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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 42**

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

**PART 5**

**Third Stage**

**Assessment of performance or attendance following third stage meeting**

**41.**—(1) This regulation applies where a final written improvement notice has been issued or extended under regulation 39.

(2) Where this regulation applies, as soon as reasonably practicable after the reasonable period specified by the panel under regulation 39(7)(c) or (8)(a) ends—

- (a) the panel shall assess the performance or attendance of the member concerned (as the case may be) during that period; and
- (b) the panel chair shall notify the member concerned in writing whether the panel considers that there has been a sufficient improvement in performance or attendance during that period.

(3) If the panel considers that there has not been a sufficient improvement, the panel chair shall, at the same time as he gives notification under paragraph (2)(b), also notify the member concerned in writing that he is required to attend another third stage meeting to consider his performance or attendance.

(4) Where—

- (a) the member concerned has not been required to attend a third stage meeting under paragraph (3), or
- (b) the member concerned has been required to attend a third stage meeting under paragraph (3) but the panel did not make a finding of unsatisfactory performance or attendance at that meeting,

the member concerned may be required to attend a third stage meeting under paragraph (5).

(5) If the panel considers that the member concerned has failed to maintain a sufficient improvement in his performance or attendance during any part of the validity period of the final written improvement notice remaining after the expiry of the period specified in accordance with regulation 39(7)(c) or (8)(a), the panel chair shall notify the member concerned in writing of the matters set out in paragraph (6).

(6) Those matters are—

- (a) that the panel is of the view mentioned in paragraph (5); and
- (b) that the member concerned is required to attend another third stage meeting to consider his performance or attendance.

(7) In a case falling within paragraph (3) or (5), the appropriate authority shall give the member concerned the notice referred to in regulation 27.

(8) Where the member concerned is required to attend a third stage meeting under this regulation, these Regulations shall have effect as if the case fell within regulation 26(2) or (4) as the case may be and—

- (a) references to the period specified in accordance with regulation 21(6)(c) shall be construed as references to the period specified under regulation 39(7)(c) or (8)(a), as the case may be; and
- (b) references to the validity period of the final written improvement notice shall be construed as references to the validity period mentioned in regulation 39(7)(d) or (8)(c), as the case may be.

(9) Any third stage meeting which a member is required to attend under this regulation must concern unsatisfactory performance or attendance which is similar to or connected with the unsatisfactory performance or attendance referred to in the final written improvement notice issued or extended under regulation 39.

(10) References in this regulation to the panel are references to the panel that conducted the initial third stage meeting, subject to paragraph (11).

(11) Where any of the panel members are not able to continue to act as such, the appropriate authority shall remove that member from the panel and shall appoint a new member to the panel.

(12) If the appropriate authority appoints a new panel member under paragraph (11), it must ensure that the requirements for the composition of the panel in regulation 30 continue to be met.

(13) As soon as reasonably practicable after any such appointment, the appropriate authority shall notify in writing the member concerned of the name of the new panel member.

(14) The member concerned may object to the appointment of a panel member appointed under paragraph (11).

(15) Any such objection must be made in accordance with regulation 31(2), provided that it must be made before the end of 3 working days beginning with the first working day after receipt of the notification referred to in paragraph (13); and the appropriate authority shall comply with regulation 31(3) to (6) in relation to the objection.