



Conduct Management Plans – Guidelines for Police Officers

Professional Standards Command

Summary

It is the responsibility of all members of the NSW Police Force to ensure their conduct is at all times appropriate and to a standard that will not bring them or the NSW Police Force into disrepute.

The NSW Police Force recognises the need for flexibility in managing inappropriate conduct by police officers both in and out of the workplace.

For this reason, a clear distinction has been made between conduct and performance. This distinction assists in determining the most appropriate method to remediate and manage the risk.

These guidelines have been developed to assist commands or units to:

- determine the difference between conduct and performance
- identify when a Conduct Management Plan (**CMP**) can be used
- develop and implement a CMP
- monitor a CMP
- finalise a CMP

Document Control Sheet

Document Properties

Title	Conduct Management Plans – Guidelines for Police Officers
Subject	Assisting officers to modify their behaviour to ensure the appropriate standard of conduct is maintained
Command responsible	Professional Standards Command
Authorisation	Assistant Commissioner, Professional Standards Command
Security Classification	OFFICIAL: Sensitive
Publication date	July 2024
Current version number	15
Review date	July 2027
Document RMS number	D/2024/820540
Linked RMS folder	D/2024/906775 - F/2023/54392
Copyright statement	© Crown in right of NSW through NSW Police Force 2024
Suitable for Public Disclosure	Yes

Modification History

Version #	Version creation date	Author / Position	Summary of changes
9	10/2017	Manager, Management Support Unit, Professional Standards Command	Update Format of document for consistency. Add Annexures 3, 4, 5.
10	01/2018	Professional Standards Command	Update to document classification under GIPA Act 2009
11	08/2018	Professional Standards Command	Update to CMP example to include approved new strategy for inclusion in CMP.
12	07/2019	Professional Standards Command	Update document to include mentor name change to Plan Supervisor, name change from subject officer to involved officer, inclusion of updated Templates in CMPs
13	05/2021	Professional Standards Command	Update document to address Commander/Delegate, plan supervisor/ reviewing officer responsibilities. Conflict of interest declarations and CMP recording requirements
14	11/2021	Professional Standards Command	Update and review of Guidelines including: <ul style="list-style-type: none"> changes to reflect Misconduct Management Framework and misconduct from complaint focus Delete references to Management Support & Training Unit for flexibility within PSC assignments Updated Annexures and removal of Annexure 3 and 4 Change unsworn staff to administrative employees Minor technical updates

15	07/2024	Professional Standards Command	<p>Transfer of document to new corporate template</p> <p>Roles and responsibilities defined</p> <p>Change of name from Workforce Safety Command to Health, Safety & Wellbeing Command</p> <p>Minor formatting changes</p>
----	---------	--------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Table of Contents [RIGHT CLICK ON THE TABLE AND SELECT 'UPDATE FIELD' – 'UPDATE ENTIRE TABLE' WHEN DOCUMENT COMPLETE]

SUMMARY.....	2
DOCUMENT CONTROL SHEET	3
1. PURPOSE.....	7
1.2 SCOPE	7
1.3 ROLES & RESPONSIBILITIES	7
2. APPLICATION TO LEGISLATION AND POLICY DOCUMENTS	8
3. THE DIFFERENCE BETWEEN CONDUCT AND PERFORMANCE.....	8
4. WHAT IS A CONDUCT MANAGEMENT PLAN (CMP)	10
4.1 When to use a Conduct Management Plan	10
4.2 Management of conduct issues in the workplace	10
4.3 Interim risk management and Conduct Management Plans.....	11
4.4 Conduct Management Plans and Management Action.....	11
5. DEVELOPING AND IMPLEMENTING A CONDUCT MANAGEMENT PLAN	12
5.1 Information to consider in the development of a Conduct Management Plan	12
5.2 Establishing timeframes for Conduct Management Plans	13
5.3 Developing strategies.....	13
5.4 Selection of plan supervisors and reviewing officers.....	14
5.5 Plan Supervisors.....	15
5.6 The rev Supplementary assistance to plan supervisors.....	15
5.7 Reviewing officers.....	16
5.8 Right of review.....	16
6. IMPLEMENTING A CONDUCT MANAGEMENT PLAN BY THE COMMANDER/DELEGATE	16
6.1 Signing a Conduct Management Plan	16
6.2 Informing commanders / managers / supervisors.....	17
6.3 Recording of a Conduct Management Plan	17
7. MONITORING A CONDUCT MANAGEMENT PLAN	18
7.1 Regular reviews between plan supervisor and involved officer.....	18
7.2 Monthly Progress Reports.....	18
8. FINALISING A CONDUCT MANAGEMENT PLAN	19
8.1 Postponing the implementation of a Conduct Management Plan	19
8.2 Finalisation	19
8.3 Recording requirements and confidentiality	19
8.4 Formal management action	20
8.5 Officers transferring while Conduct Management Plan being drafted or implemented	20
8.6 Further advice.....	20
9. ENDNOTE REFERENCES	20

ANNEXURE 1: FLOWCHART – HOW TO PREPARE A CONDUCT MANAGEMENT PLAN	21
ANNEXURE 2: EXAMPLE OF A CHRONOLOGY	22

1. Purpose

This guideline provides a systematic process for the development and management of a Conduct Management Plan.

