

Nottinghamshire Police and Crime Commissioner**Notice of Decision**

Nottinghamshire

POLICE & CRIME COMMISSIONER

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For Decision or Information	Decision
Date received*:	16 th December 2013
Ref*:	2013.040

*to be inserted by Office of PCC

TITLE: New HR Policies and Procedures**EXECUTIVE SUMMARY:**

The Head of HR, Sharon Ault, presented six HR policies and procedures to the Force Executive Board (FEB) on 25th November 2013. The policies and procedures have been redrafted to ensure that they confirm to Police Regulations 2003 and employment legislation and have been through formal consultation with the Staff Associations, Heads of Departments and Divisional Commanders.

Since the cessation of the Nottinghamshire Police Authority and introduction of the Office of the Nottinghamshire Police and Crime Commissioner (PCC) these HR policies and procedures listed in the attached reports, have not been signed off by either the former Police Authority or the Office of the Nottinghamshire PCC.

The policies and procedures were approved by the FEB at the meeting and are now presented to the Nottinghamshire Police and Crime Commissioner for approval.

INFORMATION IN SUPPORT OF DECISION: (e.g report or business case)

Please see attached HR policies and procedures summary, report to the FEB on 25th November 2013, and copies of each of the new policies and procedures.

Is any of the supporting information classified as non public or confidential information?**

Yes

No

X

If yes, please state under which category number from the guidance**:

DECISION:

That the PCC notes and approves the attached HR policies and procedures as outlined above.

DECLARATION:

I confirm that I do not have any disclosable pecuniary interests in this decision and I take the decision in compliance with the Code of Conduct for the Nottinghamshire Office of the Police and Crime Commissioner. Any interests are indicated below:

The above request has my approval.

Signature:

Nottinghamshire Police and Crime Commissioner

Date:

10/1/14.

Nottinghamshire Police and Crime Commissioner
Notice of Decision

OFFICER APPROVAL

I have been consulted about the proposal and confirm that the appropriate advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner.

Signature:
Chief Executive

Ken Dennis

Date:

9th January 2014

** See guidance on non public information and confidential information.

Briefing on new HR policies and procedures

- PS 165 Leave Policy
- PS164/PD625 Home Working Policy & Procedure
- PS160 Police Staff Flexitime Policy
- PS159/PD622 Public Duties Policy & Procedure
- PS166 Performance Management Policy
- PD626/PD627 Performance Management and Improvement for PO/PS Procedure

General key points on the new HR policies, procedures & guides:

- Policies/Procedures have been updated with any change in employment legislation, case law & Police Regulations (incorporating Winsor as appropriate) plus Nottinghamshire Police structural changes
- The policies put managers in control of simplified and streamlined people processes giving them responsibility for their people
- The policies reflect the key priorities as outlined in the Policing Plan, vision of HR and the Force and PROUD values
- They allow for consistent principles which may mean different outcomes for different people as judgement and interpretation come into play
- Policies contain the key information. Procedure contains the process to be followed. Additional information has been removed from policies & procedures. The management guides contain additional information, helpful tips and guidance.

Leave

- Simplified procedure
- Clarifies entitlements and requests
- Clearly outlines timeframes for leave requests
- Tightens up on the carry forward of leave
- Links to unpaid leave

Public Duties

- Supports our role as a public body to promote public spirit
- Ensures legal compliance with our responsibilities
- Clarifies entitlements and specific obligations for types of public duties
- Specifies that it does not apply to reservists seeking to serve for the armed forces of another nation
- Provides for an additional day for Magistrates duties

Flexitime

- Seeks to control and manage flexitime to ensure we spend money wisely
- Clarifies reporting, core hours, responsibilities
- Introduces consistency around the need to manage a zero balance before leaving the Force. The Force will NOT pay for unused Flexitime
- Respects local arrangements for core hours/ operational needs
- No change to entitlements per se, although it tightens up on management responsibilities

Home Working

- Formalises existing ad hoc practices
- Focuses on a framework for considering individual requests – not Force requests
- Specifies costs that may be claimed and that there will be no additional IS support
- Clearly defines line manager and individual responsibilities
- Introduces a single form to manage H&S, Data Protection and IS implications

Performance Management

- Created a policy and procedure aligned to UPP Regulations and Home Office Guidance.
 - Police staff procedure no longer refers matters onto the police staff misconduct (disciplinary) process.
 - Introduces a formal three stage process to drive continuous performance and enable managers to effectively manage performance
 - Provides for a definition of effective performance management and how all individuals contribute
-

For Information / Consideration / Comment / Decision (delete as appropriate)	
Public/Non Public*	Public
Report to:	Force Executive Board
Date of Meeting:	25 November 2013
Report of:	ACO Resources – Margaret Monckton
Report Author:	James Lunn
E-mail:	James.lunn@nottinghamshire.pnn.police.uk
Other Contacts:	
Agenda Item:	7

*If Non Public, please state under which category number from the guidance in the space provided.

HUMAN RESOURCES POLICY APPROVAL

1. Purpose of the Report

- 1.1 The purpose of this report is to seek formal approval for HR policies and procedures published since the cessation of the Nottinghamshire Police Authority.

2. Recommendations

- 2.1 The Force Executive Board are requested to approve the following published policies:
- a) PS 165 Leave Policy
 - b) PS164/PD625 Home Working Policy & Procedure
 - c) PS160 Police Staff Flexitime Policy
 - d) PS159/PD622 Public Duties Policy & Procedure
 - e) PS166 Performance Management Policy
 - f) PD626/PD627 Performance Management and Improvement for PO/PS Procedure

3. Reasons for Recommendations

- 3.1 Since the cessation of the Police Authority and introduction of the Office of the Nottinghamshire Police and Crime Commissioner (PCC) the HR policies and procedures listed in 2.1 above have not been signed off by either the former Police Authority or the Office of the Nottinghamshire PCC.

4. Summary of Key Points (this should include background information and options appraisal if applicable)

- 4.1 The above HR policies have been redrafted to ensure they conform to Police Regulations 2003 and employment legislation.

DRAFT

- 4.2 The HR policies have been subject to formal consultation with the Federation Unison, GMB, Superintendent's Association, Support Networks, Heads of Department and Divisional Commanders and HR Senior Management Team (SMT).
- 4.3 In the absence of any formal governance arrangements the HR policies have been signed off by the Head of HR & OD and published.
- 4.4 It has now been determined that all HR Policies and Procedures will require approval by the Force Executive Board and then the Office of the Nottinghamshire PCC until the completion of the Stage 2 Transfer process, prior to publishing.

5. Financial Implications and Budget Provision

- 5.1 Salary costs of dedicated resource until 31 December 2013.

6. Human Resources Implications

- 6.1 HR lead the development, consultation, communication and equality assessment process for all HR policies and procedures. HR also provide advice and guidance on the new policies as appropriate. The following policies and procedures are in the final stages and will shortly require authority to publish.
- a) Recruitment & Selection Policy and Procedures
 - b) Job Evaluation Procedure
 - c) Acting, Duties and Temporary Promotion Procedures
 - d) Out of Force Secondment Procedure
 - e) Police Treatment Centre Procedure
 - f) Discretionary Leave for Police Staff as Special Constables
- 6.2 The above policies will be submitted to the Force Executive Board in December 2013 for formal approval.

7. Equality Implications

- 7.1 Equality Impact Assessments have been conducted as appropriate to ensure that there is no adverse impact on individuals with protected characteristics and under represented groups.

8. Risk Management

- 8.1 The new policies and procedures comply with employment legislation.

9. Policy Implications and links to the Police and Crime Plan Priorities

- 9.1 These new policies will replace existing policies and support the Police and Crime Plan Priorities.

10. Changes in Legislation or other Legal Considerations

- 10.1 The policies and procedures conform to Police Regulations 2003 and current employment legislation as appropriate.

11. Details of outcome of consultation

- 11.1 We have consulted with the Federation Unison, GMB, Superintendent's Association, Support Networks, Heads of Department and Divisional Commanders and HRSMT on the above policies which have been published.

12. Appendices

- 12.1 HR policies and procedures listed in section 2.1.

