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STATUTORY INSTRUMENTS

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**2020 No. 1**

**The Police Appeals Tribunals Rules 2020**

**Circumstances in which a police officer may appeal to a tribunal – Performance Regulations**

5.—(1) Subject to paragraph (3), a police officer to whom paragraph (2) applies may appeal to a tribunal in reliance on one or more of the grounds of appeal referred to in paragraph (6) against one or both of the following—

- (a) a finding referred to in paragraph (2) made under the Performance Regulations;
- (b) an outcome which is imposed under the Performance Regulations in consequence of that finding and mentioned in paragraph (4) or (5).

(2) This paragraph applies to a police officer against whom a finding of unsatisfactory performance or attendance or gross incompetence has been made at a third stage meeting.

(3) A police officer may not appeal to a tribunal against a finding referred to in paragraph (2) where that finding was made following acceptance by the officer that the officer's performance or attendance has been unsatisfactory or that the officer has been grossly incompetent (as the case may be).

(4) Where there has been a finding of unsatisfactory performance or attendance following a third stage meeting which the police officer was required to attend under regulation 30 of the Performance Regulations, the officer may appeal against the following outcomes—

- (a) dismissal with notice;
- (b) reduction in rank;
- (c) redeployment to alternative duties.

(5) Where there has been a finding of gross incompetence or unsatisfactory performance following a third stage meeting which the police officer was required to attend under regulation 32 of the Performance Regulations, the officer may appeal against the following outcomes—

- (a) dismissal without notice;
- (b) reduction in rank;
- (c) redeployment to alternative duties;
- (d) the issue of a final written improvement notice;
- (e) the issue of a written improvement notice.

(6) The grounds of appeal under this rule are—

- (a) that the finding or outcome imposed was unreasonable;
- (b) that there is evidence that could not reasonably have been considered at the original meeting which could have materially affected the finding or decision on the outcome;
- (c) that there was a breach of the procedures set out in the Performance Regulations, the Complaints and Misconduct Regulations or Part 2 of the 2002 Act or unfairness which could have materially affected the finding or decision on the outcome, or
- (d) that, where the police officer was required to attend the third stage meeting under regulation 30 of the Performance Regulations, the officer should not have been required

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**Changes to legislation:** *There are currently no known outstanding effects for the The Police Appeals Tribunals Rules 2020, Section 5. (See end of Document for details)*

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to attend that meeting as it did not, in accordance with regulation 30(6) or 48(10) of those Regulations, concern unsatisfactory performance or attendance similar to or connected with the unsatisfactory performance or attendance referred to in the final written improvement notice.

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**Commencement Information**

**II** Rule 5 in force at 1.2.2020, see [rule 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Police Appeals Tribunals Rules 2020, Section 5.