STATUTORY RULES OF NORTHERN IRELAND

2010 No. 47

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

PART 4

UNSATISFACTORY PERFORMANCE OR ATTENDANCE HEARING

Assessment of performance following hearing

19.—(1) This regulation applies where the member concerned has been given a written warning under paragraph (1)(b) or (c) of regulation 18.

(2) Not later than 14 days after the end of the period specified in the warning, the reporting officer and the countersigning officer shall—

(a) assess the performance of the member concerned during that period;

(b) cause to be prepared a report on the performance which shall be submitted to the chairman; and

(c) send a copy of the report to the member concerned and inform him that he may submit written comments to the chairman not later than 7 days after the date on which the member received the report.

(3) The chairman—

(a) shall consider the report and any recommendation contained in it;

(b) shall consider any written comments made by or on behalf of the member concerned under paragraph (2)(c); and

(c) if he is satisfied that there has been an insufficient improvement in the performance of the member concerned, shall require the member to resign from the police service with effect from the end of the period of one month after the date on which the notification of the decision is made; or

(d) if he is satisfied that there has been sufficient improvement in performance, shall record that decision and direct that no further proceedings shall be taken under these regulations in relation to the period specified in the warning.

(4) The chairman shall record his decision in writing and shall forthwith send a copy of it to—

(a) the member concerned;

(b) the reporting officer;

(c) the countersigning officer;

(d) the human resources manager; and

(e) the deputy chief constable.

(5) Where the chairman requires the member to resign pursuant to paragraph (3)(c) and the member has not resigned from the police service in accordance with the requirement, then the effect

of the decision shall be to dismiss the member from the police service with effect from the end of the period of one month after the date on which notification of the decision was made under paragraph (4).

(6) Where, at the time the report is submitted under paragraph (2)(b)—

(a) the chairman is absent, incapacitated or suspended from duty; and

(b) it is likely that his absence, incapacity or suspension will continue for a period of more than 28 days,

the deputy chief constable shall arrange for another member, being a member who would have been eligible for appointment as chairman under regulation 15(1) and (2) in relation to the hearing in question, to carry out in relation to the member concerned the functions of the chairman specified in this regulation.

(7) References to the chairman in regulations 17 and 18 shall, in relation to a request made under regulation 21(2), be construed as including any member appointed in accordance with paragraph (6) to carry out the functions of the chairman.