

**2003 No. 528**

**POLICE, ENGLAND AND WALES**

**The Police (Efficiency) (Amendment) Regulations 2003**

*Made* - - - - - *5th March 2003*

*Laid before Parliament* *10th March 2003*

*Coming into force* - - *1st April 2003*

The Secretary of State, in exercise of the powers conferred on him by section 50 of the Police Act 1996(a), and after complying with the requirements of section 63(3) of that Act, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Police (Efficiency) (Amendment) Regulations 2003 and shall come into force on 1st April 2003.

**Amendment of the Police (Efficiency) Regulations 1999**

2. The Police (Efficiency) Regulations 1999(b) (“the 1999 Regulations”) are amended in accordance with the following regulations.

3. In regulation 3(1) (interpretation)—

(a) for the definition of “countersigning officer” substitute—

““countersigning officer” means—

(a) a member of the police force concerned having supervisory responsibility and who (in a case where the reporting officer is a member of the force) is senior in rank to the reporting officer, or

(b) a person employed under section 15 of the 1996 Act who has supervisory responsibility for the reporting officer;”;

(b) for the definition of “reporting officer” substitute—

““reporting officer” means the member of the police force concerned or the person employed under section 15 of the 1996 Act who, in either case, has the immediate supervisory responsibility for the member concerned;”.

4. For regulation 4 (circumstances in which a first interview may be required) substitute—

**“Circumstances in which a first interview may be required**

4.—(1) Where the reporting officer for a member of a police force is himself a member of that police force and is of the opinion that the performance or the attendance or both of that member is or are unsatisfactory, he may require the member concerned to attend an interview (in these Regulations referred to as a first interview) to discuss the performance or attendance (or both) of the member concerned.

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(a) 1996 c. 16; the powers in section 50 are extended by section 84(4).

(b) S.I. 1999/732, as amended by S.I. 2000/1549 and S.I. 2001/3888.

(2) Where the reporting officer for a member of a police force is a person employed under section 15 of the 1996 Act and is of the opinion that the attendance of that member is unsatisfactory, he may require the member concerned to attend an interview (in these Regulations referred to as a first interview) to discuss the attendance of the member concerned.

(3) Where the reporting officer for a member of a police force is a person employed under section 15 of the 1996 Act, any other member of the force who has supervisory responsibility for that first member may, if he is of the opinion that the performance of that member is unsatisfactory, require him to attend an interview (in these Regulations referred to as a first interview) to discuss his performance, and in such a case references in these Regulations to a reporting officer shall be taken to include references to the member with that supervisory responsibility.”.

**5.** In regulation 5(1)(a)(ii) (arrangement of first interview) after “performance” insert “or attendance”.

**6.** In regulation 6 (procedure at first interview), in paragraphs (2) and (3) after “performance”, in each place where it appears, insert “or attendance”.

**7.—(1)** After regulation 7(1) (procedure following first interview) insert—

“(1A) In a case where a member has been required to attend a first interview to discuss his attendance and he has failed to attend the interview, the interviewing officer shall, if he is satisfied that the attendance of the member has been unsatisfactory, not later than 7 days after the date on which the first interview was due to take place—

- (i) cause to be prepared a written notice informing and warning the member of the matters mentioned in sub-paragraphs (a) to (c) of regulation 6(3);
- (ii) send one copy or, where a member of a police force selected by the member concerned attended the interview, two copies of that notice to the member concerned together with a notice in writing informing him that he may submit written comments, or indicate that he has no comments to make, not later than 7 days after the date on which the copy is received by him.”.

(2) After regulation 7(5) insert—

“(6) Where a member has been required to attend a first interview in relation to his performance, attendance or both of those categories of behaviour, any second interview shall relate only to the category or categories of behaviour that was or were the subject of the first interview.”.

**8.—(1)** In regulation 8(1) (circumstances in which a second interview may be required) after “improve his performance” insert “or attendance” and after “in his performance” insert “or, as the case may be, in his attendance”.

(2) For regulation 8(2) substitute—

“(2) Where a case is referred under paragraph (1) and the countersigning officer is a member of the police force concerned, he may, after consulting with the personnel officer, require the member concerned to attend a further interview (in these Regulations referred to as a second interview) to discuss the performance or the attendance (or both) of the member concerned.

(3) Where a case is referred under paragraph (1) and the countersigning officer is a person employed under section 15 of the 1996 Act, he may, after consulting with the personnel officer, require the member concerned to attend a further interview (in these Regulations referred to as a second interview) to discuss the attendance of the member concerned.”.

**9.** In regulation 9(1)(a)(ii) (arrangement of second interview) after “performance” insert “or attendance”.

**10.—(1)** In regulation 10 (procedure at second interview), in paragraphs (3) and (4) after “performance”, in each place where it appears, insert “or attendance”.

(2) In regulation 10(4) omit the words “or, as the case may be, the period specified in regulation 8(2)”.

**11.—(1)** After regulation 11(1) (procedure following second interview) insert—

“(1A) In a case where a member has been required to attend a second interview to discuss his attendance and he has failed to attend the interview, the countersigning officer shall, if he is satisfied that the attendance of the member has been unsatisfactory during the period specified by the interviewing officer under regulation 6(3)(c), not later than 7 days after the date on which the second interview was due to take place—

- (i) cause to be prepared a written notice informing and warning the member of the matters mentioned in sub-paragraphs (a) to (d) of regulation 10(4);
- (ii) send one copy or, where a member of a police force selected by the member concerned attended the interview, two copies of that notice to the member concerned together with a notice in writing informing him that he may submit written comments, or indicate that he has no comments to make, not later than 7 days after the date on which the copy is received by him.”.

