

UNSATISFACTORY PERFORMANCE PROCEDURES POLICY
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**UNSATISFACTORY PERFORMANCE
PROCEDURES (POLICE OFFICERS)**

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Legal Basis

Legislation specific to the subject of this policy document:

- The Police (Performance) Regulations 2020
- The Police (Conduct, Performance and Complaints and Misconduct (Amendment) Regulations 2025
- The Police Appeals Tribunals Rules 2020 (in particular section 5 and sections 9 to 27)

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Other relevant legislation which you must check this document against (required by law)

- [Human Rights Act 1998 \(in particular A.14 – Prohibition of discrimination\)](#)
- [Equality Act 2010](#)
- [Health and Safety at Work etc. Act 1974 and associated Regulations](#)
- [UK General Data Protection Regulation \(UK GDPR\) and Data Protection Act 2018](#)
- [Freedom Of Information Act 2000](#)

Other documentation which you must check this document against:

- Home Office Statutory Guidance on Professional Standards, Performance and Integrity in Policing
- [College of Policing – Code of Ethics](#)
- [Norfolk and Suffolk Constabularies' Standards of Professional Behaviour](#)
- [College of Policing – Authorised Professional Practice](#)

1. Statement of policy

- 1.1 This policy provides an effective framework to manage police officer unsatisfactory performance and attendance fairly and effectively and in accordance with Police Regulations and Home Office Guidance. This will involve giving appropriate support and training to promote a culture of learning and improved performance and attendance.
- 1.2 Norfolk and Suffolk Constabularies (together 'the Constabularies') are committed to ensuring this policy complies with relevant legislation and that consultation has been undertaken with all relevant staff groups. We may update this policy at any time following consultation with Federation as applicable.
- 1.3 The Constabularies will review this policy periodically to ensure that it reflects appropriate standards and continues to meet our needs, and to reflect any changes in legislation or police regulations.
- 1.4 All our policies promote equality, eliminate unlawful discrimination and actively promote good relations regardless of a person's sex, age, race, disability, sexual orientation, gender reassignment, marriage or civil partnership, pregnancy and maternity, religion or belief, economic status or family status. Managers have a specific responsibility to ensure the fair application of this policy.
- 1.5 The Director of People has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. Day-to-day responsibility for operating the policy and ensuring its maintenance and review has been delegated to the HR Managers, HR Delivery.

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2. Applicability

- 2.1 This policy applies to police officers who have completed their probation up to the rank of Chief Superintendent.
- 2.2 This policy also applies to Special Constables. However, given the nature of Special Constables as unpaid volunteers, cases where the formal procedure is initiated may be limited to those where the Special Constable contests their performance or attendance is unsatisfactory or agrees that it is unsatisfactory but expresses a desire to continue with their duties.
- 2.3 Performance and attendance issues in respect of police staff are covered in the Performance Management (Police Staff), Sickness Absence Management, and Capability (Police Staff) force policies.

3. Introduction and general principles

- 3.1 Unsatisfactory performance is defined in the Police (Performance) Regulations 2020, as amended by the Police (Conduct, Performance and Complaints and Misconduct (Amendment) Regulations 2025, as an officer's inability or failure to perform the duties of the role or rank they are currently undertaking to a satisfactory standard or level. Unsatisfactory performance can also include unsatisfactory attendance.
- 3.2 The process in the Police (Performance) Regulations 2020, as amended by the Police (Conduct, Performance and Complaints and Misconduct (Amendment) Regulations 2025, that deals with the management of unsatisfactory performance and attendance is referred to as the Unsatisfactory Performance and Attendance Procedures (UPP). This is supported by Home Office Guidance which is designed to help managers determine how and when to use the UPP. The procedures which apply to performance are largely the same as those which apply to attendance, however the issues that arise will be different. In the event that anything in this policy contradicts the regulations or statutory guidance, the regulations/legislation and Home Office Guidance will take precedence.
- 3.3 All officers have a responsibility to perform their duties to a satisfactory standard and will be given appropriate support and encouragement to help them to do so. While the vast majority of officers meet or exceed the demands of their roles, some may find themselves struggling to operate at a satisfactory standard from time to time.
- 3.4 The focus will always be on improving performance and resolving issues through supportive action wherever possible. This applies equally to attendance issues, where support will be provided via the Sickness Absence Management policy (in the first instance/where possible). There will however be cases where it is appropriate for managers to take formal action under the UPP.

