

## HOW DO THE UPP/ATTENDANCE REGULATIONS WORK?

The Police Performance Regulations 2008 came into effect on December 1<sup>st</sup> 2008 setting out the procedures in relation to dealing with unsatisfactory performance and attendance.

It is important to note that if you become subject to these procedures you must seek Federation advice as soon as possible. Police Officers are entitled to be represented by a Federation Friend at each stage of these procedures and if you are unfortunate enough to arrive at a stage three hearing, Police Officers are not entitled to legal representation. (Except for Gross Incompetence)

There are potentially three stages to the procedures, each of which involves a different meeting composition and possible outcomes.

A line manager can ask an HR professional or police officer (with experience of UPPs and who is independent of the line management chain) to attend a UPP meeting to advise him or her on the proceedings. A line manager may also obtain advice from HR prior to a UPP meeting if he or she is in any doubt about the process. The second line manager may also have an advisor (as above) in respect of the second stage meeting. For stage three meetings, an HR professional, police officer, counsel or solicitor may attend the meeting to advise the panel on the proceedings.

At the first and second stages, if it is found that the police officer's performance or attendance is unsatisfactory, an improvement notice will be issued. Improvement notices require a police officer to improve on his or her performance or attendance and must state:

- in what respect the police officer's performance or attendance is considered unsatisfactory;<sup>2</sup>
- the improvement in performance or attendance required to bring the police officer to an acceptable standard;
- a "specified period" within which improvement is expected to be made; and
- the "validity period" of the written improvement notice;

The improvement notice should also inform the police officer of the possible consequences if improvement is not made or maintained within the period specified by the appropriate manager or panel (as applicable) or within the 12 month validity period.

The "specified period" of an improvement notice is a period specified by the line manager (having considered any representations made by or on behalf of the police officer) within which the police officer must improve his or her performance or attendance. It is expected that the specified period for improvement would not normally exceed 3 months. However, depending on the nature and circumstances of the matter, it may be appropriate to specify a longer or shorter period for improvement (but which should not exceed 12 months).

The "validity period" of an improvement notice describes the period of 12 months from the date of the notice within which performance or attendance must be maintained (assuming improvement is made during the specified period). If the improvement is not maintained within this period then the next stage of the procedures may be used.

Improvement notices must be accompanied by the written record of the meeting and a notice informing the police officer of his or her right to appeal against the finding, outcome or terms of the improvement notice (or all or any of these). Where applicable, that documentation must also inform the police officer of his or her right to appeal against the decision to require him or her to attend the meeting. Any such appeal can only be made on the ground that the meeting did not concern unsatisfactory performance or attendance which was similar to or connected with that referred to in the last issued improvement notice.

Written improvement notices must be signed and dated by the person responsible for issuing the notice e.g. in the case of an improvement notice issued following a second stage meeting, by the second line manager.

An improvement notice would normally be followed by an action plan. An action plan describes what action(s) the police officer should take which should help him or her achieve and maintain the improvement required and would normally be formulated and agreed by both the police officer (and his or her police friend if desired) and his or her line manager. In particular, the action plan should:

- identify any weaknesses which may be the cause of unsatisfactory performance or attendance;
- describe what steps the police officer must take to improve performance and/or attendance and what support is available from the organisation e.g. training and support;
- specify a period within which actions identified should be followed up; and
- set a date(s) for a staged review(s) of the police officer's performance or attendance.

If there is no improvement in the officer's performance/attendance then the procedures will follow the same process up to a stage 3 Hearing where the potential outcome may be reduction in rank or dismissal from the Force. Officers are not entitled to legal representation at a stage 3 Hearing (except for Gross Incompetence) and the possible range of outcomes are :

Redeployment

Reduction in Rank (Performance Only)

Dismissal (With Notice)

If you become subject to these procedures it is important to seek Federation advice as soon as possible to ensure you have appropriate representation and advice as the final outcome can be dismissal from the force or reduction in rank at a stage three Hearing.

Federation Representatives are trained to deal with UPP/Attendance matters and may accompany you throughout each stage and make representations on your behalf.

Being subject to these procedures can be very stressful and the Federation can provide advice and guidance as well as welfare support throughout the process. Please contact your local Federation Representative of the Federation Office for further advice.