
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 51

The Police Service of Scotland (Senior Officers) (Performance) Regulations 2016

PART 3

Progress meetings

Circumstances in which a progress meeting may be required

22.—(1) The reporting officer for a senior officer who has received a first improvement notice must assess the senior officer's performance—

- (a) at the end of the first 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 first improvement period.

(2) The reporting officer must inform the senior officer in writing as to whether, in the reporting officer's opinion—

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

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

(4) If the reporting officer is of the opinion that—

- (a) the senior officer has failed to make the required improvement in performance by the end of the first 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 reporting officer must refer the senior officer to a progress meeting to consider the senior officer's performance.

(5) If the senior officer's reporting officer is a constable, the reporting officer must notify the Authority of a referral under paragraph (4).

(6) A progress meeting may consider only—

- (a) the unsatisfactory performance referred to in the first improvement notice; and
- (b) unsatisfactory performance which is similar to or connected with the unsatisfactory performance referred to in that notice.

Arrangement of progress meeting

23.—(1) If the reporting officer refers the senior officer to a progress meeting under regulation 22(4), the reporting officer must send a notice in writing requiring the senior officer to attend such a meeting.

(2) A notice under paragraph (1) must give details of—

- (a) the procedures for determining the date and time of the progress meeting;
- (b) the respect in which the senior officer's performance is considered to be unsatisfactory;
- (c) the possible outcomes of a progress meeting and a performance hearing;
- (d) any proposed attendance at the meeting of a human resources professional or a police adviser to advise the reporting officer on the proceedings;
- (e) any proposed attendance at the meeting of the reporting officer;
- (f) any proposed attendance at the meeting of any other named person and the senior officer's right to refuse to consent to their attendance;
- (g) the senior officer's right to seek advice from a police representative;
- (h) the senior officer's right to be represented at the meeting by a police representative; and
- (i) the requirement to provide to the reporting officer, in advance of the meeting, a copy of any documents on which the senior officer intends to rely.

(3) A notice under paragraph (1) must be accompanied by a copy of any document relied upon in coming to the view that the performance of the senior officer is unsatisfactory.

(4) The reporting officer must, if reasonably practicable, seek to agree a date and time for the progress meeting with the senior officer.

(5) If no date and time are agreed under paragraph (4), the reporting officer must specify a date and time for the meeting.

(6) If a date and time are specified under paragraph (5) and—

- (a) the senior officer or the senior officer's police representative will not be available at that date and time; and
- (b) the senior officer proposes an alternative date and time which satisfy the requirements of paragraph (7),

the meeting must be postponed to the date and time proposed.

(7) An alternative date and time must—

- (a) be reasonable; and
- (b) fall not later than 10 working days from the date specified by the reporting officer under paragraph (5).

(8) When the date and time of a progress meeting are determined in accordance with paragraphs (4) to (7), the reporting officer must send a notice in writing to the senior officer specifying the date, time and place of that meeting.

Procedure at progress meeting

24.—(1) The procedure at a progress meeting is as follows.

(2) The meeting must be conducted by the reporting officer.

(3) The following people may attend the meeting if requested to do so by the reporting officer—

- (a) a human resources professional or a police adviser to advise the reporting officer on the proceedings; and

- (b) any other person whose proposed attendance was notified to the senior officer in accordance with regulation 23(2)(f), provided the senior officer has not refused to consent to their attendance.
- (4) The reporting officer must—
 - (a) explain how the senior officer’s performance is considered to be unsatisfactory;
 - (b) provide the senior officer with an opportunity to make representations in response; and
 - (c) provide the senior officer’s police representative (if the officer has one) with an opportunity to make representations in accordance with regulation 4(3)(c).
- (5) Paragraph (6) applies if, having considered any representations made by virtue of paragraph (4)(b) or (c) and any other representations made at the meeting (if any), the reporting officer is satisfied that—
 - (a) the senior officer has failed to make the required improvement in performance by the end of the first improvement period; or
 - (b) in a case where the required improvement in performance has been made by the end of the first improvement period, that improvement has not been maintained until the end of the validity period,
- (6) If this paragraph applies, the reporting officer must inform the senior officer as to—
 - (a) the respect in which the senior officer’s performance is considered to be unsatisfactory;
 - (b) the improvement that is required in the senior officer’s performance;
 - (c) the period within which that improvement is required to take place (to be known as “the final improvement period”);
 - (d) the fact that the senior officer will receive a written final improvement notice;
 - (e) the validity period of that notice and the effect of regulation 8(4); and
 - (f) the circumstances in which the senior officer may be required to attend a performance hearing.
- (7) The reporting officer may postpone or adjourn the meeting to a specified later time if satisfied that it is necessary or expedient to do so and the procedure mentioned in regulation 23(4) to (8) applies to a postponed meeting or the continuation of an adjourned meeting.

Procedure following progress meeting

- 25.**—(1) As soon as reasonably practicable after the date of the conclusion of the progress meeting the reporting officer must prepare and send to the senior officer a written record of that meeting.
- (2) If at a progress meeting the performance of the senior officer is found to be unsatisfactory the reporting officer must, as soon as reasonably practicable after the date of the conclusion of that meeting, prepare and send to the senior officer a final improvement notice.
- (3) Subject to paragraph (4), the senior officer may submit written comments on the written record of the meeting to the reporting officer not later than 7 working days from the date on which the copy of that record is received by the senior officer.
- (4) The reporting officer may, at the senior officer’s request, extend the period mentioned in paragraph (3).
- (5) The reporting officer must ensure that the following are retained together and filed appropriately:—
 - (a) the final improvement notice;
 - (b) the written record of the progress meeting; and
 - (c) the senior officer’s written comments on that record (if any).

Final improvement notices

26. A final improvement notice prepared under regulation 25(2) must—
- (a) record—
 - (i) the respect in which the senior officer’s performance is considered to be unsatisfactory;
 - (ii) the improvement that is required in the senior officer’s performance; and
 - (iii) the final improvement period;
 - (b) specify a validity period;
 - (c) inform the senior officer as to the circumstances in which attendance at a performance hearing may be required; and
 - (d) be signed and dated by the reporting officer.