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- 3.5 All performance and attendance issues must be addressed promptly and in a fair and non-confrontational way. Addressing issues as soon as they arise is best practice and will often resolve concerns at an early stage.
- 3.6 The importance of challenging and addressing unsatisfactory performance or attendance of individual officers in the context of overall team and organisational performance as well as the officer's personal development should not be underestimated. Managers must ensure they deal with issues sensitively and appropriately.
- 3.7 In view of the national guidance promoting early intervention, structured support, and a learning-focused approach, it is anticipated that there will be an increase in UPP referrals. The Constabularies will therefore strive to ensure consistency, fairness, and proportionality, in the application of this policy.
- 3.8 The Appropriate Authority has a statutory power to make UPP referrals in a case of alleged misconduct, where there is found to be no case to answer following an investigation, but there is an inability or failure of a police officer to perform the duties of the role or rank the officer is currently undertaking to a satisfactory standard or level, or there is a serious inability or serious failure of a police officer to perform the duties of the officer's rank or the role the officer is currently undertaking to a satisfactory standard or level to the extent that dismissal would be justified
- 3.9 In cases where formal UPP action fails to result in a satisfactory standard of performance or attendance, the Constabularies will aim to support the officer to enable them to remain in service, although there is no guarantee that this will be possible.
- 3.10 Formal action taken under the UPP may impact on the officer's promotion and recruitment opportunities. All action taken will be non-discriminatory.
- 3.11 Personal data and information must only be shared with those who have a legitimate interest or function in the UPP relating to the officer concerned. Any questions or concerns regarding the sharing of personal information (including special category data) should be referred to the relevant constabulary's Data Protection Officer (DPO) to ensure appropriateness and compliance.
- 3.12 Formal UPP processes are prescribed in the Regulations; there are specific provisions regarding action to be taken and the time frames that apply to the steps. Those administering formal UPP processes at any stage must be aware of and comply with the regulatory requirements.

4. Exclusions

- 4.1 This policy is not designed to deal with the day to day management of officers, it is to be used when there are performance or attendance issues that require a structured approach.

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- 4.2 This policy shall not be used for attendance issues where the officer is being considered for ill health retirement.

5. Right to be accompanied

- 5.1 Officers have the right to be represented and accompanied to any meetings at the formal stages of the UPP, including appeal meetings, by either a Federation representative or another officer or police staff member (their 'police friend'). However, officers can consult with the Federation at any stage of the UPP and may therefore wish to consider making early contact. In addition, at a Stage 2 meeting, an officer has the right to legal representation.
- 5.2 The officer's police friend will be allowed to participate as fully as possible in the process. However, at a meeting they are not permitted to answer questions on the officer's behalf. They may:
- put forward the officer's case;
 - sum up the case;
 - respond on the officer's behalf to a view expressed at the meeting;
 - make representations concerning any aspect of the proceedings;
 - confer with the officer during the proceedings.
- 5.3 The officer is responsible for arranging their own representation and being accompanied at meetings. However, the line manager will remind the officer of their right to representation.

6. Welfare considerations

- 6.1 When managing an officer's unsatisfactory performance or attendance, it may become apparent that there are contributing circumstances such as health or welfare problems. Where this is the case, it does not mean UPP cannot be followed, but that the impact on the officer must be fully considered as part of the process and appropriate welfare support offered.
- 6.2 Consideration of health or welfare circumstances for attendance issues is included in the Sickness Absence Management policy as part of the process before deciding whether to progress to the formal stages of UPP. However, where such circumstances emerge following the progression to the formal stages, these should obviously still be duly considered.
- 6.3 Officers must be referred to Workplace Health (subject to the officer's consent) at any stage of UPP if it is considered this may assist in improving their performance or attendance.

7. Disability and reasonable adjustments

- 7.1 Line managers must always consider the duty to make reasonable adjustments for any officer who has a disability. Disability is legally defined under section 6(1) of the Equality Act (2010) as follows:

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‘a person (P) has a disability if:

- a) P has a physical or mental impairment
- b) the impairment has a substantial and long-term adverse effect on P’s ability to carry out normal day-to-day activities’

Please be aware there are exceptions to the main definition of disability. Please click [here](#) for further information.

- 7.2 If an officer has a disability that the Constabularies know about which may be contributing to performance or attendance issues, active consideration must be given as to whether commencing UPP will be fair and beneficial in assisting the officer, or whether consideration of ill-health retirement is a more appropriate option. In such circumstances ill-health retirement must be explored before formal UPP is initiated and a written record made of this. For those cases where it is appropriate to initiate UPP, this should be kept under close review.
- 7.3 In order to ascertain the appropriate support for an officer with a disability that is affecting their performance or attendance, it will often be necessary to seek medical evidence through Workplace Health. The line manager should refer the case to their HR Advisor for support and guidance in doing this.

