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**NSW Police Force**

# **INTEGRITY IN PROMOTIONS GUIDELINES**

## **PEOPLE & CAPABILITY COMMAND**

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# Document Control Sheet

## Document Properties

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## Modification History

Version #	Version creation date	Author / Position	Summary of changes
1	June 2011	Professional Standards Command	Extensive changes to procedure as a result of streamlined processes.
1.1	14 November 2012	Professional Standards Command	Definition of merit included in section on Purpose of Integrity in Promotion guidelines
1.2	23 October 2013	Professional Standards Command	Changes to IPP membership on page 3 following corporate realignment.
1.3	14 January 2014	Professional Standards Command	Addition to the criteria for referral to IPP.
1.4		Professional Standards Command	Changes to Police Regulation 2008 to reflect update to Police Regulation 2015. Transfer to corporate template Updated with protective marking
1.5	11 July 2017	Professional Standards Command	Amended to reflect changes in Police Act 1990 and implementing the Law Enforcement Conduct Commission Act 2016
1.6	8 February 2018	Professional Standards Command	Update to document classification under GIPA Act 2009
1.7	28 June 2018	Professional Standards Command	Update to 2.3 membership of the IPP
1.8	July 2021	Human Resources Command	Updated to reflect requirements of the 2020 Police Promotions process amendments and transfer of co-ordination for IPP Process to HR Command.

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1.9	December 2021	Human Resources Command	Updated to remove reference to Region Commander Warning Notice and replace with Assistant Commissioner Warning Notice
1.10	January 2024	People & Capability Command	Changes to command and business unit names under People and Capability Command restructure

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## Purpose

The purpose of these guidelines is to assist Commanders in deciding if/when to refer matters to the Integrity In Promotion Panel (IPP), to establish the IPP process, and to provide guidance to the IPP who makes a recommendation about the eligibility of an officer for suitability to remain in the promotion process and/or their suitability for promotion when integrity matters arise.

Integrity for the purpose of the IPP:

*Integrity involves consideration of whether an officer is a person of sound moral principle and character. This includes, but is not limited to, questions about the officer's honesty, uprightness, sincerity and the practice of showing a consistent and uncompromising adherence to strong moral and ethical principles and values.*

## Scope

The IPP is a panel established by the Commissioner of Police to advise the Commissioner of the Commissioners delegate on integrity matters relevant to an officer's suitability for promotion, and/or suitability to remain in the promotions process.

## Roles & responsibilities

Assistant Commissioner, People & Capability Command	Document Sponsor
Commander – Recruitment, Transfers & Appointments	Document Owner
Police Promotions Unit	<ul style="list-style-type: none"><li>• Update procedures with any changes to process</li><li>• Review procedures prior to review date</li></ul>

## **Procedure**

### **INTEGRITY IN PROMOTION – ASSESSING INTEGRITY IN PROMOTION**

The Commissioner of Police appoints officer by way of promotion pursuant to section 64(1) of the *Police Act* 1990. Under the provisions of section 71(1) of the *Police Act*, it is the duty of the Commissioner:

- a) Before a non-executive police officer participates in a process relating to the persons promotion to the rank of Sergeant, Inspector or Superintendent - to make enquiries as to the integrity of the officer:
- b) Before appointing a person by way of promotion as a non-executive police officer - to make inquiries as to the integrity of the person of the following:
  - i. The LECC
  - ii. The Commander, Professional Standards Command
  - iii. Any other person the Commissioner considers appropriate

It is the duty of the Commissioner to have regard to any information that comes to the Commissioners attention (whether as a result of inquiries under section 71(1) or otherwise) as to the integrity of a person (section 71(2)). Accordingly, the Commissioner or delegate may determine, on integrity grounds:

- not to allow an officer to participate in the promotions process
- not to promote an officer
- to change their decision prior to appointment; and/or
- to suspend or remove an officer from the promotions process.

At any stage during the promotions process, when integrity issues are identified, the matter may be referred to the Assistant Commissioner, People & Capability Command<sup>1</sup> by the officers Commander or the Assistant Commissioner, PSC. The Assistant Commissioner PCC<sup>2</sup> may then refer the matter to the IPP for assessment. The IPP will make a recommendation to the Commissioner (or appointed delegate) in relation to the officer's suitability to remain the promotions process or suitability for promotion. The final decision rest with the Commissioner or appointed delegate.

### **THE INTEGRITY IN PROMOTIONS PANEL (IPP)**

The IPP is established to objectively review information about the integrity of an officer who is participating in the promotions process or who is being considered for promotion; and make a recommendation to the Commissioner about whether an officer should be suspended or removed from any part of the promotions process or whether a promotion should proceed.

