
<b>Version</b>	1.0	<b>Date</b>	31 January 2001
<b>Human Rights Act Certification</b>	Mr M. Beckett <b>(Force Legal Advisor)</b>	<b>Date</b>	12 February 2001
<b>Approved By</b>	HRSG	<b>Date</b>	6 March 2001
<b>Ratified By</b>	ACC	<b>Date</b>	6 March 2001
<b>Review Date</b>	December 2011		



**This Policy has been drafted in accordance with the Human Rights Act  
1998**

## **1. Policy**

1.1 It is Dyfed Powys Police policy to require an officer who proposes to give any testimonial of character, or other recommendation, to first obtain the sanction of the chief constable.

1.2 The authority to consent has been delegated to the Deputy chief constable. The Professional Standards Department will acknowledge receipt of all requests, and prepare the correspondence for final decision by the Deputy chief constable.

1.3 In the exercise of any power, authority or directive under this policy, any consideration will ensure that;

- a) Due regard is given to the applicants' human rights;
- b) There is not any unjustifiable discrimination against any individual or group of individuals;
- c) Actions taken are justified, strictly proportional to and the least intrusive and damaging option to the achievement of their legitimate aims;
- d) Guidance which is contained within this policy is followed.

1.4 That in the carrying out of this duty, it will be the duty of staff to follow a clearly defined decision making process by detailing their objectives, assessing all available and relevant information and options, documenting decisions made and reviewing outcomes.

1.5 This decision making process will be the subject of review and scrutiny by HMIC and other relevant parties as appropriate.

## **2. Aim and Lawful Authority**

2.1 The purpose of this policy is to maintain the integrity of the Dyfed Powys Police within the communities it serves.

2.2 The legal basis for the exercise of any power, authority or directive under this policy is:

- (a) Police Act 1996
- (b) Police (Conduct) Regulations 2008
- (c) Police Reform Act 2002

2.3 Dyfed Powys Police consider that any action taken under this policy is necessary in a democratic society in the interests of;

- National security
- Public safety
- Prevention of crime and disorder
- Protection of health and morals
- Protection of the reputations, rights and freedom of others

### **3. Definition of terms**

Nil

### **4. Derogations**

Nil

### **5. Enforcement and reporting**

5.1 All staff, in particular managers and supervisors, will be responsible for the implementation and operation of this policy.

### **6. Accessibility, redress and reviews**

6.1 This policy will be published and made readily available to all police officers and support staff via the Force Intranet System or where this facility is not available, at the discretion of Divisional Commanders / Heads of Department, by paper dissemination.

6.2 This policy is a public document and will be made available to the general public via the Force Internet site – [www.dyfed-powys.police.uk](http://www.dyfed-powys.police.uk) - and upon written request to the Force policy coordinator.

6.3 This policy will be reviewed annually by the Professional Standards Department to ensure on-going compliance in respect of the Human Rights Act, any other legislation or guidance documents, to include Human Rights case law. There will also be external audit by, for example, Her Majesty's Inspector of Constabularies (HMIC). The policy will be published in a format making it easily readable.

6.4 Any person(s) who has / have cause to feel aggrieved by any matter outlined in this policy is / are able to and may seek redress in the following ways;

- Misconduct procedures
- Organisational complaints procedure
- Grievance procedure

6.5 In exercising their right as detailed in 6.4 above, the individual may have a right to equal access to information so far as the law permits and subject to the rules applicable in civil actions.

6.6 Public consultation is an important part of this process, with any views and comments welcomed. These should be addressed to the

Chief Constable,  
 Dyfed-Powys Police Service,  
 P.O. Box 99,  
 Llangunnor,  
 Carmarthenshire.  
 SA31 2PF.

