
STATUTORY INSTRUMENTS

2020 No. 3

The Police (Performance) Regulations 2020

PART 2

General

Meeting following investigation under Schedule 3 to the 2002 Act

12.—(1) The appropriate authority must direct the line manager of the officer concerned to take the action specified in paragraph (2), (3) or (4), as the case may be, where—

- (a) regulation 32 does not apply, and
- (b) the appropriate authority—
 - (i) receives an investigator’s report submitted under paragraph 22 or 24A of Schedule 3 to the 2002 Act (final reports on investigations)(**1**), and in making a determination under paragraph 24(6) (action by the appropriate authority in response to an investigation report)(**2**) or 24C(4) of that Schedule (action by the Director General in response to an investigation report)(**3**), considers that the performance of a police officer is unsatisfactory;
 - (ii) has a duty under paragraph 23(5B) of that Schedule (duties of appropriate authority in relation to direction by Director General to bring disciplinary proceedings)(**4**) to comply with a direction to bring disciplinary proceedings, following a determination under paragraph 23(5A)(b) of that Schedule (duties of Director General on receipt or completion of report on investigation)(**5**) that a person’s performance is unsatisfactory;
 - (iii) accepts a recommendation made under paragraph 25(4C)(c) of that Schedule (reviews with respect to an investigation)(**6**) that misconduct proceedings of the form specified in the recommendation are brought;
 - (iv) accepts a recommendation made under paragraph 25(4E)(c) of that Schedule that misconduct proceedings of the form specified in the recommendation are brought;

(1) Paragraph 22 was substituted by paragraphs 1, 11 and 21 of Schedule 12 to the Serious Organised Crime and Police Act 2005 (“the 2005 Act”) and amended by paragraphs 1, 3 and 12 of Schedule 23 to the Criminal Justice and Immigration Act 2008 (“the 2008 Act”) and section 19 of, and paragraph 47 of Schedule 5, and paragraphs 15 and 56 of Schedule 9, to the Policing and Crime Act 2017 (“the 2017 Act”). Paragraph 24A was inserted by paragraphs 1, 11 and 24 of Schedule 12 to the 2005 Act and amended by paragraphs 1, 3 and 15 of Schedule 23 to the 2008 Act and section 18 of, and paragraphs 9, 28 and 47 of Schedule 5, and paragraphs 15 and 56 of Schedule 9, to the 2017 Act.

(2) Paragraph 24(6) was substituted by paragraph 14(6) of the Schedule 23 to the 2008 Act and amended by paragraph 14(3) of Schedule 14 to the Police Reform and Social Responsibility Act 2011 and paragraphs 27(2) and 47(h)(xiii) of Schedule 5 to the 2017 Act.

(3) Paragraph 24C was inserted by paragraphs 1, 11 and 24 of Schedule 12 to the 2005 Act and amended by section 138 of, and paragraph 95 of Schedule 11 to, the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) (“the 2014 Act”) and paragraphs 15 and 56 of Schedule 9 to the 2017 Act.

(4) Paragraph 23(5B) was inserted by paragraphs 9 and 26 of Schedule 5 to the 2017 Act.

(5) Paragraph 23(5A) was inserted by paragraphs 9 and 26 of Schedule 5 to the 2017 Act and amended by paragraphs 15 and 56 of Schedule 9 to that Act.

(6) Paragraph 25(4A) to (4J) was inserted by paragraphs 29 and 34(1) and (5) of Schedule 5 to the 2017 Act and amended by paragraphs 15 and 56 of Schedule 9 to that Act.

- (v) accepts a recommendation made under paragraph 27(3A) of that Schedule (recommendation of Director General to appropriate authority)(7) in relation to the unsatisfactory performance of a police officer, or
- (vi) has a duty under paragraph 27(4)(b) of that Schedule (duties with respect to disciplinary proceedings etc)(8) to comply with a direction to give effect to a recommendation referred to in paragraph (iii) or (v).

(2) In a case where—

- (a) the officer concerned has received a written improvement notice under regulation 18 or 46 in relation to unsatisfactory performance which is similar to or connected with the unsatisfactory performance to which the determination mentioned in paragraph (1)(b)(i) or (ii) or the recommendation mentioned in paragraph (1)(b)(iii), (iv) or (v) relates, and
- (b) the validity period of the written improvement notice, within the meaning of regulation 18(4) or 46(7)(d), has not expired,

the line manager must require the officer to attend a second stage meeting.

(3) In a case where—

- (a) the officer concerned has received a final written improvement notice under regulation 26 or 46 in relation to unsatisfactory performance which is similar to or connected with the unsatisfactory performance to which the determination mentioned in paragraph (1)(b)(i) or (ii) or the recommendation mentioned in paragraph (1)(b)(iii), (iv) or (v) relates, and
- (b) the validity period of the final written improvement notice, within the meaning of regulation 26(4) or paragraph (7)(d), or, where the period is extended under paragraph (8), paragraph (8)(c), of regulation 46 has not expired,

the line manager must require the officer to attend a third stage meeting.

(4) In any other case, the line manager must require the officer concerned to attend a first stage meeting.

(5) The line manager must comply with a direction given by the appropriate authority under paragraph (1).

(6) Where a police officer is required to attend a meeting under this regulation—

- (a) regulations 16 to 21 apply, if the meeting is a first stage meeting;
- (b) regulations 23 to 29 apply, if the meeting is a second stage meeting; and
- (c) regulations 31, 34 to 39 and 42 to 49 apply, if the meeting is a third stage meeting,

but this is subject to paragraphs (7) and (8).

(7) Subject to the harm test under these Regulations (see regulation 4(3)), the duty to provide documents in each of regulations 16(2), 23(2) and 31(2) has effect as a duty to provide the officer concerned with a copy of—

- (a) the investigator's report submitted under paragraph 22 or 24A of Schedule 3 to the 2002 Act;
- (b) any determination of the Director General under paragraph 23(5A)(b) of that Schedule;
- (c) any recommendation of the Director General made under paragraph 25(4C)(c) of that Schedule,
- (d) any recommendation of a local policing body made under paragraph 25(4E)(c) of that Schedule, and

(7) Paragraph 27(3A) was inserted by section 138(2) and (4) of the 2014 Act and amended by paragraph 56(2) of Schedule 9 to the 2017 Act.

(8) Paragraph 27(4) was amended by paragraphs 15 and 56 of Schedule 9 to the 2017 Act.

- (e) any recommendation of the Director General made under paragraph 27(3A) of that Schedule.
- (8) Where a police officer is required to attend a third stage meeting under paragraph (3) by reason of the fact that the officer is subject to a final written improvement notice issued under regulation 46—
 - (a) the meeting must be conducted by the same panel as conducted the initial third stage meeting;
 - (b) regulation 48(11) to (15) apply in relation to that panel, and
 - (c) the officer concerned does not have the right to object to panel members under regulation 35, except in accordance with regulation 48(15).
- (9) Where the appropriate authority fails to make the determination referred to in paragraph (1)(b)(i) (in so far as it involves consideration of the performance of a police officer) before the end of 15 working days beginning with the first working day after receipt of the investigator's report, it must notify the officer concerned of the reason for this.