1.2 Scope

Conduct Management Plans (**CMPs**) are a framework designed to support the implementation of management action in the workplace. A CMP is designed to set behavioural expectations and assist an officer to modify their behaviour. Any intended strategies should be focused on remediating an officer's behaviour and risk mitigation. The plan includes extra supervision and provides a mechanism for reporting feedback to ensure the appropriate standard of conduct is maintained.

CMPs can be used to respond to sustained findings from misconduct matters, or a pattern of behaviour observed over a period of time through daily management.

Commanders/Delegates are responsible for the management of CMPs which only apply to police officers.

Misconduct matters for administrative employees (including temporary and ministerial employees) are centrally managed with the Professional Standards Command (**PSC**). Contact PSC for information regarding administrative employee conduct issues.

1.3 Roles & responsibilities

Assistant Commissioner, Professional Standards Command	Document Sponsor
Panel Operations Unit, Professional Standards Command	Document Owner
Commander	<p>Refer to this document prior to approving the implementation of a CMP to ensure:</p> <ul style="list-style-type: none"> • it has been developed to address conduct issues • appropriate strategies • appropriate time frames • appropriate selection of plan supervisor and reviewing officers
Reviewing Officer	<p>Refer to this document prior to reporting to the Commander on the officer's progress and ensure:</p> <ul style="list-style-type: none"> • reviews are conducted regularly • feedback is provided

	<ul style="list-style-type: none"> • adherence with the strategies • compliance with the guidelines
Plan Supervisor	<p>Refer to this document prior to commencement to ensure and ensure you:</p> <ul style="list-style-type: none"> • meet regularly • feedback is evidence based • identified issues are addressed with the involved officer • prepare monthly progress reports
Involved Officer	<ul style="list-style-type: none"> • Know and comply with the CMP
Executive Officer	<p>Upload copy of CMP to IAPro (when the CMP is in connection with a misconduct matter)</p>

2. Application to legislation and policy documents

CMPs are not based within legislation but their application in the workplace is supported by NSW Police Force policy and the principles of procedural fairness.

3. The difference between conduct and performance

It is important to be able to define whether an issue is conduct or performance based prior to considering appropriate management action and supporting plans.

The following definition adopts the principles of separating a conduct issue from one that is performance based:

The line between conduct and performance issues is often a fine one.

The real difference is the extent to which an officer deliberately failed to do what he or she knew was expected. If so, the failure may be characterised as a conduct issue. However, to the extent that an officer's actions arise out of incompetence, mistake, poor judgement or lack of understanding of proper procedures, the matter is really a performance issue.¹

¹ Henry, Davis, York Lawyers (July 2009)

As a general rule, management of unsatisfactory performance is legislated by clause 57 of the Police Regulation 2015 and is addressed through a Remedial Performance Program. Conduct management is not legislatively based and should utilise strategies to embed the behaviours expected of the NSWPF.

Under the NSW Police Force **Misconduct Management Framework**, misconduct is defined as:

Action or inaction of a NSW Police Force member, on or off duty regardless of where it occurs, including a criminal offence, corrupt conduct and or unlawful conduct that could attract management action.

Part 9 of the *Police Act 1990* provides the legislative framework for the '*management of conduct within the NSWPF*' and includes two pathways for action, either reviewable action or non-reviewable action.

Management Action, implemented under Part 9, is often supported by other strategies aimed at embedding the behaviours expected of NSW Police Force members.

Each matter must be assessed on a case by case basis. Where an identified issue relates to the manner in which a police officer carries out operational or specialist work related tasks, commanders and managers must demonstrate the actions of the officer were deliberate or showed a conscious disregard for known standards or directions. To achieve this, they must be satisfied that appropriate remedial methods have been employed previously to address the competence aspect of an officer's behaviour.

Commands or units should adhere to the Industrial Relations Commission principles of assessing whether the decision could be construed as harsh, unreasonable or unjust when determining how a matter is addressed.