13. Background Papers (relevant for Police and Crime Panel Only)

- 13.1 None



PS 165 Leave Policy

Oct 2013

Version 1.0

Statement of legislative compliance

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; European Convention of Human Rights; Employment Act 2002; Employment Relations Act 1999, and other legislation relevant to policing.

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Aims and objectives of the policy

Annual leave and bank holiday entitlements are provided for in Police Regulations 2003 for police officers and Police Staff Council handbook and contracts of employment for police staff.

The aim of the policy is to set out:

- annual leave and bank holiday entitlements for different groups;
- the principles for handling annual leave requests;
- a framework that is equitable, consistent and transparent allowing police officers and police staff to take time off for rest and recuperation whilst the Force maintains the appropriate service to the community of Nottinghamshire.

The policy is applicable to police officers and police staff. Where there are differences this is highlighted.

Key principles:

- The Force holiday year runs for the 12 month period 1 April to 31 March inclusive.
- Annual leave is based on length of service.
- Annual leave is considered in hours rather than days for system purposes; therefore a leave day for a:
 - police officer working 40 hours per week is 8 hours
 - police staff member working 37 hours a week is 7 hours 24 minutes.This is pro rata for individuals working part time.
- Requests for annual leave should be made with a reasonable period of notice. Departments may have specific time frames for requesting annual leave. Longer notice may be required during particularly popular periods, such as school or public holidays. It is the individual's responsibility to be aware of local arrangements when requesting leave.
- Line managers will respond to annual leave requests within a reasonable time frame.
- Individuals changing their working hours part way through a holiday year will have their annual leave recalculated to reflect the new hours worked.
- Individuals leaving Nottinghamshire Police should use accrued annual leave during their notice period. Only in circumstances where the Force has refused the individual the opportunity to take their annual leave will the accrued but unused annual leave be paid.
- Individuals who leave Nottinghamshire Police having utilised more annual leave than they have accrued will have their final salary payment reduced accordingly.
- Annual leave must be approved by the line manager prior to taking the time off.
- All public holiday leave must be approved by the line manager prior to taking the time off for all individuals who work a shift pattern that requires them to be rostered on public holidays.
- It is expected that police officers and police staff will return from annual leave on the agreed date of return. Failure to return on the expected date may result in the individual being subject to misconduct proceedings if the absence is for unacceptable reasons.
- Annual leave increases at the anniversary of employment or service and the remaining leave will be recalculated when an individual is entitled to additional leave.

- The line manager may exceptionally approve unpaid leave to be taken in addition to annual leave, subject to operational requirements, where an individual requires an extended period of time away from the work place. Annual leave will not accrue during unpaid leave. Annual leave entitlement is recalculated if unpaid leave is taken.

Policy statement

Annual Leave Entitlement

1.1. Annual Leave Entitlement

Constable, Sergeant, Inspector, Chief Inspector are entitled to:

Length of service	Leave entitlement
Less than 2 years relevant service	22 days (176 hours)
2 or more years relevant service	25 days (200 hours)
5 or more years of relevant service	25 days (200 hours)
10 or more years of relevant service	27 days (216 hours)
15 or more years of relevant service	28 days (224 hours)
20 or more years of relevant service	30 days (240 hours)

Superintendents and Chief Superintendents are entitled to 31 days (248 hours) annual leave per annum.

Police Officers above the rank of Chief Superintendent are entitled to 42 days (336 hours) annual leave per annum, increasing to 48 days (384 hours) per annum for those with ten or more years service at ACPO rank.

Police Staff are entitled to

Length of service	Leave entitlement
Basic leave allowance	24 days (177.6 hours)
After 5 years service	29 days (214.6 hours)
After 10 years service	32 days (236.8 hours)

1.2 Application

Annual leave should be taken in accordance with the following principles:

- The notice period for requesting annual leave should not be less than the duration of the leave requested (e.g. 1 weeks notice for 1 weeks leave where possible).
- A minimum of 2 months notice will be required for requests for annual leave that exceed 2 weeks duration.
- There are occasions when exceptional circumstances may require annual leave to be requested at late notice. A minimum of 1 days notice should be provided where possible.

1.3 Carry over of annual leave

Police officers and police staff are permitted to carry over up to 5 days annual leave from the current leave year to the next. Leave which is carried forward will be deemed to be the

first leave taken in the ensuing year and must be utilised within 3 months of the start of the leave year.

1.4 Planned Extended Leave

Extended leave can be defined as leave that extends beyond 4 weeks (160 hours for police officers and 148 hours for police staff). Police officers and police staff are allowed the opportunity to bank a maximum of 5 days (40 hours for police officers and 37 hours for police staff and pro rata for individuals working part time) of their normal annual leave entitlement per annum over a period of 4 years to enable them to take in subsequent years a longer period of leave for the purposes of:

- Visit to a family member/or partner's family overseas
- For religious observance
- An extended travel ambition
- Further education not supported by Nottinghamshire Police.

The individual must provide advance notice of their intention to take extended leave to their line manager and Duties manager to enable adjustment of leave allocation. The individual must provide a minimum of 6 months notice of their request to take extended leave. A minimum of 2 months notice is required for the specific dates requested. All requests will be considered on their merits and will be subject to the exigencies of the Force. The approval of the Head of Department/Divisional Commander is required for all requests with a recommendation from the line manager.

The maximum period of leave that may be taken, inclusive of entitlement for current year is 6 weeks (240 hours for police officers and 222 hours for police staff) on any one occasion in any 5 year period.

1.5 Bringing forward of annual leave

The line manager may approve an individual to bring forward a maximum of 5 days annual leave from the next years leave entitlement to be taken in March only. Priority of annual leave approval must initially be to the individual using the actual leave years allocation of annual leave.

1.6 Cancellation of leave

There may be occasions when an individual wishes to cancel booked/authorised leave at short notice. The line manager may refuse such a request if there may be an impact on the department or service. The line manager should confirm reasons for refusal to cancel authorised leave.

In extreme operational circumstances it may be necessary for Nottinghamshire Police to cancel booked leave.

Police staff: Leave that is cancelled by Nottinghamshire Police will be re-credited to the individual's leave entitlement balance.

Police officers: Where it is operationally necessary to recall a police officer to duty, compensation will be granted in accordance with Police Regulations 2003, Regulation 33, Annex 0.

1.7 Sickness

Should an individual become ill during a period of planned annual leave, the individual must advise their line manager on the first day of sickness. With line manager approval, the annual leave can be re-credited to their annual leave allowance on proof of sickness.

For all periods of reported sickness whilst on annual leave a medical certificate or fit note is required. Individuals are responsible for any costs associated with supplying a medical certificate or fit note.

Annual leave continues to accrue whilst an individual is absent due to sickness. The approach taken to the payment of outstanding leave in respect of police staff and police officers who do return to work from long term illness will be as follows;

- Leave allowance is considered at contractual level if return to work in current leave year.
- Leave allowance remaining from a previous leave year is calculated at statutory level.

1.8 Public Holidays

Police Officers

All police officers are entitled to paid leave for 8 recognised national holidays, otherwise referred to as Public Holidays. Part-time police officers will have a pro-rata entitlement to Bank Holidays.

Police Regulations Annex E allows constables and sergeants to propose substituting a day which is not a public holiday for any day which is a public holiday with the exception of 25 December. The substitution is subject to Chief Officer approval. When the substitution is approved, the day becomes a 'public holiday' and is treated as per Annex H. The substitution is subject to an annual request.

If a police officer chooses not to propose a substitution the original public holiday stands.

Police Staff

All police staff are entitled to 8 public holidays which are designated by the government. Police staff who wish to observe religious/holy holidays which do not coincide with public holidays in England should request annual leave or unpaid leave to cover these periods. These requests will not be unreasonably refused.

1.9 Leave for religious observance

Police staff who joined Nottinghamshire Police prior to 1 April 2004 and who were therefore employed under the conditions of the Nottinghamshire County Council Orange Book, who wish to observe religious /holy holidays that do not coincide with public holidays in England retain the right to 4 days paid time off for the purpose of observing religious/holy festivals or other religious observance in accordance with their continuous contract of employment.

The police staff member should provide their line manager with evidence as to the religious/holy festival or religious observance that they will be participating in.

