
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 67

The Police Service of Scotland (Performance) Regulations 2014

PART 1

General

Interpretation

2.—(1) In these Regulations—

“audio recording” means a recording made on any disc, tape or other device on which sounds are recorded so as to be capable of being reproduced;

“chairing constable” means the person appointed to act as chairing constable at a performance hearing or, as the case may be, further performance hearing;

“disposal” means any of the actions mentioned in regulation 40(1);

“extended final improvement notice” means a final improvement notice extended under regulation 40(1)(c);

“extended final improvement period” means the period specified by the chairing constable under regulation 40(4)(a)(i);

“final improvement notice” means a notice prepared under regulation 25(2)(a);

“final improvement period” has the meaning given by regulation 24(6)(c);

“first improvement notice” means a notice prepared under regulation 16(2)(a);

“first improvement period” has the meaning given by regulation 15(7)(c);

“first line manager” means the constable or the member of the police staff with immediate supervisory responsibility for the constable;

“further performance hearing” means a hearing arranged under regulation 42 to consider the constable’s performance following a performance hearing;

“human resources professional” means a member of the police staff who has responsibility for personnel matters relating to the Police Service;

“improvement notice” includes a first improvement notice, a final improvement notice and an extended final improvement notice;

“improvement period” means the period within which the constable’s performance is required to improve specified in an improvement notice and includes a first improvement period, a final improvement period and an extended final improvement period (see regulation 10);

“performance appeal meeting” means a meeting arranged under regulation 19 to consider an appeal by the constable against the finding and outcome of a performance meeting;

“performance hearing” means a hearing arranged under regulation 33 to consider the constable’s performance following a progress meeting;

“performance meeting” means a meeting arranged under regulation 14 to consider a constable’s performance;

“person determining the appeal” means the senior officer appointed by the deputy chief constable under regulation 45(2) to determine an appeal under regulation 44;

“police adviser” means a constable appointed to give advice on the proceedings to—

- (a) the first line manager at a performance meeting;
- (b) the second line manager at a performance appeal meeting or a progress meeting;
- (c) the senior manager at a progress appeal meeting; or
- (d) the chairing constable at a performance hearing or a further performance hearing;

“police representative” must be construed in accordance with regulation 6;

“progress appeal meeting” means a meeting arranged under regulation 28 to consider an appeal by the constable against the finding and outcome of a progress meeting;

“progress meeting” means a meeting arranged under regulation 23 to consider the constable’s performance following a performance meeting;

“second line manager” means—

- (a) in a case where the constable holds the rank of chief superintendent, an assistant chief constable, or a member of the police staff at least equivalent to the rank of assistant chief constable, designated for that purpose by the constable’s senior manager; or
- (b) in any other case, a constable or a member of the police staff who has immediate supervisory responsibility for the first line manager;

“senior manager” means a constable or a member of the police staff who (in either case) has supervisory responsibility for the second line manager;

“the Act” means the Police and Fire Reform (Scotland) Act 2012;

“the constable” means, unless the context otherwise requires, a constable to whom these Regulations apply and whose performance is being assessed in accordance with these Regulations;

“validity period” means the period for which an improvement notice is valid (see regulation 10);

“working day” means any day other than—

- (a) a Saturday or Sunday;
- (b) a day which is a bank holiday in Scotland within the meaning given by paragraph 2 of Schedule 1 to the Banking and Financial Dealings Act 1971(1); or
- (c) a day which is a public holiday in Scotland; and

“writing” includes electronic communications within the meaning given by section 15 of the Electronic Communications Act 2000(2) (and “written” is to be construed accordingly).

(2) In these Regulations, references to—

- (a) unsatisfactory performance; and
- (b) the performance of the constable being unsatisfactory,

are references to an inability or failure of the constable to perform the duties of the constable’s role or rank (or both) to a satisfactory standard.

(1) 1971 c.80. Paragraph 2 of Schedule 1 has been amended by section 1 of the St Andrew’s Day Bank Holiday (Scotland) Act 2007 (asp 2).

(2) 2000 c.7. Section 15 has been amended by Schedule 17 to the Communications Act 2003 (c.21).