(2) After regulation 11(5) insert—

“(6) Where a member has been required to attend a second interview in relation to his performance, attendance or both of those categories of behaviour, any inefficiency hearing shall relate only to the category or categories of behaviour that was or were the subject of the second interview.”.

**12.** In regulation 12 (assessment of performance following second interview) after “performance”, in each place where it appears, insert “or attendance”.

**13.** In regulation 13 (arrangement of an inefficiency hearing) after “performance”, in each place where it appears, insert “or attendance”.

**14.** In regulation 15 (postponement or adjournment of an inefficiency hearing)—

- (a) in paragraph (1) for “If” substitute “If, in the case of an inefficiency hearing other than one in respect of which the member concerned has been sent a notice stating the reasons why his attendance is considered unsatisfactory,”;
- (b) in paragraphs (2) to (4) after “performance”, in each place where it appears, insert “or attendance”.

**15.** In regulation 16 (finding) after “performance”, in both places where it appears, insert “or attendance”.

**16.—(1)** After regulation 17(2) (sanctions) insert—

“(3) If the officers conducting the inefficiency hearing make a finding that the attendance of the member concerned during the relevant period has been unsatisfactory, they may—

- (a) impose the sanction mentioned in paragraph (1)(a);
- (b) in a case where it is established that insufficient support has been given to the member concerned during the relevant period in order to assist him to return to work, specify such measures as must be taken in order to give him sufficient support in order to assist him to return to work;
- (c) issue a written warning to the member concerned that unless a sufficient improvement in his attendance is made within such period as is specified, he may, following consideration of his attendance during that period in accordance with regulation 18A, be required to attend a second inefficiency hearing at which he may be required to resign from the force;
- (d) in a case where it is established that the member’s duties within the force contribute directly to his unsatisfactory attendance record, order the member to be redeployed to alternative duties (which may involve a reduction of rank) within the force with immediate effect.

(4) Where the steps under paragraph (3)(b) or (d) are taken, the member concerned shall be issued with a written warning that unless a sufficient improvement in his attendance is made within such period as is specified, he may, following consideration of his attendance during that period in accordance with regulation 18A, be required to attend a first interview, a second interview or an inefficiency hearing, as specified by the officers conducting the inefficiency hearing.”.

17. After regulation 18 insert—

**“18A. Assessment of attendance following inefficiency hearing**

(1) This regulation applies where the member concerned has been given a written warning under regulation 17(3)(c) or (4).

(2) Not later than 14 days after the end of the period specified in the warning, the countersigning officer shall—

- (a) assess the attendance of the member concerned during that period;
- (b) cause to be prepared a report on the attendance; and
- (c) send a copy of the report to the member concerned.

(3) Where the report prepared under paragraph (2)(b) concludes that the attendance of the member concerned has been satisfactory during the period specified in the warning, no further action shall be taken in respect of that attendance during that period.

(4) Where the report prepared under paragraph (2)(b) concludes that, in the opinion of the countersigning officer, the attendance of the member concerned has been unsatisfactory or has made insufficient improvement during that period, then the countersigning officer—

- (a) in a case where the member concerned has been given a written warning under regulation 17(3)(c), may require the member to attend an inefficiency hearing in accordance with regulation 12; and these Regulations shall have effect for the purposes of the attendance of the member concerned during that period as if he had been required to attend an inefficiency hearing under regulation 12;
- (b) in a case where the member concerned has been given a written warning under regulation 17(4), may require the member to attend a first interview, second interview or an inefficiency hearing as specified by the officers conducting the inefficiency hearing; and these Regulations shall have effect for the purposes of the attendance of the member concerned during that period as if he had been required to attend that interview or hearing under regulation 4, 8 or 12 as the case may be.”.

Home Office  
5th March 2003

*John Denham*  
Minister of State

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Police (Efficiency) Regulations 1999, which make provision with respect to the efficiency of members of police forces and establish procedures for cases in which members of police forces may be dealt with by requirement to resign or reduction in rank.

Regulation 3 provides that a civilian manager of a police officer may act as reporting officer or countersigning officer for the purposes of the 1999 Regulations.

Regulations 4 and 8 provide respectively that a police officer can be required to attend a first or second interview not only in respect of unsatisfactory performance but also or alternatively in respect of unsatisfactory attendance, and in the latter case this requirement may be imposed by a civilian manager.

Regulations 7 and 11 provide respectively that in the case of a first or second interview related to unsatisfactory attendance, the interview will be deemed to have taken place even if the police officer concerned fails to attend it.

Regulation 14 provides that in a case related to unsatisfactory attendance there is no requirement on the chairman of an inefficiency hearing to postpone or adjourn the hearing even if he is satisfied that the officer concerned has good reason for failing to attend that hearing.

Regulation 16 sets out the sanctions that are available at an inefficiency hearing related to an officer's attendance. These include a requirement to resign, redeployment to other duties and a warning that a failure to improve attendance can lead to another inefficiency hearing. In addition the hearing may make a finding that an officer has been given insufficient support, in which case measures may be specified to assist him.

Regulation 17 sets out the procedure for assessing an officer's attendance following a warning given to him at an inefficiency hearing.





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