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Suspension Guidelines for Police Officers

Professional Standards Command

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Summary

The document provides guidance on:

- when an officer should be considered for suspension from duty
- the procedures for suspending an officer
- the responsibilities of commanders managing suspensions
- the responsibilities of suspended officers.

Access the NSWPF Suspension Policy Statement on the Professional Standards Command (PSC) Policy and Procedures intranet page.

Document Control Sheet

Document Properties

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1	03/2013	Professional Standards Command	<ul style="list-style-type: none"> Introduction of new P994 (an amalgamation of current P994 and P995) Removal of information pertaining to Police Residences (Pg 13) while review of this aspect is being conducted Addition of paragraph regarding the suspended officer's responsibility to cooperate in the facilitation of regular welfare checks Addition of paragraph regarding the termination of temporary appointments upon suspension of an officer Addition of paragraph regarding the attendance of a suspended officer at police functions
2	06/2013	Professional Standards Command	<ul style="list-style-type: none"> When officers must be considered for suspension (p9) Police residences – considering suspension (p10) Attending police stations when suspended (p23) Temporary appointments (p29)
3	10/2015	Professional Standards Command	<ul style="list-style-type: none"> Changes to <i>Police Regulation 2008</i> to reflect update to <i>Police Regulation 2015</i> Transfer to corporate template

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11	11/2023	Professional Standards Command	<ul style="list-style-type: none"> • Update to command names • Change of wording in secondary employment
12	05/2025	Professional Standards Command	<p>Update and review of guidelines including:</p> <ul style="list-style-type: none"> • Transfer of document to new corporate template • Roles and responsibilities defined • Insertion of section - Identifying & assessing risks • Moderate formatting changes and re-wording of document • Remove appendixes

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Purpose

This document provides guidance on the administration and management of suspended police officers. It complements the legislation in clause 52 of the *Police Regulation 2015* and aligns with the principles outlined in the Premier's Memorandum 94-35.

Scope

This document applies to all non-executive police officers, including non-executive commissioned officers and probationary constables. It does not apply to administrative employees, ministerial appointees, and temporary employees.

The authority to suspend a police officer, as outlined in clause 52 of the *Police Regulation 2015*, is delegated to:

- each Deputy Commissioner
- the Assistant Commissioner, Professional Standards Command.

For information relating to administrative employees, contact the Professional Standards Command (PSC) Administrative Officer Conduct Unit.

Roles & responsibilities

Assistant Commissioner Professional Standards Command	Document Sponsor
Panel Operations Unit Professional Standards Command	Document owner and responsible for monitoring, processing, and ensuring adherence to these guidelines
Commander/manager	Responsible for assessing identified risks, ensuring compliance with these guidelines, overseeing the welfare of suspended officers, and conducting 28-day reviews
Suspended Officer	Know and comply with these guidelines

Suspending a police officer

Suspension is a risk mitigation strategy and should only be considered when other risk minimisation strategies are not reasonably viable. Alternatives to suspension, such as temporarily changing the officer's duty type, location, or imposing other work restrictions, should be considered first.

The primary consideration should be whether the officer's continued performance of duty poses an unacceptable risk to the NSW Police Force, the public, other members of the NSW Police Force, or the officer themselves.

Suspension may occur at any time during an investigation or while management action is being considered and undertaken.

When to consider

In accordance with clause 52 of the *Police Regulation 2015*, consideration must be given to suspending an officer if there is reasonable cause to believe their conduct warrants:

- action under section 181D removal or section 80(3) dismissal, or
- the institution of criminal proceedings.

In these circumstances, a suspension questionnaire must be completed in the Management Action, Suspensions & Charges (MASC) system, accessible via the SAP portal in NSWPF Systems.

Suspension with or without pay

Suspension is a risk mitigation strategy, not a form of punishment.

In line with Premier's Memorandum 94-35, suspension should be approved with pay unless exceptional circumstances exist. These circumstances include, but are not limited to, situations where the officer:

- has been remanded in custody
- has admitted to behaviour which makes them unfit to continue in paid employment with the NSW Police Force
- has been convicted of a serious criminal offence
- there is significant and compelling evidence establishing their corruption or serious misconduct.

The existence of exceptional circumstances does not preclude the approval of suspension with pay.