- **Harsh** – the action to be undertaken is disproportionate to the gravity of the behaviour or incident.
- **Unreasonable** – decisions in relation to action to be undertaken were made upon inferences that could not reasonably have been drawn from the material before the manager or commander.
- **Unjust** - the employee was not guilty of the misconduct on which the commander or manager acted.²

The Professional Standards Command (**PSC**) can provide further advice on determining whether an issue is conduct or performance related and offer assistance to commands or units in their

² Industrial Relations Commission – *Bryne -v- Australian Airlines Ltd*

decision-making processes. Contact can be made through the PSC Help Desk on 9355 8370 / EN 48370 or email [#PSCHELP](#).

4. What is a Conduct Management Plan (CMP)

A CMP is a formal document with strategies aimed specifically at embedding behaviour expected by the NSWPF and focused on behavioural risks, identified and supported by commanders or managers.

The objective is to provide strategies underpinned by the principles of restorative justice rather than punitive action. This is accomplished by modifying behaviour to an appropriate standard through implementing strategies inclusive of supervision, providing timely feedback and reporting on progress to the officer.

It is important to note that a CMP:

- can only be used for police officers
- will generally be in place for an appropriate time
- provides relevant documents around policy and procedure supporting the expected behaviour

4.1 When to use a Conduct Management Plan

A CMP can be used to manage an escalation of minor conduct or competency risks or in support of final management action resulting from sustained misconduct matters. CMPs can also be used to facilitate misconduct matters where the delegate declines to investigate.

4.2 Management of conduct issues in the workplace

Normal day to day managerial practices, including issues in *my performance (MP)*, may identify a range of minor conduct or competence behavioural risks, associated with an officer's behaviour in the workplace which do not meet the definition of a misconduct matter under Part 8A of the *Police Act 1990*.

Minor behavioural issues that fall short of the expectation of the NSW Police Force misconduct can include but is not limited to:

- lateness
- minor cases of rudeness or unprofessional behaviour
- inappropriate attitude
- failing to follow reasonable instructions of supervisors or managers (that would not amount to a failure to follow directions)

When minor behavioural issues are identified, on each occasion a supervisor should:

- bring the behaviour to the officer's attention as soon as possible, citing specific examples
- ascertain and consider the officer's reasons for their behaviour, inclusive of possible welfare concerns, external or internal issues causing an impact on them
- state the required expectations and clarify appropriate behaviour in the workplace with the officer, referring to relevant policies, guidelines or legislation if required
- offer assistance to the involved officer and, when appropriate, consider internal and external referrals to support the officer where specific personal issues are disclosed

Consider the appropriate means of documenting the interaction with the officer including their responses when spoken to. The collation of this information can assist in identifying patterns of behaviour with specific officers and assist in the assessment of the appropriateness of a CMP. A copy is to be provided to the officer.

4.3 Interim risk management and Conduct Management Plans

Interim risk management is applied on a temporary basis to manage the risks associated with the behaviour of an officer. Interim risk management can stand alone, however is generally associated with the investigation of a misconduct matter.

Interim risk management can be implemented immediately after an issue is identified or an incident has occurred, seeking to remediate those risks. If associated with misconduct information it can be put in place prior to assessment, investigation or implementation of final management action. Interim risk management plans are also aligned seeking to remediate identified risks at the earliest opportunity. A separate determination can be made for the need for a CMP if the behavioural risk is already remediated.

A CMP is implemented to manage and correct conduct relating to isolated incidents or ongoing patterns of sustained misconduct. Interim risk management is implemented during a complaint investigation and remains in place until the associated risks are no longer considered an issue, or the implementation of a CMP or final management action is taken.

Commanders should consider the subject officer/s compliance with any interim risk management plan during the course of a misconduct matter and the need for management action of a comparative nature.

4.4 Conduct Management Plans and Management Action

An officer subject to reviewable or non-reviewable action may also be the subject of a CMP. The CMP should be served along with any final management action.

If a CMP is part of a recommendation to be placed before the Internal Review Panel (**IRP**), then an officer should be placed or maintained on an Interim Risk Management Plan if the alleged conduct warrants continued risk mitigation.

This Interim Risk Management Plan (**IRMP**) should remain in place until the IRP's recommendations are finalised. Consideration should be given to the necessity for any CMP where there has been strict adherence to an IRMP, where the officer's behaviour and competence has been remediated and potential risk mitigated.

5. Developing and implementing a Conduct Management Plan

A CMP should be considered for implementation, relevant to behaviour, where a Warning Notice will be served from sustained findings of an internal investigation. The CMP ensures ongoing monitoring of the officer in the work environment.

