

**EXPLANATORY MEMORANDUM TO
THE POLICE (UNSATISFACTORY PERFORMANCE AND ATTENDANCE)
REGULATIONS (NORTHERN IRELAND) 2010**

2010 No. 47

1. This explanatory memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

- 2.1 This instrument makes provision for the assessment of performance or attendance of members of the Police Service of Northern Ireland (“PSNI”) and full-time members of the PSNI Reserve and establishes procedures for cases where a member’s performance or attendance is unsatisfactory and may be dealt with by way of the sanctions available.

Regulation 2 revokes the Police Service of Northern Ireland (Unsatisfactory Performance and Attendance) Regulations 2007 (“the 2007 Regulations”) (S.R. 2007 No. 130).

- 2.2 The Regulations come into operation on 24th March 2010.

3. **Matters of special interest to the Joint Committee on Statutory Instruments.**

- 3.1 These regulations revoke and replace the 2007 Regulations which were reported by the Committee in its 17th report of Session 2006-07 for unjustifiable delay in laying; unjustified breach of the 21-day rule; and defective drafting at regulation 2. These regulations address the Committee’s drafting concerns and, in addition, incorporate a number of improvements to the original version. There is no change to the policy or substance of the 2007 Regulations which would affect the way in which they currently operate. These Regulations are being issued free of charge to all known recipients of the 2007 Regulations.

4. **Legislative Context**

- 4.1 These Regulations are made to replace the 2007 Regulations.

5. **Territorial Extent and Application**

- 5.1 This instrument applies to Northern Ireland.

6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- 7.1 Following the long running problems experienced throughout all police forces in managing absenteeism and the introduction of regulations in England and Wales to put management of absenteeism on a statutory footing it was agreed, following concerns expressed by the PSNI, that there was a need for greater comparability in Northern Ireland with efficiency regulations in England and Wales. The 2007 Regulations were made to control attendance in the police service and to place attendance management of police officers in the PSNI on a statutory footing.

8. Consultation outcome

- 8.1 A consultation exercise was conducted in relation to the 2007 Regulations in accordance with section 64 of the Police (Northern Ireland) Act 1998. These Regulations have been revised to correct errors identified in the 2007 Regulations and as there was no change to the policy, a shortened consultation exercise of 8 weeks was conducted.

9. Guidance

- 9.1 The Police Service of Northern Ireland hold appropriate internal guidance relating to the management of unsatisfactory performance and attendance.

10. Impact

- 10.1 The impact on business, charities or voluntary bodies is nil.
- 10.2 The impact on the public sector is nil.
- 10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

- 11.1 The legislation does not apply to small business.

12. Monitoring review

- 12.1 We shall keep the instrument under review and make any necessary amendments as appropriate.

13. Contact

Eileen Coulter at the Northern Ireland Office Tel: 028 9052 3259 or email: Eileen.Coulter@nio.x.gsi.gov.uk, can answer any queries regarding the instrument.