

SCOTTISH STATUTORY INSTRUMENTS

2016 No. 51

The Police Service of Scotland (Senior Officers) (Performance) Regulations 2016

PROSPECTIVE

PART 2

Performance Meetings

Determination of appeal

21.—(1) An appeal under regulation 16 must be determined in accordance with this regulation.

(2) In a case where a performance appeal meeting takes place, the person or appeal panel determining the appeal must consider—

- (a) the appeal notice sent under regulation 16(5);
- (b) any evidence accompanying that notice;
- (c) the written record of the performance meeting;
- (d) the senior officer's written comments on that record (if any); and
- (e) any representations made at the performance appeal meeting.

(3) In a case where no performance appeal meeting takes place, the person or appeal panel determining the appeal must consider—

- (a) the appeal notice sent under regulation 16(5);
- (b) any evidence accompanying that notice;
- (c) the written record of the performance meeting; and
- (d) the senior officer's written comments on that record (if any).

(4) Having considered the things mentioned in paragraph (2) or, as the case may be, (3), the person or appeal panel determining the appeal may—

- (a) confirm or reverse the finding of unsatisfactory performance; and
- (b) confirm or vary any of the relevant terms against which the appeal is made.

(5) A reversal of the finding of unsatisfactory performance revokes the first improvement notice.

(6) If the person or appeal panel determining the appeal—

- (a) reverses the finding of unsatisfactory performance; or
- (b) varies any of the relevant terms of the first improvement notice against which the appeal is made,

the decision of that person or panel replaces, from the date of that decision, the finding, the first improvement notice or the relevant terms against which the appeal is made.

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Police Service of Scotland (Senior Officers) (Performance) Regulations 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(7) As soon as reasonably practicable after determining an appeal under regulation 16, the person or appeal panel determining that appeal must—

- (a) send to the senior officer a written notice of that person's or that panel's decision;
- (b) in a case where a performance appeal meeting has taken place, send to the senior officer a written record of that meeting; and
- (c) in the case of a performance appeal meeting which relates to an assistant chief constable, notify the Authority of the outcome of that meeting.

Commencement Information

II Reg. 21 in force at 1.4.2016, see [reg. 1](#)

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Changes and effects yet to be applied to :

- reg. 21 coming into force by [S.S.I. 2016/51 reg. 1](#)