



## MANAGEMENT ACTION FILE NOTES STANDARD OPERATING PROCEDURE (SOP)

STANDARD OPERATING PROCEDURE			
<b>REFERENCE.</b>		Policy/134/08	
<b>PROTECTIVE MARKING</b>		NOT PROTECTIVELY MARKED	
<b>PORTFOLIO</b>		DCC	
<b>OWNER</b>		PSD	
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## **1 INTRODUCTION**

- 1.1 This SOP effects and is subject to the conditions of Policy/134/08.
- 1.2 This SOP applies to England, Wales and Scotland.
- 1.3 This SOP applies to all police officers and police staff

## **2 KNOWLEDGE**

### **2.1 Terms and Definitions**

- 2.1.1 Management Action may be defined as the required interaction between a manager and a member of staff following an event or series of events, which falls outside what may be considered to be normal daily supervision or routine management, but falls short of warranting the adoption of more formal procedures. Such action would normally include a meeting with the member of staff, highlighting the issues of concern, providing advice of direction or agreeing a plan to resolve identified problems or underlying causes.
- 2.1.2 When appropriate, managers are expected and encouraged to intervene at the earliest opportunity to prevent misconduct or poor performance occurring and to deal with such cases in a proportionate and timely way through management action. Even if the subject does not agree to the management action it can still be imposed by the manager providing such action is reasonable and proportionate. The subject may in some cases be advised that if the behaviour or poor performance is repeated or if there is further misconduct of a different type then this may lead to formal action.

2.1.3 A file note is therefore the record of such management action and may identify:

- Advice or direction given by a manager to a member of staff in relation to their conduct or ability to carry out their job;
- A meeting or event which all parties have agreed should be committed to the individual's personal file so that its contents become part of the formal employment record, e.g. career development issues, key welfare interventions etc;
- Agreed action following the resolution of a grievance.
- Any action plan that may be required at the conclusion of a formal disciplinary or unsatisfactory performance proceedings.

2.1.4 File notes are not intended as:

- A replacement for day to day supervision
- A record of routine management activity
- An opportunity to avoid dealing with issues on a face to face basis
- A substitute for formal disciplinary, poor performance or attendance action

## **2.2 Responsibilities**

2.2.1 Professional Standards Department will have responsibility for ensuring the appropriateness of the policy and that the standards expected in the compliance of the policy are promulgated and monitored.

2.2.2 Human Resources Department are responsible for ensuring that file notes stored in personal files are to the required standard and that personal files are maintained in accordance with existing policy.

2.2.3 All managers are responsible for ensuring:

- The policy is effectively communicated and implemented;
- They create an open and transparent work environment where staff have confidence in the management action and file note system;
- That all such file notes are handled in an appropriate fashion with due regard to their confidential nature.

### **3. PROCEDURES**

#### **3.1 File Note Structure, Content and Storage**

3.1.1 File notes must be accurate and fit for purpose as they may be subject to disclosure and external scrutiny in the event of formal procedures, including disciplinary, poor performance or at employment tribunals. As such all file notes arising from poor performance or conduct should contain a reference number obtained from FHQ HR or PSD, following consultation with those departments and prior to the file note being signed by the subject.

3.1.2 They must include a subject heading, the name of the subject of the file note, the purpose of the file note, the name of the author, the date it was written and the proposed date it is due to be reviewed or expunged (see paragraph 3.4 below). A Force approved template has been created for this purpose.

3.1.3 The note will contain an outline of the event or issue at hand. This should accurately reflect the facts without the need to be overly detailed or lengthy. Nor should this contain the personal views of the author. The purpose is to enable the member of staff and any subsequent reader to understand the basis for the file note.

- 3.1.4 Any advice or direction given should be recorded. Any such advice should be appropriately worded, justifiable and proportionate in terms of its content and delivery. Any agreed actions, together with appropriate timescales will also be recorded.
- 3.1.5 Once completed the file note should be signed by the author (or in some cases the manager delegated to deliver any advice) and the subject of the note. The file note should then be placed on the subject's personal file. No additional copies should be made or stored other than those required to complete any originating file, e.g. misconduct investigation, grievance or welfare file, which will be kept in strict confidence and in accordance with storage and disposal policy.
- 3.1.6 Where a file note contains an improvement or action plan it may be appropriate for the subject to be given a copy. The security of such a copy falls to the subject. Any copy given should be endorsed by the manager as such, as should the original file note.
- 3.1.7 In normal circumstances file notes arising from conduct or performance issues do not fall to be revealed to the Crown Prosecution Service as relevant disciplinary issues under Chapter 18 of the Disclosure manual.

## **3.2 Access Rights and Rights of Response**

- 3.2.1 All file notes should be seen by the subject of the note, prior to its inclusion on their personal file. Wherever possible the subject of the note should be asked to sign, to acknowledge that they have read and understood the file note.
- 3.2.2 Where, due to prolonged absence of the subject or other unavoidable event, it is not possible to share the content of the file note with the person concerned, every effort must be made to do so upon their return.

3.2.3 Where the subject does not agree to the file note, it may be appropriate to amend it, to take account of the subject's views without compromising its purpose.

3.2.4 Where it is not possible or inappropriate to amend a file note, the subject should be given the right to record their legitimate concerns or to register their recollection of events. Such a record must be placed on the Personal File next to the file note. This measure is to ensure that anyone inspecting the file will have the opportunity of reading both records and will be able to have a balanced view of the events described.

### **3.3 Sensitive Cases**

3.3.1 In exceptional cases it may be agreed that all correspondence regarding an event or set of circumstances is of such sensitivity that it would be more appropriate if it were held on the personal file in a sealed envelope. When this action is taken, access to the documentation will be restricted to the subject, relevant managers and senior members of the Personnel Department.

3.3.2 A label will be attached to the sealed envelope prohibiting unauthorised access. Any individual accessing the record will have to be able to justify their actions.

### **3.4 Review, Retention and Disposal**

3.4.1 File notes should be reviewed by the individual's line manager in accordance with the proposed retention timescale. Where a matter, which has been the subject of one or more file notes, has been resolved to the satisfaction of all concerned and ceases to have a justified reason for being retained, the file note should be removed from the individual's Personal File.

3.4.2 The timescale that a file note should remain upon a personal file will be entirely dependant upon the reason for its creation. Most notes designed to seek improvement in conduct or performance will normally be limited to 6 – 12 months, whereas some

issues surrounding career development or welfare matters will be longer and in some cases for the remainder of the subjects employment with the Force.

3.4.3 Where the line manager decides it is inappropriate to remove the file note the additional proposed period and the reasons for continuing should be recorded, together with a date by which the file note will again be reviewed.

3.4.4 Where the individual disagrees with the reasons for retaining the file note after the relevant period has elapsed, they will have the right to appeal against that decision to the Head of Employment.

### **3.5 Retention and Disposal of Records**

3.5.1 All documents mentioned in the above policy will be retained for the period specified in the Retention & Disposal of Force Documents Policy (Ref No B18) and the supporting Disposal Schedule.

### **3.6 Diversity Impact Assessment**

3.6.1 This policy has been assessed with regard to its relevance to race and diversity equality. As a result of this assessment the policy has been graded as having a medium potential impact.

## **4. MONITORING AND COMPLIANCE**

4.1 Compliance will be monitored by HR staff with responsibility for maintenance of personal files, who will quality assure the file notes being entered onto personal files.

4.2 PSD will quality assure the issue of file notes arising from any misconduct or complaint investigations



## 5. APPENDICES

### 5.1 Management Action File Note Form.