

How do the Efficiency Regulations Work?

The Police Performance, Attendance and Conduct Regulations were introduced on 1st December 2008. Any matters that were started or identified before this date will be dealt with under the old Police Performance regulations.

The first thing that needs to be emphasised about these procedures, and their application, is that whilst they can lead to dismissal from the Force, they are designed to be supportive measures to address the perceived problem.

The performance and attendance procedures are identical and follow the same method. Where you read performance you could substitute attendance with the exception of gross incompetence which has no equivalent in attendance.

Effectively the procedure involves a 4 stage process which, whilst it may seem complicated and lengthy, can be simply broken down as follows:

Informal Management Support

The first stage of the process requires local management intervention. It is the ongoing responsibility of line management to manage their staff and identify issues of unsatisfactory performance to provide supportive action to address the problem.

This should include a discussion with the officer regarding the importance of performance and clear guidance as to why their performance is considered unsatisfactory and invite an explanation from the officer as to the reasons for their poor performance.

Managers should consider a range of supportive measures and should seek the involvement of the Occupational Health Unit at this stage and discuss and agree any remedies with the officer concerned.

The purpose of this initial stage is to give notice to the officer that their performance is giving cause for concern, to ensure that effective monitoring is put in place, and to give the officer the opportunity to raise any issues which are impacting upon their performance at work and implementing, with advice from the OHU, the supportive management action to address this problem. It is anticipated that most cases of unsatisfactory performance will be resolved at this stage.

However, if there continues to be problems with persistent absence, or significant long term absence due to sickness or injury, and all reasonable steps have been taken to improve attendance or performance issues, then the matter can move to the formal stage.

First stage meeting

The first interview will be conducted by the line manager. This can include a Police Staff supervisor.

The notice to attend a first stage meeting should include,

- ? a summary of the performance in question,
- ? explanation of when the meeting will be convened,
- ? the right to seek advice and be accompanied at the meeting by a representative/friend,
- ? copies of relevant documentation,
- ? a request for copies of any documentation that the officer may use in the meeting,
- ? detail of the future process in stages and possible outcomes,
- ? That an HR professional may be present and advise manager in meeting
- ? Details of others who may attend with officers consent

The officer is entitled to be accompanied by a Friend at this meeting who can assist with the presentation of their case. The meeting date should be agreed by the manager and the officer, except where the date is not suitable to the officer or friend, and then a new date within 5 working days of the original should be substituted.

Whilst the purpose of this interview is to formalise procedures, the basic principle that the purpose of the Performance process is to be supportive, should not be forgotten.

It is anticipated that an Improvement notice will be issued, identifying;

- ? the unsatisfactory performance issues,
- ? the improvement required,
- ? the time frame for the improvement (usually 3 months),
- ? the validity length of the improvement notice, and
- ? The consequences of failing to achieve the improvement.

The improvement notice and a written record of the meeting should be supplied to the officer as soon as is reasonably practicable. The officer may add written comments and return the notice within 7 days if there is no intention to appeal.

Should the officer wish to appeal then they may do so in writing within 7 working days of receipt of the notice to the second line manager.

If the action plan is achieved then no further action is required – but the record remains in place for the validity period of the notice.

If the Improvement is not achieved or a relapse occurs during the validity period then the matter can move to the second interview.

Second Stage Meeting

The meeting must refer to a performance issue that is similar or connected to the unsatisfactory performance in stage one.

The meeting will be conducted by the second line manager with the first line manager entitled to be present.

The notice, date of meeting and documentation for the second stage meeting is similar to the first stage.

The role of the second line manager is to consider if the officers performance is satisfactory, if not a final written improvement notice will be issued.

A written record of the meeting should be supplied as soon as is practicable and the officer has seven days to formally record any comments provided that no appeal has been registered.

The appeal mechanism for the second stage is identical to the first with the exception that the appeal officer is a senior manager.

Once again if the target is met then there is no further action and the record remains in place for the validity period. If the target is not met, or there is a relapse within the validity period, then this may lead to an the third stage meeting

Third Stage meeting

A third stage meeting can be held for two reasons;

- ? Unsatisfactory performance similar or connected to that identified in stage two.
- ? An allegation of Gross incompetence (doesn't apply to attendance)

The notice to attend must include all facts as set in stage one with the addition of;

- ? The right to legal representation for cases of gross incompetence
- ? The right for a lawyer to be present to advise the panel

Within 14 days of notification to attend the third stage meeting the officer will provide in writing;

- ? Whether they accept that their performance is unsatisfactory
- ? Any mitigation to the above
- ? If allegation is denied the disputant matters
- ? Any legal argument and or documentation they will rely on.
- ? Details of witnesses proposed or agreed.

The meeting must take place within 30 working days of the notification. If the officer cannot attend on the date and gives advance notice then a video link or similar should be considered. If unable to attend on the day with good reason then the meeting may be postponed but could be heard in the officers' absence.

The panel will consist of three people, one must be a Police Officer and another a HR professional of at least Sup't rank or equivalent. The officer has the right to object to specific panel members.

The officer is entitled to be represented by a friend or legal representative. The meeting should be recorded verbatim and the decision should be in writing.

The outcomes that can be decided by the panel are;

For performance through stages one and two:-

- ? Redeployment
- ? Reduction in rank (officer only and doesn't apply to attendance)
- ? Dismissal with minimum notice
- ? Extension of final improvement notice.

For Gross incompetence

- ? Improvement notice (where incompetence but not gross incompetence proven)
- ? Final written improvement notice
- ? Redeployment with or without reduction in rank
- ? Reduction in rank
- ? Dismissal without notice

Appeals

A final appeal to a Police Appeals Tribunal is permitted.

Common Questions

Q. What is the link with the pension process?

A. If at any time medical evidence becomes available that the officer is permanently disabled from the ordinary duties of a police officer the process is stopped for that question to be considered. It should be remembered that the emphasis in the pension regulations is to retain officers in the service and provide them with a meaningful career pathway in line with their capabilities. The process continues from the point it was stopped after the issue of permanent disability has been dealt with.

Q. I am permanently disabled and have been retained in a non-confrontational role. Does this process still apply?

A. Yes the process still applies. The Force must re-consider the decision to retain you before a decision is made whether to proceed to a hearing

Q. I am disabled and I am covered under the Disability Discrimination Act. Does this make a difference?

A. The purpose of the Disability Discrimination Act is to ensure disabled people are not subject to less favourable treatment and they have a right to have reasonable adjustments made to working arrangements to ensure they are not disadvantaged when compared to individuals who do not have a disability. If the reasonable adjustments have been made and attendance is unsatisfactory then a disabled person can be subject to these procedures. At each stage the reasonable adjustments should be re-considered to ensure that they are appropriate and enable an individual to attend work. Further reasonable adjustments should be considered if necessary.