
STATUTORY RULES OF NORTHERN IRELAND

2010 No. 47

Police (Unsatisfactory Performance and Attendance) Regulations (Northern Ireland) 2010

PART 3

SECOND INTERVIEW

Circumstances in which a second interview may be required

9.—(1) Where a member who was warned under regulation 7(3)(b) has not made sufficient improvement by the end of the period specified by the interviewing officer under regulation 7(3)(d), the reporting officer may refer the case to the countersigning officer.

(2) Where a case is referred under paragraph (1) the countersigning officer may, after consultation with the human resources manager, require the member concerned to attend a further interview (in these regulations referred to as the second interview) to discuss the performance or attendance of the member concerned.

Arrangement of second interview

10.—(1) Where a member is required to attend a second interview the countersigning officer shall—

- (a) send a notice in writing to the member concerned—
 - (i) requiring him to attend, at a specified time and place, an interview with the countersigning officer and the human resources manager;
 - (ii) stating the reasons why his performance or attendance is considered unsatisfactory; and
 - (iii) informing him that he may be accompanied and represented at interview by a member selected by him; and
- (b) send a copy of the notice to the reporting officer and to the human resources manager.

(2) In any case where it is not reasonably practicable for the countersigning officer to participate in the second interview, another member of the same or higher rank may participate in his place.

(3) In any case where it is not reasonably practicable for the human resources manager to participate in the second interview, another human resources manager of the same or higher grade may participate in his place.

Procedure at second interview

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

(2) Subject to regulation 10(2) and (3), the interview shall be conducted by the countersigning officer and the human resources manager.

- (3) The countersigning officer shall—
 - (a) explain to the member concerned the reasons why the countersigning officer and the reporting officer are of the opinion that the member has failed to make sufficient improvement in his performance or attendance; and
 - (b) provide him with a full opportunity of making representations in response.
- (4) If, after considering any representations made by the member concerned, the countersigning officer is satisfied that the member's performance or attendance has been unsatisfactory during the period specified by the interviewing officer under regulation 7(3)(d), he shall—
 - (a) inform the member concerned in what respect his performance or attendance as a member is considered unsatisfactory;
 - (b) warn him that he is required to improve his performance or attendance in any such respect;
 - (c) inform him of any specific action which he is required to take to achieve such an improvement; and
 - (d) warn him that if sufficient improvement is not made within such a period as the countersigning officer shall specify, he may be required to attend an unsatisfactory performance or attendance hearing in accordance with Part 4 at which the chairman will have the power, if appropriate, to require him to resign from the police service or to order a reduction in rank.
- (5) The countersigning 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

- 12.—**(1) The countersigning officer shall, not later than 7 days after the date of the conclusion of the second interview—
- (a) in consultation with the human resources manager, prepare a written record of the substance of the matters discussed during the interview; and
 - (b) send a copy or, where the member concerned was accompanied at the interview by a member selected by him, two copies of that record to the member concerned together with a notice in writing—
 - (i) if a warning has been given under regulation 11(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 received.
- (2) In a case where a member has been required to attend a second interview to discuss his performance or attendance and he has failed to attend the interview, the countersigning officer shall, if he is satisfied that the performance or attendance of the member has been unsatisfactory during the period specified by the interviewing officer under regulation 7(3)(d), not later than 7 days after the date on which the second interview was due to take place—
- (i) cause to be prepared a written notice informing and warning the member concerned of the matters mentioned in sub-paragraphs (a) to (d) of regulation 11(4); and
 - (ii) send one copy or, where a member selected by the member concerned attended the interview, two copies of the notice to the member concerned together with a notice in writing informing him that he may submit written comments, or indicate that he has no comments to make, not later than 7 days after the date on which the copy is received.
- (3) Where the countersigning officer is satisfied that the member had good reason for not attending the second interview he may withdraw the notice prepared under paragraph (2) and arrange another second interview.

(4) Subject to paragraph (5), the member concerned shall be entitled to submit written comments in relation to the second interview to the countersigning officer not later than 7 days after the date on which it was received.

(5) The countersigning officer may, on application of the member concerned, extend the period specified in paragraph (4) if he is satisfied that it is appropriate to do so.

(6) If the countersigning officer receives any written comments under paragraph (4), he shall ensure that they are retained with the record of the interview.

(7) The countersigning officer shall send a copy of the record of the interview, and any written comments of the member concerned, to the human resources manager and the reporting officer.

(8) Where the member has been required to attend a second interview in relation to his performance or attendance any unsatisfactory performance or attendance hearing shall relate only to the category or categories of behaviour that was or were the subject of the second interview.

Assessment of performance or attendance following second interview

13.—(1) Not later than 14 days after the date on which the period specified in regulation 11(4) (d) ends—

- (a) the reporting officer and the countersigning officer shall assess the performance or attendance of the member concerned during that period; and
- (b) either a member authorised for the purpose or the human resources manager shall inform the member concerned in writing whether he has made sufficient improvement during the specified period.

(2) Where a member who was warned under regulation 11(4)(b) has not made sufficient improvement by the end of the period specified by the countersigning officer under regulation 11(4) (d), the member may be required to attend an unsatisfactory performance or attendance hearing.

(3) The human resources manager must inform the member concerned in writing of the requirement to attend a hearing within 14 days from the end of the specified period.

(4) The notification of the date and time of the hearing (which must not be sooner than 21 days but not longer than 56 days from the date on which the notification is sent) may be issued separately from the notice advising of the failure to make sufficient improvement and the need to attend a hearing.