STATUTORY RULES OF NORTHERN IRELAND

2016 No. 42

The Police (Performance and Attendance) Regulations (Northern Ireland) 2016

PART 4

Second Stage

Appeal against the finding and outcome of a second stage meeting

23.—(1) This regulation applies where, at the second stage meeting, the second line manager found that the performance or attendance of the member concerned has been unsatisfactory as set out in regulation 21(6).

(2) Where this regulation applies, the member concerned may appeal against one or more of the following—

(a) such finding;

(b) any of the matters specified in paragraph (3) and recorded in the final written improvement notice (in these Regulations referred to as the relevant terms of the final written improvement notice);

(c) the decision of the line manager to require the member concerned to attend the second stage meeting.

(3) The matters specified in this paragraph are—

(a) the respect in which the performance or attendance of the member concerned is considered unsatisfactory;

(b) the improvement that is required in his performance or attendance;

(c) the length of the period specified by the second line manager in accordance with regulation 21(6)(c).

(4) The only grounds of appeal under this regulation are—

(a) that, in relation to an appeal under paragraph (2)(c), the member concerned should not have been required to attend the second stage meeting as the meeting did not, in accordance with regulation 19(6), concern unsatisfactory performance or attendance which is similar to or connected with the unsatisfactory performance or attendance referred to in the written improvement notice;

(b) that the finding of unsatisfactory performance or attendance was unreasonable;

(c) that any of the relevant terms of the final written improvement notice are unreasonable;

(d) that there is evidence that could not reasonably have been considered at the second stage meeting which could have materially affected the finding of unsatisfactory performance or attendance or any of the relevant terms of the final written improvement notice;

(e) that there was a breach of the procedures set out in these Regulations or other unfairness which could have materially affected the finding of unsatisfactory performance or attendance or any of the relevant terms of the final written improvement notice.

(5) An appeal shall be commenced by the member concerned giving written notice of appeal to the senior manager before the end of 7 working days beginning with the first working day after receipt of the documents referred to in regulation 22(5).

(6) Such notice must—

(a) set out the grounds of appeal of the member concerned; and

(b) be accompanied by any evidence on which the member concerned relies.

(7) The senior manager may, on the application of the member concerned, extend the period specified in paragraph (5) if he is satisfied that it is appropriate to do so.

(8) Subject to paragraph (9), the meeting at which the appeal will be heard (referred to in these Regulations as a second stage appeal meeting) shall take place before the end of 7 working days beginning with the first working day after the day on which the notification under paragraph (5) is received by the senior manager.

(9) A second stage appeal meeting may take place after the period of 7 working days referred to in paragraph (8) if the senior manager considers it necessary or expedient, in which case he shall notify the member concerned of his reasons in writing.