



Police (Attendance & Performance) Policy and Procedures

Police (Attendance & Performance) Policy and Procedures

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Section 1 – Policy Intentions

1.0 Policy Statement

It is the Policy of the Police and Crime Commissioner and Chief Constable of Gloucestershire to require all officers to attend work and perform their role to an acceptable standard in line with their role profile and Performance Development Review (PDR). Gloucestershire Constabulary will assist officers who are performing below the standard expected of them and allow them to improve their competence/attendance.

The Gloucestershire Constabulary Police (Attendance & Performance) Procedure requires:

- All officers to perform their roles to the highest standard.
- All managers to provide officers with clearly defined expectations and to inform them of the link with the Performance Development Review (PDR) system and Attendance Management Policy.
- All managers to address competence / attendance issues quickly in a fair, consistent and supportive manner.
- All managers to support officers to achieve and maintain the required standards.
- All officers to attend work wherever possible, rather than take sick leave.
- All managers to apply the Attendance Management Policy at an early stage so as to avoid sickness absence, or facilitate an early return to work.
- All officers to discuss work related issues with their line manager at an early stage.

1.1 Purpose

The Police (Performance) Regulations 2008 enable managers to deal with unsatisfactory performance and attendance on the part of police officers. This procedure is introduced under these and is designed to help and encourage all officers to maintain a satisfactory level of performance and attendance.

The underlying principle is to provide a fair, open and proportionate method of dealing with performance and attendance issues and to encourage a culture of learning and development for individuals and the Constabulary.

The importance of challenging unsatisfactory performance or attendance of individual police officers in the context of overall Department or Force performance and the officer's personal development should not be underestimated.

Dealing sensitively and appropriately with unsatisfactory performance or attendance in accordance with this procedure does not constitute bullying. If an officer believes that they are being treated unfairly, there are avenues of appeal against both the decision and the outcome at each stage of this procedure.

1.2 Aim & Implications of the Policy

The primary aim of this procedure is to improve performance and attendance in the Constabulary. It is envisaged that early intervention via management action should achieve the desired effect of improving and maintaining a police officer's performance or attendance to an acceptable level.



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There will however be cases where it will be appropriate for managers to take formal action under this procedure. Where performance or attendance does not improve to acceptable levels or, in the case of attendance, where there is **no realistic prospect of return to work in a reasonable timeframe**, a police officer's service may be terminated.

The procedure applies to all officers up to the rank of Chief Superintendent, and to special constables. The procedures do not apply to student police officers during their probationary period, and instead Regulation 13 of [Police Regulations 2003](#) applies.



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Section 2 – Policy Wording and Procedural guides

2.1 General Principles

2.1.1 General

At all stages within this policy, the officer must be advised of the following:

- the reasons for their performance or attendance being considered unsatisfactory;
- that they may choose to be accompanied by the Police Federation or a work colleague at meetings;
- that they are to be given the opportunity to respond and to explain any mitigating or extenuating factors. The Federation representative may do this on the officer's behalf;
- what action is required to improve performance or attendance to an acceptable standard,
- that an action plan will be put in place,
- where appropriate, the officer must be reminded of the seriousness of the situation

The officer may **choose** to be accompanied at the meetings by the Police Federation or a work colleague. The Federation may:

- advise and assist the officer concerned,
- speak on the officer's behalf,
- produce documentation to assist the officer's case.

At the hearing stage, the officer may elect to be represented by either the Federation or a legal representative.

Dealing with unsatisfactory performance or attendance does not constitute bullying. If an officer believes that they are being treated unfairly, there are avenues of appeal against both the decision and the outcome at each stage of the procedure.

Unsatisfactory performance or attendance must be proved on the **balance of probabilities**.

2.1.2 Role of HR Department

In order to ensure that all police officers are treated consistently in matters relating to attendance or performance and that procedures follow a uniform pattern and are acceptable under current legislation, all cases must be discussed at the earliest opportunity with an HR Consultant.

The designated HR Consultant will be responsible for preparing all necessary documentation and will be present at the first and second stages; meetings and appeals.

A HR Consultant will attend meetings to advise the manager on the proceedings.



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2.1.3 Disability

Consideration should be given to whether there is any health or welfare issue that is or may be affecting the officer's performance or attendance. If a police officer has or may have a disability that is impacting on **their** performance or attendance, reasonable adjustments must be made, and in the case of attendance, this may include allowing a higher absence level. However, this does not mean that a disabled officer is allowed unlimited sickness absence. Appropriate levels will be determined on an individual basis, having due regard to the specific disability. See - [Reasonable Adjustment section of Disability Policy](#).

2.1.4 e-PDR

The PDR should be the principal method by which the officer's performance or attendance is monitored and assessed. Any shortfall in performance or attendance should be pointed out at the earliest opportunity by the line manager, and consideration given as to whether this is due to inadequate instruction, training, supervision or some other reason.

2.1.5 Non-attendance at Stage Meeting

Attendance at any stage meeting is not subject to the same considerations as reporting for duty and the provisions of Regulation 33 (sick leave) of the [Police Regulations 2003](#) do not apply. An illness or disability may render an officer unfit for duty without affecting their ability to attend a meeting. However, if the officer is unable to attend due to illness or injury, the meeting may be deferred by the person conducting the meeting until they are well enough to attend.

A meeting **will not** be deferred indefinitely because the officer is unable to attend, although every effort should be made to make it possible for the police officer to attend if they wish to be present. For example: the acute phase of a serious physical illness is usually fairly short-lived, and the meeting may be deferred until the officer is well enough to attend;

- if the police officer suffers from a physical injury – a broken leg - for instance, it may be possible to hold the meeting at a location convenient to them.

Where such circumstances apply at a stage three meeting, the manager may wish to consider the use of video, telephone or other conferencing technology.

Where, despite such efforts having been made and/or the meeting having been deferred, the officer either persists in failing to attend the meeting or maintains their inability to attend, the person conducting the meeting will need to decide whether to continue to defer the meeting or whether to proceed with it, if necessary in the absence of the police officer.

Where the decision is taken to proceed with the meeting, the officer may supply written representations and/or be represented by their 'friend'.

If an officer fails to attend the meeting without prior warning or without giving a reason for non-attendance, the person conducting the meeting may choose to proceed in their absence.



