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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 67**

**The Police Service of Scotland (Performance) Regulations 2014**

**PART 2**

**Performance Meetings**

**Appeal against the finding and outcome of a performance meeting**

**18.**—(1) If at a performance meeting the first line manager finds that the performance of the constable is unsatisfactory, the constable may appeal against—

- (a) that finding; and
- (b) any term of the first improvement notice specified in paragraph (3) (referred to in this regulation and regulation 21 as “the relevant terms”).

(2) An appeal under paragraph (1) may only be made on one or more of the grounds of appeal specified in paragraph (4).

(3) The relevant terms are—

- (a) the respect in which the constable’s performance is considered unsatisfactory;
- (b) the improvement that is required in performance; and
- (c) the length of the first improvement period.

(4) The grounds of appeal are—

- (a) that the finding of unsatisfactory performance is unreasonable;
- (b) that any of the relevant terms are unreasonable;
- (c) that there is evidence that could not reasonably have been considered at the performance meeting which could have affected materially—
  - (i) the finding of unsatisfactory performance; or
  - (ii) any of the relevant terms; and
- (d) that there was a breach of the procedures set out in these Regulations or any other unfairness which could have affected materially—
  - (i) the finding of unsatisfactory performance; or
  - (ii) any of the relevant terms.

(5) An appeal under paragraph (1) is to be commenced by the constable submitting a written appeal notice to the second line manager not later than 7 working days from the date of receipt of the first improvement notice.

(6) A notice under paragraph (5) must—

- (a) set out the finding or the relevant terms (or both) against which the appeal is made;
- (b) set out the grounds of appeal; and
- (c) be accompanied by any evidence on which the constable intends to rely.

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**Status:** This is the original version (as it was originally made).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

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(7) The second line manager may, at the constable's request, extend the period mentioned in paragraph (5) if satisfied that it is appropriate to do so.

(8) The submission of an appeal notice under paragraph (5) does not affect the continuing operation of a first improvement notice sent under regulation 16(2)(a).