1.10 Closure of offices

Heads of Department or Divisional Commanders of non operational departments may at their discretion, close on the Tuesday following the Easter, Spring and Autumn Public Holiday, as well as between Christmas and New Year providing that:

- The closure is approved in advance by the line next manager above the Head of Department which wishes to close.
- the individuals all take annual leave on the days lost.
- Reasonable notice is provided that the department will be closed.

Related documents and Appendices

Administration

Version Control	
Section changed	Details of change
V1.0	New Policy review

Registered Owner	
Owner	Author
Sharon Ault, Head of HR & OD	Sue Peckham, Senior HR Partner



PS 164 Home Working Policy

Oct 2013

Version 1.0

Statement of legislative compliance

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; European Convention of Human Rights; Employment Act 2002; Employment Relations Act 1999, and other legislation relevant to policing.

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Aims and objectives of the policy

Nottinghamshire Police recognises that there may be a need for police officers or police staff to work from home. This policy is designed for the line manager's reference when considering whether the Force can agree to a police officer or a member of police staff working from home. This may be for a particular reason or if the individual wishes to work from home.

The aim of the policy is to provide the information to support managers when considering whether to allow individuals to work from home for a specific reason or to aid their working objectives. The policy provides for the responsibilities of the line manager and the individual working from home.

The objective of the policy is to clarify the circumstances and parameters under which some individuals may work from home on a regular basis or undertake occasional home working. At the recruitment stage posts may be designated as suitable for home working on a full time or part time basis. This will be defined in the job description for the post. Each post will be considered on its merits.

The policy is applicable to police officers and police staff. It must be noted that there will be roles/positions where the opportunity to work from home is not applicable. The operational effectiveness of the Force must not be impacted by an individual working from home.

Policy statement

1.1. Definition

There are three types of home working: occasional home working, regular home working and designated home working:-

Occasional Home Working is where the individual spends the majority of their time in the workplace but from time to time agrees with their line manager to work from home with use of their own personal computer.

Regular Home Working is where an individual has a regular pattern of working at home agreed with their line manager but has an office space at a Force property. The office space may not be a dedicated desk but a 'hot desk'.

Designated Home Working is where an individual is based at home rather than a Force property and for police staff this would be reflected in their contract of employment.

Individuals will be allowed to work from home provided they have prior approval from their line manager, either on a temporary or permanent basis. There is no limit on how many of their working hours individuals may work at home. They will, however, be required to attend any meetings or training designated by their line manager at any location. It must be noted that although individual's have access to the IS Service Desk, IS will not undertake home visits to service/support IT equipment.

1.2 Key Principles

- No individual will be expected to incur an additional workload due to colleagues working from home.
- Individuals working from home must adhere to Nottinghamshire Police policies and standards of behaviour.
- Individuals will not have a dedicated desk or office space once working from home commences.
- Travel expenses will not be reimbursed for travel from home to the normal place of work. The only exception would be if Nottinghamshire Police requested the individual to be a designated home worker.
- Individuals working from home will not suffer a detriment in terms of career prospects, or job enrichment.
- All requests for home working will be reviewed on merit. As every job is different and every police officer and police staff member different, the Force cannot guarantee that it will agree to every request to work from home. To work effectively, home working has to meet the business needs of the Force as well as the preferences of the individual.
- Home working is voluntary.
- Home working is not a right and is based on trust and mutual benefit.
- Home working is at the line manager's discretion following discussion with the individual.
- The request will not be unreasonably refused.
- Occasional home working will not change terms and conditions of employment or service.
- Individuals must be available by phone and email when required.
- The Force will not provide IT equipment except in exceptional circumstances.

1.3. Reasons for Working from Home

Managers may authorise home working on a temporary or permanent, either full time or part time for the following reasons:

- Operational or organisational need.
- Work life balance.
- The disability of a police officer or member of police staff.
- If an individual needs to complete a particular report / project with a deadline which requires an uninterrupted work environment, which cannot be provided within the required timeframe.
- If an individual is experiencing difficulties with travel arrangements due to public strikes or severe adverse weather conditions. This must be in line with the departmental Business Continuity Plans.
- There is no necessity for an individual to physically attend work for all of their contracted hours.

It must be noted that individual's with line management responsibilities and working in an operational environment are unlikely to be able to work from home on a regular or designated basis.

1.4. Child care or caring responsibilities

Where the request is for permanent or regular working from home and is due to childcare or carer responsibilities, please refer to and fulfil PS149 Flexible Working Policy/PD613 Flexible Working Procedure as well as completing the Homeworking Form under this policy and procedure.

1.5. Responsibility for Costs Incurred

An individual who is authorised to work from home does so on the clear understanding that the following additional costs incurred through home working are to be borne in full by the individual concerned:

- Work equipment may be provided by the Force and a record should be kept of all equipment supplied. Any work equipment must be returned if the individual no longer utilises the facility of working from home or on leaving the organisation.
- The Force will not reimburse costs for anti-virus software, telephone line installation and usage or broadband connection and any on-going costs including heating and lighting.
- The cost of necessary telephone calls may be claimed by the individual based upon their land line telephone usage statement. Mobile phone call costs will only be reimbursed in exceptional situations.
- No expenses will be paid to travel to what would otherwise be the individual's 'normal' place of work.
- Travel expenses will be allowed for visits to other locations if they are more than the cost of travel to the 'normal' place of work.

1.6. Confidentiality

The Line Manager must authorise the type of work to be undertaken by the individual when working from home. It is important to note that all individuals who are authorised to work from home are permitted to do so only if the material being worked on will be safe and secure. Complete confidentiality must be maintained at all times.

Information security issues are of the utmost importance. Individuals who are working away from police premises must take all reasonable steps to ensure that any protectively marked material must not be seen by partners, family members or friends at the individual's home, locked away when not being used and any electronic files must be kept on an encrypted device. Individuals should not transfer any Force information to their personal systems. Individuals must be equally careful in this respect when travelling, e.g. on train journeys, at hotels. Breaches of information security or confidentiality may lead to a disciplinary investigation.

Official papers, copies of e-mails and computer prints which require destruction must be destroyed and disposed of in accordance with Force procedure 'Management of Records including Disposal and Retention'. Unless an appropriate shredder is available at home protectively marked paperwork must be brought to police premises and placed in containers for subsequent secure destruction. Non Protectively Marked material may be torn into small pieces and mixed well with domestic rubbish. Other work waste such as CD's or DVD's must be returned to Police premises for disposal.

Police officers and police staff must not receive applicants, representatives or members of the public as visitors to their home in connection with a work activity.

1.7. Support, Pay and Sickness Absence

Individuals who choose to undertake home working during unsocial hours rather than being contracted to do so will not be eligible for unsocial hours or weekend working payments or their associated time off in lieu arrangements. It must be noted that Information Services do not provide out of hours support.

PS 160 Police Staff Flexitime Policy applies as normal.

If an individual is unable to carry out home working due to sickness absence, they must follow the normal sickness absence procedures and contact their line manager to report sick.

1.8. Health and Safety Considerations

Under the Health and Safety at Work Act, 1974, Nottinghamshire Police is responsible for an individual's working for Nottinghamshire Police safety at work. This applies to home working. However, the individual has an obligation to ensure that they take reasonable care not to harm themselves or others.

The Health, Safety and Welfare of our people is of paramount importance for the Force. Before any individual is approved to work from home, they must ensure that their work place at home will be safe, secure and complies with all health and safety requirements. In particular a Display Screen Assessment should be completed. This may be found on the intranet. If this assurance cannot be given then home working will not be permitted.

1.9. Insurance

Police officers and police staff should note that working from home may affect the home and contents insurance policy of the householder. It is the individual's responsibility to ensure that they are adequately covered including provision for the theft or damage to any equipment provided by the Force.

It is important to note that failure to inform domestic insurers of home working may result in insurance cover being rendered invalid.

1.10. Working Time

Individuals working from home have a great deal of autonomy regarding the structure of their working day. This can, on occasions, lead to a circumstance where an individual could work excessive hours. Individuals are responsible for monitoring their time worked to ensure it does not become excessive and that they comply with the relevant working time regulations.

1.11. Expenses

When working occasionally at home, individuals cannot claim for travel between the home working environment and their administrative or operational base. This is considered normal commuting.