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<sup>1</sup> Updated Command Name as result of restructure

<sup>2</sup> Updated Command Name as result of restructure

## **MEMBERSHIP OF THE IPP**

The chair of the IPP is the Assistant Commissioner of People & Capability Command<sup>3</sup>.

Standing members of the IPP are:

- Commander, Professional Standards Command
- Regional of Metropolitan Field Representative (Assistant Commissioner)
- Specialist representative (Assistant Commissioner)
- Commander, Management Misconduct Support Directorate, PSC (Superintendent)<sup>4</sup>
- Legal Officer, Office of the General Counsel

Subject to approval of the chair, a member may nominate an alternate person from the same general area to attend an IPP meeting in the absence of a standing member. The IPP coordinator is the Staff Officer, People & Capability Command<sup>5</sup>.

## **QUORUM**

The chair and two (2) other panel members are required to form a quorum.

## **INITIAL INTEGRITY CHECK TO COMMENCE THE PROMOTIONS PROCESS**

Prior to undertaking an Individual Capability Assessment (ICA) to commence the promotions process, applicants must meet the initial integrity check requirements. Officers must submit a request through the SAP system for their Commander to consider if they meet the initial integrity check requirements. This request will workflow to the officers Commander who will complete the initial integrity check considering the following:

- Has the officer been nominated for removal under section 181D of the Police Act 1900 within the preceding 3 years,
- Has the officer been the subject of reviewable action under section 173 of the Police Act 1990 within the preceding 3 years,
- Is the officer currently suspended from duty,
- Is the officer currently on an interim risk management plan or conduct management plan.

Where an officer is subject to any of the above, the matter will be referred to the Commander, Recruitment, Transfers & Appointments<sup>6</sup> for consideration. Where the

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<sup>3</sup> Updated Command Name as result of restructure

<sup>4</sup> Updated Command Name as result of restructure

<sup>5</sup> Updated Command Name as result of restructure

<sup>6</sup> Updated Command Name as result of restructure

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delegate determines the officer is unsuitable to participate in the promotions process, the officer will be notified of this decision and may apply for a review of the decision.

If an officer is the subject of any of the above, and/or there are any other concerns relating to the officer's integrity once the officer has entered the promotions process, the officers Commander/Manager may refer the matter to the IPP to determine the suitability of that officer to remain in the promotions process.

### INTEGRITY CHECKS BEFORE PROMOTION

Before appointing a person by way of promotion, inquiries about the persons integrity are made, relevantly to the Assistant Commissioner, PSC. When such enquiries are made, PSC will furnish a report to the Assistant Commissioner, PCC<sup>7</sup> which includes information as to whether the officer:

- Is currently subject of an investigation
- Has been nominated for removal under section 181D of the *Police Act* 1990 within the preceding 3 years
- Has been the subject of reviewable action under section 173 of the *Police Act* 1990 within the preceding 3 years
- Is currently suspended from duty
- Is participating in a conduct management plan or interim risk management plan
- Has a recorded criminal conviction or non-conviction/proved with the preceding 5 years; or if the officer has been promoted in the past 5 years, recorded a conviction or non-conviction/proved since the date of appointment
- Has been served 3 or more Assistant Commissioners Warning Notices (equivalent or higher) within the preceding 2 years

On receipt of the PSC Integrity Report, the Assistant Commissioner PCC<sup>8</sup> may cause an integrity clearance to be sent to the Commander, Recruitment, Transfers & Appointments<sup>9</sup> (or in the case of an Inspector applying for Superintendent) relevant Deputy Commissioner for consideration as to whether the person should:

- Be appointed by way of promotion
- Be suspended or removed from any part of the promotions process.

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<sup>7</sup> Updated Command Name as result of restructure

<sup>8</sup> Updated Command Name as result of restructure

<sup>9</sup> Updated Command Name as result of restructure

## **REVIEW BY ASSISTANT COMMISSIONER, PEOPLE & CAPABILITY COMMAND**

Prior to the IPP meeting, the Assistant Commissioner, PCC<sup>10</sup> may review a matter under referral if the IPP Coordinator has assessed the policy criteria and considers the matter may be dealt with out of session. The assessment of the IPP coordinator is based on, but not limited to:

- Whether the matter has previously been evaluated by the IPP
- If the matters are outside of the timeframes set down in the policy
- The comments of the officers Commander support the matter being assessed prior to an IPP meeting
- The complaint history of the officer warrants a pre panel review
- The rank for which the officer is being considered.

