
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 67

The Police Service of Scotland (Performance) Regulations 2014

PART 5

Appeal against finding at performance hearing

Outcome of appeal

46.—(1) The person determining the appeal may, whether after an appeal hearing or otherwise—

- (a) confirm or reverse the finding of unsatisfactory performance;
- (b) confirm the disposal ordered; or
- (c) order a disposal which is less severe than that ordered by the chairing constable of the performance hearing or further performance hearing (as the case may be).

(2) But in the case of an appeal against a decision or disposal ordered at a further performance hearing, the person determining the appeal may not order a further extension of the final improvement notice.

(3) The person determining the appeal must notify the constable in writing of the decision under paragraph (1) and the reasons for that decision.

(4) A notice under paragraph (3) must be given as soon as reasonably practicable and no later than 90 working days from the date the appeal notice was submitted.

(5) A demotion in rank ordered under paragraph (1)(c) has effect from the date of the notice given under paragraph (3).

(6) Where the person determining the appeal orders under paragraph (1)(c) an extension of the final improvement notice regulation 40(3) and (4) apply to that extension, except that references to the “chairing constable” are to be read as references to the person determining the appeal.

(7) Where the person determining the appeal confirms that—

- (a) the constable’s performance is unsatisfactory; and
- (b) the constable is to be dismissed or demoted in rank,

the notice given under paragraph (3) must be accompanied by a notice in writing setting out the circumstances in which the constable may appeal to a police appeals tribunal and the procedure for making such an appeal.