Approval by a commander / manager must be sought prior to the development and implementation of a CMP. When approval is provided a draft CMP should be prepared including appropriate strategies, time frames, nominated plan supervisor and a reviewing officer. The period of time for a CMP should reflect the shortest amount required to remediate the behaviour.

The development and implementation of a CMP is to be linked to the facts and circumstances of a matter. The reasons for the CMP should be incorporated into the background section of the plan.

The draft should be flexible enough to incorporate further amendments or suggestions as the CMP progresses. A CMP should be provided to the commander or manager for approval prior to being implemented.

CMP Flowchart is included in Annexure 1.

CMP Template P1043 is available on PSC Forms intranet.

5.1 Information to consider in the development of a Conduct Management Plan

Relevant information for consideration when developing a CMP include (but not limited to):

- facts and circumstances of the issue/s
- relevant policies and guidelines
- relevance of issue/s to the officer's position, duties and workplace. Considerations can include, but not limited to:
 - the level of influence by the officer on other employees.
 - level of supervision being provided to the officer.
 - other issues relating to the officer remaining in the same workplace and undertaking the same or similar duties.

- evidence of demonstrated competencies, skills and experience of the officer in their current or previous duties.
- the employment history and general conduct history of the officer. The conduct history of an officer includes any management action taken (performance or conduct based), sustained finding/s or other remedial actions which are recorded about an individual officer within NSWPF records. Other issues to consider include (but not limited to):
 - whether the conduct or similar conduct has previously been the subject of management action
 - the number and type of previous management action taken with an officer
 - the length of time since the previous action was taken
 - outcomes of an officer's engagement in previous or current management plans or other remedial actions etc.
- Health or welfare information regarding the officer. Ensure any information complies with the *Health Records and Privacy Information Act 2002* - If required refer to Health, Safety & Wellbeing Command

5.2 Establishing timeframes for Conduct Management Plans

Timeframes for a CMP are flexible. Each matter must be assessed on its own merits and any timeframes associated with a CMP must be sufficient to ensure that strategies outlined within the CMP are able to be monitored and behavioural changes are able to be measured.

If the officer has been subject to supervision/monitoring on an Interim Risk Management Plan consideration should be given to the necessity for any subsequent CMP.

Commanders and managers must adhere to the timeframes they set in the CMP. The commander has the discretion to extend or reduce the timeframe of the CMP, in consultation with the involved officer, dependent on evidence of behavioural change.

Working arrangements of the officer (part time agreements etc) and flexible rostering hours should be taken into account when establishing timeframes for a CMP. These considerations will allow the officer to demonstrate a consistent change of behaviour and allow for a fair assessment. Extensions may be granted in exceptional circumstances e.g. sick leave, extended leave.

It is also important to consider the impact on the command, involved officer and plan supervisor when formulating reporting requirements.

5.3 Developing strategies

All CMPs must involve strategies designed to modify the involved officer's behaviour.

The commander must approve the CMP strategies and endorse their implementation. This is necessary because of the possible consequences for an officer who fails to meet the expectations set by a CMP, the level of resources required to maintain a CMP and the potential to alter an officer's duties.

When developing CMP strategies, you should consider that:

- strategies should address all the identified conduct issues
- each strategy should have expectations identifying what it aims to achieve
- the number of strategies should be limited, achievable and relevant to identified behaviour and identified residual risks
- the CMP should not incorporate strategies that can't be completed by either the involved officer or the command within agreed time frames
- a plan supervisor and reviewing officer must be included
- strategies can be drawn from Schedule 1, s173 (non-reviewable action) of the *Police Act 1990*; for example:
 - increased supervision
 - temporary restriction or change of duties
 - temporary change of shift

If changing an officer's duties or work location, ensure that all relevant specialist allowances (e.g. detectives or HWP) are maintained while the officer is subject to the CMP. Plans must also include welfare and support agencies available including Peer Support Officers, Chaplaincy and the Employee Assistance Program (**EAP**).

The strategies of a CMP will vary depending upon the circumstances and identified issues.

5.4 Selection of plan supervisors and reviewing officers

The critical component of the implementation of a CMP is monitoring the involved officer against the strategies implemented. The appropriateness of decisions regarding the use of a CMP and the strategies it contains must be based on inferences that were reasonably drawn from material available in relation to the actions of the involved officer.

To ensure that an involved officer is managed properly and all reasonable attempts to correct the actions of the officer are made, commands and units should ensure that the selection of plan supervisors and reviewing officers is appropriate and such personnel are available to perform the role for the duration of the plan.

