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STATUTORY INSTRUMENTS

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**2014 No. 2403**

**POLICE, ENGLAND AND WALES**

**The Police (Performance) (Amendment) Regulations 2014**

*Made* - - - - *9th September 2014*  
*Laid before Parliament* *10th September 2014*  
*Coming into force* - - *1st October 2014*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 50, 51 and 84 of the Police Act 1996(1).

In accordance with section 63(3)(a) of the Police Act 1996(2), the Secretary of State supplied a draft of these Regulations to the Police Advisory Board for England and Wales and has taken into consideration that Board's representations.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Police (Performance) (Amendment) Regulations 2014 and come into force on 1st October 2014.

(2) These Regulations extend to England and Wales.

**Amendment to the Police (Performance) Regulations 2012**

2. The Police (Performance) Regulations 2012(3) are amended as follows—

(a) in regulation 4—

(i) in paragraph (1) before ““first stage appeal meeting”” insert—

““DSI matter” has the meaning given to it by section 12(2A) of the 2002 Act;”;

(ii) in paragraph (7), after paragraph (d) insert—

“(da) paragraph 24C of Schedule 3;”;

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- (1) [1996 c.16](#). Section 50 is amended by paragraph 3 of Schedule 22 to the Criminal Justice and Immigration Act [2008 \(c. 4\)](#), section 3 of the Policing and Crime Act [2009 \(c. 26\)](#), section 82 of, and paragraph 32 of Schedule 16 to, the Police Reform and Social Responsibility Act [2011 \(c. 13\)](#) and paragraph 23 of Schedule 8 to the Public Service Pensions Act [2013 \(c. 25\)](#). Section 51 is amended by section 128 of the Police Act [1997 \(c. 50\)](#), section 35 of the Police Reform Act [2002 \(c. 30\)](#), paragraph 4 of Schedule 22 to the Criminal Justice and Immigration Act 2008, paragraph 33 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 and paragraph 24 of Schedule 8 to the Public Service Pensions Act 2013.
- (2) Section 63(3) was substituted by section 59 of, and paragraph 78 of Schedule 4 to, the Serious Organised Crime and Police Act [2005 \(c. 15\)](#) and further amended by paragraph 68 of Schedule 1 to the Police and Justice Act [2006 \(c. 48\)](#), paragraph 6 of Schedule 22 to the Criminal Justice and Immigration Act 2008 and section 10 of the Policing and Crime Act 2009.
- (3) [S.I. 2012/2631](#).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (b) in each of regulation 12(1)(a)(i), 12(7)(a) and 31(2)(b) after “paragraph 22” insert “or 24A”;
- (c) in regulation 12(1)(a)(ii) for “or 24(6)” substitute “, 24(6) or 24C(4)”;
- (d) in each of regulation 12(1)(b), 12(7)(b), 13(1)(b)(i), 30(1)(b), 31(2)(b), 38(1)(b)(i) and 40(5)(b)(i) after “27(3)” insert “or 27(3A)”;
- (e) in regulation 39(1)(a) after “conduct matter” insert “or DSI matter”.

9th September 2014

*Mike Penning*  
Minister of State  
Home Office

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## EXPLANATORY NOTE

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

These Regulations amend the Police (Performance) Regulations 2012 (“the 2012 Regulations”) to give effect to section 138 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the 2014 Act”).

Section 138 of the 2014 Act amends paragraphs 24C and 27 of Schedule 3 to the Police Reform Act 2002 (“the 2002 Act”) to make provision enabling the Independent Police Complaints Commission (“the Commission”) to recommend and direct unsatisfactory performance procedures in relation to a death or serious injury matter. This reflects the Commission’s existing powers to recommend and direct unsatisfactory performance procedures in complaint and conduct matters.

The 2012 Regulations set out a detailed procedure for dealing with unsatisfactory performance or attendance by police officers of the rank of chief superintendent or below. The procedure is in three stages with a meeting held at each stage to consider the officer’s performance or attendance. The failure by an officer to improve his or her performance or attendance may culminate in the officer being required to attend a third stage meeting (this may also arise without a prior first or second stage meeting if it is considered that the officer’s performance constitutes gross incompetence). The third stage meeting may result in dismissal, reduction in rank, the issuing or extension of a final written improvement notice or redeployment to alternative duties.

The framework set out in the 2012 Regulations includes provision:

- (a) that the completion of an investigation by or under the oversight of the Commission under the 2002 Act triggers a requirement that an officer attend a first, second or third stage meeting;
- (b) that a recommendation or direction by the Commission under its powers in the 2002 Act results in a requirement that an officer attend a third stage meeting; and
- (c) for the Commission’s participation at a third stage meeting.

These Regulations amend the 2012 Regulations to the effect that the existing provision for the Commission’s role in the unsatisfactory performance or attendance framework applies in relation to its new powers in paragraphs 24C and 27 of Schedule 3 to the 2002 Act to recommend and direct unsatisfactory performance procedures in relation to a death or serious injury matter as it already applies in relation to its existing powers under that Act to recommend and direct unsatisfactory performance procedures in complaint and conduct matters.

An impact assessment has not been prepared for this instrument as no impact on businesses, charities, voluntary bodies or the public sector is foreseen.