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2.1.6 Multiple Instances of Unsatisfactory Performance or Attendance

An officer can move to a later stage of the Procedure only in relation to unsatisfactory performance or attendance that is **similar to or connected with** the unsatisfactory performance or attendance referred to in any previous written improvement notice. Where failings relate to different forms of unsatisfactory performance or attendance it will be necessary to commence the Procedure at the first stage (unless the failing constitutes gross incompetence). If more than one Procedure is commenced, then, given that the procedures will relate to different failings and will have been identified at different times, the finding and outcome of each should be without prejudice to the other(s).

However, there may be circumstances where procedures have been initiated for a particular failing and an additional failing comes to light prior to the first stage meeting. In such circumstances it is possible to consolidate the two issues at the first stage meeting provided that there is sufficient time prior to the meeting to comply with the notification requirements. If this is not possible, the first stage meeting should either be rearranged to a date which allows the requirements to be met or a separate first stage meeting should be held in relation to the additional matter.

2.1.7 Relationship between Police (Performance & Attendance) Procedure and the Misconduct Procedures

The Misconduct Procedures and Police (Performance and Attendance) Procedure are separate but complementary. They should ensure that both misconduct and unsatisfactory performance or attendance on the part of police officers are dealt with effectively, having regard to the public interest, the interests of the police service and the interests of individual police officers.

2.1.8 Retirement under Regulation A19 of the Police Pensions Regulations 1987 and Regulation 20 of the Police Pensions Regulations 2006 and the 30+ Scheme

Regulation A19 of the Police Pensions Regulations 1987 provides for the compulsory retirement of police officers who have built up 30 years of pensionable service (and are entitled to an immediate full pension) where the police officer's retention would not be in the **general interests of the wider force efficiency**. Similarly, Regulation 20 of the Police Pensions Regulations 2006 provides for the compulsory retirement of those police officers who are members of the new 2006 Police Pension Scheme, and can be retired immediately with a full pension, on the same grounds.

These regulations should not be used to remove a police officer in situations of unsatisfactory performance or attendance where there is no issue of wider force efficiency. The Police (Performance and Attendance) Procedure should be used in such cases.

The Police (Performance and Attendance) Procedure can also be used where police officers have resumed service under the 30+ Scheme and where a termination of office under Regulation A19 or Regulation 20 is not appropriate (as above).

2.1.9 Records

All letters and documents must be kept together until the end of the validity period, at which point they should be sent to HR for storage on the officer's personal file. However, previous Improvement Notices will not be taken into account in any subsequent meetings once they have expired.



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Records of any part of the procedures should not be taken into account after an Improvement Notice has ceased to be valid. Equally, where an officer appeals and that appeal is successful, the record of that procedure should not be taken into consideration in any future proceedings of for any other purpose.

2.2 Unsatisfactory Attendance

2.2.1 Considerations

The key objective of the [Attendance Management Policy](#) (and associated guidance) and this Procedure is to encourage an attendance culture. The primary aim of the Procedure is to improve attendance.

Where attendance does not improve to an acceptable level, or where there is no prospect of a return to work in a reasonable timeframe, then termination of service may be considered.

The Police (Performance and Attendance) Procedure may be used in terms of:

- unacceptable levels of persistent short term absence; AND
- long term absences due to sickness and/or injury.

As a guide, managers must consider the following trigger points when deciding whether action is to be considered:

- the officer has a Bradford factor of 192 or more in the past 12 months;
- the officer has been absent on 4 or more occasions in the past 12 months;
- the officer has been absent for 6 months and, notwithstanding supportive management action having been taken, there is no realistic prospect of return to work in a reasonable time frame, normally 6 months;
- a pattern has emerged of an officer being absent regularly e.g. on Mondays, Fridays or the beginning or end of his/her shift cycle;
- the officer continues to take time off regularly and a pattern emerges for colds, influenza, dyspepsia, upset stomach, headaches, migraine or stress and stress related symptoms;
- (These examples do not form an exhaustive list).

The Police (Performance and Attendance) Procedure should not automatically be invoked where:

- i. the officer is in terminal stages of an illness;
- ii. the officer is fit to, and intends, to return to work but the reasonable adjustments that need to be made to their workplace have not yet been put in place by the Force;
- iii. the officer is being assessed for permanent disablement under the Police Pension Regulations.

Where an absence is due to an injury on duty, managers will normally decide against taking action under this procedure unless the absence continues when they will consider the following:

- the likelihood of the illness, injury or condition recurring;
- the pattern and length of absence and the length of any period(s) of good health between them;
- the extent to which the officer has co-operated with supportive management action;
- the need for the work to be done i.e. what impact on the organisations performance is the absence having (measured at divisional or team level).



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2.2.2 Supportive Action

In all cases, the starting point under the Police (Performance and Attendance) Procedure is supportive action. Except where an officer fails to co-operate, appropriate supportive action must be taken before formal action is taken under this procedure.

The officer must be made aware of the Police (Performance and Attendance) Procedure at this stage and must be advised that if they remain unwell, and if adjustments cannot be made, dismissal from the Force is a possible outcome at Stage 3.

Where action is taken, or is being considered, the manager must refer the officer to the Occupational Health Unit (OHU) for up to date medical information. The manager must provide detailed information and the reason for referral. The Force Medical Advisor (FMA) must be asked to provide advice on any disability issues, and whether adjustments can be made to assist with the officer's attendance. The officer must continue to see the FMA throughout the process.

Where an officer fails to attend an appointment, or otherwise fails to co-operate, an assessment will be made on the information available.

Upon examining the officer, if the FMA at any point considers that the officer may be permanently disabled from normal police duties, any action taken under the Police (Performance and Attendance) Procedure will be suspended until the issue is resolved. This must also apply where the officer considers that he/she is permanently disabled and requests referral to the Selected Medical Practitioner (SMP).

It is envisaged that supportive action will in most cases achieve the desired effect of improving and maintaining a police officer's attendance to an acceptable level.

2.2.3 Permanently Disabled Officers

Where permanent disability is being considered under the Police Pensions Regulations 1987 or 2006, no action will commence or continue under the Police (Performance and Attendance) Procedure to deal with the unsatisfactory attendance of an officer until the issue of permanent disability is finalised.

Where an officer appeals to a Medical Appeal Board against a decision of the SMP that they are not permanently disabled or against a decision of the Chief Constable not to refer the permanent disablement questions to an SMP, no action shall be commenced or continued under the Police (Performance and Attendance) Procedure with regard to the unsatisfactory attendance of the police officer until the appeal has been resolved.