The availability and suitability of a plan supervisor or reviewing officer should be confirmed with the officer/s prior to nominating them in the CMP. It is essential to confirm that the nominated officers have no conflicts of interests which may impact on their roles and responsibilities regarding the plan.

If a potential or actual conflict of interest is identified with a nominated plan supervisor or reviewing officer, either assess the suitability of the officer to continue in the nominated role; or select another officer to perform the role.

Use of an electronic chronology (See **Annexure 2** and Forms page on PSC Intranet) to record day to day management interaction regarding issues or the progress of the involved officer (common

drive access by all supervisory and management staff) could assist when preparing regular progress reviews during the life of the management plan.

Failure of the plan supervisor to properly monitor and record the plan, fails to provide the necessary confidence that the plan is striving to achieve. This may compromise the organisation's capacity to establish any necessary management action taken against the officer in the future.

5.5 Plan Supervisors

A plan supervisor is a nominated officer who generally has greater knowledge and experience than the involved officer and is generally of higher rank. The plan supervisor's role is to:

- meet regularly with the involved officer to provide ongoing advice, support, guidance and feedback (both face to face and written) for the duration of the CMP
- ensure that information collated is evidence based or where possible include examples of conduct that has been directly witnessed
- prepare reports that contain factual, evidence-based observations which have been discussed with the involved officer and are free from personal opinion, rumour or comments that are not substantiated by individuals
- monitor the progress of the CMP
- address any issues recorded in the chronology with the involved officer and report on same to the reviewing officer.

5.6 Supplementary assistance to plan supervisors

Whilst the allocation of a plan supervisor is an important component of the implementation of a CMP, competing operational or unit work demands, shift patterns and other work-related commitments can impact on the regular interaction between the plan supervisor and the involved officer. Effective monitoring of an officer on a CMP can only be achieved through a whole of management team approach to assisting the plan supervisor in fulfilling their role.

Middle and senior managers should actively assist the plan supervisor in monitoring an involved officer. This will assist in developing comprehensive evidence-based assessments in relation to progress and timely consultation with the involved officer when issues are identified.

Where a supervisor/manager other than a plan supervisor identifies an issue or has cause to speak with an officer on a plan, it is imperative that these matters are brought to the attention of both the plan supervisor and reviewing officers for inclusion in both the chronology and progress reports.

PSC can also provide support to plan supervisors.

5.7 Reviewing officers

The nominated reviewing officer must provide an objective review of the involved officer's progress and report to the commander/manager. The reviewing officer should have appropriate rank and experience to:

- conduct regular reviews on the involved officer's progress based on information supplied by the plan supervisor and other management team members
- ensure that feedback is being provided to the involved officer on their progress at regular intervals
- ensure the command adheres to the CMP strategies
- update the commander on the involved officer's progress and the ongoing suitability of the CMP's strategies
- facilitate responses to any issues raised by the plan supervisor.

In some instances, the reviewing officer may be the commander/manager (e.g. when the involved officer is a duty officer). Regardless, any conflict of interest between the involved officer and the reviewing officer must be considered and, if appropriate, addressed by the command prior to the CMP commencing.

5.8 Right of review

An involved officer may seek a review of a CMP by the next level of command. A request for the review of a CMP must be made in writing and include the reasons for requesting the review, including any issues with individual strategies.

Unless there are extreme circumstances, the implementation of a CMP will not be impeded by the request for a review.

If required, the CMP and its strategies, after implementation, can be modified in accordance with the outcome of a review.

6. Implementing a Conduct Management Plan by the Commander/Delegate

6.1 Signing a Conduct Management Plan

The involved officer should read the CMP after it is explained, sign it and be provided a copy. Their signature only confirms the requirements and obligations have been explained to them and they have received a copy for their own records.

If an officer declines to sign the CMP do not direct the involved officer to sign the plan. The first response should be an attempt to clarify the involved officer's concerns and explain:

- the reasons for implementing the CMP
- the requirements and expectations of each strategy within the plan
- the conduct management strategies will be implemented regardless of whether they sign or refuse to sign the plan.

Make a note on the plan that the involved officer declined to sign. The CMP should be signed by the officer serving the CMP to this effect and a copy of the plan provided to the involved officer.

The plan supervisor and reviewing officer must also sign the CMP (including any conflict of interest declaration) and receive a copy. Their obligations should be explained to them by the commander prior to signing the CMP. All invested parties should be provided a copy of this document - *Conduct Management Plans – Guidelines for Police Officers*.

The signature of the commander/manager is an acknowledgment that they endorse the CMP and are willing to support its implementation within their command.

When the CMP has been signed by all parties, the involved officer is informed that the CMP has commenced and that the strategies are in place. Plan supervisors and reviewing officers should immediately commence monitoring the CMP, preferably with the assistance of managers or supervisors.

