
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 42

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

PART 3

First stage

Circumstances in which a first stage meeting may be required

12. Where the member's attendance is unsatisfactory or where the line manager for a member considers that the performance of that member is unsatisfactory, he may require the member concerned to attend a meeting (in these Regulations referred to as a first stage meeting) to discuss the performance or attendance of the member concerned.

Arrangement of first stage meeting

13.—(1) Where the line manager requires a member to attend a first stage meeting, he shall give a notice in writing to the member concerned—

- (a) requiring him to attend a first stage meeting of the unsatisfactory performance procedures with the line manager;
- (b) summarising the reasons why his performance or attendance is considered unsatisfactory;
- (c) informing him of the possible outcomes of a first stage meeting, a second stage meeting and a third stage meeting;
- (d) informing him that a human resources professional or a police officer may attend the meeting to advise the line manager on the proceedings;
- (e) informing him that, if he consents, any other person specified in the notice may attend the meeting;
- (f) informing him that he may seek advice from a representative of his staff association;
- (g) informing him that he may be accompanied and represented at the meeting by a police friend; and
- (h) informing him that he must provide to the line manager in advance of the meeting a copy of any document he intends to rely on at the meeting.

(2) Such notice shall be accompanied by a copy of any document relied upon by the line manager in requiring the member concerned to attend a first stage meeting in accordance with regulation 12.

(3) The line manager shall, if reasonably practicable, agree a date and time for the meeting with the member concerned.

(4) Where no date and time is agreed under paragraph (3), the line manager shall specify a date and time for the meeting.

(5) The line manager shall give to the member concerned a notice in writing of the date and time of the first stage meeting determined in accordance with paragraphs (3) and (4) and of the place of the meeting.

(6) In advance of the first stage meeting, the member concerned shall provide the line manager with a copy of any document he intends to rely on at the meeting.

Procedure at first stage meeting

14.—(1) The following provisions of this regulation apply to the procedure to be followed at the first stage meeting.

(2) The meeting shall be conducted by the line manager.

(3) A human resources professional or a police officer may attend the meeting to advise the line manager on the proceedings.

(4) Any other person specified in the notice referred to in regulation 13(1) may attend the meeting if the member concerned consents to such attendance.

(5) The line manager shall—

- (a) explain to the member concerned the reasons why the member's attendance is unsatisfactory or why the line manager considers that the member's performance is unsatisfactory;
- (b) provide the member concerned with an opportunity to make representations in response;
- (c) provide his police friend (if he has one) with an opportunity to address the meeting in accordance with regulation 8(3)(a).

(6) If, after considering any representations made in accordance with paragraph (5)(b) or (c), the line manager finds that the performance or attendance of the member concerned has been unsatisfactory, he shall—

- (a) inform the member concerned in what respect his performance or attendance is considered unsatisfactory;
- (b) inform the member concerned of the improvement that is required in his performance or attendance;
- (c) inform the member concerned that, if a sufficient improvement is not made within such reasonable period as the line manager shall specify (being a period not greater than 12 months), he may be required to attend a second stage meeting in accordance with regulation 19 and the line manager shall specify the date on which this period ends;
- (d) inform the member concerned that he will receive a written improvement notice; and
- (e) inform the member concerned that if the sufficient improvement referred to in sub-paragraph (c) is not maintained during any part of the validity period of such notice remaining after the expiry of the period specified in accordance with sub-paragraph (c), he may be required to attend a second stage meeting in accordance with regulation 19.

(7) The line manager may, if he considers it appropriate, recommend that the member concerned seeks assistance in relation to any matter affecting his health or welfare.

(8) The line manager may postpone or adjourn the meeting to a specified later time or date if it appears to him necessary or expedient to do so.

Procedure following first stage meeting

15.—(1) The line manager shall, as soon as reasonably practicable after the date of the conclusion of the first stage meeting—

- (a) cause to be prepared a written record of the meeting; and
 - (b) where he found at the meeting that the performance or attendance of the member concerned has been unsatisfactory, cause to be prepared a written improvement notice.
- (2) Where the member concerned has failed to attend a first stage meeting, if the line manager finds that the performance or attendance of the member has been unsatisfactory, he shall as soon as reasonably practicable—
- (a) cause to be prepared a written improvement notice; and
 - (b) if the police friend of the member concerned attended the meeting, cause to be prepared a written record of the meeting.
- (3) A written improvement notice shall—
- (a) record the matters of which the member concerned was informed (or would have been informed had he attended the meeting) under sub-paragraphs (a) to (c) and (e) of regulation 14(6);
 - (b) state the period for which it is valid; and
 - (c) be signed and dated by the line manager.
- (4) A written improvement notice shall be valid for a period of 12 months from the date of the notice (the “validity period”).
- (5) The line manager shall give a copy of any written record and any written improvement notice to the member concerned as soon as reasonably practicable after they have been prepared.
- (6) Where the line manager finds that the performance or attendance of the member concerned has been unsatisfactory and has caused to be prepared a written improvement notice, he shall, at the same time as supplying the documents mentioned in paragraph (5), notify the member concerned in writing of the matters set out in regulation 16, of the name of the person to whom a written notice of appeal must be given under that regulation, of his entitlements under paragraphs (7) and (8) and of the effect of paragraph (9).
- (7) Subject to paragraphs (8) and (9), the member concerned shall be entitled to submit written comments on any written record to the line manager before the end of 7 working days beginning with the first working day after the day on which the copy is received by the member concerned.
- (8) The line manager may, on the application of the member concerned, extend the period specified in paragraph (7) if he is satisfied that it is appropriate to do so.
- (9) The member concerned shall not be entitled to submit written comments on the written record if he has exercised his right to appeal under regulation 16.
- (10) The line manager shall ensure that any written record, any improvement and any written comments of the member concerned on the written record are retained together and filed.

