
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations establish procedures for proceedings in respect of unsatisfactory performance or attendance or gross incompetence of members of police forces of the rank of chief superintendent or below excluding constable probationers

They revoke and replace the Police (Performance) Regulations 2012 (S.I. 2012/2631) (“the 2012 Regulations”), as amended, except in so far as they provide that those Regulations continue to have effect where unsatisfactory performance or attendance or gross incompetence by a police officer came to the attention of the line manager of the officer, or a chief officer of police, before these Regulations come into force or on or after that date if it relates to a matter already being handled under those Regulations. They replace the 2012 Regulations, as amended, with substantially similar provisions but with modifications to reflect changes to the handling of police complaints and police discipline matters made by the Policing and Crime Act 2017 (c. 3) (“the 2017 Act”) and the Police (Conduct) Regulations 2020 (S.I. 2020/4) (“the Conduct Regulations”).

Regulations 12 (meeting following investigation under the 2002 Act) and 13 (provision of information to the Director General) reflect amendments of Schedule 3 to the Police Reform Act 2002 (c. 30) (“the 2002 Act”) made by the 2017 Act. Regulation 14 is a new provision for cases which are referred by the appropriate authority (i.e. the chief officer of police of the police force concerned) under the Conduct Regulations to be dealt with under these Regulations. It applies regulation 12 with modifications to such cases.

Regulation 24 is a new provision which enables the appropriate authority to require a second stage meeting in circumstances where there has not been a first stage meeting. The regulation applies where a matter is referred under the Conduct Regulations to be dealt with under these Regulations and the appropriate authority (a) considers there are reasonable grounds to conclude that the officer concerned has demonstrated a serious inability or failure to perform the duties of the officer’s rank or role to a satisfactory standard such that referral to a second stage meeting is appropriate; and (b) having consulted, is satisfied that the officer concerned has been given a reasonable opportunity to address the issue but has failed to make a sufficient improvement.

Regulations 32 and 33 also reflect amendments of Schedule 3 to the 2002 Act made by the 2017 Act and relate to cases where a third stage meeting may be required without a first or second stage meeting having been held.

Regulation 50 makes a consequential amendment to a provision in the Police Barred List and Police Advisory List Regulations 2017 (S.I. 2017/1135) relating to an application by a person to be removed from the police barred list under those Regulations.

There are further minor differences between these Regulations and the 2012 Regulations to reflect the changes made by the 2017 Act and the Conduct Regulations.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

Changes to legislation:

There are currently no known outstanding effects for the The Police (Performance) Regulations 2020.