6.2 Informing commanders / managers / supervisors

While it is important to maintain confidentiality, if an officer is subjected to any form of conduct management strategies, the involved officer's immediate supervisor/s should be informed about the existence and proposed strategies to ensure appropriate supervision.

6.3 Recording of a Conduct Management Plan

Pattern of behaviour

Where a CMP is implemented to address a pattern of identified behaviour that was discussed with the officer as it was occurring, the results and pattern of the behaviour should be recorded on the CMP. The CMP is to be recorded in the officer's electronic personnel file only.

Sustained misconduct matters

Where a CMP is entered into in connection with a misconduct matter, a copy of the signed CMP should be included in the relevant IAPro reference. It is the responsibility of the executive officer to upload this document to the relevant IAPro record.

All ancillary documents are to be filed in the officer's personnel file.

When the CMP relates to multiple complaint matters, ensure that each individual complaint is linked to the primary complaint.

7. Monitoring a Conduct Management Plan

7.1 Regular reviews between plan supervisor and involved officer

The objective of review meetings is to provide face to face feedback and engagement of the involved officer from their perspective regarding:

- their progress for the review period
- their adherence to the CMP strategies
- specific examples of positive and negative behaviours/issues/incidents
- reinforcement of expectations
- reference to relevant policies/legislation/guidelines
- any issues/circumstances that may affect the continuance of CMP strategies.

7.2 Monthly Progress Reports

Comprehensive reporting is critical to the monitoring of a CMP and a plan supervisor should consider the following when completing their report:

- reports should be free from speculative opinion, bias and unsubstantiated claims
- reports should contain specific examples of positive and negative behaviours or incidents relating to the involved officer
- all matters discussed with the involved officer should be included in the report unless confidentiality provisions preclude it
- avoid the inclusion of issues or determinations not discussed with the involved officer in the review reports
- all reports may be subject of disclosure to the involved officer or a third party on request or in instances where reviewable management action under section 173(2) of the *Police Act 1990* is taken
- completed progress reports should be submitted to the reviewing officer for comment prior to forwarding to the commander/manager.

Consider using the Monthly Progress Report template - P1153 - available on the PSC Intranet.

8. Finalising a Conduct Management Plan

At the conclusion of the CMP the reviewing officer will make an assessment as to whether the involved officer has satisfied all of the CMP strategies and their behaviour has been remediated.

The commander/manager will review all supporting documentary evidence e.g. plan, supervisor reviews and any other relevant paperwork. They will endorse the findings or provide alternative recommendations if they do not agree.

8.1 Postponing the implementation of a Conduct Management Plan

The implementation of a CMP can be postponed if the involved officer is absent from the workplace due to sick or other leave. This needs to be endorsed by the Commander/Manager.

8.2 Finalisation

The involved officer should be informed if they have successfully met the CMP requirements prior to ending the plan. Finalisation should generally occur following the completion of a final monthly progress evaluation report where recommendations are made by both the plan supervisor and reviewing officer that the outcomes have been met by the involved officer.

Finalisation will only occur when the recommendations of the plan supervisor and reviewing officer are ratified by the commander / manager.

8.3 Recording requirements and confidentiality

A suitable notation should be made on command records that the involved officer has successfully met the CMP requirements.

A copy of the CMP arising from a misconduct matter only is to be recorded on IAPro.

The accompanying monthly progress report must be kept in the officer's electronic personnel file. Keeping this documentation is important to ensure accountability and transparency.

A copy of all other CMP's arising from non-misconduct matters along with monthly progress reports, are to be recorded in the officer's electronic personnel file.

It may be required to provide evidence of attempts made to correct an officer's behaviour if further management action is considered against the involved officer for future sustained findings of misconduct or unsatisfactory performance.

The involved officer should be made aware that while confidentiality will generally be maintained, information may be divulged to supervisors and managers for the purpose of effective supervision and monitoring.

8.4 Formal management action

When an officer fails to meet CMP requirements despite being provided every opportunity to do so, a commander may consider management action in the form of section 173 non-reviewable, section 173 reviewable, or section 181D removal.

For further information, please contact PSC via the PSC Helpdesk on EN 48370 or #PSCHELP.

8.5 Officers transferring while Conduct Management Plan being drafted or implemented

If an officer transfers prior to the implementation of a CMP the respective commanders/managers should negotiate responsibilities for drafting the CMP. The commander/manager with current responsibility for the involved officer will be responsible for the plan's subsequent implementation and management.