8. Reflective Practice

- 8.1 Where the definition of unsatisfactory performance is met, performance issues should be managed under the Police (Performance) Regulations using UPP (as below). Where this threshold is not met, but the performance issue falls under the definition of Practice Requiring Improvement (underperformance or conduct not amounting to misconduct or gross misconduct, but which falls short of the expectations of the public and the police service), this may be referred to the Professional Standards Department (PSD) to be assessed for handling under the Reflective Practice Review Process, in accordance with [Part 6 of the Police \(Conduct\) Regulations 2020](#).
- 8.2 However, where a line manager identifies performance issues which are clearly suitable for the Reflective Practice Review Process, but are low level, the line manager should not refer the matter to PSD but should handle it locally as part of their line manager responsibilities. Handling of such performance issues should be within the principles of reflective practice, and a written record of the meeting and learning points should be made and communicated to the officer.
- 8.3 Handling matters through the principles of reflective practice will likely be more appropriate either for one-off performance issues or where there have been limited opportunities to address emerging concerns around performance.
- 8.4 Reflective practice is intended to involve the officer taking responsibility for their performance and to provide an open, reflective, and non-adversarial

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environment to discuss issues and mistakes. This should lead to a more positive way in which the issues can be addressed and steps put in place to put things right and improve for the future.

- 8.5 Reflective practice is still informal action. If there is a reoccurrence of a related performance issue following reflective practice, it may be appropriate for the line manager to then consider escalating this to the formal stages of UPP (see section 11). The line manager must consult with their HR Advisor for advice and guidance at this point.

9. Support before consideration of formal UPP

- 9.1 Informal action for performance issues where the definition of unsatisfactory performance may be met should be initiated by the line manager and will normally arise from concerns that the officer's performance is falling below the standard expected. Informal action aims to resolve the concerns and to ensure satisfactory standards are achieved and maintained.
- 9.2 Line managers may seek advice from their HR Advisor before and/or throughout informal action as required. All action must be proportionate to the nature of the issues being dealt with and the lowest level of appropriate action applied.
- 9.3 The Sickness Absence Management Policy sets out the support that line managers should offer and/or provide in relation to attendance concerns. Only where that support fails to result in the required improvement, should formal action under the UPP be considered for the attendance issues.
- 9.4 Informal action for performance and attendance issues allows managers to discuss and understand the officer's circumstances and give support to help them to improve before considering formal action.
- 9.5 Where a line manager has concerns regarding an officer's performance, they should arrange an initial meeting with them to discuss this on an informal basis; at which they should:
- highlight and explore the perceived shortcomings in performance;
 - provide examples of specific incidents or omissions that have occurred;
 - listen to and consider any explanation or underlying causes provided by the officer;
 - provide encouragement and training or support as appropriate;
 - make the officer aware that they will monitor their progress and provide additional support if needed;
 - make it clear to the officer that this is the informal stage of the process.
- 9.6 A record of the informal meeting and summary of the key points discussed, as well as any actions and timescales, should be made by the line manager

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and communicated to the officer following the meeting. This should be kept updated with any improvements to performance.

- 9.7 Discussions should be two way, with the emphasis on identifying ways the officer can improve with appropriate support from the line manager.
- 9.8 If any personal problems are identified underlying the performance issues, appropriate welfare interventions should be considered at this point.
- 9.9 If any supervisory or wider organisational issues are identified as reasons for performance issues, the line manager will be responsible for addressing these.
- 9.10 Although this is an informal stage of the UPP, it will often be appropriate to set actions and targets for improvement. This should be determined on a case by case basis.
- 9.11 Where required and appropriate to do so, a further meeting and a development plan can be created to help the officer improve. Targets set should be SMART (i.e. specific, measurable, achievable, relevant, timebound).
- 9.12 It may be appropriate to advise the officer that a failure to improve to the required standard may result in progression to the formal stages of the UPP. However, a reasonable amount of time must be given to enable the officer to improve.
- 9.13 If informal action does not result in satisfactory improvement within a reasonable time period, or this is not sustained, it may be appropriate to progress to the formal stages of UPP (see section 11). The line manager must consult with their HR Advisor for advice and guidance at this point, but it remains the line manager's decision on whether or not to progress to formal action.

10. Commencing formal UPP action

- 10.1 There is no single formula for determining when to initiate formal UPP action. Each case must be considered on its own merits and the line manager must discuss the matter with their own line manager and HR Advisor. The line manager will need to provide a formal written rationale if they decide to progress to formal action. There is also no restriction on referring appropriate cases directly to a Stage 1 meeting (see below), without undertaking any informal action first, where it is appropriate to do so. However, the following points are emphasised:

- the intention of action under the UPP, including formal action, is always to improve performance or attendance;
- line managers must be able to:
 - provide written evidence to show they have exhausted informal performance action or attendance support under the Sickness Absence Management Policy; or

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- be able to demonstrate why informal action is inappropriate where a case is progressed directly to the formal stages;
- it is the line manager's decision on whether to progress to formal UPP action, following consultation with their HR Advisor;
- where a line manager makes the decision to progress a case to formal UPP they will be required to provide a written rationale.