Action can, however, be taken if the unsatisfactory attendance is *unrelated* to the condition forming the basis of the referral or appeal. However, it must be certain that there is no connection. If the appropriate manager is unsure whether any condition forming the basis of a referral to the SMP or an appeal to either a Medical Appeal Board or the Crown Court is related to the unsatisfactory attendance of an officer, then advice should be sought from their HR Consultant before any decision is taken to commence or continue the Police (Performance and Attendance) Procedure. Medical advice from the FMA may also be necessary.

Action may be taken under the Police (Performance and Attendance) Procedure to address unsatisfactory attendance on the part of an officer who has been retained under the Police Pension Regulations. When assigning the officer to alternative duties, Gloucestershire Constabulary will give



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due regard to the nature of the disability and must not assign the officer to duties that are likely to aggravate their medical condition. Consideration must also be given to provision of appropriate support to enable the officer to fulfil his/her duties, i.e. reasonable adjustment.

Gloucestershire Constabulary must also ensure that the need to maintain satisfactory levels of attendance is made clear to the officer.

Any action taken under this procedure must take due account of the officer's disability and any effect it has on the officer's level of attendance. If the case progresses to the Third Stage Meeting, the case **must** be referred to the Head of HR who must ensure that the case is reconsidered by the Chief Constable before a decision is made whether to proceed to a Third Stage Meeting. The Chief Constable must be provided with an up-to-date report from the SMP, (including an assessment of the officer's capability) and the appropriate report from the HR Department. These reports must first be given to the officer to allow them to comment. Any such comments must also be sent to the Chief Constable.

If the Chief Constable decides to medically retire the officer under the Police Pension Regulations, no Third Stage Meeting will be called. Where the Chief Constable decides not to retire the officer, the senior manager may proceed to arrange a Third Stage Meeting.

Where the unsatisfactory attendance is **unrelated** to the disabling condition, the position of such an officer is no different from that of any other officer.

2.2.4 Return to Work Interviews

Where appropriate, these procedures should be discussed with the officer, and the officer should be reminded that the procedures may be applied if their attendance does not improve.

2.3 Unsatisfactory Performance

2.3.1 General

The procedures are designed to deal with a **pattern** of unsatisfactory performance. The line manager must discuss any shortcomings or concerns at the earliest possible opportunity. It would be quite wrong for the line manager to accumulate a list of concerns about the performance of an individual and delay telling them about them until a PDR meeting.

2.3.2 Initiation of Procedures at Stage 3 – Performance ONLY

There may be exceptional circumstances where an officer's performance (**not attendance**) is considered to be so unsatisfactory as to warrant the procedures being initiated at the Stage 3. This decision must be made by an officer of at least the rank of Superintendent or Police Staff equivalent.

This could be as a result of a single incident of **gross incompetence**, that is:

“...a serious inability or failure of an officer to perform the duties of the role or rank they are currently undertaking to a satisfactory standard or level, to the extent that dismissal would be justified, except that no account shall be taken of the attendance of a police officer when considering whether they have been grossly incompetent.” (Police (Performance) Regulations 2008)



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It is not envisaged that the procedures should be initiated at Stage 3 in respect of a series of acts over a period of time.

[SEE THIRD STAGE HEARING SECTION](#)

2.4 Procedures

2.4.1 The First Stage Meeting

Having taken normal management action, such as early discussions with the officer, where a line manager considers that an officer's performance or attendance is unsatisfactory and decides that the Police (Attendance & Performance) Procedure is the most appropriate way of addressing the matter, the line manager will, as soon as reasonably practicable notify the officer in writing that the procedure will be invoked.

Managers must be satisfied that reasonable and appropriate supportive measures have been offered to the officer to support an improvement in performance or attendance before arranging a first stage meeting.

The first stage meeting will be chaired by the individual's line manager. The individual may bring a representative from the Police Federation or UNISON or a work colleague and the individual should also attend.

The officer must be given at least 7 days written notification of the meeting. The notification will include the following details:

- the date and time of the meeting;
- a summary of the reasons why the line manager considers the officer's performance or attendance to be unsatisfactory;
- the possible outcomes of the first stage, second stage and third stage meetings;
- that an appropriate representative of HR e.g. HR Consultant may attend the meeting
- that at least 2 days prior to the meeting, the officer must provide the line manager with any documentation he or she intends to rely on in the meeting;
- that the officer may choose to be accompanied at the meeting by a friend;
- copies of relevant documents relied upon by the manager that supports their view that the officer's performance or attendance is unsatisfactory.

If the officer or their friend is not available on the date and time of the meeting, the officer must propose another date and time, which must be within 5 working days of the original date.

Any document or other material that was not submitted in advance of the meeting may be considered at the meeting at the discretion of the line manager. The purpose of allowing this discretion is to ensure fairness to all parties. However, the presumption should be that such documents or material **will not** be permitted unless it can be shown that they were not previously available to be submitted in advance. Where such a document or material is permitted to be considered, a short adjournment may be necessary to enable the line manager to read or consider the document or material and consider its implications.

The purpose of the meeting is to discuss the evidence of the unsatisfactory performance or attendance and to give the officer the opportunity to put forward their views. It will also be an



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opportunity to consider any issues that are affecting the officer's performance or attendance and what the officer considers can be done to address them.

The substance of the meeting must be recorded.

At the meeting the manager will:

- explain the reasons why the line manager considers that the performance or attendance is unsatisfactory;
- explain that there are potentially three stages to the procedure and that
 - the maximum outcome of stage 1 meeting is an improvement notice.
 - the maximum outcome of stage 2 meeting is a final improvement notice
 - the maximum outcome of Stage 3 is dismissal.
- provide the officer and/or their 'friend' with the opportunity to respond, and to explain any mitigating or extenuating factors.

Where appropriate, further welfare, medical counselling or other appropriate support must be considered.

The line manager may adjourn the meeting at any time if they consider it is appropriate to do so. An adjournment may be appropriate where information which needs to be checked by the line manager emerges during the course of the meeting or the manager decides that they wish to adjourn the meeting whilst they make a decision.