In the case where agreement cannot be reached the command or unit to which the officer was attached at the time of the sustained misconduct issue will be responsible for the initiation of a draft CMP. It is held that this command or unit will have the requisite knowledge of the conduct issue/s and the previous management strategies employed with the involved officer to address the conduct issues appropriately.

The draft plan will be forwarded for the review of the commander/manager where the involved officer is currently performing duty. The decision in relation to the appropriateness of the plan and its subsequent implementation will be with the current commander/manager as they have responsibility of the management of that officer.

Contact PSC for assistance in the creation of a draft plan in cases where an officer is transferred.

An involved officer can transfer from commands while undertaking a CMP provided that the receiving command is:

- willing to accept an officer undertaking a CMP
- satisfied that they can support the CMP strategies until finalisation.

Note: There may be a need to review strategies in the CMP to ensure the involved officer is capable of performing the tasks as set out in the CMP.

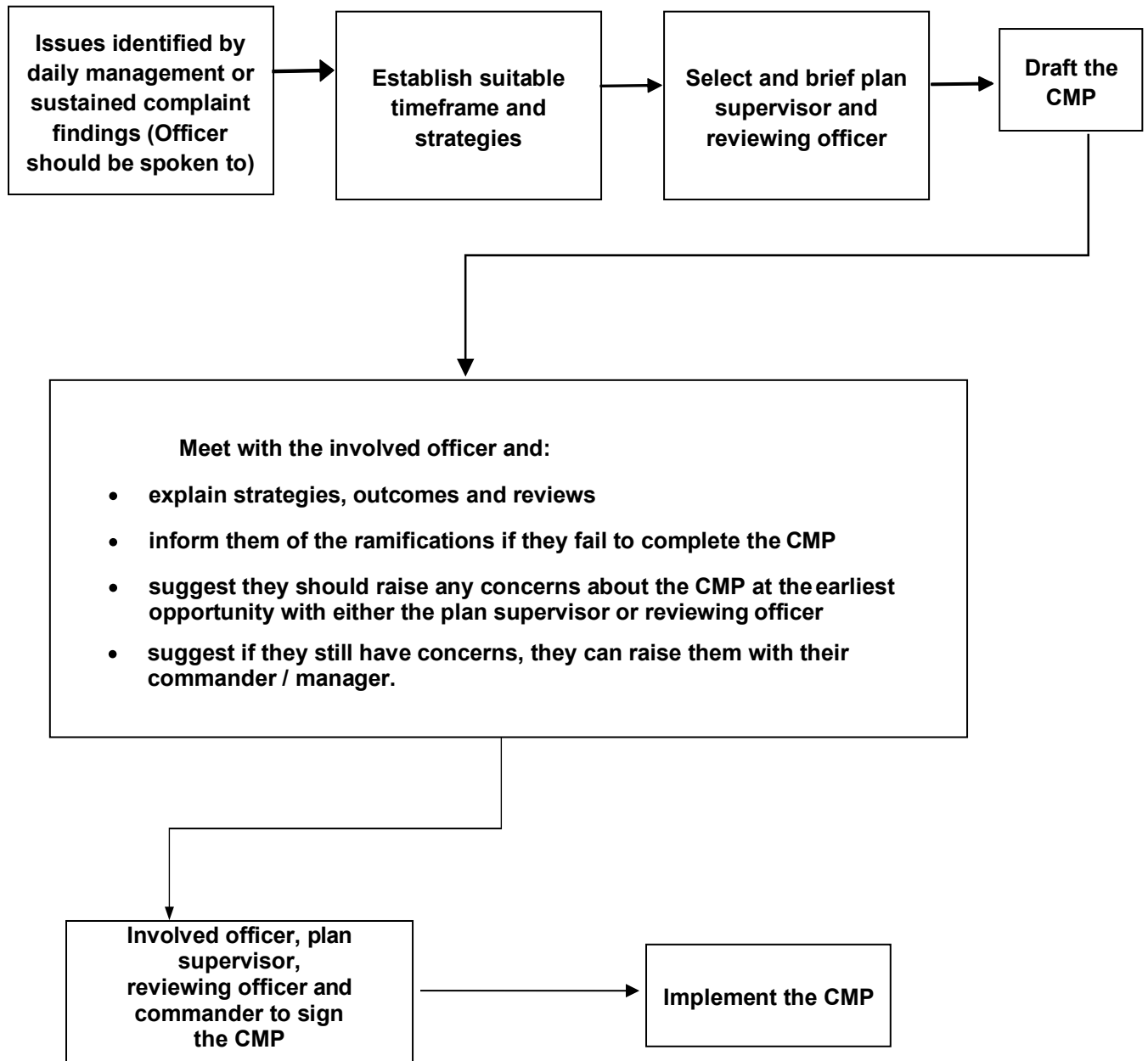
8.6 Further advice

For further assistance in managing officers under these guidelines, contact the Professional Standards Command.