Identifying and assessing risks

Responsibilities of commanders/managers

When considering suspending an officer, it is the commander's responsibility to ensure the completion of the suspension questionnaire in the MASC system.

The questionnaire helps identify and assess risks associated with a misconduct matter or incident and evaluate if the officer can be adequately managed in the workplace or not. Providing comprehensive rationale within the suspension questionnaire supports the delegate in their decision making and assessment of:

- the officer's background, including:
 - the nature and location of the officer's duties
 - any previous issues with their performance, conduct, or integrity
 - the nature and seriousness of the alleged conduct or incident, the strength of the supporting material, and the likely consequences of a finding against the officer.
- the risks if the officer remains in the workplace, such as:
 - the integrity of the investigation
 - the impact on victims, witnesses, or other employees

- the local work environment, including workplace morale and the conduct of investigations or other policing functions
- the impact on members of the public or community groups
- the reputational damage to the NSW Police Force.
- risk mitigation strategies, including:
 - temporarily imposing work restrictions
 - temporarily changing the duty type
 - temporarily changing the officer's work location.
- whether suspending the officer is in the interests of:
 - the public, community groups or oversight bodies
 - maintaining proper standards of conduct or the protecting of the reputation of the NSW Police Force
 - the efficient operations of the officer's command/unit or the NSW Police Force.

In all cases, whether recommending suspension (with or without pay) or not, appropriate supporting documents (e.g. fact sheets, investigator's reports) must be imported into the MASC system before submitting the suspension questionnaire electronically via workflow to the region commander or equivalent.

Pending determination by the delegate, consideration should be given to any other interim risk minimisation strategies required while the recommendation is under review. This may include directing the officer not to complete a shift or not report for duty for a 72-hour period. Officers subject to such directions shall receive payment for the full shift.

Responsibilities of region commanders

Review the questionnaire and the commander's reasons for recommending suspension or not, including whether suspension should be with or without pay. Make your recommendation and provide reasons.

Once submitted, it will workflow to PSC for processing and determination by the delegate.

Determination by the delegate

The delegate will determine to either:

- suspend with pay
- suspend without pay
- not approve suspension (strategies other than suspension).

Suspension from office takes effect from the time the delegate approves it. The delegate may also issue other directions regarding the management of the officer, particularly if the strategies other than suspension has been determined.

Suspension procedures for highly confidential or sensitive investigations

In certain cases where an officer comes to notice through an external agency inquiry or covert investigation, the PSC may complete the suspension process within the MASC system. The officer's commander/manager will be informed of the outcome by PSC. The officer's commander/manager will then be responsible for managing the suspended officer, in consultation with the Assistant Commissioner, PSC, and for conducting the 28-day suspension reviews.

Administration of suspended officers

Notifying officer of suspension

Once approved, commanders are responsible for notifying officers of their suspension from office as soon as possible after approval, preferably in person. If personal notification is impractical due to distance or other factors, ensure another suitable officer notifies the suspended officer. Before meeting the suspended officer, ensure welfare strategies are in place.

The officer must be provided the 'Notice/Information for Officers Suspended from Office ([P993](#))' form when they are informed of their suspension, or as soon as practical afterwards. Ensure the officer understands why the action is being taken and reinforce that suspension is a risk mitigation strategy only, not a determination of guilt or a mandatory prelude to loss of employment. The suspension will remain in effect until advised otherwise or until the officer separates from the NSW Police Force. During the suspension period, ensure the officer understands they are not to exercise any power or authority associated with the office of a police officer.

The suspended officer should be asked to sign the bottom of the notice to indicate they have received a copy.

If the officer has performed duty in the interim period between the approval of their suspension and the notification, they are entitled to receive pay inclusive of the 11.5% loading (for non-commissioned police officers) and any other applicable allowances for the period of such duty.

Import the signed copy of the completed notice into the MASC system.

Officer welfare

The welfare of a suspended officer is paramount. An appropriate contact person should be appointed immediately, and their name and details should be included on the 'Notice/Information for Officers Suspended from Office ([P993](#))' form. Additionally, remind the officer of the available welfare services, including the Employee Assistance Program, Peer Support Officers, Police Chaplains, and the available wellbeing and support services provided by the Health, Safety & Wellbeing Command.