Where having considered any representations by either the officer and/ or their friend, the line manager finds that the performance or attendance of the officer has been unsatisfactory they will:

- inform the officer in what respect(s) their performance or attendance is considered unsatisfactory;
- inform them of the improvement that is required in their performance or attendance;
- inform the officer that, if sufficient improvement is not made within the period specified (this could be any period of time deemed reasonable by the line manager, but would not normally exceed 3 months), he or she may be required to attend a second stage meeting.
- inform the police officer that he or she will receive a written improvement notice.
- inform the police officer that if sufficient improvement in his or her performance or attendance is not maintained for a period of 12 months from the date of the notice, they may be required to attend a second stage meeting.

Improvement Notices must be served on the officer within **7 days** of the meeting, together with a written record of the meeting and details of their right of appeal against the findings and/or outcome and/or terms of the Improvement Notice. They must also be advised of their right to submit written comments on the written record of the meeting no later than 7 working days after receipt. See [Appendix B Standard Letter](#)

2.4.2 First Stage - Assessment of Performance or Attendance

It is expected that the officer's performance or attendance will be actively monitored against the Improvement Notice throughout the specified period of the Improvement Notice. The line manager should discuss with the officer any concerns that the line manager has during this period as regards their performance or attendance and offer advice and guidance where appropriate.



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As soon as the specified period of the Improvement Notice comes to an end, the line manager, in consultation with the second line manager or a HR Consultant (or both), should formally assess the performance or attendance of the police officer during that period.

If the line manager considers that the officer's performance or attendance is satisfactory, the line manager should notify the police officer in writing of this. The notification should also inform the police officer that whilst the performance or attendance of the officer is now satisfactory, the Improvement Notice is valid for a period of 12 months from the date printed on the notice so that it is possible for the second stage of the procedures to be initiated if the performance or attendance of the police officer falls below an acceptable level within the remaining period.

If the line manager, in consultation with the second line manager, considers that the officer's performance or attendance is still unsatisfactory, the line manager should notify the police officer in writing of this. This notification should also inform the police officer that they are required to attend a second stage meeting to consider these ongoing performance or attendance issues.

2.4.3 First Stage Appeals

An officer has a right of appeal against the finding and the outcome imposed at stage one of the Procedure. However, any finding and outcome of this first stage meeting will continue to apply up to the date that the appeal is determined. Therefore where the police officer contests the finding or outcome, they must continue to follow the terms of the Improvement Notice and any accompanying action plan pending the determination of the appeal.

Any appeal should be made in writing to the second line manager within 7 working days of the receipt of the Improvement Notice and written record of the meeting (unless the period is extended by the second line manager following an application by the police officer). The notice of appeal must clearly set out the grounds and evidence for the appeal.

2.4.4 Appeal Grounds (First Stage)

The grounds for appeal are:

- that the finding of unsatisfactory performance or attendance is unreasonable;
- that any of the terms of the Improvement Notice are unreasonable;
- that there is critical new evidence that could not reasonably have been considered at the first stage meeting;
- that there was a serious breach of the procedures set out in the Police (Performance) Regulations 2008 or other unfairness which could have materially affected the finding of unsatisfactory performance or attendance or the terms of the Improvement Notice.

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On the basis of the above grounds of appeal, the police officer may appeal against the finding of unsatisfactory performance or attendance or the terms of the Written Improvement Notice, those being:

- the respect in which the police officer's performance or attendance is considered unsatisfactory;
- the improvement which is required of the police officer; and/ or
- the length of the period specified for improvement by the line manager at the first stage meeting.

The police officer has the right to be accompanied and represented by a police friend at the first stage appeal meeting.



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Wherever possible, the meeting date and time should be agreed between the second line manager and the police officer. However, where agreement cannot be reached the second line manager may specify a time and date without agreement. If the officer or their friend is not available at the date or time specified by the second line manager, the officer may propose an alternative time. Provided that the alternative time is reasonable and falls within a period of 5 working days beginning with the first working day after that proposed by the second line manager, the meeting must be postponed to that time.

As soon as a date for the meeting is fixed, the second line manager should send to the police officer a notice in writing of the date, time and place of the first stage appeal meeting.

2.4.5 At The First Stage Appeal Meeting

At this meeting the second line manager will:

- provide the officer with the opportunity to make representations;
- provide their friend with an opportunity to make representations;

Having considered any representations by either the police officer and/ or their friend, the second line manager may:

- confirm or reverse the finding of unsatisfactory performance or attendance;
- endorse or vary the terms of the Improvement Notice;

The second line manager may deal with the officer in any manner in which the line manager could have dealt with them at the first stage meeting.

Within **3 working days** of the appeal meeting, the officer will be given written notice of the second line manager's decision. If the second line manager is in a position to send a written summary of the reasons for that decision, then this may also accompany the written notice of the decision.

However, where the second line manager sends only the written notice of the decision to the police officer, as soon as reasonably practicable after the conclusion of the meeting, they will send a written summary of reasons for that decision.

Any decision made that changes the finding or outcome of the first stage meeting will take effect by way of substitution for the finding or terms appealed against and as from the date of the first stage meeting.

Where the line manager finds that the performance or attendance of the police officer has been satisfactory during the period in question, they will inform the police officer that no further action will be taken.

2.4.6 The Second Stage Meeting

Where the first formal stage of the procedure has failed to produce the desired improvement in performance then a second stage meeting will be arranged.

The second stage will be conducted by the officer's second line manager, who may be another police officer or member of police staff.

The officer must be given at least 7 days notice written notification that they are required to attend a second stage meeting. The notification will include the following details:



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- the date and time of the meeting;
- a summary of the reasons why the line manager considers the officer's performance or attendance to be unsatisfactory;
- the possible outcomes of the second stage and third stage meeting;
- that the line manager may attend the meeting;
- that an appropriate representative of HR e.g. HR Consultant may attend the meeting
- that at least 2 days prior to the meeting, the officer must provide the second line manager with any documentation he or she intends to rely on in the meeting; and
- that the officer may choose to be accompanied at the meeting by a police 'friend'; and
- copies of relevant documents relied upon by the line manager that supports their view that the officer's performance or attendance is unsatisfactory.

If the officer or their friend is not available on the date and time of the meeting, the officer must propose another date and time, which must be within 5 working days of the original date.

Any document or other material that was not submitted in advance of the meeting may be considered at the meeting at the discretion of the second line manager. The purpose of allowing this discretion is to ensure fairness to all parties. However, the presumption should be that such documents or material will not be permitted unless it can be shown that they were not previously available to be submitted in advance. Where such a document or material is permitted to be considered, a short adjournment may be necessary to enable the second line manager to read or consider the document or material and consider its implications.