9. Endnote References

Nil

Annexure 1: Flowchart – How to prepare a Conduct Management Plan



Annexure 2: Example of a Chronology



NSW POLICE FORCE

11/2021

CHRONOLOGY DOCUMENT

Rank First name Surname - PAC or Police District

Note: Information in the table is for example only. The table can be modified to suit the individual needs.

Please Note: Information regarding the performance or behaviour of an officer should not only record corrective or remedial strategies taken, but should the officer progress to a management plan, comments regarding compliance with their Job Responsibilities (JR's) should also be addressed.

DATE	OFFICER REPORTING	SUMMARY OF EVENT	OBSERVATIONS / FINDINGS / OUTCOMES	FURTHER ATTENTION / ACTION IF REQUIRED
9/5/XX	Sgt _____	<p>Review of Constable _____ WORKOFF conducted as part of 1st fortnight review. Outstanding work being;</p> <ul style="list-style-type: none"> 3 incomplete events 15 outstanding CAD 2 outstanding briefs 2 outstanding cases <p>Also spoken to in relation to Remedial Performance Program and my role as program supervisor.</p> <p>Notebook F _____ was checked from pages 25-28, 2 entries to be acquitted by Event numbers (page 27/28)</p> <p>Spoken to in relation to general workload and, it was indicated that his present events and cases had not been actioned in a timely manner and could all be acquitted with attention to it.</p> <p>Advised that event in resubmit since 3/4 and 16/4/XX were too long. Advised that both cases had easy tasks to complete in order to progress them, Assault matter was a priority and could be attention immediately in order to arrest POI.</p>	<p>Event E _____ – DV - resubmit since 2/3/XX – DV generic narrative required</p> <p>Event E _____ – Major MVA - resubmit since 2/3/XX – site diagram required</p> <p>Event E _____ – Assault – resubmit since 17/4/XX. No DV associated factor</p> <p>Outstanding CAD from 2/1/XX to 15/3/XX.</p> <p>Brief for Charge H _____ – Awaiting statements from 2 police</p> <p>Brief for Charge H _____ – to be submitted to BHM by 16/5/XX</p> <p>Case C _____ – Assault – created 1/3/XX– case not actioned since 25/2/XX, 3 comments added – no action, statement o/s from witness, POI has been identified</p> <p>Case C _____ – Malicious Damage – created 23/2/XX, statement obtained from victim, POI lives at _____ PAC, no job created, or statement scanned onto multimedia, comment added this date.</p>	<p>All three events are to be completed for verification by completion of two am shifts on 11/5/XX.</p> <p>Outstanding brief to be submitted this date.</p> <p>Emails to be forwarded to Sen Const _____ & Cons _____ re: o/s statements.</p> <p>Case C _____ – witness to be contacted and statement obtained by completion of shifts on 16/5/XX</p> <p>Case narrative to be updated and decision made re: legal action by 11/5/XX.</p> <p>Case C _____ – statement to be scanned onto multimedia and job created for _____ PAC by 17/5/XX.</p> <p>Rostered to work as station assist on 10/5 and 11/5 in order to complete these tasks.</p>
20/5/XX	LSC _____	As a result of working as station assist this date the officer was able to complete the scanning of	Case C _____ has been updated to reflect current status.	

DATE	OFFICER REPORTING	SUMMARY OF EVENT	OBSERVATIONS / FINDINGS / OUTCOMES	FURTHER ATTENTION / ACTION IF REQUIRED
		witness statement onto MMS and creating a job for _____ PAC to arrest POI for Case C _____ Three Events in resubmit have been submitted for verification. Brief required to be submitted has been done.	Case C _____ ACTIONS OF 9/5/XX DONE Three events E _____, E _____, E _____ have been submitted ACTIONS OF 19/5/XX DONE Brief for Charge H _____ submitted ACTIONS OF 9/5/XX DONE.	
5/6/XX	Sgt _____	Constable _____ was rostered to commence duty at 6pm and arrived at 6.45pm because of childcare arrangements	Nil further action at this time	
7/6/XX	Sgt _____	Officer was rostered to commence duty at 6pm and arrived for duty at 6.30pm. Indicated that he had been playing touch football and had called Sergeant _____ to indicate he would be late.	Information verified by Sgt _____ who indicated that he had also advised the officer that this was not occur again and he would be required to remain on duty until 7am.	Two instances to be included on monthly review on 1/6/XX.