STATUTORY RULES OF NORTHERN IRELAND

2000 No. 316

POLICE

Royal Ulster Constabulary (Unsatisfactory Performance) Regulations 2000

Made - - - -	*23rd October 2000*
To be laid before Parliament	
Coming into operation	*6th November 2000*

The Secretary of State, in pursuance of Sections 25 and 26 of the Police (Northern Ireland) Act 1998(**1**) and after consulting, in accordance with section 64(4) of that Act, the Police Association and the Police Ombudsman, hereby makes the following regulations:—

Part I

General

Citation and commencement

1. These Regulations may be cited as the Royal Ulster Constabulary (Unsatisfactory Performance) Regulations 2000 and shall come into operation on 6th November 2000.

Interpretation

2. In these Regulations—

"the assistant chief constable" means a member of that rank who is required by the Chief Constable to exercise any function of the assistant chief constable specified in these regulations in relation to the member concerned and shall include a member acting in place of that assistant chief constable;

"countersigning officer" means a member of a rank not lower than that of inspector who—

(a) has supervisory responsibility for, and

(b) is at least one rank above that of,

the member concerned;

(**1**) 1998 c. 32 (N.I.)

"first interview" means an interview arranged in terms of regulation 5;

"interviewing officer" means the member who conducts an interview arranged in terms of regulation 5;

"member" means a member of the Royal Ulster Constabulary; or a member of the Royal Ulster Constabulary Reserve appointed on either a full-time or a part-time basis;

"member concerned" means a member to whom these regulations apply and in respect of whom proceedings under these regulations are, or are proposed to be, taken;

"police officer" means a member of a police force in Great Britain;

"personnel officer" means [a person employed under Article 3(5) of the Police (Northern Ireland) Order 1997(**2**) or] a member who, in either case, has responsibility for personnel matters relating to members;

"reporting officer" means the member of a rank not lower than that of sergeant who has the immediate supervisory responsibility for the member concerned;

"second interview" means an interview arranged in terms of regulation 9;

"senior officer" means a police officer of the rank of chief constable, deputy chief constable or assistant chief constable;

"unsatisfactory performance" means failure to carry out the role of a police officer to the agreed standard;

"unsatisfactory performance hearing" means a hearing arranged in terms of regulation 13.

Application

3. These regulations shall not apply in relation to—

(a) senior officers; or

(b) members of the rank of constable who have not yet completed their period of probation.

Part II

First Interview

Circumstances in which a first interview may be required

4. Where the reporting officer for a member is of the opinion that the member's performance is unsatisfactory, he may require the member to attend an interview (in these regulations referred to as a first interview) to discuss the member's performance.

Arrangement of first interview

5.—(1) If the reporting officer decides to require a member to attend a first interview, he shall—

(a) send a notice in writing to the member concerned—

(i) requiring him to attend, at a specified time and place, an interview with the reporting officer or, if the member concerned so requests but subject to paragraph (4), the countersigning officer;

(ii) stating the reasons why the interview is required; and

(**2**) Police (N.I.) Order 1997

(iii) informing him that he may be accompanied and represented at the interview by a member of a police force selected by him; and

(b) send a copy of the notice to the countersigning officer.

(2) A member who receives a notice pursuant to paragraph (1) may, not later than 7 days (or such longer period as the reporting officer may permit when sending the notice in terms of paragraph (1)(*a*)) after the date on which the notice was sent to him, request by notice in writing to the reporting officer that the interview be conducted by the countersigning officer.

(3) If the reporting officer receives notification in terms of paragraph (2), he shall, subject to paragraph (4), arrange for the interview to be conducted by the countersigning officer.

(4) In any case where it is not reasonably practicable for the countersigning officer to conduct the first interview, another member of the same or higher rank may conduct the interview in his place.

Procedure at first interview

6.—(1) The following provisions of this regulation shall apply to the procedure to be followed at the first interview.

(2) The interviewing officer shall—

(a) explain to the member concerned the reasons why the reporting officer is of the opinion that the member's performance is unsatisfactory; and

(b) provide him with a full opportunity of making representations in response.

(3) If, after considering any representations made by the member concerned, the interviewing officer is satisfied that the member's performance has been unsatisfactory, he shall—

(a) inform the member in what respect his performance as a member is considered unsatisfactory;

(b) warn him that he is required to improve his performance in any such respect;

(c) inform him of any specific action which he is required to take to achieve such an improvement; and

(d) warn him that if a sufficient improvement is not made within such period as the interviewing officer shall specify, he may be required to attend a second interview in accordance with regulation 9.

(4) The interviewing officer may only, if he considers it appropriate, recommend that the member concerned seek assistance in relation to any matter affecting his health or welfare.

(5) The interviewing officer may adjourn the interview to a specified later time or date if it appears to him necessary or expedient to do so.