The Assistant Commissioner, People & Capability Command<sup>11</sup> may continue to referral to the IPP or cause an integrity clearance to be sent to the Commander, Recruitment, Transfers & Appointments<sup>12</sup>.

## **INFORMATION SOURCES**

Other than the Assistant Commissioner PSC, inquiries as to the integrity of a person are also made with the LECC and any other person the Commissioner (or delegate) considers appropriate.

## **INFORMATION FOR IPP CONSIDERATION**

Matters referred to the IPP may relate to issues of integrity that arise at any time during an officer's service history. The IPP will wait, where possible and appropriate, the finalisation of an investigation before making a recommendation to the delegate.

Complaints which are 'not sustained', result in 'no adverse finding' will not be considered in an Integrity assessment. This does not preclude the officer's integrity (as defined) from being further considered for the purpose of participation in the promotions process or promotion. Complaints that are declined under s.132 of the *Police Act* 1990 may be considered in an integrity assessment.

The integrity of each officer scrutinised by the IPP is adjudicated individually on a case-by-case basis. The IPP considers, but is not limited to, the following information

1. The officer's complaint history
2. Previous remedial actions
3. If the matter is a 'one off' occurrence and the level of culpability
4. Whether a pattern of conduct exists
5. Advice / recommendations from the officers Commander in relation to:

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<sup>10</sup> Updated Command Name as result of restructure

<sup>11</sup> Updated Command Name as result of restructure

<sup>12</sup> Updated Command Name as result of restructure

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- i. Officers conduct and performance since the incident
  - ii. The officer's suitability for promotion
6. Whether the officer is subject to a conduct management plan or interim risk management plan
  7. Mitigating circumstances
  8. Whether an officer remains on duty or is suspended
  9. Whether the officer is currently subject to action under s.181D or s.173 of the *Police Act 1990*
  10. Whether there are any Industrial Relations Commission (IRC) proceedings outstanding
  11. Criminal proceedings and the outcome of those proceedings
  12. Any response by an officer to a Show Cause Notice issued by the IPP
  13. Awards, commendations, citations, notices of good work, positive remarks, letter of appreciation or any other indication of positive performance
  14. Commander comments
  15. Periods of time between matters
  16. Any unresolved or outstanding complaint matters
  17. Any other unusual or exceptional matters which may bring the officers suitability and integrity into question

## IPP RECOMMENDATIONS AND OUTCOMES

The IPP may:

1. Defer consideration pending further inquiries
2. Defer consideration pending the issue of a Show Cause Notice and any response received
3. Recommend the promotion proceed or the officer remain in the promotions process
4. Recommend that the officer is unsuitable to proceed in the promotions process and remove or suspend the person from the process
5. Recommend the promotion not proceed on integrity grounds
6. Change a decision to promote after a decision has been made to promote and before that person was appointed

## NOTIFICATION OF THE COMMANDER AND OFFICER

The Commander, Recruitment, Transfers & Appointments<sup>13</sup> is responsible for ensuring that;

- When an officer has been scheduled for consideration by the IPP, the officer and Commander are notified
- The Commander is notified of outcomes and recommendations at the conclusion of the IPP as soon as reasonably practicable
- The officer is notified in writing of the decision of the Commissioner (or delegate) following the IPP if the officer is suspended or removed from the process as soon as reasonably practicable

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<sup>13</sup> Updated Command Name as result of restructure

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- The officer is notified in writing of any other promotion decision of the Commissioner (or delegate) made on integrity grounds.

### DELEGATES

Commissioners Delegation HR03 lists the officers with delegation to decide matters relevant to section 71 of the *Police Act*.

### RIGHT OF REVIEW

Clause 30 of the Police Regulation 2015 provide a right of review against a decision by the Commissioner or delegate to refuse, on integrity grounds, an officer the right to participate, or to continue to participate in any part of the promotions process. This right also applies to a decision by the Commissioner or delegate to suspend or remove an officer from any part of the promotions process on integrity grounds.

An independent person appointed by the Minister for Police and Counter-Terrorism<sup>14</sup> to review a decision made on the ground of integrity, pursuant to Division 3, Subdivision 4 of the Police Regulation 2015. Clause 30-32 of the Police Regulation 2015 outlines the process.

Applications for review are made by an officer who has been refused on integrity grounds under clause 30 should refer their review to the Police Promotions Unit. The decision of the appointed person is taken to be the decision of the Commissioner and is final.

Further information about lodging an application for review is available on the People & Capability (Police Promotions)<sup>15</sup> Intranet site.

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<sup>14</sup> Updated Command Name as result of restructure

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