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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 51**

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

**PART 4**

Performance hearings

**Assessment of performance following performance hearing**

**37.**—(1) If the final improvement notice is extended by virtue of regulation 36(1)(c), the reporting officer must assess the senior officer's performance—

- (a) at the end of 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 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 extended final 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 during the extended final 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, following an assessment under paragraph (1), 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 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 reporting officer must refer the senior officer to a further performance hearing to consider the senior officer's performance.

(5) A further performance hearing may consider only—

- (a) the unsatisfactory performance referred to in the first improvement notice, the final improvement notice and the extended final improvement notice; and
- (b) unsatisfactory performance which is similar to or connected with the unsatisfactory performance referred to in those notices.

(6) Subject to paragraph (8), a further performance hearing must be conducted by the panel which conducted the performance hearing.

(7) If any member of the panel mentioned in paragraph (6) is unable to attend a further performance hearing the Authority may appoint a replacement in accordance with regulation 28.

(8) The Authority must arrange for the provision to every member of the panel mentioned in paragraph (6) or any replacement appointed under paragraph (7) of—

- (a) any document which was available to the reporting officer in relation to the performance meeting;
- (b) any document which was available to the person or panel conducting any performance appeal meeting;
- (c) any document which was available to the reporting officer in relation to the progress meeting;
- (d) any document which was available to the panel in relation to the performance hearing;
- (e) the records of the performance meeting, any performance appeal meeting, the progress meeting and the performance hearing;
- (f) any submission made under regulation 30; and
- (g) the first improvement notice, final improvement notice and extended final improvement notice.