An individual who is recruited into Nottinghamshire Police as a dedicated home worker will be able to claim travel between home and Nottinghamshire Police offices in accordance with normal travel and subsistence allowances. This must be agreed at the recruitment stage.

Where business mileage is incurred, this may be claimed from the home working environment or the administrative base, whichever is the lesser.

1.12. Trust

The operation of working at home arrangements relies on trust between the Force and the individual. It is implicit that the time recorded as working from home will actually be worked. Should any false claims be made for time worked, this will be considered a serious breach of trust and will be dealt with accordingly under Police Regulations or PS 148 Police Staff Misconduct Policy.

1.13. Use of Own Vehicle

The individual is responsible for updating HRMS to show that they have 'business use' cover on their motor insurance. Any additional costs incurred for 'business use' cover is at the individual's own expense.

1.14. Inspection

Nottinghamshire Police retains the right to check the individual's work area in their home for health and safety and information security purposes. The requirement for such a request will depend on the nature of the work undertaken.

1.15. Termination of a home working arrangement

Nottinghamshire Police reserves the right to withdraw home working from an individual or from specific posts. Subject to the exigencies of the Force reasonable notice will be provided. Any work equipment provided to facilitate home working must be returned promptly to the Force on termination of home working arrangements.

1.16. Monitoring and Review

The Head of HR & OD is responsible for the monitoring of requests and use of home working. Periodically a review of the number of individuals working from home shall be managed to ensure there is no negative impact on Information Services support availability to the Force.

Related documents and Appendices

Administration

Version Control	
Section changed	Details of change
1.0	New Policy

Registered Owner	
Owner	Author
Sharon Ault – Head of HR & OD	Pat Stocker - Information Security Manager Sue Peckham - Senior HR Partner



NOTTINGHAMSHIRE
POLICE
PROUD TO SERVE

PD 625 Home Working
Type of Document: Procedure
Version: V1.0
Registered Owner: Sharon Ault, Head of HR and OD
Author: Pat Stocker and Sue Peckham
Effective Date: 4 October 2013
Review Date: 4 October 2016
Replaces document (if applicable)
Linked Documents: PS 164 Homeworking Policy

Functional owner

Signed: _____ **Date:** _____
Name: Margaret Monckton
Post: ACO Resources

Authorised (Head of Dept/FEG)

Signed: _____ **Date:** _____
Name: Sharon Ault
Post: Head of Human Resources and Organisational Development

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SECTION 1 VERSION CONTROL

Version No.	Date	Post Holder/Author	Post	Reason for Issue
1.0	August 2013	Sue Peckham/ Pat Stocker	Senior HR Partner/ Information Security Manager	New Policy

SECTION 2 BACKGROUND

Nottinghamshire Police recognises that there may be a requirement for police officers or police staff to work from home. There are some roles and tasks that do not lend themselves to any form of home working as they must be carried out at specific locations or in police premises.

SECTION 3 AIMS / OBJECTIVES

This procedure provides a framework within which police officers and police staff and line managers can agree arrangements for working from home.

The objective of the procedure is to clarify the circumstances and parameters under which some individuals may work from home on a regular basis or for occasional home working.

SECTION 4 DETAILS

4.1. DEFINITIONS

Occasional Home Working is where the individual spends the majority of their time in the workplace but from time to time agrees with their line manager to work from home with use of their own personal computer.

Regular Home Working is where an individual has a regular pattern of working at home agreed with their line manager but has an office space at a Force property. The office space may not be a dedicated desk but a 'hot desk'.

Designated Home Working is where an individual is based at home rather than a Force property and for police staff this is reflected in their contract of employment if police staff.

4.2 FACTORS TO CONSIDER

When considering whether an individual should occasionally or permanently work some or all of their hours from home, the following areas need to be assessed in discussion with the individual.

- The suitability of the job or work tasks.
- The suitability of the home.
- The home environment i.e. will anyone else be at home and would the individual have caring responsibilities.
- Confidentiality and data protection – access to Force systems and the Information Security Policy.
- Operational and organisational need/demand.
- The individual's ability to work from home and meet deadlines.
- The individual should be able to demonstrate:
 - Self discipline.
 - The ability to work without direct supervision.
 - Good organisational skills.
 - Time management.
 - Management of the potentially conflicting demands of work and family to ensure work is undertaken.
 - Work with minimal supervision.
 - Safe home environmental factors and the safe use of equipment.
 - Health and safety considerations in the home environment.

4.3. CHILD CARE OR CARING RESPONSIBILITIES

Where the request is for a permanent change due to childcare/ or carer responsibilities, the procedure under 4.4 should be completed and an application should be made under the overall PS149 Flexible Working Policy and PD613 Flexible Working Procedure.

PS 150 Discretionary Leave Policy and PS 154 Parental Leave Policy and the appropriate procedures may be more appropriate and these should be checked prior to authorising home working on either an ad hoc or regular basis.

4.4 PROCEDURE

Application

Designated Home Working/Regular Home Working

To request a permanent change to either designated home working or regular home working the applicant should complete G2041 and meet with their line manager to finalise the form. The Flexible Working Policy and Procedure have explicit timescales which must be adhered to when considering a request. The line manager will take advice from specialists in Human Resources, Information Services, Health and Safety and Data Protection as necessary. The line manager will forward the approved form to HR Operations. In the case of police staff, an amendment to the employment contract will be issued. The line manager will liaise with Information Services prior to any application being approved as access through ssl gateway is limited and priority of access is based on business need and business continuity requirements.

Occasional Home Working

Individuals wishing to undertake occasional home working should complete G2041 and meet with their line manager to finalise the form. The form need only be completed once. The arrangement should be reviewed between 6 – 12 months at agreed intervals.

In all instances the application and approval via form G2041 must include actions and agreements and approval by the line manager and the Head of Department.

Individuals must have the approval of their line manager on every occasion of working from home. This may be an email confirmation, once a completed and authorised application form is approved.

Health and Safety

The line manager will ensure that the Health & Safety self assessment has been completed within G2041 form and appropriate actions agreed and documented. The line manager will check the self assessment provides evidence that a suitable environment is available to the individual to work from home.

All portable electronic equipment supplied to the individual will be subject to a Portable Appliance Test (PAT) at regular intervals as designated by the Health and Safety Manager. It is the individual's responsibility to bring the portable equipment to a Force site for it to be tested.

Sickness Absence

If an individual is unable to carry out home working due to sickness absence, they must follow the normal sickness absence procedures and contact their line manager to report

sick. Full details may be found in PS147 Attendance Management Policy and PD610 Attendance Management Policy 2012.

Leave

If an individual requires annual leave, discretionary leave they must follow the normal rules of application. Full details may be found in PS 165 Leave Policy and PD614 Discretionary Leave Procedure

Contact Details

Individuals working away from Nottinghamshire Police sites should provide contact details – location, home telephone number and a mobile telephone number if not in possession of a work mobile) to the line manager or designated departmental person.

Performance Development Review (PDR)

An individual working from home will still be required to participate in a PDR review. The individual will be expected to attend a Nottinghamshire Police property/building at a mutually convenient date and time.

The line manager should provide reasonable notice of the PDR meeting.

Work Patterns and communication

When home working has been agreed in principle, the individual and the line manager will agree working hours and patterns, contact times and availability in advance, otherwise normal conditions of employment/service apply. It is the responsibility of the individual to raise any concerns they may have with their line manager promptly.

Termination of home working arrangement

Reasonable notice by the Force or the individual must be provided should either party wish to withdraw from the arrangement. This should be in writing providing reasons for the change. Any work equipment provided to facilitate home working by the individual must be returned promptly to the Force on termination of home working arrangements.

SECTION 5 LEGISLATIVE COMPLIANCE

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; European Convention on Human Rights; Employment Act 2002; Employment Relations Act 1999, and other legislation relevant to policing.



PS 160 Police Staff Flexi-time

October 2013

Version 1.0

Statement of legislative compliance

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; European Convention of Human Rights; Employment Act 2002; Employment Relations Act 1999, and other legislation relevant to policing.

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Aims and objectives of the policy

Nottinghamshire Police recognises that the achievement of an effective work life balance has a positive impact upon our police staff wellbeing, motivation, attendance and performance, both individually and collectively. Flexi-time requires a conscientious attitude of police staff as a prerequisite for its success. The delivery of a policing service to the community we serve must not be compromised by the flexi-time policy.

