
STATUTORY INSTRUMENTS

2008 No. 2863

The Police Appeals Tribunals Rules 2008

Circumstances in which a police officer may appeal to a tribunal

5.—(1) Subject to paragraph (3), a police officer to whom paragraph (2) applies may appeal to a tribunal in reliance on one or more of the grounds of appeal referred to in paragraph (6) against—

- (a) a finding referred to in paragraph (2) made under the Performance Regulations; or
- (b) an outcome which is imposed under the Performance Regulations as a consequence of such a finding and is mentioned in paragraph (4) or (5),

or both.

(2) This paragraph applies to a police officer against whom a finding of unsatisfactory performance or attendance or gross incompetence has been made at a third stage meeting.

(3) A police officer may not appeal to a tribunal against a finding referred to in paragraph (2) where that finding was made following acceptance by the officer that his performance or attendance has been unsatisfactory or that he has been grossly incompetent (as the case may be).

(4) Where there has been a finding of unsatisfactory performance or attendance following a third stage meeting which the police officer was required to attend under regulation 26 of the Performance Regulations, he may appeal against the following outcomes—

- (a) dismissal with notice,
- (b) reduction in rank.

(5) Where there has been a finding of gross incompetence or unsatisfactory performance following a third stage meeting which the police officer was required to attend under regulation 28 of the Performance Regulations, he may appeal against the following outcomes—

- (a) dismissal without notice,
- (b) reduction in rank,
- (c) redeployment to alternative duties,
- (d) the issue of a final written improvement notice,
- (e) the issue of a written improvement notice.

(6) The grounds of appeal under this rule are—

- (a) that the finding or outcome imposed was unreasonable; or
- (b) that there is evidence that could not reasonably have been considered at the original hearing which could have materially affected the finding or decision on the outcome; or
- (c) that there was a breach of the procedures set out in the Performance Regulations or other unfairness which could have materially affected the finding or decision on the outcome; or
- (d) that, where the police officer was required to attend the third stage meeting under regulation 26 of the Performance Regulations, he should not have been required to attend that meeting as it did not, in accordance with regulation 26(6) or 40(9) of those Regulations, concern unsatisfactory performance or attendance similar to or connected

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with the unsatisfactory performance or attendance referred to in the final written improvement notice.