
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 61

The Police Service of Scotland (Performance) Regulations 2013

PART 4

Inefficiency hearing

Postponement or adjournment of inefficiency hearing

- 16.**—(1) Paragraph (2) applies where the constable—
- (a) intimates to the chairing constable that the constable will be unable to attend the inefficiency hearing; or
 - (b) in the absence of such intimation, fails to attend the inefficiency hearing.
- (2) Where this paragraph applies, the chairing constable may, if satisfied that there is a good reason for the non-attendance of the constable—
- (a) postpone the hearing in the circumstances mentioned in paragraph (1)(a); or
 - (b) adjourn the hearing in the circumstances mentioned in paragraph (1)(b).
- (3) The chairing constable may adjourn the inefficiency hearing if, having considered any representations made by the constable, the chairing constable considers it appropriate to allow a further period for the assessment of the constable's performance.
- (4) Where an adjournment is made for the purpose mentioned in paragraph (3), the chairing constable must—
- (a) specify a period, not exceeding 3 months, during which the reporting officer and the countersigning officer are to further assess the constable's performance;
 - (b) fix a date on which the inefficiency hearing will continue; and
 - (c) require the constable to attend on that date at a specified time and place.
- (5) Not later than 14 days from the date on which the period for further assessment specified under paragraph (4)(a) ends—
- (a) the reporting officer and countersigning officer must prepare a report containing their assessment of the constable's performance during that period; and
 - (b) the countersigning officer must—
 - (i) send that report to the chairing constable; and
 - (ii) send a copy of that report to the constable.
- (6) At the continuation of the inefficiency hearing the chairing constable must give the constable the opportunity to make representations in relation to the report mentioned in paragraph (5).
- (7) Paragraphs (8) and (9) apply if, at the time the report mentioned in paragraph (5) is sent to the chairing constable—
- (a) that constable is absent, incapacitated or suspended from duty; and

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(b) it is likely that such absence, incapacity or suspension will continue for a period of more than 28 days from the date report is sent.

(8) Where this paragraph applies, the deputy chief constable must appoint another constable to act as the chairing constable at the continued inefficiency hearing (and the references in paragraph (6) and regulations 17 to 22 are to be read as including any constable so appointed).

(9) A constable appointed under paragraph (8) must be a constable who would have been eligible for appointment as chairing constable of the inefficiency hearing by virtue of regulation 15(1) and (2).