
STATUTORY INSTRUMENTS

2008 No. 2862

The Police (Performance) Regulations 2008

PART 1

Preliminary

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Police (Performance) Regulations 2008 and shall come into force on 1st December 2008.

(2) These Regulations extend to England and Wales.

Application

2. These Regulations shall not apply in relation to—

- (a) a member of a police force above the rank of chief superintendent;
- (b) an officer of the rank of constable who has not completed his period of probation.

Revocation and transitional provisions

3.—(1) Subject to paragraph (2), the following Regulations are revoked—

- (a) the Police (Efficiency) Regulations 1999(1);
- (b) the Police (Efficiency) (Amendment) Regulations 2003(2); and
- (c) the Police (Efficiency) (Amendment No.2) Regulations 2003(3).

(2) Where unsatisfactory performance or attendance by a police officer came to the attention of the line manager for such officer before 1st December 2008, nothing in these Regulations shall apply and the Regulations mentioned in paragraph (1) shall continue to have effect.

Interpretation and delegation

4.—(1) In these Regulations—

- “the 1996 Act” means the Police Act 1996;
- “the Police Regulations” means the Police Regulations 2003(4);
- “appropriate authority” means the chief officer of police of the police force concerned;
- “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(5) in England and Wales;

(1) [S.I. 1999/732](#).

(2) [S.I. 2003/528](#).

(3) [S.I. 2003/2600](#).

(4) [S.I. 2003/527](#). The relevant amending instrument is [S.I. 2006/3449](#).

(5) [1971 c.80](#).

“document” means anything in which information of any description is recorded and includes any recording of a visual image or images;

“first stage appeal meeting” has the meaning assigned to it by regulation 16;

“first stage meeting” has the meaning assigned to it by regulation 12;

“gross incompetence” and cognate expressions mean a serious inability or serious failure of a police officer to perform the duties of his rank or the role he is currently undertaking to a satisfactory standard or level, to the extent that dismissal would be justified, except that no account shall be taken of the attendance of a police officer when considering whether he has been grossly incompetent;

“human resources professional” means a police officer or police staff member who has specific responsibility for personnel matters relating to members of a police force;

“interested party” means a person whose appointment could reasonably give rise to a concern as to whether he could act impartially under these Regulations;

“line manager” means the police officer or the police staff member who, in either case, has immediate supervisory responsibility for the officer concerned;

“nominated person” means a person appointed by the senior manager in accordance with regulation 9;

“officer concerned” means the police officer in respect of whom proceedings under these Regulations are, or are proposed to be, taken;

“panel” means a panel appointed by the appropriate authority in accordance with regulation 30 subject to any change to the membership of that panel in accordance with regulation 31 and to the provisions of regulations 40 and 41;

“panel chair” means the chair of the panel;

“police force concerned” means—

- (a) where the officer concerned is a member of a police force, the police force of which he is a member; and
- (b) where the officer concerned is a special constable, the police force maintained for the police area for which he is appointed;

“police friend” means a person chosen by the officer concerned in accordance with regulation 5;

“police officer” means a member of a police force or a special constable;

“police staff member” means an employee of a police authority who is under the direction and control of a chief officer of police;

“proposed witness” means a witness whose attendance at a third stage meeting the officer concerned or the appropriate authority (as the case may be) wishes to request of the panel chair;

“relevant lawyer” has the same meaning as in section 84(4) of the 1996 Act, subject to the provisions of paragraph 35 of Schedule 27 to the Criminal Justice and Immigration Act 2008;

“relevant terms of the final written improvement notice” has the meaning assigned to it by regulation 23;

“relevant terms of the written improvement notice” has the meaning assigned to it by regulation 16;

“second line manager” means the person appointed by the appropriate authority to act as the second line manager for the purposes of these Regulations in relation to the officer concerned and who is either—

(a) a member of the police force concerned having supervisory responsibility for the line manager and who (in a case where the line manager is a member of the force) is senior in rank to the line manager, or

(b) a police staff member who has supervisory responsibility for the line manager;

“second stage appeal meeting” has the meaning assigned to it by regulation 23;

“second stage meeting” has the meaning assigned to it by regulation 19;

“senior manager” means—

(c) the police officer or police staff member who is for the time being the supervisor of the person who is, in relation to the officer concerned, the second line manager; or

(d) in the absence of such supervisor, the police officer or police staff member nominated by the appropriate authority to carry out any of the functions of such supervisor under these Regulations, being of at least the same rank (or equivalent) as the person who is, in relation to the officer concerned, the second line manager;

“senior officer” means a member of a police force holding a rank above that of chief superintendent;

“staff association” means—

(e) in relation to a member of a police force of the rank of chief inspector or below, the Police Federation of England and Wales; and

(f) in relation to a member of a police force of the rank of superintendent or chief superintendent, the Police Superintendents’ Association of England and Wales;

“third stage meeting” has the meaning assigned to it by regulations 26 and 28;

“unsatisfactory performance procedures” means the procedures set out in these Regulations;

“validity period” has the meaning assigned to it by regulations 15(4), 22(4), 38(6)(d) and (7) (c); and

“working day” means any day other than a Saturday or a Sunday or a day which is a bank holiday or a public holiday in England and Wales.

(2) In these Regulations—

(a) references to—

(i) unsatisfactory performance or attendance;

(ii) the performance or attendance of an officer being unsatisfactory,

mean an inability or failure of a police officer to perform the duties of the role or rank he is currently undertaking to a satisfactory standard or level;

(b) “unsatisfactory performance or attendance” may be construed as a reference to unsatisfactory performance and attendance;

(c) “performance or attendance” may be construed as a reference to performance and attendance.

(3) The appropriate authority may, subject to paragraph (4), delegate any of its functions under these Regulations to—

(a) a member of a police force of at least the rank of chief inspector; or

(b) a police staff member who, in the opinion of the appropriate authority is of at least a similar level of seniority to a chief inspector.

(4) Where the appropriate authority delegates its functions under regulation 28, the decisions shall be authorised by a senior officer.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(5) Any proceedings under these Regulations are disciplinary proceedings for the purposes of section 87 of the 1996 Act (guidance concerning disciplinary proceedings)(6).

(6) Section 87 was amended by paragraph 18 of Schedule 7 to the Police Reform Act 2002. It is also amended by paragraph 9 of Schedule 22 to the Criminal Justice and Immigration Act 2008.