The contact person will generally be the officer's commander/manager, but another suitable person may be allocated if appropriate. The contact person should inform the suspended officer that they have a duty and responsibility to assist in maintaining contact with the workplace. The suspended officer must cooperate in maintaining regular welfare contacts.

Appointments, warrant cards and other police identification.

Collect all appointments, warrant card and badge, travel pass, building access cards, and other police identification when notifying the officer of their suspension.

If the officer is recalled to duty to attend court, some items, such as a travel pass, may be returned at the discretion of their commander/manager for the period of the recall to duty. Do not return appointments, warrant card, or badge. Suspended officers who are recalled to duty must not perform duty in uniform.

Court and other work commitments of the officer

When an officer is suspended from duty, their commander/manager should review the officer's outstanding court and other work commitments. Responsibility for court matters and other tasks must be reassigned.

In court proceedings, the suspended officer will assume the status of a witness and should be informed of their obligation to appear at court when required. In some circumstances, consideration may also be given to serving a subpoena or issuing a direction pursuant to clause 8 of the *Police Regulation 2015*, to ensure the officer attends court if their evidence is vital and there is indication they may fail to attend.

Secondary employment

An officer suspended with pay cannot have secondary employment approved. Any existing approval should be revoked.

Flexible work arrangements

Ensure part-time work agreements for officers suspended from duty include a start and end date, as well as review periods. Officers who are suspended with pay and subject to a part-time work agreement, will continue to receive their salary on a pro rate basis according to their agreement.

Refer to the NSW Police Force *Flexible Work Arrangements Manual* for detailed guidelines and seek advice from #PCCER for consideration of special circumstances.

Suspended officers' responsibilities

Conduct

Suspended officers remain subject to the provisions of clause 9 of the *Police Regulation 2015*. This means that even while suspended, officers are:

- subject to the rules and standards set out in the *Police Regulation 2015* and the NSWPF Code of Conduct & Ethics
- accountable for any misconduct that occurs whilst suspended
- unless on sick leave, can be recalled to duty to attend court or for other reasons.

Additionally, if their supervising officer instructs them, they must inform their supervisor (or another designated officer or administrative employee) if they plan to be away from their usual residence for more than 24 hours. This notice must include their intended location and how they can be contacted during their absence.

Suspended officers may also be directed to undergo a health assessment under clause 10 of the *Police Regulation 2015*.

Welfare contacts

Welfare contacts are a vital component of monitoring an officer's safety while suspended from duty. Under the *Work Health and Safety Act 2011*, both the officer and the employer share this responsibility of maintaining the officer's safety during suspension. It is the officer's responsibility to cooperate with and support the facilitation of these regular welfare contacts.

Recall to duty

Suspended officers may be recalled to duty by their commander/manager.

Recalled officers must perform duties in appropriate plain clothes and are not to wear uniforms or any appointments.

Recalled officers are entitled to receive any entitlements they would have been eligible for had they not been suspended. Pay is inclusive of the 11.5% loading (for non-commissioned police officers) and any normally applicable allowances.

Court

Unless otherwise advised, suspended officers must attend court when required. In some circumstances, consideration may be given to serving a subpoena or issuing a direction pursuant to clause 8 of the *Police Regulation 2015*, to ensure a suspended officer attends court if their evidence is vital and there is indication they may fail to attend.

Attending police stations whilst suspended

Suspended officers must obtain approval from their commander/manager before visiting any police station or other police premises. Commanders/managers of suspended officers must liaise with the commander/manager of the police premises the suspended officer wishes to visit to obtain their approval and to ensure appropriate security measures are in place.

This provision does not apply to instances where urgent police assistance is required in emergency or life-threatening situations. Suspended officers must report the circumstances of any attendances to their commander/manager as soon as practicable after the incident.

Commander/manager approval must be sought if a suspended officer is considering attending a formal police function where many serving police will be present, regardless of whether the function is on police premises or elsewhere.

Defence Forces

If an officer who is a member of the Australian Defence Force (ADF) is charged with a criminal offence or suspended without pay, their suitability for employment with the ADF may be affected. The officer must report these circumstances to their commanding officer within 24 hours of returning to defence force duty.

Payments and leave

Pay

Officers who are suspended with pay will receive their normal rate of pay. For non-commissioned police officers, this includes the 11.5% loading.