11. Formal Stages of UPP

11.1 The procedure for managing the formal stages of UPP is set out in the Home Office Statutory Guidance and is based on the Police (Performance) Regulations 2020 (as amended by the Police (Conduct, Performance and Complaints and Misconduct (Amendment) Regulations 2025).

11.2 Where 'line manager' is stated, a senior manager may appoint another person (a "nominated person") to carry out the functions of the line manager. A nominated person will be of at least the same rank, or equivalent police staff level of seniority, as the line manager.

11.3 There are 2 potential formal stages:

- **Stage 1** – a stage 1 meeting will be conducted by the officer's line manager.
- **Stage 2** – a stage 2 meeting will be conducted by a panel comprising a panel chair and two other members, appointed by the appropriate authority (the Chief Constable).

11.4 Most cases progressed to the formal procedure will be referred to Stage 1.

11.5 Initiation of Stage 2 may follow if the terms of a 'written improvement notice' issued following a Stage 1 meeting are not met by the officer and their performance or attendance continues to be unsatisfactory.

11.6 Alternatively, an officer can be referred directly to Stage 2 where there is an assessment of unsatisfactory performance amounting to gross incompetence. Gross incompetence means a serious inability or serious failure of an officer to perform the duties of their rank or role, without taking account of the officer's attendance, to the extent that dismissal would be justified.

12. Stage 1

Meeting Arrangements

12.1 A written notice will be issued to the officer requiring them to attend a Stage 1 Meeting with the line manager, summarising the reasons why their performance or attendance is unsatisfactory. It will also inform them of the possible outcomes of a Stage 1 Meeting and a Stage 2 Meeting.

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- 12.2 The officer may seek advice from a Federation representative or Superintendents' Association representative and has the right to be accompanied at the meeting by a representative or a colleague, referred to as a "police friend".
- 12.3 The line manager must, if reasonably practicable, agree a date and time for the meeting with the officer concerned. Where this is no time is agreed, the line manager will specify a date and time for the meeting.
- 12.4 If the officer or their police friend will not be available at that time, the officer may propose an alternative date and time which is no later than the end of 5 working days beginning with the first working day after the original date. The meeting will be postponed to the time proposed by the officer, and written notice will be given to the officer of the meeting date, time and place.
- 12.5 A copy of any documents which the line manager wishes to rely on at the meeting to consider whether the performance or attendance is unsatisfactory will be included with the meeting notice. Any reflective practice review development report in respect of the officer on similar matters will also accompany the notice.
- 12.6 In advance of the meeting, the officer must provide the line manager with a copy of any document which they intend to rely on at the meeting.

Procedure at Stage 1 Meeting

- 12.7 The meeting will be conducted by the line manager and an HR professional will attend to advise the line manager on proceedings.
- 12.8 The line manager will explain to the officer why their performance or attendance is unsatisfactory and provide the officer with the opportunity to make representations in response. The officer's police friend may address the meeting, in accordance with section 5 above.
- 12.9 If, after considering representations, the line manager finds that the performance or attendance has been unsatisfactory, they will inform the officer of the following:
- in what respect their performance or attendance is unsatisfactory;
 - the improvement that is required;
 - that if insufficient improvement is not made within 3 months they may be required to attend a Stage 2 meeting;
 - that they will receive a written improvement notice setting out the above;
 - that if insufficient improvement is not maintained during the validity period (12 months) they may be required to attend a Stage 2 meeting.

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Following the meeting

12.10 As soon as reasonably practicable, the line manager will issue the officer with a written record of the meeting. Where the line manager's findings were of unsatisfactory performance or attendance a written improvement notice will be issued with the meeting record. The officer will also be informed of their right to appeal, and to whom.

12.11 The officer may submit written comments on the written record of the meeting within 7 working days after the date they received it (unless an extension is agreed). Any written comments provided by the officer must be retained with the written record and filed together. However, if the officer has exercised their right to appeal they cannot submit comments on the written record.

Written Improvement Notice and action plan

12.12 A written improvement notice, which must be signed and dated by the line manager, will inform the officer of the following:

- the way in which their performance or attendance is unsatisfactory;
- the improvement required in their performance or attendance;
- the period during which improvement must be made (usually 3 months – see below) the “improvement period”;
- the ‘validity period’ – this is the 12 months beginning with the date the notice is issued over which the improved performance or attendance must be maintained.

12.13 The improvement period will be three months, except where the line manager considers that there are circumstances which justify a longer period, in which case the period specified must be a reasonable period not exceeding 12 months. Examples of justifiable circumstances may be situations where there is disability or pregnancy related absence, other authorised leave periods, or training availability.

12.14 In most circumstances it will be appropriate to issue an action plan setting out the actions and support to assist the officer to perform/attend to a satisfactory standard which will be used in conjunction with the written improvement notice. The action plan will normally be formulated and agreed by the line manager and the officer, and their police friend if desired, shortly following the meeting. In the event that the action plan cannot be agreed with the officer, the line manager will ultimately decide its contents.