Procedure following first interview

7.—(1) The interviewing officer shall, not later than 7 days after the date of the conclusion of the first interview—

(a) cause to be prepared a written record of the substance of the matters discussed during the interview; and

(b) send a copy of that record to the member concerned together with a notice in writing informing him that he may submit written comments not later than 7 days after the date on which the copy is sent.

(2) Subject to paragraph (3), the member concerned shall be entitled to submit written comments in relation to the record of the interview to the interviewing officer not later than 7 days after the date on which it was sent.

(3) The interviewing officer may, on the application of the member concerned, extend the period specified in paragraph (2) if he is satisfied it is appropriate to do so.

(4) The interviewing officer shall send a copy of the record of the interview, and of any written comments of the member concerned, to—

(a) the personnel officer; and

(b) if the interview was conducted by the reporting officer, the countersigning officer; or

(c) if the interview was conducted by the countersigning officer, the reporting officer; or

(d) if the interview was conducted by any other officer, to the reporting officer and the countersigning officer.

Part III

Second Interview

Circumstances in which a second interview may be required

8. Where the reporting officer is of the opinion that a member who was warned in terms of regulation 6(3) that he was required to improve his performance has, at the end of the period specified by the interviewing officer in terms of regulation 6(3), failed to make a sufficient improvement in his performance, he may, with the agreement of the countersigning officer, require the member concerned to attend a further interview (in these regulations referred to as a second interview) to discuss the member's performance.

Arrangement of second interview

9.—(1) If the reporting officer with the agreement of the countersigning officer decides to require a member to attend a second interview, he shall—

(a) send a notice in writing to the member concerned—

(i) requiring him to attend, at a specified time and place, an interview with the countersigning officer and a personnel officer;

(ii) stating the reasons why the interview is required; and

(iii) informing him that he may be accompanied and represented at the interview by a member of a police force selected by him; and

(b) send a copy of the notice to the countersigning officer and to the personnel officer.

(2) In any case where it is not reasonably practicable for the countersigning officer to participate in the second interview, another member of the same or higher rank may so participate in his place.

Procedure at second interview

10.—(1) The following provisions of this regulation shall apply to the procedure to be followed at a second interview.

(2) Subject to regulation 9(2), the interview shall be conducted by the countersigning officer and the personnel officer.

(3) The countersigning officer shall—

(a) explain to the member concerned the reasons why the countersigning officer and the reporting officer are of the opinion that the member has failed to make a sufficient improvement in his performance; and

(b) provide him with a full opportunity of making representations in response.

(4) If, after considering any representations made by the member concerned, the countersigning officer is satisfied that the member's performance has been unsatisfactory during the period specified by the interviewing officer in terms of regulation 6(3), he shall—

(a) inform the member concerned in what respect his performance as a member is considered unsatisfactory;

(b) warn him that he is required to improve his performance in any such respect;

(c) inform him of any specific action which he is required to take to achieve such an improvement; and

(d) warn him that if a sufficient improvement is not made within such period as the countersigning officer shall specify, he may be required to attend an unsatisfactory performance hearing at which the chairman will have the power, if appropriate, to require him to resign from the force or to order reduction in rank.

(5) The countersigning officer may adjourn the interview to a specified later time or date if it appears to him necessary or expedient to do so.

Procedure following second interview

11.—(1) The countersigning officer shall, not later than 7 days after the conclusion of the second interview—

(a) in consultation with the personnel officer, prepare a written record of the substance of the matters discussed during the interview; and

(b) send a copy of that record to the member concerned together with a notice in writing—

(i) if a warning was given in terms of regulation 10(4), confirming the terms of that warning; and

(ii) informing him that he may submit written comments not later than 7 days after the date on which the copy is sent.

(2) Subject to paragraph (3), the member concerned shall be entitled to submit written comments in relation to the record of the interview to the countersigning officer not later than 7 days after the date on which it was sent.

(3) The countersigning officer may, on the application of the member concerned, extend the period specified in paragraph (2) if he is satisfied that it is appropriate to do so.

(4) If the countersigning officer receives any written comments in terms of paragraph (2), he shall ensure that they are retained with the record of the interview.

(5) The countersigning officer shall send a copy of the record of the interview, and of any written comments of the member concerned, to the personnel officer and, if the interview was conducted by the countersigning officer or any other officer, the reporting officer.

Assessment of performance following second interview

12.—(1) Not later than 14 days after the date on which the period specified in regulation 10(4)(*d*) ends—

(a) the reporting officer and the countersigning officer shall assess the performance of the member concerned during that period; and

(b) either a member or a personnel officer authorised for the purpose shall inform the member concerned in writing whether the reporting officer and the countersigning officer are of the opinion that there has been a sufficient improvement in performance during that period.