The aim of the policy is to clarify the circumstances under which individuals may use flexi-time to manage their working hours.

Policy statement

Key Principles

- The policy is applicable to police staff.
- Participation in the flexi-time scheme is entirely voluntary. Police staff who do not wish to participate will be expected to work the standard day of 7 hours 24 minutes each day Monday to Friday or the hours/days as per their contract of employment.
- The accruing of additional flexi-time hours is only available to the individual when the individual has sufficient work to carry out in the additional hours.
- There are specific areas of Nottinghamshire Police which do not operate a flexi-time approach due to the nature of their work and service to the public.
- The service provided by the Force must not be compromised to accommodate flexi-time arrangements.
- Wherever possible the Force reserves the right to suspend flexi-time arrangements in any area/department to meet operational requirements. Reasonable advance notice will be provided should this be necessary.
- Flexi-time arrangements will be managed in a fair and equitable manner.
- Owing to the nature of work some police staff will be unable to participate in the flexi-time scheme. These police staff will already have recognised working practices and this policy will not overrule those practices.
- Any abuse of the Flexi-time Policy or recording timings for another individual will be dealt with in accordance with PS148 Police Staff Misconduct Policy.

Working Hours Definition

- Working hours are those that contractually apply to individual members of police staff. Full-time hours are 37 hours per week, giving a notional working day of 7 hours and 24 minutes and a notional half day of 3 hours and 42 minutes.
- Part-time hours are calculated on a pro-rata basis. Part-time police staff may participate in the flexi-time scheme unless specifically inappropriate to their department or role.

CORE TIME BANDS ARE:

10.00 – 12.00
14.00 – 15.30

MAXIMUM HOURS AT WORK:

07.00 – 18.30

FLEXIBLE TIME BANDS ARE:

07.00 – 10.00
12.00 – 14.00
15.30 – 18.30

- For anyone working over 6 hours, an unpaid break, of 30 minutes, will be incorporated into the working day; this must fall between the 12.00 to 14.00 time band.
- Some departments have specific restrictions regarding start or finish times due to the nature of the work. In such situations the Head of Department may define specific core hours for the department. It is for individual departments to define their core working hours should this be necessary.
- Appropriate transition arrangements must be made when a department amends any local flexi-time arrangements.

Working Hours: Deficit/Excess

Although the contractual weekly hours remain unchanged, flexi-time will normally be calculated on a monthly basis. The policy allows for a maximum of 15 credit hours or 8 debit hours (pro-rate for part-time police staff) to be carried over to the next accounting period. Credit hours in excess of 15 hours will be lost. In exceptional circumstances, the individual, in lieu of excessive debit may give up annual leave.

Provided the debit hours limit is not exceeded at the end of any accounting period, up to 2 days or 4 half days flexi-time may be taken per month. Flexi-time may be taken in alternative hours/minutes as agreed but cannot exceed 2 days per month. The authorisation of such flexi-time is subject to operational requirements and normal leave approval arrangements.

Police staff with a deficit of flexi-time on termination of employment will have their deficit hours charged against outstanding annual leave or, if there is no annual leave outstanding, will have their final pay adjusted to cover the deficit. Police staff should endeavour to use any excess flexi-time hours prior to termination of employment. Any excess hours not used prior to termination of employment will not be paid.

Recording

It is expected that police staff working flexible hours will record their working hours on a time sheet. Time recorded will be to the nearest minute. Start and finish times must be recorded on the time sheet including the minimum 30 minute mandatory meal break.

Heads of Departments will determine their own arrangements for the effective management and auditing of timesheets.

Attendance at all day meetings outside of the office (including training) would qualify for a standard day of 7 hours 24 minutes.

Sickness during agreed Flexi-time Off

Notification of sickness absence must be as per PD610 Attendance Management Procedure. Flexi-time will only be re-credited on production of a medical certificate. Self certification will not be accepted.

Working away from the normal place of work

An allowance of hours will be credited to individuals who are prevented from carry out their normal duties for authorised reasons. Hours will be credited pro-rata based on a maximum working day of 7 hours 24 minutes for day release, conference attendance and training days. This list is not exhaustive and attendance away from the normal place of work should be discussed and agreed with the line manager or supervisor.

Medical appointments outside of work must be made in the individual's own time wherever possible. Medical appointments should be arranged at the minimum, wherever possible outside of the core time bands and kept to a minimum.

In exceptional circumstances, if it is not possible to arrange such appointments in the individuals own time, the appropriate documentation must be made available to the line manager or supervisor so that time may be credited according to the time spent away from the work place.

Overtime

Flexi-time hours are wholly independent of arrangements for overtime. Excess hours worked as flexi-time cannot be changed to overtime. Any additional overtime hours to be worked as overtime must be agreed in advance with the line manager or supervisor. If appropriate, the line manager or supervisor may also authorise overtime payment or time off in lieu for weekend or public holiday working.

Exclusions

The operational effectiveness of the Force precludes some departments /areas/roles from allowing police staff to participate in the Flexi-time Policy. Posts/Departments excluded include: PSCO, Control room, public counters and custody suites. This list is not exhaustive and may be amended at anytime.

Related documents and Appendices

Administration

Registered Owner	
Owner	Author
Margaret Monckton	Sue Peckham



NOTTINGHAMSHIRE
POLICE
PROUD TO SERVE

PD 622 Public Duties
Type of Document: Procedure
Version: 1.0
Registered Owner: Head of HR&OD
Author: Sue Peckham
Effective Date: 4 October 2013
Review Date: 4 October 2016
Replaces document (if applicable)
Linked Documents: PS 159 Public Duties Policy

Functional owner

Signed: **Date:**
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Post: ACO Resources

Authorised (Head of Dept/FEG)

Signed: **Date:**
Name: Sharon Ault
Post: Head of HR & OD

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SECTION 1 VERSION CONTROL

Version No.	Date	Post Holder/Author	Post	Reason for Issue
1.0	October 2013	Sue Peckham	Senior HR Partner	Review

SECTION 2 BACKGROUND

Nottinghamshire Police recognises that individuals may wish to participate in public or civic duties. Nottinghamshire Police has an obligation to allow reasonable time off to participate in public or civic duties.

This procedure clarifies the circumstances under which individuals may request leave for public duties and the framework against which the Force will deal with such requests with a transparent, equitable, fair and consistent approach.

This procedure is applicable to:

- All police officers of Nottinghamshire Police, except those above the rank of Chief Superintendent and those who are yet to complete their probation.
- All police staff.

There are some differences between police officer and police staff entitlements, where this is applicable it will be highlighted.

SECTION 3 AIMS / OBJECTIVES

The purpose of the procedure is to provide clear details to allow individuals reasonable and appropriate time off to perform public duties. The procedure provides the process to follow to apply for time off to perform public duties.

SECTION 4 DETAILS

4.1. PROCEDURE

- Individual's requesting to take time off under this procedure should obtain their line manager's permission in advance providing as much notice as is reasonably practical.
- The request should be made to the line manager by completing form G895 Request for Discretionary Time Off which may be found on NCFForms in the Personnel, Welfare and Finance folder.
- Documentary evidence should be provided to the line manager with the request for the time off.
- The line manager should authorise or refuse the request as appropriate taking into consideration the information contained in PS 159 Public Duties Policy.
- The completed and authorised form G895 plus supporting documentary evidence should be forwarded as soon as reasonably practical to the Duties Manager and HR Operations.
- Any monetary implications will be advised to Pay roll by HR Operations.
- The time off will be recorded on Origin by HR Operations.

4.2. PENSIONS

Police staff – the individual should contact Payroll regarding the option of making contributions to keep pension service unbroken.

Police officers – On return to duty, the officer should contact Payroll regarding the option of pension contributions.

4.3. RECORDING PUBLIC DUTIES LEAVE

In the interests of fairness, equity and transparency, all periods of approved public duties leave both paid and unpaid will be recorded on the individual's personnel record (Origin).

SECTION 5 LEGISLATIVE COMPLIANCE

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; European Convention of Human Rights; Employment Act 2002; Health and Safety at Work Act 1974; Employment Relations Act 1999, and other legislation relevant to policing.