The purpose of the meeting is to discuss the evidence of the unsatisfactory performance or attendance and to give the officer the opportunity to put forward their views. It will also be an opportunity to consider any issues that are affecting the officer's performance or attendance and what the officer considers can be done to address them.

The substance of the meeting must be recorded.

At the meeting the second line manager will:

- explain the reasons why the second line manager considers that the performance or attendance is unsatisfactory;
- explore why the first stage action has not brought about the necessary improvement.
- explain that the maximum outcome of Stage 2 is a Final Improvement Notice
- explain that there is potentially a further stage to the procedure and that the outcomes of Stage 3 are:
 - redeployment to alternative duties
 - extension of a Final Written Improvement Notice (in exceptional cases)
 - reduction in rank (in the case of performance only)
 - dismissal (with a minimum of 28 days notice)
 - the issue of a written Improvement Notice (if the panel considers that there has been unsatisfactory performance and not gross incompetence)
- provide the officer or their 'friend' with the opportunity to respond, and to explain any mitigating or extenuating factors.

Where appropriate, medical counselling or other appropriate support must be recommended.



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The second line manager may adjourn the meeting at any time if they consider it is appropriate to do so. An adjournment may be appropriate where information which needs to be checked by the line manager emerges during the course of the meeting or the manager decides that they wish to adjourn the meeting whilst they make a decision.

Where having considered any representations by either the officer and/ or their friend, the second line manager finds that the performance or attendance of the officer has been unsatisfactory they will:

- inform the officer in what respect (s) their performance or attendance is considered unsatisfactory;
- inform them of the improvement that is required in their performance or attendance;
- inform the officer that, if a sufficient improvement is not made within the period specified by the line manager, he or she may be required to attend a third stage meeting.
- inform the police officer that he or she will receive a Final Written Improvement notice.
- inform the police officer that if a sufficient improvement in his or her performance or attendance is not maintained for the validity period of 12 months from the date of the notice, they may be required to attend a third stage meeting.

Improvement Notices must be served on the officer within **7 working days** of the meeting, together with a written record of the meeting and details of their right of appeal against the findings and/or outcome and/or terms of the Improvement Notice. They must also be advised of their right to submit written comments on the written record of the meeting no later than 7 working days after receipt. See [Appendix B Standard Letter](#)

2.4.7 Second Stage - Assessment of Performance or Attendance

It is expected that the officer's performance or attendance will be actively monitored against the Improvement Notice throughout the specified period of the Improvement Notice. The line manager should discuss with the officer any concerns that the line manager has during this period as regards their performance or attendance and offer advice and guidance where appropriate.

As soon as the specified period of the Improvement Notice comes to an end, the line manager, in consultation with the second line manager or a HR Consultant (or both), should formally assess the performance or attendance of the police officer during that period.

If the line manager considers that the officer's performance or attendance is satisfactory, the line manager should notify the police officer in writing of this. The notification should also inform the police officer that whilst the performance or attendance of the officer is now satisfactory, the Improvement Notice is valid for a period of 12 months from the date printed on the notice so that it is possible for the third stage of the procedures to be initiated if the performance or attendance of the police officer falls below an acceptable level within the remaining period.

If the line manager, in consultation with the second manager, considers that the officer's performance or attendance is still unsatisfactory, the line manager should notify the police officer in writing of this. This notification should also inform the police officer that they are required to attend a third stage meeting to discuss this failure to maintain a satisfactory standard of performance or attendance.

2.4.8 Second Stage Appeals

An officer has a right of appeal against the finding and the outcome imposed at stage two of the Procedure. However, any finding and outcome of this second stage meeting will continue to apply up to the date that the appeal is determined. Therefore where the police officer contests the finding or



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outcome, they must continue to follow the terms of the Improvement Notice and any accompanying action plan pending the determination of the appeal.

Any appeal should be made in writing to the senior line manager within 7 working days of the receipt of the Improvement Notice and written record of the meeting (unless the period is extended by the second line manager following an application by the police officer). The notice of appeal must clearly set out the grounds and evidence for the appeal.

2.4.9 Appeal Grounds (Second Stage)

The grounds for appeal are:

- that the finding of unsatisfactory performance or attendance is unreasonable;
- that any of the terms of the Improvement Notice are unreasonable;
- that there is critical new evidence that could not reasonably have been considered at the second stage meeting;
- that there was a serious breach of the procedures set out in the Police (Performance) Regulations 2008 or other unfairness which could have materially affected the finding of unsatisfactory performance or attendance or the terms of the Improvement Notice.

On the basis of the above grounds of appeal, the police officer may appeal against the finding of unsatisfactory performance or attendance or the terms of the written improvement notice, those being:

- the respect in which the police officer's performance or attendance is considered unsatisfactory;
- the improvement which is required of the police officer; and/ or
- the length of the period specified for improvement by the second line manager at the second stage meeting.

The police officer has the right to be accompanied and represented by a police friend at the second stage appeal meeting.

Wherever possible, the meeting date and time should be agreed between the senior manager and the police officer. However, where agreement cannot be reached the senior manager may specify a time and date without agreement. If the officer or their friend is not available at the date or time specified by the senior manager, the officer may propose an alternative time. Provided that the alternative time is reasonable and falls within a period of **5 working days** beginning with the first working day after that proposed by the senior manager, the meeting must be postponed to that time.

As soon as a date for the meeting is fixed, the senior manager should send to the police officer a notice in writing of the date, time and place of the second stage appeal meeting.

2.4.10 At the Second Stage Appeal Meeting

At this meeting the senior line manager will:

- provide the officer with the opportunity to make representations;
- provide their police friend with an opportunity to make representations;

Having considered any representations by either the police officer and/ or their police friend, the senior manager may:

- confirm or reverse the finding of unsatisfactory performance or attendance;



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- endorse or vary the terms of the Improvement Notice;

The senior manager may deal with the officer in any manner in which the second line manager could have dealt with them at the first stage meeting.

Within **3 working days** of the appeal meeting, the officer will be given written notice of the senior manager's decision. If the senior manager is in a position to send a written summary of the reasons for that decision, then this may also accompany the written notice of the decision.