12.15 The action plan should be drafted using SMART principles (i.e. specific, measurable, achievable, relevant, timebound) so that there are identifiable objectives with clear milestones.

12.16 The officer's performance/attendance will be actively monitored and supported by their line manager.

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12.17 The formal procedure will only end when the officer meets the standards required during the improvement period and maintains the required performance/attendance for the duration of the validity period. Where an officer does not meet the required standard during the improvement period or does not maintain this during the validity period they may be required to attend a Stage 2 meeting.

Stage 1 appeals process

12.18 Officers who have been through a Stage 1 meeting are able to appeal against the findings and/or terms of the written improvement notice. Appeal meetings are conducted by an 'appeal manager'. The appeal manager will be of a rank, or level of seniority if a member of police staff, which is above that of the line manager of the officer concerned.

12.19 Where 'appeal manager' is stated, a senior manager may appoint another person (a "nominated person") to carry out the functions of the appeal manager. A nominated person will be of at least the same rank, or equivalent police staff level of seniority, as the appeal manager.

12.20 An appeal should be submitted within 7 working days following the first working day the written improvement notice and written record of the meeting is received. Full details of how to appeal will be included with the written improvement notice when issued. The date by which to submit an appeal may be extended with the appeal manager's approval. The officer has the right to be accompanied and represented at an appeal meeting by a police friend.

12.21 The only grounds of appeal are:

- that the finding of unsatisfactory performance or attendance was unreasonable;
- that any of the relevant terms of the written improvement notice are unreasonable;
- that there is evidence that could not reasonably have been considered at the first stage meeting which could have materially affected the finding of unsatisfactory performance or attendance or any of the relevant terms of the written improvement notice;
- that there was a breach of the procedures set out in these Regulations or other unfairness which could have materially affected the finding of unsatisfactory performance or attendance or any of the relevant terms of the written improvement notice.

12.22 Where possible, the appeal meeting date and time will be agreed between the appeal manager and the officer concerned. The meeting must be held before the end of 7 working days, beginning with the first working day after the day on which the notice of appeal is received, unless this period has been extended in which case the appeal manager must give the officer written notice of the reasons.

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- 12.23 If agreement cannot be reached, the appeal manager will specify a time and date. If the officer and or their police friend is not available, the officer can propose a reasonable alternative time and date, within a further 5 working days following the specified date, and the meeting will be postponed to that time.
- 12.24 The appeal meeting will be conducted by the appeal manager. An HR professional will attend to advise on proceedings. At the meeting, the appeal manager will provide the officer with the opportunity to make representations, and provide their police friend (if they have one) with the opportunity to address the meeting, in accordance with section 5 above.
- 12.25 Having considered any representations, the appeal manager may:
- a) confirm or reverse the finding of unsatisfactory performance or attendance and revoke the written improvement notice;
 - b) confirm or vary the terms of the improvement notice appealed against.
- 12.26 The appeal manager may postpone or adjourn the meeting if it appears necessary or expedient to do so.
- 12.27 As soon as practicable after the meeting and no later than the end of 3 working days, the officer will be given a written notice of the appeal manager's decision and a written summary of the reasons.
- 12.28 Any finding or outcome determined at a Stage 1 meeting will continue to apply up to the date that the appeal is determined. Where the appeal manager reverses the finding of unsatisfactory performance or attendance or varies any of the terms of the written improvement notice, this will take effect by way of substituting the original finding appealed against, immediately after the Stage 1 meeting.

13. Stage 2

Circumstances under which a Stage 2 Meeting may be required following a Stage 1 written improvement notice

- 13.1 Where an officer has received a Stage 1 written improvement notice, at the end of the improvement period the line manager must, as soon as reasonably practicable, give the officer written notice as to whether or not they consider there has been sufficient improvement in their performance or attendance during that period.
- 13.2 If there has not been sufficient improvement, the line manager will at the same time give the officer written notice to attend a Stage 2 meeting.
- 13.3 If the line manager considers that the officer has failed to maintain sufficient improvement during any part of the remaining validity period of the improvement notice, the line manager must give written notice of this to the officer and that they are required to attend a Stage 2 meeting.

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- 13.4 Except in cases of gross incompetence, any Stage 2 meeting an officer is required to attend must concern unsatisfactory performance or attendance which is similar to, or connected to, that within the written improvement notice.

Circumstances under which a Stage 2 Meeting may be required for gross incompetence

- 13.5 In accordance with regulation 32 of the Police (Performance) Regulations 2020 (as amended), a Stage 2 process may be commenced without a Stage 1 process where the Appropriate Authority decides that the performance of a police officer constitutes gross incompetence. The Appropriate Authority will inform the officer concerned in writing that the officer is required to attend a meeting to consider performance where this regulation applies.

