
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 67

The Police Service of Scotland (Performance) Regulations 2014

PART 4

Performance hearings

Assessment of performance following performance hearing

41.—(1) If the final improvement notice is extended under regulation 40(1)(c), the first line manager must assess the constable's performance—

- (a) at the end of the extended final improvement period specified in that notice; and
- (b) during any part of the validity period specified in that notice which continues after the end of the extended final improvement period.

(2) The first line manager must inform the constable in writing as to whether, in the first line manager's opinion—

- (a) there has been a sufficient improvement in the constable's performance by the end of the extended final improvement period; and
- (b) that improvement has been maintained until the end of the validity period.

(3) If the first line manager is of the opinion that there has been a sufficient improvement in the constable's performance by the end of the extended final improvement period, the first line manager must remind the constable of the need to maintain that improvement until the end of the validity period.

(4) If, following an assessment under paragraph (1), the first line manager is of the opinion that—

- (a) the constable has failed to make the required improvement in performance by the end of the extended final improvement period; or
- (b) where the required improvement in performance has been made by the end of that period, that improvement has not been maintained until the end of the validity period,

the first line manager must refer the constable to a further performance hearing to consider the constable's performance.

(5) A further performance hearing may consider only unsatisfactory performance which is similar to or connected with the unsatisfactory performance referred to in the final improvement notice extended under regulation 40(1)(c).

(6) Subject to paragraph (7)—

- (a) a further performance hearing must be conducted by the chairing constable who conducted the performance hearing; and
- (b) the chairing constable must be advised at the further performance hearing by any person appointed under regulation 32(2) to advise at the performance hearing.

(7) If any person mentioned in paragraph (6) is unable to attend a further performance hearing the deputy chief constable may appoint a replacement in accordance with regulation 32(1) and (2) (and paragraphs (3) to (6) of that regulation apply in relation to such an appointment).

(8) The deputy chief constable must arrange for the provision to every person mentioned in paragraph (6) (or any replacement for such a person appointed under paragraph (7)) of—

- (a) any document which was available to the first line manager in relation to the performance meeting;
- (b) any document which was available to the second line manager in relation to the progress meeting;
- (c) any document which was available to the chairing constable in relation to the performance hearing;
- (d) the records of the performance meeting, the progress meeting and the performance hearing;
- (e) any submission made under regulation 34;
- (f) documents relating to any appeal under these Regulations; and
- (g) the first improvement notice, final improvement notice and extended final improvement notice.