Officers under a part-time work agreement who are suspended with pay will continue to receive their salary on a pro rata basis according to their part-time agreement for the duration of the agreement.

Payment of allowances

Officers who receive the following allowances will continue to receive them when suspended with pay, but will not receive them if suspended without pay:

- Remote area living allowance if the officer continues to reside in the remote area during their suspension
- Special duties allowance
- Professional/academic qualification allowance.

The following allowances will not be paid during suspension, regardless of pay status:

- Plain clothes allowance
- On call allowance.

Workers' compensation

The suspension of a police officer does not affect any workers' compensation entitlements.

Annual and extended leave

Annual and extended leave continue to accrue as normal during periods of suspension with pay. However, officers suspended without pay will not accrue annual leave for that period of suspension.

If an officer ceases to be suspended without pay and is not removed pursuant to section 181D of the *Police Act 1990*, the annual leave that would have accrued during the suspension without pay period will be credited to the officer's leave balance.

For the purposes of this provision, pay does not include maintenance payments made under clause 52(3) of the *Police Regulation 2015 – Hardship Payments*.

Officers suspended from office cannot be granted annual or extended leave during the suspension period, except for accessing annual or extended leave for the purpose of 'topping up' their salary in accordance with income protection guidelines and procedures.

If an officer's suspension is approved during a period of annual or extended leave, such leave will cease, and the suspension will commence effective from the time and date the delegate approved the suspension.

Sick leave

Suspended officers continue to accrue sick leave during periods of suspension. However, they cannot take sick leave during suspension. Sick leave is intended for officers unable to attend work due to illness, which does not apply when an officer is suspended from duty.

If an officer's suspension is approved during a period of sick leave, the sick leave will cease, and the suspension will commence from the time and date the suspension was approved by the delegate.

If a suspended officer believes an injury or illness occurring during their suspension is related to their employment, they must submit a P902 Incident Notification form by notifying their supervisor or welfare officer or calling the 24-hour P902 Injury Notification Hotline on 1800 996 336.

Other types of leave

Suspended officers cannot be granted maternity leave, parental leave, adoption leave, family and community services leave, military leave, special leave or leave without pay during the period of suspension.

If an officer's suspension is approved during any of these types of leave, the leave will cease, and the suspension will commence from the time and date the delegate approved the suspension.

Other employment

Clause 52(2) of the *Police Regulation 2015* provides the Commissioner the power to approve other employment for an officer suspended without pay for a specified period, if it is established to the satisfaction of the Commissioner that the officer is suffering undue hardship due to being suspended without pay.

Applying for other employment

Applications must be submitted through the officer's commander/manager and include:

- details of the officer's personal circumstances
- number and age of any children or other dependents
- any other income sources, including investment properties
- details of the hardship experienced due to being suspended without pay
- full details of the employment sought.

The commander/manager will provide comment on the application before forwarding it via the region commander to the PSC, who are responsible for forwarding the application to the appropriate delegate.

Commander/managers will be notified of the result of the delegate's decision by PSC. The officer's commander/manager is then responsible for informing the officer of the outcome of their application.

Hardship payments

Officers suspended without pay may be granted hardship payments of up to 100% under clause 52(3) of the *Police Regulation 2015* if the Commissioner is satisfied that the officer or their family is suffering undue hardship due to the suspension. This provision ensures that officers and their dependents do not suffer undue hardship because of risk management actions taken by the NSW Police Force. It is the officer's responsibility to demonstrate that undue hardship exists.

Hardship payments are intended to cover core living expenses and must be supported with receipts or other evidence. When evaluating an application for hardship payments, any income from other employment, as well as income from a partner in a dual-income situation, will be considered. Generally, officers receiving workers' compensation payments will not also receive hardship payments.

Applying for hardship payments

Hardship payment applications must be submitted through the officer's commander on a manuscript report. This report, along with any supporting evidence of core living expenses, are uploaded into the MASC system.