However, where the senior manager sends only the written notice of the decision to the police officer, as soon as reasonably practicable after the conclusion of the meeting, they will send a written summary of reasons for that decision.

Any decision made that changes the finding or outcome of the second stage meeting will take effect by way of substitution for the finding or terms appealed against and as from the date of the second stage meeting.

Where the line manager finds that the performance or attendance of the police officer has been satisfactory during the period in question, they will inform the police officer that no further action will be taken.

2.4.11 Improvement Notice Extensions

On the application of the officer, the manager who heard the first or second stage meeting may extend the Improvement Notice period if deemed appropriate. This may apply where, due to unforeseen circumstances, the officer has not had sufficient time to improve. Extensions will only be granted in *limited* circumstances.

2.4.12 The Third Stage Meeting

With the exception of gross incompetence cases ([See Unsatisfactory Performance - Gross Incompetence](#)) where the second stage of the procedure has failed to produce the desired improvement in performance or attendance then a third stage meeting is arranged.

The Third Stage Meeting must be convened no later than 30 working days after date of initial notification to inform of intention to proceed to third stage meeting.

Wherever possible, the meeting date and time should be agreed between the senior manager and the police officer. However, where agreement cannot be reached the senior manager may specify a time and date without agreement. If the officer or their friend is not available at the date or time specified by the senior manager, the officer may propose an alternative time. Provided that the alternative time is reasonable and falls within a period of 5 working days beginning with the first working day after that proposed by the panel chair, the meeting must be postponed to that time.

At the discretion of the panel an extension can be granted as long as it is reasonable and fair to do so. The reason for the extension and the expected date of the deferred hearing must be put in writing to the Deputy Chief Constable and the police officer.

The notification will include the following details:

- that the meeting will be with a panel appointed by the Deputy Chief Constable, and that they will be notified of their names as soon as the appointments are made;



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- the date and time of the meeting;
- a summary of the reasons why their performance or attendance is considered unsatisfactory;
- the possible outcomes of a third stage meeting which are:
 - redeployment to alternative duties
 - extension of a Final Written Improvement Notice (in exceptional cases)
 - reduction in rank (in the case of performance only)
 - dismissal (with immediate effect for gross incompetence, or otherwise with a minimum of 28 days notice)
 - the issue of a written Improvement Notice (if the panel considers that there has been unsatisfactory performance and not gross incompetence)
 - the issue of a final written Improvement Notice (gross incompetence cases only)
- that an HR professional and a police officer (with experience of the procedures and who is independent from the line management chain) may attend to advise the panel on the proceedings;
- that counsel or a solicitor may attend the meeting to advise the panel on the proceedings and on any question of law that may arise at the meeting;
- if the officer agrees, any other person specified in the notice may attend e.g. a person attending for development reasons; and
- the officer's rights:
 - to seek advice from a representative from their staff association;
 - to be accompanied at the meeting by a police friend; and
 - in cases of gross incompetence to be legally represented by counsel or a solicitor.
- Copies of relevant documents relied upon by the line manager that supports their view that the officer's performance or attendance continues to be unsatisfactory.

Within 14 working days of the date on which notice of the third stage meeting has been sent to the police officer (unless this period is extended by the panel chair for exceptional circumstances), the police officer must provide to the Deputy Chief Constable:

- (a) a written notice of whether or not they accept that their performance or attendance has been unsatisfactory or that they have been grossly incompetent, as the case may be
- (b) where they accept that their performance or attendance has been unsatisfactory **or that they have been grossly incompetent**, attach a written submission setting out grounds for mitigation
- (c) where the police officer does not accept their performance or attendance has been unsatisfactory **or that they have been grossly incompetent** or where the officer disputes part of the matters referred to in the received notice, the officer is required to submit a written notice of:
 - the matters that are disputed and their account of the relevant events;
 - any arguments on points of law they wish to be considered by the panel

The police officer shall provide the chair of panel with a copy of any document they intend to rely on at the third stage meeting (within 14 working days of receipt of the notice to attend a third stage hearing)

2.4.13 Panel Membership



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The panel will comprise a panel chair and two other members and be appointed by the Deputy Chief Constable. At least one of the three panel members must be a police officer and one should be an HR professional. Membership will be as follows:

1st Panel member (chair): Assistant Chief Constable

2nd Panel member: Police officer of at least the rank of superintendent
OR
HR professional who in the opinion of the Deputy Chief Constable is at least equivalent to that rank.

3rd Panel member: Police officer of at least the rank of superintendent
OR
Police staff member who in the opinion of the Deputy Chief Constable is at least equivalent to that rank.

None of the panel members should be junior in rank to the police officer concerned, i.e. they must be of at least the same rank or equivalent.

The Deputy Chief Constable may appoint police officers or police staff managers from another police force to be members of a panel.

No panel member should be an interested party e.g. someone who is related to the police officer or has had prior involvement in the case

As soon as the Deputy Chief Constable has appointed a third stage panel, they should arrange for copies of all relevant documentation to be sent to those members. In particular, any document:

- that was available to the line manager in relation to any first stage meeting;
- which was available to the second line manager in relation to any second stage meeting;
- which was prepared or submitted in advance of those meetings;
- which was prepared or submitted following those meetings i.e. Improvement Notices, action plans and meeting notes;
- relating to any appeal.

Once the panel has been appointed by the Deputy Chief Constable, the police officer will be informed in writing of the panel members' names.

2.4.14 Objection to Panel Members

The police officer has the right to object to any panel members appointed and any such objection must be made in writing to the Deputy Chief Constable no later than 3 working days after receipt of the notification of the names of the panel members. The police officer must include the ground of their objection to a panel member (s) in that submission.

The Deputy Chief Constable must inform the police officer in writing whether they uphold or reject an objection to a panel member.

If the Deputy Chief Constable upholds the objection, a new panel member will be appointed as a replacement. As soon as practicable after any such appointment, the police officer will be informed in writing of the name of the new panel member.



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The police officer may object to the newly appointed panel member in the same way as that described in paragraph whereupon the Deputy Chief Constable must follow the procedure described above.

2.4.15 Witnesses and Evidence

The details of any witnesses the police officer intends to produce at the third stage meeting must be submitted to and agreed with the Senior Manager. Where agreement cannot be reached, the police officer may submit to the Deputy Chief Constable the list of proposed witnesses. Where agreement has not been reached as above, the Senior Manager may also propose a list of witnesses.