Meeting Arrangements

- 13.6 PSD will adopt procedural oversight, including the practical arrangements and management, of Stage 2 hearings.
- 13.7 A written notice will be issued by the Appropriate Authority to the officer requiring them to attend a Stage 2 Meeting with a panel. This will summarise the reasons why their performance or attendance is unsatisfactory (or constitutes gross incompetence) and inform them of the possible outcomes of the meeting including that, if the outcome is dismissal (whether with notice or immediate effect), their name and the reason for the dismissal will be added to the police barred list.
- 13.8 The notice will be accompanied by a copy of any document that the line manager relied on when forming their view at 11.6, 13.1 or 13.3 above.
- 13.9 The officer may seek advice from a Federation representative or Superintendents' Association representative and that they have the right to be accompanied at the meeting by a police friend. The meeting will not take place if the officer has not been duly notified of their right to representation.
- 13.10 They will also be informed that a lawyer may attend the meeting to advise the panel on the proceedings and on any question of law that may arise.

Appointment of panel members

- 13.11 The Stage 2 meeting will be conducted by a panel led by a panel chair and two other members, all of whom will be of at least the same or equivalent rank as the officer concerned. The panel will be appointed by the Appropriate Authority and will consist of at least one police officer and one HR professional.
- 13.12 The panel chair will be either an officer of above chief superintendent rank or a senior HR professional.

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- 13.13 The second panel member will be either an officer or HR professional of at least superintendent rank or equivalent.
- 13.14 The third panel member will be either an officer or member of police staff of at least superintendent rank or equivalent.
- 13.15 No panel member may be an interested party. Once the panel is appointed the officer will be notified of their names.
- 13.16 The panel members will be provided with a copy of the documentation that was available to the line manager at the Stage 1 meeting and a copy will also be provided to the officer.

Officer's right to object to panel members

- 13.17 The officer may object to the appointment of any panel member. Any objection must be made in writing, setting out the grounds, to the appropriate authority within 3 working days beginning the first working day after receiving notification of the panel member names.
- 13.18 The Appropriate Authority will give written notice to the officer as to whether or not their objection is upheld. Where it is upheld the panel member objected to will be removed and another panel member appointed. The officer will be duly notified of their name. The officer has a further right to objection to the newly appointed member, as set out in 13.14 above.

Procedure on receipt of Stage 2 meeting notice

- 13.19 Before the end of 14 working days beginning with the first working day following notice to the officer to attend a stage 2 meeting, unless extended by the panel chair for exception circumstances, the officer must give the following to the Appropriate Authority:
- written notice of whether or not they accept that their performance or attendance has been unsatisfactory or that they have been grossly incompetent;
 - where they accept that their performance or attendance has been unsatisfactory or they have been grossly incompetent, any written submission they wish to make in mitigation;
 - where they do not accept that their performance or attendance has been unsatisfactory or that they have been grossly incompetent, or where they dispute all or part of the matters referred to in the written notice, written notice of the matters they dispute, their account of events and any arguments on points of law they wish to be considered by the panel.
- 13.20 The officer must provide the Appropriate Authority and the panel with a copy of any document they intend to rely on at the meeting.

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Witnesses

- 13.21 Before the end of 3 working days beginning with the first working day after the officer has complied with 13.19 above, the senior manager and the officer must exchange a list of any proposed witnesses. This must include brief details of the evidence each witness is able to present. Where reasonably practicable, they must agree on a list of proposed witnesses. Where this is not possible the officer must give their list of proposed witnesses to the appropriate authority.
- 13.22 The list of proposed witnesses will be given to the panel chair, who will decide which, if any, witnesses should attend the meeting. The chair may determine that witnesses not named on the list should attend.
- 13.23 Where a witness is an officer, they will be given notice that they must attend the Stage 2 meeting. Where a witness is a member of police staff they will be given notice that their attendance is necessary. Sufficient duty time will be allowed for preparation.

Timing and notice of meeting

- 13.24 The Stage 2 meeting must take place before the end of 30 working days beginning with the first working day after the day on which notice to attend has been given to the officer, unless extended by the panel chair where it is in the interest of fairness to do so.
- 13.25 The panel chair must, if reasonably practicable, agree a date and time for the meeting with the officer. Where this is not agreed, the chair will specify a date and time for the meeting.
- 13.26 If the officer or their police friend will not be available at that time, the officer may propose an alternative date and time which is no later than the end of 5 working days beginning with the first working day after the original set date. The meeting will then be postponed to the time proposed by the officer, and written notice will be given to the officer of the meeting date, time and place.
- 13.27 Where the officer is not able to attend the meeting in person, they may be permitted by the panel chair to attend via video link or other means.