Hardship applications must include the following:

- the officer's fortnightly net income before being suspended without pay
- personal circumstances, including number and age of any children or other dependents
- details of the hardship experienced by the officer or their family due to the suspension without pay
- if the officer does not have full custody of their children, details of custody arrangements and financial responsibilities must be provided
- an itemised breakdown of the officer's fortnightly basic living expenses, including food, shelter (rent, board, or mortgage), vehicle expenses for one vehicle, telephone expenses for one phone, household utilities, internet, essential medicines or medical treatments, insurances, education expenses, and any other documented core expenses
- their partner's income and core living expenses (if a dual income situation), with pay advice pertaining to the partner's income
- copies of bills, invoices or receipts covering all claimed expenses (unless there is a reasonable explanation provided for their absence). The documents must be recent, legible, and complete, clearly showing the nature and amount of the expense, the date and/or frequency of payment, and the recipient
- details of any other income sources, such as income from investment properties, shares and dividends, other employment, and government benefits and child support.

Failure to include the required information or supporting documents may delay or prevent the application from being considered by the delegate.

The officer's commander/manager must comment on their knowledge of the officer's circumstances and indicate their support or otherwise for the application. They must also provide advice concerning the officer's salary increment level and any approved secondary employment. Completed hardship applications must then be electronically forwarded in the MASC system.

Each application is assessed on its own merit. Expense claims that lack sufficient detail or supporting documentation may be rejected, as may claims deemed excessive. If evidence shows the officer has not accurately disclosed their financial status, the delegate may reduce the payments to a portion of the claimed expenses.

Officers should not be required to use their accrued annual or extended leave entitlements as a prerequisite for hardship payment approval.

The commander/manager will be notified of the result via the MASC system and is responsible for informing the officer of the outcome.

Reviewing suspensions

Suspensions must be reviewed every 28 days by the commander/manager, or sooner if new information arises or the officer's circumstances change significantly in between reviews (e.g. outcome of criminal proceedings).

Contact the officer

The commander/manager or contact person must contact the suspended officer before the review date. Preferred contact methods are in person, either face to face or by phone. Acceptable alternatives are text message, email, welfare contact through injury management or treating doctor, or legal representative. The contact is recorded in the Employee Welfare Contact system in SAP.

Matters that should be canvassed include:

- the officer's welfare
- changes in the officer's circumstances
- the status or outcome of any internal investigations involving the officer
- the status or result of any criminal proceedings against the officer
- the progress of any management action against the officer (e.g. section 181D removal, section 80(3) dismissal)
- court matters where the officer is required to attend as a witness.

A suspension review where contact has not been made with the officer will not be accepted and will be returned for completion.

Submit the review

Commanders/managers must submit the suspension review electronically to PSC via the MASC system by the review date. The review should record any new information or changes in the officer's circumstances that may impact the delegate's decision. Provide a recommendation on the suspension status, indicating whether it should be changed or withdrawn.

The review will be processed by PSC and forwarded to the delegate for determination.

Suspension status

The determination by the delegate will be either:

- suspension status to remain unchanged
- suspension status to change to suspended without pay
- suspension status to change to suspended with pay
- suspension to be withdrawn.

Advice regarding changes to the suspension status will be communicated to the commander/manager via the MASC System.

Commander/managers must promptly inform suspended officers of any changes to their suspension status, preferably in person, either face to face or by phone. They are also responsible for ensuring that any necessary adjustments are made to an officer's pay if they are suspended without pay or there are changes to their pay status.

Suspension withdrawn

When an officer is no longer under consideration for removal, dismissal, or criminal proceedings, the delegate usually withdraws the suspension however, suspensions may also be withdrawn under other circumstances. A suspension remains in effect until officially withdrawn by the delegate. When notifying the officer of a suspension withdrawal, the commander/manager should include the date the suspension was withdrawn and the date and place the officer is required to resume duty.

Managing a suspended officer who returns to work

Risk assessment

When an officer's suspension status is withdrawn, they must resume duty at a suitable workplace pending the completion of any internal investigation and/or management action.

The officer's command should immediately assess any risks associated with the officer returning to work and implement appropriate strategies to manage these risks. This may include identifying a temporary change of location and/or duties, which should be documented in an Interim Risk Management Plan.

Incremental progression

Officers returning from suspension without pay will be paid for the suspension period at their pay level which applied at the commencement of the suspension, minus any hardship payments.

Upon returning to duty, officers have six months to comply with the requirements of clause 64.13.4, for non-commissioned officers, and clause 73.10.4 of the *Crown Employees (Police Officers – 2024) Award* (the Award) for commissioned officers, to achieve the increment level they would have progressed to if they were not suspended.