## 7. Human Rights Generic Audit Compliance List

**Policy Name:** References provided by police officers

**Policy Owner:** Professional Standards Department

**Audited by:** Sergeant H. Williams

Issue	Question	Response	Page Ref
<b>AUDITING FOR POTENTIAL INTERFERENCE AND DISCRIMINATION</b>	Have the contents of this policy (and any attendant powers, authorities and directions contained within it) been audited for potential interference with an individuals rights?	Yes.	Pages 1 & 6 - 8
	Have the contents of this policy been audited for the potential for it to be discriminatory. In relation to the application or provision of such rights?	Yes	Page 3 Para 1.3(c)
<b>KEY HUMAN RIGHTS PRINCIPLES</b>	Does the policy contain a statement explaining what the legal basis is for the policy (and any attendant powers, authorities or directions given	Yes	Page 4 Para

	within it)?		2.2
<b>KEY HUMAN RIGHTS PRINCIPLES</b>	Does the policy provide details of what could be considered a legitimate aim(s) for the potential interference with an individuals rights by virtue of exercising the policy and its attendant powers, authorities or directions?	Yes	Page 4 Para 2.3
<b>KEY HUMAN RIGHTS PRINCIPLES</b>	Are supervisors and practitioners made aware of the need to follow a clearly defined decision making process in considering all information, and deciding on courses of action?	Yes	Page 3 Para's 1.3 & 1.4
<b>KEY HUMAN RIGHTS PRINCIPLES</b>	Is it explicit within the policy what the minimum standards are in relation to the documentation of such decision making?	Yes	Page 3 Para 1.3
<b>KEY HUMAN RIGHTS PRINCIPLES</b>	Does the policy provide managers and practitioners with clear guidance on establishing the:-		
	<ul style="list-style-type: none"> <li>• Legal basis of their actions</li> <li>• The aim of their actions (legitimate aims can only be established by virtue of the exemptions and derogation's given in the act)</li> <li>• Whether their actions are justified and proportionate in seeking to achieve their aim(s)</li> <li>• Whether the intended action is the least intrusive and damaging option to achieving the aim(s)</li> <li>• The need to document clearly the decision making process and outcomes of action.</li> </ul>	Yes - do – - do - - do - - do -	Page 4 Page 4 Page 3 Para 1.3 (d) Page 3 Para 1.3(d) Page 3 Para 1.4
<b>DELINIATING BETWEEN POLICY AND TACTICS</b>	Does the policy incorporate police tactics, which would make it impractical to publish the contents? (NB: due to publication requirements it is suggested that tactical material is not included in policy documentation for security reasons).	No	
<b>RIGHTS, PUBLICATION AUDIT AND INSPECTION</b>	Does the policy contain a statement in favour of public disclosure or, if this is inappropriate, justification of any reservation to this rule on	Yes	Page 5 Para 6.2

	<p>public interest/other grounds? Does the policy contain:-</p> <ul style="list-style-type: none"> <li>• a clearly defined statement of rights when a power, authority or direction is being exercised. Including the right to make representations, access to legal advice etc?</li> <li>• a statement about the availability of the policy (method of proposed publication to public). A clearly defined appeals procedure?</li> <li>• a recommendation about maintaining audits and inspection of decision making?</li> <li>• a recommendation about the level of independent scrutiny of decision making and complaints?</li> </ul>	- do -	<p>Para 6.4 &amp; 6.5</p> <p>Para 6.4</p> <p>Para 6.3</p> <p>Para 6.3</p>
<b>CERTIFICATION OF COMPLIANCE</b>	Does the policy contain a certification that it has been drafted in accordance with the Human Rights Act and the principles underpinning it?	Yes	Page 8
<b>LEGAL VETTING</b>	Has this policy been through legal vetting for human rights compliance?	Yes.	Pages 8
<b>POLICY REVIEW</b>	Has the policy got a review date to ensure ongoing compliance in light of emergent legislation and human rights case law?	No. This will be allocated upon being vetted for human rights compliance.	

**CERTIFICATE OF COMPLIANCE**

This policy has been drafted in accordance with the Human Rights Act and has been reviewed on the basis of its contents and the supporting evidence and it is deemed compliant with that Act and the principles underpinning it.

Signed: M. Beckett (Force Legal Adviser)

Name: Martin Beckett

Department: CJU

**REVIEW**

This policy is due for review by:

Date: December, 2011