Procedure at Stage 2 meeting

- 13.28 Where an officer is required to attend a Stage 2 meeting, the panel chair will provide the officer with an opportunity to make representations in relation to the matters referred to in the notice to attend; provide the officer's police friend (if they have one) with an opportunity to address the meeting in relation to such matters, in accordance with section 5 above.
- 13.29 The panel chair may adjourn the meeting to a specified time, or date and time, if it appears to the chair necessary or expedient to do so.

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13.30 A verbatim record of the meeting must be taken and the officer concerned must, on request, be given a copy.

Finding

13.31 Following the meeting the panel will make a finding, as to the reason for requirement to attend the Stage 2 meeting, as to whether:

- the officer's performance or attendance during the improvement period has been satisfactory; or
- the officer's performance or attendance during any part of the validity period of the final written improvement notice remaining after the expiry of the improvement period has been satisfactory; or,
- in a case of gross incompetence, the performance of the officer concerned constitutes gross incompetence, unsatisfactory performance or neither.

13.32 As soon as reasonably practicable and in any event within 3 working days beginning with the first working day after the conclusion of the meeting, the panel chair must give a written copy of the decision to the officer and the line manager.

13.33 Where a finding of unsatisfactory performance or attendance or gross incompetence is made, the officer will also be informed of their right to appeal in accordance with Police Appeals Tribunals Rules 2020.

13.34 Any finding of the panel must be based on a simple majority but must not indicate whether it was taken unanimously or by a majority.

Outcomes

13.35 If the finding is that the performance or attendance of the officer has been unsatisfactory, the possible outcomes are:

- dismissal with notice, the period of the notice to be decided by the panel, subject to a minimum period of 28 days;
- reduction in rank with immediate effect;
- redeployment to alternative duties (which may involve a reduction of rank)
- where the panel are satisfied that there are exceptional circumstances which justify it, an extension of the period of the written improvement notice issued.

13.36 Where a written improvement notice has been extended at 13.34 above, at the end of the extension period the panel must assess whether or not the officer has made sufficient improvement. Where the panel considers sufficient improvement has not been made, the officer will be required to attend another Stage 2 meeting.

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- 13.37 If the panel considers that officer has not maintained sufficient improvement during the validity period, the officer will be required to attend another Stage 2 meeting.
- 13.38 Where any panel member is not able to continue to act as such, a new panel member will be appointed to replace them.
- 13.39 If the finding is that the performance of the officer constitutes gross incompetence, the possible outcomes are:
- dismissal with immediate effect;
 - reduction in rank with immediate effect;
 - redeployment to alternative duties (which may involve a reduction of rank).
- 13.40 In a case of gross incompetence, if the finding is that the performance of the officer has been unsatisfactory, the officer concerned will be issued with a written improvement notice.
- 13.41 In such cases of 13.41 above at the end of the improvement period the panel must assess whether or not the officer has made sufficient improvement. Where the panel considers sufficient improvement has not been made, the officer will be required to attend another Stage 2 meeting.
- 13.42 If the panel considers that officer has not maintained sufficient improvement during the validity period, the officer will be required to attend another Stage 2 meeting.
- 13.43 Where any panel member is not able to continue to act as such, a new panel member will be appointed to replace them.
- 13.44 A reduction in rank with immediate effect, under 13.40 above, will not be applied where the officer is a special constable, or the meeting relates to the officer's attendance.

Stage 2 Appeals process

- 13.45 An officer has a right to appeal Stage 2 under the Police Appeals Tribunal Rules 2020.
- 13.46 The grounds of appeal are:
- a) that the finding or outcome imposed was unreasonable; or
 - 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; or
 - c) that there was a breach of the procedures or unfairness which could have materially affected the finding or decision on the outcome, or

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- d) that the matters for which the officer was required to attend the stage 2 meeting, did not concern unsatisfactory performance or attendance similar to or connected with the unsatisfactory performance or attendance referred to in the final written improvement notice.

13.47 An officer must submit their appeal in writing before the end of 10 working days beginning with the first working day on which they were provided with written copy of the meeting outcome and may request a copy of the transcript of the Stage 2 meeting.

13.48 The officer will be required to supply the following documents within 20 working days beginning with the first working day after the day on which they received a copy of the transcript of the Stage 2 meeting (or 35 working days beginning with the first working day after the day on which the notice of appeal was submitted if no transcript is requested):

- a statement of the relevant decision and the grounds of appeal;
- any supporting documents;
- a list of any proposed witnesses.

13.49 An appeal must be dismissed if the chair considers that it has no chance of success. Where the chair considers this to be the case they will notify the officer of their views and invite them to make any written representations within 10 working days, which the chair will consider before making a decision. Where the chair decides that the appeal must be dismissed, they will notify the officer, with their reasons, in writing. Where an appeal has not been dismissed, the chair will determine whether the appeal should be dealt with at a hearing.

