
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 51

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

PART 2

Performance Meetings

Appeal against the finding and outcome of a performance meeting

16.—(1) If at a performance meeting the reporting officer finds that the performance of the senior officer is unsatisfactory, the senior officer may appeal against—

- (a) that finding; and
- (b) any term of the first improvement notice specified in paragraph (3) (referred to in this regulation and regulation 21 as “the relevant terms”).

(2) An appeal under paragraph (1) may only be made on one or more of the grounds of appeal specified in paragraph (4).

(3) The relevant terms are—

- (a) the respect in which the senior officer’s performance is considered unsatisfactory;
- (b) the improvement that is required in performance; and
- (c) the length of the first improvement period.

(4) The grounds of appeal are—

- (a) that the finding of unsatisfactory performance is unreasonable;
- (b) that any of the relevant terms are unreasonable;
- (c) that there is evidence that could not reasonably have been considered at the performance meeting which could have affected materially—
 - (i) the finding of unsatisfactory performance; or
 - (ii) any of the relevant terms; and
- (d) that there was a breach of the procedures set out in these Regulations or any other unfairness which could have affected materially—
 - (i) the finding of unsatisfactory performance; or
 - (ii) any of the relevant terms.

(5) An appeal under paragraph (1) is to be commenced by—

- (a) if the senior officer is an assistant chief constable, sending a written appeal notice to the chief constable; and
- (b) in any other case, sending such a notice to the Authority.

(6) A notice sent under paragraph (5) must—

- (a) be sent not later than 7 working days from the date of receipt of the first improvement notice;
 - (b) set out the finding or the relevant terms (or both) against which the appeal is made;
 - (c) set out the grounds of appeal; and
 - (d) be accompanied by any evidence on which the senior officer intends to rely.
- (7) The person to whom an appeal notice is to be sent may, on the application of the senior officer, extend the period mentioned in paragraph (6) if satisfied that it is appropriate to do so.
- (8) The submission of an appeal notice under paragraph (6) does not affect the continuing operation of a first improvement notice sent under regulation 14(2)(a).