
STATUTORY INSTRUMENTS

2008 No. 2862

The Police (Performance) Regulations 2008

PART 5

Third stage

Outcomes

38.—(1) If the panel make a finding that, in a case falling within regulation 26(2) or (4), the performance or attendance of the officer concerned has been unsatisfactory they may, subject to paragraph (4), order—

- (a) one of the outcomes mentioned in paragraph (3)(a), (c) or (f); or
- (b) where the panel are satisfied that there are exceptional circumstances which justify it, the outcome mentioned in paragraph (3)(d).

(2) If the panel make a finding that, in a case falling within regulation 28, the performance of the officer concerned constitutes gross incompetence, they may order one of the outcomes mentioned in paragraph (3)(b), (c), (e) or (f).

(3) The outcomes mentioned in this paragraph are:

- (a) dismissal of the officer concerned with notice, the period of such notice to be decided by the panel, subject to a minimum period of 28 days;
- (b) dismissal of the officer concerned with immediate effect;
- (c) reduction in rank of the officer concerned with immediate effect;
- (d) an extension of the final written improvement notice;
- (e) the issue of a final written improvement notice;
- (f) redeployment to alternative duties (which may involve a reduction of rank) within the police force concerned.

(4) The panel may not order the outcome mentioned in paragraph (3)(c) where—

- (a) the officer concerned is a special constable; or
- (b) the third stage meeting relates to the attendance of the officer concerned.

(5) If the panel make a finding, in a case falling within regulation 28, of unsatisfactory performance, they shall order the issue of a written improvement notice.

(6) A written improvement notice or a final written improvement notice issued under this regulation shall—

- (a) state in what respect the performance or attendance of the officer concerned (as the case may be) is considered unsatisfactory or grossly incompetent;
- (b) state the improvement that is required in his performance or attendance;
- (c) state that, if a sufficient improvement is not made within such reasonable period as the panel shall specify (being a period not greater than 12 months), the officer concerned may be required to attend a second stage meeting (in the case of a written improvement notice)

- or another third stage meeting (in the case of a final written improvement notice) and state the date on which this period ends;
- (d) state that it shall be valid for a period of twelve months from the date of the notice (the “validity period”);
 - (e) state that, if the sufficient improvement referred to in sub-paragraph (c) is not maintained during any part of the validity period remaining after the expiry of the period specified in accordance with sub-paragraph (c), he may be required to attend a second stage meeting (in the case of a written improvement notice) or another third stage meeting (in the case of a final written improvement notice); and
 - (f) be signed and dated by the panel chair.
- (7) Where the panel orders an extension of the final written improvement notice—
- (a) the notice shall be amended—
 - (i) to state that if the officer concerned does not make a sufficient improvement within such reasonable period as the panel shall specify (being a period not greater than 12 months) he may be required to attend another third stage meeting; and
 - (ii) to state the date on which this period ends;
 - (b) the panel may vary any of the other matters recorded in the notice;
 - (c) the notice shall be valid for a further period of twelve months from the date of the extension (the “validity period”) and shall state the date on which it expires.