PS 159 Public Duties Policy

October 2013

Version 1.0

Statement of legislative compliance

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; European Convention of Human Rights; Employment Act 2002; Employment Relations Act 1999, and other legislation relevant to policing.

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Aims and objectives of the policy

Nottinghamshire Police recognises that individuals may wish to participate in public or civic duties. Nottinghamshire Police has an obligation to allow reasonable time off to participate in public or civic duties.

This policy and its supporting procedure clarify the circumstances under which individuals may request leave for public duties and the framework against which the Force will deal with such requests with a transparent, equitable, fair and consistent approach.

This policy is applicable to:

- All police officers of Nottinghamshire Police, except those above the rank of Chief Superintendent and those who are yet to complete their probation.
- All police staff

There are some differences between police officer and police staff entitlements, where this is applicable it will be highlighted.

This policy should be read in conjunction with the Public Duties procedure

- To provide clarification to all police officers and police staff with regard to reasonable time off for public and civic duties.
- To ensure that Nottinghamshire Police provide a consistent and reasonable approach to authorising time off for public or civic duties.

The key principles underpinning the policy are as follows.

Key principles

- Nottinghamshire Police is committed to developing and maintaining a culture of partnership and mutual trust in which individuals are supported in achieving an effective work life balance.
- Reasonable time off should be based upon: the nature of the duties, the time required to carry them out, the amount of time the individual has already had off for public duties and the impact on the organisation.
- Requests for public duties leave will be considered on a case by case basis in a fair, transparent and equitable way reflective of recognised equality and diversity best practice.
- A request may be refused if it is considered unreasonable or if it would unreasonably impact on the service.
- Applications for unpaid additional leave will not be denied unreasonably.
- All references to hours or days in the policy and procedure should be pro rata for police officers or police staff who work less than full time hours. (A day for police officers is 8 hours, a day for police staff equates to 7.4 hours for full time personnel).

Policy statement

Individuals may have a reasonable amount of paid or unpaid time off as applicable if they are:

- a magistrate
- a local councillor
- a school governor
- a member of any statutory tribunal
- a member of the managing or governing body of an educational establishment
- a member of a health authority
- a member of the General Teaching Councils for England and Wales
- a member of the Environmental Agency or the Scottish Environment Protection agency
- a member of the prison independent monitoring boards (England or Wales) or a member of the prison visiting committees (Scotland)
- a member of Scottish Water or a Water Customer Consultation Panel

Jury Service

Individuals who are required to attend jury service will, subject to the requirements of the Force, be permitted to take jury service leave. The Juror's Allowance Scheme pays jurors for the time they are required to attend, however, if the amount received in payment is less than the usual basic pay received, the Force will reimburse the difference on receipt of supporting documentation from the Juror's Allowance Scheme. Any travelling or out of pocket expenses must be claimed direct from the court.

Magistrates Duty

Leave may be granted, at the discretion of the line manager and is subject to the exigencies of the service, up to a maximum of 13 days paid leave in any 12 month period. This may be in full or half days. Any further leave would be unpaid. Police officers may not serve as Magistrates.

School Governors

Individuals who serve as school governors are eligible for up to 20 hours paid leave in any one financial year (1 April – 31 March) for the purpose of attending school governor meetings, inspections or training in relation to their duties, if required to attend in 'core business hours'. Any further time off required would be unpaid.

Public Service

Other public duties are granted a maximum of 12 days paid leave unless payment is received from the Public Body in which case the time off will be unpaid. Clarification on whether specific public duties are recognised may be sought from HR Operations.

Volunteer Reservists

This applies to volunteers to the Armed Forces and to officers who joined the Force with a military liability due to previous military service with the Armed Forces. This only applies to police officers and police staff seeking to serve with HM Forces, it does not relate to those

seeking to serve in such a capacity for the armed forces of another nation. In such cases, it is expected that the individual would normally resign from Nottinghamshire Police. Exceptional cases should be referred to the Head of HR and OD.

For individual's who commenced with Nottinghamshire Police after January 2004 who are, or who becomes, a Volunteer Reservist (VR), 5 days paid leave of absence in a financial year will be granted to undertake reservist training. The timing must be agreed with the line manager.

Individuals who commenced with Nottinghamshire Police prior to January 2004 and who were authorised VRs prior to that date remain entitled to 10 days paid leave of absence in a financial year to undertake reservist training. The timing must be agreed with the line manager.

Individuals who commenced with Nottinghamshire Police prior to January 2004 and who became a VR after that date will be entitled to 5 days paid leave of absence to undertake reservist training. The timing must be agreed with the line manager.

Individual's called up for reservist duties will be granted unpaid time off. Whilst on reservist duties there is no effect on continuous service rights to incremental pay or additional holiday entitlement. Annual leave is not accrued whilst on reservist duties.

Attendance as a witness

Time off with pay will be granted to attend court as a witness for the Crown, Police or defence provided that documentary proof of attendance and as much notice as possible is provided to the line manager.

Time off for individuals to attend to matters in a civil court will be unpaid, unless annual leave, time off in lieu or flexitime is approved by the line manager. Police officers required to give evidence in civil proceedings connected to police investigations will be classed as duty time.

Individuals required to attend court as the subject of the case in either a criminal or other case will be additional unpaid leave, unless annual leave, time off in lieu or flexitime is approved by the line manager.

Special Constables

Members of police staff who are special constables will be granted up to 4 days (29.6 hours) paid leave in a financial year for the purpose of attending training events related to their duties as a special constable.

Appeals

If an individual believes that they have not been allowed sufficient time off for public duties or time off has been refused unreasonably, PS 141 Grievance Policy should be invoked.

Monitoring and Review

This policy will be monitored on a regular basis to consider any impact on different groups, the organisation and service delivery.

Administration

Version Control	
Section changed	Details of change
1.0	New policy

Registered Owner	
Owner	Author
Sharon Ault, Head of HR and OD	Sue Peckham, Senior HR Partner



PS 166 Performance Management Policy

October 2013

Version 1.0

Statement of legislative compliance

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; European Convention of Human Rights; Employment Act 2002; Employment Relations Act 1999, and other legislation relevant to policing.

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Aims and objectives of the policy

The policy applies to:

- All police officers, except those above the rank of Chief Superintendent and those who have not completed their probation.
- All police staff except those within their probationary period.
- Special constables.

The policy must be read in conjunction with:

For Police Staff

- PD 627 Performance Management & Improvement Procedure for Police Staff.

For Police Officers

- PD 626 Performance Management & Improvement Procedure for Police Officers.
- Police (Performance) Regulations 2012
- Home Office Guidance on Unsatisfactory Performance & Attendance Procedures (UPP).

The policy is also supported by PG 029 Management Guide.

Managing the performance of individuals and teams is essential for Nottinghamshire Police to achieve its goals. The force is committed to effective management of performance within a supportive working environment. It expects all individuals want to perform well and that managers provide support to their team members to enable them to perform effectively.

The policy aim is to provide a framework so that individuals are aware of:

- what the organisation aims to achieve
- their role in supporting the organisation in achieving its goals
- the skills and competencies they need to fulfil their role
- the standards of performance required
- how they can improve their performance
- how they are performing in their role
- when they are not performing effectively how to achieve improved and acceptable performance.

Policy statement

Key Principles

- The framework for performance management and improvement is designed to drive continuous performance improvement for all those working for Nottinghamshire Police.
- Poor performance will be challenged and effectively managed.
- Nottinghamshire Police will seek to maximise performance to support and achieve the force policing objectives/plan.
- Nottinghamshire Police will develop and maintain a performance culture which is consistent in approach and supportive of organisational goals.
- A proactive approach to managing performance will provide consistency and will be supportive and fair.
- The balance of probability will be applied as the standard of proof.
- Issues relating to conduct will be dealt with under the relevant Disciplinary Procedure or Regulations.
- Performance issues due to ill health will be managed under this process where it is not an attendance issue. Long-term and frequent absence, will be dealt with under the Attendance Policy and Procedures.
- Where individuals are subject to formal performance management procedures they will not usually be eligible to be considered for transfers. They may be able to apply for advertised posts where there is prior authorisation from a senior HR Manager.
- Grievances raised where a manager seeks to legitimately manage performance will not necessarily be accepted. It is a managers responsibility to manage their teams effectively and for second line manager's to support the managers engaged in the process.