Once these requirements are met, the officer will be paid incremental backpay, effective from their incremental date(s), and will be eligible for their next increment on the subsequent increment date.

If an officer does not meet the requirements for incremental progression, they will remain at their current level until they do. Upon meeting these requirements, the officer will move to the next increment level, and this will become their new increment date for future progressions. Officer's progressing under these circumstances will not be entitled to any incremental backpay.

Periods of suspension are to be included when determining length of service.

Promotion to senior constable

Officers cannot be promoted to senior constable whilst suspended.

In line with clauses 16 and 17 of the *Police Regulation 2015*, a satisfactory fitness report of the officer's competence, integrity, performance, and conduct is required for promotion to senior constable. This report cannot be completed until the issue leading to an officer's suspension is resolved, preventing the promotion from occurring.

Upon returning to duty after suspension, consideration may be given to backdating the increment date to when the promotion would have occurred if the officer had not been suspended. However, the promotion date must remain the actual date the promotion takes effect.

Excess annual leave

Officers with excess accrued annual leave cannot be directed to take leave during periods of suspension from duty.

Upon the officer returning to work, excess annual leave should be managed in accordance with clause 17 of the Award. Generally, the officer would be required to take any excess leave accrued during the suspension period within the same timeframe it was accrued or within a time negotiated between the officer and their commander/manager.

Other employment

Officers returning to the workplace after a period of suspension without pay, during which they were approved to undertake 'other employment' pursuant to clause 52(2) of the *Police Regulation 2015*, must apply for secondary employment in accordance with the NSW Police Force *Secondary Employment Policy and Guidelines* if they wish to continue such employment.

Commander/managers are responsible for ensuring compliance with these provisions.

Suspension concluded

Automatic conclusion

A suspension automatically ends when an officer is:

- removed from the NSW Police Force under section 181D
- dismissed under section 80(3)
- medically retired
- permitted to resign.

In these cases, the suspension concludes as the officer exits the NSW Police Force, requiring no further action.

Officer tenders' resignation

Commander/managers cannot accept the resignation of non-executive police officers when:

- the employee is suspended
- there is overwhelming evidence of serious misconduct revealed during a judicial hearing or inquiry conducted by the Law Enforcement Conduct Commission (LECC)
- the employee is under investigation for serious misconduct.

In these circumstances, and in line with section 94C of the *Police Act 1990*, the Commissioner may decline to accept the resignation. As outlined in Commissioner's Policy Notice (CPN) 18/01, resignation requests in these circumstances must go through the following chain of command:

- the officer's commander
- region commander
- Manager, IRC Operations, Misconduct & Management Support Command, PSC
- Director, Misconduct & Management Support Command, PSC

- Commander, Professional Standards Command.

For probationary constables, resignations must go through:

- the officer's commander
- region commander
- Office of Professional Standards, Corporate Services
- Commander, People & Capability Command.

Once the resignation of a suspended probationary constable is accepted, the commander must notify Panel Operations, PSC, to finalise the MASC record related to the suspension.

Entitlements on separation from the NSW Police Force

Suspended with pay

Entitlements are calculated up to the date of separation.

If an increment or promotion to senior constable was due during the suspension period, the payment is not made, as the officer will not have returned to work to complete the requirements under clause 64 (for non-commissioned police officers) or clause 73 (for commissioned police officers) of the Award relating to competency-based incremental progression.

Suspended without pay

Entitlements are calculated up to the date of separation. Salary payments for the period of suspension without pay will not be included.

If an increment or promotion to senior constable was due during the suspension period, the payment is not made, as the officer has not returned to work to complete the requirements under clause 64 (for non-commissioned officers) or clause 73 (for commissioned officers) of the Award relating to competency-based incremental progression.

Resignation

The Commissioner may accept resignation under section 94C(2)(a) of the *Police Act 1990*. Before applying to resign, officers should consider:

- potential loss of non-renewable benefits accrued
- possible prohibition from holding certain licences, such as under the *Security Industry Act 1997* or *Casino Control Act 1992*
- financial disadvantages resulting from leave forfeited on termination under section 107 of the *Police Regulation 2015*.

Officers are advised to seek guidance on their rights before deciding to resign.

Endnote References

Nil