As soon as reasonably practicable after any list of witnesses has been agreed or, in the case where no agreement could be reached, compiled by the Deputy Chief Constable, the list must be sent to the panel chair. The panel chair will consider the list of proposed witnesses and will determine which, if any, witnesses should attend the third stage meeting.

The panel chair can determine that persons not named in the list should also attend as witnesses.

No witnesses will give evidence at a third stage meeting unless the panel chair reasonably believes that it is necessary for the witness to do so, in which case he or she will:

- a. in the case of a police officer, cause him or her to be ordered to attend the third stage meeting;
- b. in the case of a member of staff, cause him or her to be given notice that his or her attendance at the third stage meeting is required; or
- c. in the case of a member of the public, cause him or her to be given notice that his or her attendance at the third stage meeting is necessary.

Such notices will include the date, time and place of the meeting.

Where a witness attends to give evidence then any questions to that witness must be made through the panel chair. This does not prevent the panel chair allowing questions to be asked directly if he or she feels that this is appropriate.

The documents or other material to be relied upon at the meeting are required to be submitted in advance. Any document or other material that was not submitted in advance of the meeting may be considered at the meeting at the discretion of the panel chair. The purpose of allowing this discretion is to ensure fairness to all parties. However, the presumption should be that such documents or other material will not be permitted unless it can be shown that they were not previously available to be submitted in advance or that they relate to mitigation following a finding of unsatisfactory performance or attendance that was contested by the police officer. Where such a document or other material is permitted to be considered, a short adjournment may be necessary to enable those present to read or consider the document or other material and consider its implications. The length of the adjournment will depend upon the case. A longer adjournment may be necessary if the material in question is complex.

2.4.16 At the Third Stage Meeting

The purpose of the meeting is for the panel to hear evidence of the unsatisfactory performance or attendance and to give the officer the opportunity to put forward their views. It will also be an opportunity to hear of any factors that are continuing to affect the officer's performance or attendance and what the officer considers can be done to address them.



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At the third stage meeting the panel chair will conduct the meeting in accordance with the principles of *natural justice and fairness and will:*

- explain to the police officer the reasons why they have been required to attend a third stage meeting;
- provide the police officer with the opportunity to make representations in response;
- where the case is one of gross incompetence and the police officer has opted for legal representation, provide the police officer's legal representative with the opportunity to make representations;
- unless the police officer is entitled to be and has chosen to be legally represented, provide the police officer's police friend (if he or she has one) with an opportunity to make representations;
- listen to what the police officer (and/or his or her police friend) has to say and ask questions as appropriate

Having considered any representations by either the police officer and/ or his or her police friend or (where applicable) the police officer's legal representative, the panel will come to a finding as to whether or not the performance or attendance of the police officer has been unsatisfactory or whether or not his or her behaviour constitutes gross incompetence, as the case may be.

If there is a difference of view between the three panel members, the finding or decision will be based on a simple majority vote, but it will not be indicated whether it was taken unanimously or by a majority.

The panel must prepare (or cause to be prepared) their decision in writing which shall also state the finding. Where the panel have found that the police officer's performance or attendance has been unsatisfactory or that he or she has been grossly incompetent, the decision must also state their reasons and any outcome which they order.

As soon as reasonably practicable after the conclusion of the meeting, the panel chair shall send a copy of the decision to the police officer and the line manager. However, the police officer must be given written notice of the finding of the panel within 3 working days of the conclusion of the meeting.

The copy of the decision sent to the police officer must also be accompanied by a notice informing him or her of his or her right to appeal to a police appeals tribunal.

2.4.17 Records

The substance of the meeting must be recorded. The police officer must, on request, be supplied with a copy of the record.

2.4.18 Postponement and Adjournment of a Third Stage Meeting

If the panel chair considers it necessary or expedient, he or she may direct that the third stage meeting should take place at a different time to that originally notified to the police officer.

The panel chair's alternative time may fall after the period of 30 working days specified above.

In the event that the panel chair postpones a third stage meeting he or she should notify the relevant parties in writing of his or her reasons and the revised time and place for the meeting.



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If the police officer informs the panel chair in advance that he or she is unable to attend the third stage meeting on grounds which the panel chair considers reasonable, the panel chair may allow the police officer to participate in the meeting by video link or other means.

In cases where the police officer is absent (for example through illness or injury) a short delay may be reasonable to allow him or her to attend. If this is not possible or any delay is considered not appropriate in the circumstances then the person(s) conducting the meeting/hearing may allow the police officer to participate by telephone or video link. In these circumstances a police friend will always be permitted to attend the meeting/hearing to represent the police officer in the normal way (and, in the case of a gross incompetence meeting, the police officer's legal representative where appointed).

Where the police officer informs the panel chair that he or she will be unable to attend the third stage meeting, or in the absence of such notification does not attend the meeting, and the panel chair is satisfied that a good reason for such non-attendance is given by (or on behalf of) the police officer, he or she may postpone, or as the case may be, adjourn the meeting in the absence of the police officer.

Notwithstanding the previous paragraph above, the police officer's presence, in person or otherwise, is not necessary for the third stage meeting proceedings to be valid and the panel chair could decide to hold the meeting in the officer's absence.

2.4.19 Assessment of Final and Extended-Final Improvement Notices Issued at the Third Stage

Where the police officer has been issued with a Final Improvement Notice or, in exceptional cases, the panel has extended a final Improvement Notice period, it is expected that the police officer's performance or attendance will be actively monitored by the line manager throughout the specified period of the final/ extended Final Improvement Notice. The line manager should discuss with the police officer any concerns that the line manager has during this period as regards his or her performance or attendance and offer advice and guidance where appropriate.

As soon as the specified period of the final/extended Final Improvement Notice comes to an end, the panel will assess the performance or attendance of the police officer during that period. The panel chair must then inform the police officer in writing of the panel's conclusion following assessment i.e. whether there has been sufficient improvement in his or her performance or attendance during the specified period.

If the panel considers that sufficient improvement to the police officer's performance or attendance has not been made or maintained during this period, the panel chair will similarly inform the police officer of the panel's assessment, and give notice that they are required to attend a further third stage meeting.

As with the initiation of stages one and two for unsatisfactory performance or attendance, a further third stage meeting must relate to matters similar to or connected with the unsatisfactory performance or attendance or gross incompetence referred to in the final Improvement Notice extended or issued by the panel.

