
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 67

The Police Service of Scotland (Performance) Regulations 2014

PART 3

Progress meetings

Appeal against the finding and outcome of a progress meeting

27.—(1) Where at a progress meeting the second line manager finds that the performance of the constable is unsatisfactory, the constable may appeal against—

- (a) that finding;
- (b) any term of the final improvement notice specified in paragraph (3) (referred to in this regulation and regulation 30 as “the relevant terms”); and
- (c) the decision of the second line manager to require the constable to attend the progress meeting.

(2) An appeal under paragraph (1) may be made on one or more of the grounds of appeal specified in paragraph (4).

(3) The relevant terms are—

- (a) the respect in which the constable’s performance is considered unsatisfactory;
- (b) the improvement that is required in performance; and
- (c) the length of the final improvement period.

(4) The grounds of appeal are—

- (a) that, in relation to an appeal against the decision mentioned in paragraph (1)(c), the progress meeting did not consider only unsatisfactory performance which is similar to or connected with the unsatisfactory performance referred to in the first improvement notice;
- (b) that the finding of unsatisfactory performance is unreasonable;
- (c) that any of the relevant terms are unreasonable;
- (d) that there is evidence that could not reasonably have been considered at the progress meeting which could have affected materially—
 - (i) the finding of unsatisfactory performance; or
 - (ii) any of the relevant terms; and
- (e) that there was a breach of the procedures set out in these Regulations or any other unfairness which could have affected materially—
 - (i) the finding of unsatisfactory performance; or
 - (ii) any of the relevant terms.

(5) An appeal under paragraph (1) is to be commenced by the constable submitting a written appeal notice to the senior manager not later than 7 working days from the date of receipt of the final improvement notice.

- (6) A notice under paragraph (5) must—
 - (a) set out the finding or the relevant terms (or both) against which the appeal is made;
 - (b) set out the grounds of appeal; and
 - (c) be accompanied by any evidence on which the constable intends to rely.
- (7) The senior manager may, at the constable's request, extend the period mentioned in paragraph (5) if satisfied that it is appropriate to do so.
- (8) The submission of an appeal notice under paragraph (5) does not affect the continuing operation of a final improvement notice sent under regulation 25(2)(a).