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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 61**

**The Police Service of Scotland (Performance) Regulations 2013**

**PART 3**

**Second interview**

**Circumstances in which second interview may be required**

**9.** Where the reporting officer considers that the performance of a constable who was warned in accordance with regulation 7(3) has not improved sufficiently by the end of the period specified, the reporting officer may, with the agreement of the countersigning officer, require the constable to attend a second interview to discuss the constable's performance.

**Arrangement of second interview**

**10.** Where the reporting officer decides (with the agreement of the countersigning officer) to require the constable to attend a second interview, the reporting officer must—

- (a) send a notice in writing to the constable—
  - (i) requiring the constable to attend, at a specified time and place, an interview with the senior manager and a personnel officer;
  - (ii) stating the reasons why the interview is required; and
  - (iii) informing the constable of the right to be accompanied at the interview by another constable selected by the constable; and
- (b) send a copy of the notice to the countersigning officer, the senior manager and a personnel officer.

**Procedure at second interview**

**11.—(1)** The second interview is to be conducted by the senior manager and a personnel officer.

(2) At the second interview, the senior manager must—

- (a) explain why the reporting officer and the countersigning officer are of the opinion that the constable has failed to make a sufficient improvement in performance; and
- (b) give the constable an opportunity to make representations in response.

(3) If, after considering any representations made by the constable, the senior manager is satisfied that the constable's performance has been satisfactory, the senior manager must inform the constable that no further action is to be taken under these Regulations.

(4) If, after considering any representations made by the constable, the senior manager is satisfied that the constable's performance has been unsatisfactory during the period specified by the interviewing officer in pursuance of regulation 7(3)(d), the senior manager must give the constable a warning, informing the constable—

- (a) as to the respect in which the constable's performance is considered unsatisfactory;

- (b) that an improvement in performance is required;
- (c) of any specific action required to achieve that improvement; and
- (d) that if a sufficient improvement is not made within the period specified by the senior manager, the constable may be required to attend an inefficiency hearing in accordance with regulation 13(1)(c).

(5) The senior manager may, if it is considered appropriate, recommend that the constable seek assistance in relation to any matter affecting the constable's health or welfare.

(6) Where the constable is given a warning under paragraph (4), the constable must be informed that the chairing constable of an inefficiency hearing will have the power, if appropriate, to require the constable to resign from the Police Service or order a demotion in rank.

(7) The senior manager may adjourn the second interview to a specified later time or date if it appears necessary or expedient to the senior manager to do so.

### **Procedure following second interview**

**12.**—(1) Not later than 7 days after the date of the conclusion of the second interview, the senior manager must—

- (a) prepare, in consultation with the personnel officer, a written record of the interview;
- (b) send to the constable—
  - (i) a copy of that record; and
  - (ii) confirmation of the terms of any warning given under regulation 11(4); and
- (c) inform the constable that the constable may submit to the senior manager written comments on the record of the meeting or on the terms of the warning (or both) not later than 7 days after the date on which they were sent.

(2) The senior manager may, on the application of the constable, extend the period specified in paragraph (1)(c) if it is considered appropriate to do so.

(3) The senior manager must—

- (a) retain with the record of the interview any written comments received on that record or on the terms of the warning; and
- (b) send to the countersigning officer a copy of the record of the interview and any written comments on that record or on the terms of the warning.