13.50 Where witnesses have been proposed, the chair will determine which, if any, may give evidence at the hearing. Where a witness is an officer, they will be ordered to attend the hearing, if it is a member of police staff they will be given notice that their attendance is necessary and of the date, time and place of the hearing. Sufficient duty time will be allowed for preparation. A written witness statement may be accepted in lieu of attendance in person.

13.51 Written notice of the date, time and place of the appeal hearing will be given to the officer at least 20 working days, or such shorter period with their agreement, before the date of the hearing.

13.52 The officer may request an extension of the timescales stated above, setting out their reason for doing so.

13.53 The officer has the right to be represented at the hearing by a lawyer or police friend. If they are represented by a lawyer they can also be accompanied by a police friend.

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- 13.54 The hearing will be run in accordance with the Police Appeals Tribunal Rules.
- 13.55 The hearing may proceed in the absence of either party, whether represented or not, and may be adjourned if necessary to do so.
- 13.56 The officer's evidence will be given first (unless the tribunal determines a good reason not to).
- 13.57 Any witnesses giving evidence may be subject to questioning and cross-questioning.
- 13.58 Any question as to whether any evidence is admissible, or whether any question should or should not be put to a witness, will be determined by the tribunal.
- 13.59 A verbatim record of the evidence given at the hearing will be taken and will be kept for at least two years.
- 13.60 The appeal outcome will be determined by a panel. The determination will be based on a simple majority but will not indicate whether it was taken unanimously or by a majority.
- 13.61 The chair will prepare a written statement of the determination and the reasons for the decision. This will be given to the officer before the end of 3 working days beginning with the first working day after the day on which the appeal is determined.
- 13.62 There is no further right of appeal.

14. Multiple instances of unsatisfactory performance/attendance

- 14.1 It is possible for an officer to be subject to more than one UPP at any given time.
- 14.2 Where performance or attendance issues are similar or connected they will be considered together under the same UPP. However, there may be occasions where more than one procedure is being run at the same time for the same officer, relating to different issues identified at different times which are not similar or related. In such cases, the finding and outcome of each should be made without prejudice to the others.

15. Interaction with Police Complaints system

- 15.1 An officer may be referred to a UPP Stage 1 or Stage 2 meeting as a result of an investigation into a complaint or conduct matter raised by a member of the public.
- 15.2 In such circumstances, where a case has been referred to a Stage 2 meeting for gross incompetence, then the complainant or interested person will be permitted to attend the meeting.

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- 15.3 Full details of how the complaints system interacts with the Performance Regulations is shown in the Home Office Guidance.

16. Interaction with misconduct procedures

- 16.1 It is recognised that there is a difference between the deliberate failure by an officer to achieve the performance standards expected of them, and where an officer is unable to perform to the expected standard. The same applies to attendance. Where an officer is able but unwilling to carry out their duties satisfactorily or their absence is unauthorised, this will be treated as misconduct and dealt with under misconduct procedures.
- 16.2 If it is not apparent at the outset whether the matter is one of misconduct or unsatisfactory performance/attendance, and, as it would be difficult to conduct parallel enquiries on the same matter under both procedures, it should be established at an early stage which procedure is most appropriate.
- 16.3 If upon investigation, or during a misconduct meeting or hearing, it is found that the conduct of an officer amounts to a performance issue, the case may be referred to be dealt with under UPP.

Stage 2

- 16.4 Following a Stage 2 meeting, an officer has the right to appeal to a police appeals tribunal under the Police Tribunal Rules 2020. Any findings and outcome of the Stage 2 meeting will continue to apply up to the date that the appeal is determined.

17. Correspondence and record keeping

- 17.1 The line manager will prepare correspondence and documents in relation to informal action, whereas HR will prepare correspondence and documents on the line manager's behalf in relation to formal action. Further support for line managers is available from HR.
- 17.2 All records and reports relating to performance and attendance management must be treated confidentially, and recorded accurately and promptly.
- 17.3 All original records must be sent to HR at the conclusion of each stage of the UPP. Additional copies must not be retained by line managers and must be securely destroyed. All records will be retained securely by HR following conclusion of the procedure in line with the Data Protection Act 2018 and UK GDPR.

18. Support sources

- 18.1 It is recognised that officers may require support throughout the UPP process.

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18.2 As explained at section 6 above, the line manager may, if they consider it appropriate, refer the officer to Workplace Health in relation to any matter affecting the officer's health or welfare. There are also the following sources of support are available, further details of which can be found on the intranet:

- The Employee Assistance Programme (EAP). This service is available 24/7/365, free of charge and totally confidential.
- The officer's line manager
- Norfolk Police Federation
- Suffolk Police Federation
- Norfolk Superintendents' Association
- Suffolk Superintendents' Association
- Staff network groups