The panel should (where possible) be composed of the same persons who conducted the previous third stage meeting. However, there may be cases where re-constitution of the panel is either inappropriate or not possible. For example, original panel members may be on a career break or have left the force. In such circumstances new panel members may be appointed. As soon as practicable after the appointment of any new panel member (s), the police officer should be notified in writing of the changes



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in panel membership. The police officer will have the opportunity to object to any new panel member (s) subject to the restrictions set out above.

A police officer may only be given an extension to a Final Improvement Notice on one occasion. Therefore where the police officer is required to attend a reconvened third stage meeting and the panel find that the police officer's performance or attendance continues to be unsatisfactory, the only outcomes available to the panel are:

- Re-deployment
- Reduction in rank (only in performance cases)¹
- Dismissal (with or without notice)

2.4.20 Assessment of Improvement Notices Issued at the Third Stage

In cases where an police officer was issued with an Improvement Notice (as opposed to a Final Improvement Notice) for unsatisfactory performance at a gross incompetence third stage meeting, that written Improvement Notice will be equivalent to a written improvement notice issued at a first stage meeting. In that case the procedure for assessing the performance of the police officer will be the same as that following the first stage.

2.4.21 Third Stage Appeals

A police officer has a right of appeal against the finding of the third stage meeting or the outcome imposed, or both the finding and the outcome. The appeal will be made to the Police Appeals Tribunal.

However, any finding and outcome of the third stage meeting will continue to apply up to the date that the appeal is determined. For example, where an Improvement Notice was issued, the police officer must follow the terms of the Improvement Notice and any accompanying action plan pending the determination of the appeal.

¹ A reduction in rank may also involve re-deployment to alternative duties.



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Section 3 - Relevant Legislation

Equality Act 2010

Section 4 - Related References/Policies

Police Regulations 2003
Disability Policy
Police Pensions Regulations 1987
Police Pensions Regulations 2006
Attendance Management Policy
Police (Performance) Regulations 2008).

Section 5 - Monitoring and Review

5.0 Monitoring and Reviewing

5.1 Monitoring

The effectiveness of this policy will be monitored in its application. Experiential learning will be applied and may result in consequential changes to the policy.

5.2 Review

This policy will be formally reviewed at periods as prompted by the Governance and Compliance Administrator. Experiential learning, legislative changes, and other influencing factors may also necessitate a review.

Feedback relating to this policy can be made by telephone, in writing, or by e-mail to People Services Centre.

Policy should enable consistent and effective decision making. Where operational or managerial circumstances require any decision making that would adversely affect adherence to the policy or procedure, in line with the 'Statement of Intent' of the constabulary and the police service 'Code of Ethics', if an officer/ police staff member believes that they need to make a decision that steps outside of policy and procedure they should do so, provided that:

- the officer/ police staff member raises the matter at the earliest opportunity (and ideally before any such decision is made) with their line manager declaring their intended (or actual) course of action if notification is made after the decision is taken,
- produces, in a timely manner, a signed and dated written explanation of why it is/ was deemed necessary to step outside of policy and procedure, and
- maintain an adequate record of this written rationale for audit purposes appropriate to the circumstances/ contravention



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Police (Attendance & Performance) Policy and Procedures			
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Policy / How To / What Is			Monthly Executive Board
			Amanda Katsighiras – Author Anna Miles - Reviewer
Version	Date	Changes (ensure public copy amended and uploaded to external website)	
		Complied with Policy Guidance ✓	
Version 1.9	5 March 2018	Amended 2.4.1, 2.4.6 Amended to reflect that a member of HR may attend the meeting. Added generic decision making wording as per the CC's request	
Version 1.8	20 Dec 2016	Reformatted to new template; terminology changes	
Version 1.7	20 May 2014	Amended to reflect 2 nd Transfer	
Version 1.6	30 November 2012	Para 6.3.2 amended. Reference to 'Police Authority' replaced by 'Chief Constable'.	
Version 1.5	12 October 2011	Para 5.8.1 amended	
Version 1.4	25 March 2011	Para 5.2.2 amended New Para 5.2.3	
Version 1.3	23 December 2010	Reviewed. Section 2.2 (Vision 2010) removed Section 5 (Compliance) updated and moved to 2.2 Consequential renumbering 8.13.1 Panel members amended	
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MEDIUM		22/02/2012	22/02/2014
<i>This version will be placed on the public domain website</i>			
If this version cannot be placed on the public domain website,		N/A	



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provide reason and relevant COG authority	
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Appendix A: Improvement Notice

Following a *first/second stage meeting on [DATE], your performance/attendance was deemed to be unsatisfactory for the following reasons:

--

As discussed at the meeting, the following action is required to improve your *performance/attendance:

Specific Action	
Measurable	
Achievable	
Relevant	
Timeframe	<i>This could be any period of time deemed reasonable by the line manager, but would not normally exceed 3 months</i>
Review Period(s)	

Please note, it may be appropriate to have more than one action plan. All action plans must be specified on this notice.

Upon completion of the above action plan:

- If your *performance/attendance has improved, it must be maintained for 12 months from the date of the notice, that is until [STATE DATE]. If the improvement is not maintained within this period, then the next stage of the procedures may be used.
- If your *performance/attendance has not improved, you will progress to the next stage of the Police (Performance and Attendance) Procedure. You are reminded that this procedure could result in your dismissal from Gloucestershire Constabulary.

Date of Notice

Signed.....

(Manager who conducted the meeting)

A copy of this notice must be sent to the officer.



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Appendix B: Improvement Notice – Letter

[NAME]
[ADDRESS]

[DATE]

Dear [Name]

Re: Police (Performance and Attendance) Procedure

Following the *first/second stage meeting under these procedures held on [Date] with myself and [name of HR CONSULTANT], please find enclosed:

- A copy of the Improvement Notice agreed at the meeting
- A copy of a record of the substance of the meeting.

Should you wish to comment on this record, please submit your comments to me in writing within 7 days of receipt of this letter. However, please note that if you decide to appeal against the finding or outcome of the meeting, you may not submit comments on the record.

Please be advised that you may appeal against the finding, outcome or terms of the Improvement Notice (or all of these) within 7 days of receipt of this letter. Your appeal must be forwarded in writing to [Second Line Manager].

Yours sincerely

[Name of Manager]