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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 61**

**The Police Service of Scotland (Performance) Regulations 2013**

**PART 2**

First interview

**Circumstances in which first interview may be required**

5. Where the constable's reporting officer considers that the constable's performance is unsatisfactory, that officer may require the constable to attend a first interview to discuss the constable's performance.

**Arrangement of first interview**

6.—(1) Where the reporting officer decides to require the constable to attend a first interview, the reporting officer must—

- (a) send a notice in writing to the constable—
  - (i) requiring the constable to attend, at a specified time and place, an interview with the interviewing officer;
  - (ii) stating the reasons why the interview is required; and
  - (iii) informing the constable of the right to be accompanied at the interview by another constable selected by the constable; and
- (b) send a copy of the notice to the countersigning officer.

(2) Subject to paragraphs (3) and (4), the interviewing officer is to be the reporting officer.

(3) The constable may, not later than 7 days (or such longer period as the reporting officer may specify) after the date on which the notice under paragraph (1) was sent, request by notice in writing to the reporting officer that the interview be conducted by the countersigning officer.

(4) If the reporting officer receives a notification mentioned in paragraph (3), the reporting officer must—

- (a) where it is reasonably practicable for the countersigning officer to conduct the interview, arrange for the interview to be conducted by that person; or
- (b) where it is not reasonably practicable for the countersigning officer to conduct the interview, arrange for another constable of the same rank as, or a higher rank than, the countersigning officer to conduct the interview.

**Procedure at first interview**

7.—(1) At the first interview, the interviewing officer must—

- (a) explain why the reporting officer is of the opinion that the constable's performance is unsatisfactory; and
- (b) give the constable an opportunity to make representations in response.

(2) If, after considering any representations made by the constable, the interviewing officer is satisfied that the constable's performance has been satisfactory, the interviewing officer must inform the constable that no further action is to be taken under these Regulations.

(3) If, after considering any representations made by the constable, the interviewing officer is satisfied that the constable's performance has been unsatisfactory, the interviewing officer must give the constable a warning, informing the constable—

- (a) as to the respect in which the constable's performance is considered to be unsatisfactory;
- (b) that an improvement in performance is required;
- (c) of any specific action required to achieve that improvement; and
- (d) that, if a sufficient improvement is not made within the period specified by the interviewing officer, the constable may be required to attend a second interview in accordance with regulation 9.

(4) The interviewing officer may, if it is considered appropriate, recommend that the constable seek assistance in relation to any matter affecting the constable's health or welfare.

(5) The interviewing officer may adjourn the first interview to a specified later time or date if it appears necessary or expedient to do so.

#### **Procedure following first interview**

**8.—**(1) Not later than 7 days after the date of the conclusion of the first interview, the interviewing officer must—

- (a) prepare a written record of the interview;
- (b) send to the constable—
  - (i) a copy of that record; and
  - (ii) confirmation of the terms of any warning given under regulation 7(3); and
- (c) inform the constable that the constable may submit to the interviewing officer written comments on the record of the meeting or on the terms of the warning (or both) not later than 7 days after the date on which they were sent.

(2) The interviewing officer may, on the application of the constable, extend the period specified in paragraph (1)(c) if it is considered appropriate to do so.

(3) The interviewing officer must send a copy of the record of the interview and any comments received from the constable to—

- (a) the senior manager;
- (b) a personnel officer;
- (c) if the interview was conducted by the reporting officer, the countersigning officer;
- (d) if the interview was conducted by the countersigning officer, the reporting officer; and
- (e) if the interview was conducted by any other constable, the reporting officer and the countersigning officer.