Responsibilities

Individuals

Individuals are responsible for:

- their standard of performance
- advising their line manager if they are unclear of what is expected from them or if they have any other issues which affect their ability to perform their role
- engaging with performance management and development activity to maintain or improve their performance
- participating in the PDR process
- acting in line with the organisations corporate values (PROUD).

Line managers

Line Managers are responsible for:

- ensuring all of their team have an up-to-date PDR
- ensuring that their team members are aware of the performance expected of them in their role by setting and explaining realistic, timely and measurable objectives

NOT PROTECTIVELY MARKED

- supporting their team members to maintain the expected level of performance
- helping their team members understand how they contribute to Nottinghamshire Police's aims and objectives
- setting individual objectives for their team members
- demonstrating their commitment to performance planning, on-going people management and the performance development review process
- communicating regularly with their team members about their performance
- recognising good performance
- addressing poor performance as soon as it is identified and managing it through the appropriate channels
- invoking formal procedures to support their team member to achieve the required level of performance, where informal management interventions have not achieved the required level of performance.

Senior Managers

Senior Managers are responsible for:

- ensuring organisational and departmental or divisional objectives are clear and understood
- promoting performance planning, on-going people management and the performance development review process, thereby creating a positive performance culture
- supporting managers who appropriately address performance issues
- ensuring performance is managed effectively across the Force.

Performance Management Stages

Line Managers should ensure performance management is at the core of their day to day business and should communicate regularly with their team members about their performance. Any issues should be addressed informally as soon as they arise.

Managers should make sure individuals understand that where there is insufficient improvement in performance the formal stages of the process may be commenced.

Managers will use the PDR system, including regular one to one meetings, to carry out formal reviews of performance and development needs. Matters already informally addressed may also be discussed and reviewed in this more formal format.

Informal Stages

Initially informal management interventions should be employed to support individuals to achieve the required standard of performance. Where there is under performance managers should collate factual and objective information to form the basis for discussions. These initial informal discussions should be recorded, shared and signed by the individual and manager and a review period agreed.

Where this does not lead to sufficient improvement then the formal procedure must be invoked.

Formal Stages

When the decision is taken to embark on the formal performance process the line manager should gather information regarding individual circumstances and should give the individual a clear indication of the gap between their current and their required performance.

The framework is a three stage supportive process with a view to facilitating a sustained improvement in an individual's performance at work. If an individual remains unable to achieve an acceptable level of performance after appropriate support and improvement notices the final sanction may be dismissal.

Meeting Framework

Please refer to the following Meeting Framework tables for details (see Pages 7 & 8).

NB. *The period for improvement will usually be a maximum 3 months (see Pages 6 & 7), however in exceptional circumstances where a senior manager considers that a period greater than 3 months is appropriate HR should be consulted.

Police Officer – Police Performance Regulations 2012 Meeting Framework				
Stage	Meeting Chair	Appeal Meeting Chair	Timescales	Potential Outcomes
First Stage Meeting	First Line Manager	Second Line Manager	3* months to achieve improvement 12 months validity period for Written Improvement Notice	<ul style="list-style-type: none"> • No further action or • Written Improvement Notice • Development Plan • Chair to advise on a review period
Second Stage Meeting	Second Line Manager	Senior Manager or Superintendent	3* months to achieve improvement 12 months validity period for Written Improvement Notice	<ul style="list-style-type: none"> • No further action or • Final Written Improvement Notice • Development Plan • Chair to advise on a review period
Third Stage Meeting	Panel of three members (This will include; a Police Officer of at least C. /Supt rank and a senior HR representative. The panel chair will be a Chief Superintendent (or above) or the Head of HR & OD	Police Appeals Tribunal		<ul style="list-style-type: none"> • No further action or • Dismissal with notice or • Redeployment to alternative duties which may include reduction in rank or • Extension of a Final Improvement Notice (exceptional circumstances only). <p>Gross incompetence only (in addition to the above) issue Written Improvement Notice or dismissal with immediate effect.</p>

Police Staff Performance Improvement Meeting Framework				
Stage	Meeting Chair	Appeal Meeting Chair	Timescales	Potential Outcomes
First Stage Meeting	First Line Manager	Second Line Manager	3* months to achieve improvement 12 months validity for Written Improvement Notice.	<ul style="list-style-type: none"> • No further action or • Written Improvement Notice • Development Plan • Chair to advise on a review period
Second Stage Meeting	Second Line Manager	Manager more senior than Second Stage Meeting Chair	3* months to achieve improvement 12 months validity for Final Written Improvement Notice.	<ul style="list-style-type: none"> • No further action or • Final Written Improvement Notice • Development Plan • Chair to advise on a review period
Third Stage Meeting	Senior Manager (M1 Grade or above or Police Officer equivalent (Chief Inspector or above).	Manager more senior than Third Stage Meeting Chair.		<ul style="list-style-type: none"> • No further action or • Dismissal with notice or • Redeployment to alternative duties which may include reduction in grade or • Extension of a Final Improvement Notice (exceptional circumstances only). • Gross incompetence only (in addition to the above) issue Written Improvement Notice or • Dismissal with immediate effect.

Appeal

Individuals have the right of appeal against the outcome of a formal meeting. The appeal must be submitted in writing within 7 working days of the written outcome letter being received. The grounds for appeal against the decision must be set out. Where the appeal has been against dismissal, if the decision to dismiss is upheld, the effective date of termination shall be the date on which the original dismissal took effect.

Right to Be Accompanied

Individuals are afforded the right to be accompanied by a work colleague, trade union representative or staff association representative as applicable at all formal meetings.

Gross Incompetence

Police Officers:

In accordance with the Police (Performance) Regulations 2012, there may be circumstances where the appropriate authority considers a police officers performance so unsatisfactory that it warrants the procedure being initiated at the Third Stage Meeting. This would usually be the result of a single incident of "Gross incompetence".

Police Staff:

May also be referred directly to the Third Stage Meeting where it is considered there may be a case of gross incompetence. This will be the decision of Head of HR & OD or nominated deputy.

Reasonable Adjustments in the Workplace

Nottinghamshire Police are committed to making reasonable adjustments to accommodate the needs of disabled individuals to support them to continue to work.

Managers should ensure any requests for adjustments are fully explored prior to commencing the formal stages of the process.

Where an individual has a disability it may be appropriate at any stage of this process to consider redeployment to a more suitable role as a reasonable adjustment. This is at the discretion of the organisation.

Redeployment

Redeployment to a suitable alternative role may be considered during the performance management process. The appropriateness of this action will be assessed on a case by case basis and will be subject to approval from a senior HR manager. An appropriate selection method will be used to ensure the suitability of an alternative role. Individuals will not be entitled to a 3 month period on the redeployment register and if redeployed there will be no entitlement to salary protection or travel & disturbance payments. New posts will not be created for the purpose of redeployment.

Police Officers and Police Staff within their Probationary Period

For police officers; Regulation 13, Police Regulations 2003 will be followed.

For police staff; the probationary management process will be followed.

Related documents and Appendices

Replaces:

PD 556 Unsatisfactory Performance/ Attendance Procedure

PD 340 Capability Procedure

MG 306 Managers Guide Capability

Administration

Version Control	
Section changed	Details of change

Monitoring and review	
Measure	Date/period and process of review

Registered Owner	
Owner	Author
Sharon Ault, Head of HR and OD	Suzanne Ager, HR Partner



NOTTINGHAMSHIRE
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PD 626 Performance Management & Improvement for Police Officers

Type of Document: Procedure

Version: V1.0

Registered Owner: Sharon Ault

Author: Suzanne Ager

Effective Date: 11 October 2013

Review Date: October 2015

Replaces document (if applicable) PD 556 Unsatisfactory Performance/ Attendance Procedure
PD 340 Capability Procedure
MG 306 Managers Guide Capability

Linked Documents:

Functional owner

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Authorised (Head of Dept/FEG)

Signed: **Date:**

Name: Sharon Ault

Post: Head of HR & OD

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SECTION 1 VERSION CONTROL

Version No.	Date	Post Holder/Author	Post	Reason for Issue
1.0	Aug 2013	Suzanne Ager	HR Partner – Operations	New policy

SECTION 2 AIMS / OBJECTIVES

The Performance Management & Improvement Policy and Procedure for Police Officers provide a clear and transparent framework for managers and individuals on how to manage performance. It outlines the approach to be taken when managing poor performance and the potential outcomes when required improvements are not made.

