
STATUTORY INSTRUMENTS

1996 No. 1643

The Police (Efficiency) (Scotland) Regulations 1996

PART 3

second interview

Circumstances in which a second interview may be required

8. Where the reporting officer is of the opinion that a constable who was warned in terms of regulation 6(3) that he was required to improve his performance has, at the end of the period specified by the interviewing officer in terms of regulation 6(3), failed to make a sufficient improvement in his performance, he may, with the agreement of the countersigning officer, require the constable to attend a further interview (in these Regulations referred to as a second interview) to discuss the constable's performance.

Arrangement of second interview

9. If the reporting officer with the agreement of the countersigning officer decides to require a constable to attend a second interview, he shall—

- (a) send a notice in writing to the constable—
 - (i) requiring him to attend, at a specified time and place, an interview with the senior officer and a personnel officer;
 - (ii) stating the reasons why the interview is required; and
 - (iii) informing him that he may be accompanied at the interview by a constable selected by him; and
- (b) send a copy of the notice to the countersigning officer, to the senior officer and to the personnel officer.

Procedure at second interview

10.—(1) The following provisions of this regulation shall apply to the procedure to be followed at a second interview.

- (2) The interview shall be conducted by the senior officer and the personnel officer.
- (3) The senior officer shall—
 - (a) explain to the constable the reasons why the reporting officer and the countersigning officer are of the opinion that the constable has failed to make a sufficient improvement in his performance; and
 - (b) provide the constable with a full opportunity of making representations in response.
- (4) If, after considering any representations made by the constable, the senior officer is satisfied that the constable's performance has been unsatisfactory during the period specified by the interviewing officer in terms of regulation 6(3), he shall—

- (a) inform the constable in what respect his performance as a constable is considered unsatisfactory;
 - (b) warn the constable that he is required to improve his performance in any such respect;
 - (c) inform the constable of any specific action which he is required to take to achieve such an improvement; and
 - (d) warn the constable that if a sufficient improvement is not made within such period as the senior officer shall specify, he may be required to attend an inefficiency hearing at which the chairman will have the power, if appropriate, to require the constable to resign from the force or to order reduction in rank.
- (5) The senior officer may adjourn the interview to a specified later time or date if it appears to him necessary or expedient to do so.

Procedure following second interview

11.—(1) The senior officer shall, not later than 7 days after the conclusion of the second interview—

- (a) in consultation with the personnel officer, prepare a written record of the substance of the matters discussed during the interview; and
- (b) send a copy of that record to the constable together with a notice in writing—
 - (i) if a warning was given in terms of regulation 10(4), confirming the terms of that warning; and
 - (ii) informing him that he may submit written comments not later than 7 days after the date on which the copy is sent.

(2) Subject to paragraph (3), the constable shall be entitled to submit written comments in relation to the record of the interview to the senior officer not later than 7 days after the date on which it was sent.

(3) The senior officer may, on the application of the constable, extend the period specified in paragraph (2) if he is satisfied that it is appropriate to do so.

(4) If the senior officer receives any written comments in terms of paragraph (2), he shall ensure that they are retained with the record of the interview.

(5) The senior officer shall send a copy of the record of the interview, and of any written comments by the constable, to the reporting officer and to the countersigning officer.