Appeal against the finding and outcome of a first stage meeting

16.—(1) This regulation applies where, at the first stage meeting, the line manager found that the performance or attendance of the member concerned has been unsatisfactory.

- (2) Where this regulation applies, the member concerned may appeal against—
- (a) such finding; or
 - (b) any of the matters specified in paragraph (3) and recorded in the written improvement notice (in these Regulations referred to as the relevant terms of the written improvement notice),

or both.

- (3) The matters specified in this paragraph are—

- (a) the respect in which the attendance of the member is unsatisfactory or the performance 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 line manager in accordance with regulation 14(6)(c).
- (4) The only grounds of appeal under this regulation are—
- (a) that the finding of unsatisfactory performance or attendance was unreasonable;
 - (b) that any of the relevant terms of the written improvement notice are unreasonable;
 - (c) that there is evidence that could not reasonably have been considered at the first stage meeting which could have materially affected the finding of unsatisfactory performance or attendance or any of the relevant terms of the written improvement notice;
 - (d) 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 written improvement notice.
- (5) Any appeal shall be commenced by the member concerned giving written notice of appeal to the second line manager before the end of 7 working days beginning with the first working day after receipt of the documents referred to in regulation 15(5).
- (6) Such notification 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 second line 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 the first 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 second line manager.
- (9) A first stage appeal meeting may take place after the period of 7 working days referred to in paragraph (8) if the second line manager considers it necessary or expedient, in which case he shall notify the member concerned of his reasons in writing.

Arrangement of first stage appeal meeting

17.—(1) As soon as reasonably practicable after receipt by the second line manager of the notification of appeal referred to in regulation 16(5), the second line manager shall give a notice in writing to the member concerned—

- (a) informing him of the procedures for determining the date and time of the meeting under paragraphs (2) and (3);
- (b) informing him that a human resources professional or a police officer may attend the meeting to advise the second line manager on the proceedings;
- (c) informing him that, if he consents, any other person specified in the notice may attend the meeting;
- (d) informing him that he may seek advice from a representative of his staff association; and
- (e) informing him that he may be accompanied and represented at the meeting by a police friend.

(2) The second line manager shall, if reasonably practicable, agree a date and time for the meeting with the member concerned.

(3) Where no date and time is agreed under paragraph (2), the second line manager shall specify a date and time for the meeting.

(4) The second line manager shall give to the member concerned a notice in writing of the date and time of the first stage appeal meeting determined in accordance with paragraphs (2) and (3) and of the place of the meeting.

Procedure at first stage appeal meeting

18.—(1) The following provisions of this regulation apply to the procedure to be followed at a first stage appeal meeting.

(2) The meeting shall be conducted by the second line manager.

(3) A human resources professional or a police officer may attend the meeting to advise the second line manager on the proceedings.

(4) Any other person specified in the notice referred to in regulation 17(1) may attend the meeting if the member concerned consents to such attendance.

(5) The second line manager shall—

- (a) provide the member concerned with an opportunity to make representations; and
- (b) provide his police friend (if he has one) with an opportunity to address the meeting in accordance with regulation 8(3)(a).

(6) After considering any representations made in accordance with paragraph (5), the second line manager may—

- (a) confirm or reverse the finding of unsatisfactory performance or attendance;
- (b) confirm or vary the relevant terms of the written improvement notice appealed against.

(7) Where the second line manager has reversed the finding of unsatisfactory performance or attendance, he shall also revoke the written improvement notice.

(8) The second line manager may postpone or adjourn the meeting to a specified later time or date if it appears to him necessary or expedient to do so.

(9) As soon as reasonably practicable after the conclusion of the meeting, the member concerned shall be given written notice of the second line manager's decision and a written summary of the reasons for that decision, but in any event, the member concerned shall be given written notice of the decision before the end of 3 working days beginning with the first working day after the conclusion of the meeting.

(10) Where the second line manager has—

- (a) reversed the finding of unsatisfactory performance or attendance and revoked the written improvement notice; or
- (b) varied any of the relevant terms of the written improvement notice,

the decision of the second line manager shall take effect by way of substitution for the finding, the written improvement notice issued or the relevant terms of the written improvement notice appealed against from the date of the first stage meeting.