The procedure must be read in conjunction with Performance Management & Improvement Policy PS 166. A management guidance document is also available to support managers.

A distinction should be made between poor performance and conduct matters. Matters of conduct should always be dealt with under Police Performance & Conduct Regulations 2012.

After consideration if it is determined that there is a case of poor performance the following procedure should be followed.

SECTION 3 PROCEDURE

INFORMAL PROCEDURE

1. The line manager should address performance issues with an individual on an informal basis as soon as they arise, using the PDR process to record and monitor development plans against agreed timescales.

2. Where performance does not reach the required standard within the defined timescale, the line manager should progress to the formal stages of the procedure (consulting with HR as appropriate).

FORMAL PROCEDURE - STAGE ONE

1. Where it is determined appropriate to progress to the formal stage of the procedure the first line manager should arrange a First Stage Meeting and advise HR.
2. The case will be logged by the HR Case Management Team.
3. A date and time should be agreed for the meeting. In the event that the individual requires representation and the proposed date is unsuitable a new date can be agreed, provided it is no more than 5 working days after the original date. If agreement cannot be reached the manager will determine the date.
4. The individual is entitled to be accompanied by a staff association representative or work colleague at the meeting.
5. Once the meeting date is set the line manager should write to the individual notifying them of the requirement to attend the First Stage Meeting. The written notice of the meeting must include specific details as outlined in the Managers Guidance and copies of any relevant documentation which will be referred to during the meeting. The individual should be given the opportunity to provide any documents to the line manager on which they intend to rely, prior to the meeting.
6. The meeting will be conducted by the first line manager. An HR representative or an officer with experience in Unsatisfactory Performance Procedures (UPP) may also attend to advise on procedure.
7. The line manager should outline the performance issues and provide the individual and their representative an opportunity to respond. The line manager may adjourn at any point to take advice or check information presented.
8. The line manager will adjourn the meeting to consider the facts.
9. Where the line manager concludes that performance has been satisfactory they will inform the individual verbally that there will be no further action. They will also provide a written summary of the meeting to the individual as soon as reasonably practicable.
10. Where the manager concludes that performance has been unsatisfactory they will verbally advise the individual;
 - a. Why they consider performance to be unsatisfactory
 - b. The improvement required
 - c. The timescale for improvement (usually up to 3 months)
 - d. That a written improvement notice with SMART objectives will be issued
 - e. The subsequent stages if satisfactory improvement is not made
 - f. Support that will be provided to achieve improvement
 - g. The rights and grounds in relation to an appeal.

11. The line manager should within 5 working days provide a written summary of the meeting, a written copy of the improvement notice, signed and dated by the line manager and written notification of the right of appeal to the individual and where appropriate a development plan.
12. Where an individual chooses not to exercise their right of appeal they have 7 working days in which to submit in writing any comments in relation to the improvement notice. These comments will be retained with the other documentation relating to the case.
13. The line manager will monitor the individual's performance against the improvement notice throughout the specified period for improvement.
14. As soon as possible, following the end of the period specified in the improvement notice the line manager, in consultation with HR should formally assess the performance against the improvement notice. Where performance is considered satisfactory the line manager will notify the individual in writing. The individual will also be advised the improvement notice remains valid for the remainder of the 12 months and that the second stage will be initiated should satisfactory performance levels not be maintained during that period.
15. The individual may appeal the outcome of the first stage meeting. An appeal should be submitted within 7 working days of receipt of an improvement notice. The appeal must be in writing to the second line manager setting out the grounds. Please see Appeals section for further details relating to the appeals procedure.

FORMAL PROCEDURE - STAGE TWO

1. Where it is decided that performance remains unsatisfactory at the conclusion of the specified period or where performance drops during the 12 month period of the improvement notice, the line manager must notify the individual in writing they will be invited to attend a Stage 2 meeting.
2. The Stage 2 meeting will be undertaken by the second line manager and will mirror the procedure as outlined in points 1 to 13 under Stage 1.
3. As soon as possible, following the end of the period specified in the improvement notice the line manager, in consultation with HR should formally assess the performance against the improvement notice. Where performance is considered satisfactory the line manager will notify the individual in writing. The individual will also be advised the improvement notice continues to remain valid for the remainder of the 12 months since it was issued and that the third stage will be initiated should satisfactory performance levels not be maintained during that period.
4. The first line manager retains responsibility for the ongoing line management and assessment of performance in line with the final improvement notice.
5. The specified period for the individual to make the required improvement will usually be 3 months, dependent on the specific circumstances of the case.
6. The individual may appeal the outcome of the second stage meeting this should be done within 7 working days of receipt of an improvement notice. The appeal must

be in writing to a senior manager (a manager of at least one rank, or police staff grade, above the second line manager's rank or grade) setting out the grounds of appeal. Please see Appeals Section for further details relating to the appeals procedure.

FORMAL PROCEDURE - STAGE THREE

1. Where it is decided that performance remains unsatisfactory at the conclusion of the specified period of the final improvement notice or where performance drops during the 12 month period of the improvement notice, the line manager must notify the individual in writing of this and that they will be invited to attend a meeting under Stage 3.
2. The senior manager will write to the individual to advise them a Stage 3 Meeting with a panel will take place. The meeting should be held within 30 days of the individual being notified, although this may be extended by the panel chair by up to a further 30 days where is considered appropriate, in the interest of fairness. When the meeting date is fixed the senior manager should confirm this in writing.
3. A date and time should be agreed for the meeting. In the event that the individual requires representation and the proposed date is unsuitable a new date can be agreed, provided it is no more than 5 working days after the original date.
4. Within 14 working days of receiving the meeting notice the individual should provide a written response to the panel chair including any documents they wish to refer to in the meeting.
5. Where witnesses are requested by either party the panel chair will make the final determination as to whether they should attend.
6. The Stage 3 meeting will consist of a panel of three, the chair will be either a Chief Superintendent or the Head of HR & OD. The Chair of the panel will confirm the names of the panel members to the individual as soon as possible.
7. The individual can object to the panel members, in writing no later than 3 working days after being notified of the names. This should include the grounds for their objection. The individual will be notified whether their objection has been upheld or rejected. Where the objection is upheld the individual will be notified in writing of the names of any new panel members.
8. At Stage 3 the panel will decide whether or not performance has been unsatisfactory. Where the decision is that of unsatisfactory performance there will be an outcome from one of the following options;
 - Redeployment
 - Reduction in rank
 - Dismissal with notice
 - Extension of the final improvement notice
 - Final improvement notice (gross incompetence cases only).
9. The Chair will advise the individual verbally of the panel's finding, and the reason for the decision. A written copy of the finding should be provided to the individual within 5 working days of the meeting being concluded. A written record of the meeting will also be provided within a reasonable timeframe.
10. Where a final improvement notice is issued or extended, the line manager will continue to monitor performance through the defined period. The panel will assess the level of performance as soon as reasonably practicable following the period specified in the notice. The panel chair will then confirm their finding to the

individual. Where there has been insufficient improvement a further Stage 3 meeting will be arranged and the process will recommence from that point.

11. The paperwork/file should be filed with the HR Department.

APPEALS

1. Individuals have the right to appeal following first, second or third stage meetings. Appeals cannot be made in relation to any action taken at the informal stages of the process. This procedure outlines the process for 1st and 2nd stage appeals for officers. Third stage appeals are dealt with via the Police Appeals Tribunal.
2. Any decisions and outcomes from the first, second or third stage meetings will continue to apply pending the outcome of the appeal.
3. The appeal should be in writing, as detailed below:

Meeting Stage	Appeal Hearing Officer	Timescale for Appeal Submission
1st Stage	Second Line Manager	7 working days from receipt of improvement notice
2nd Stage	Senior Manager	7 working days from receipt of improvement notice
3rd Stage	Police Appeals Tribunal	In accordance with requirements for Police Appeals Tribunal

4. For first and second stage appeals the date and time for the meeting should be agreed, but where agreement cannot be reached the Hearing Officer will specify it. In the event that the individual requires representation and the proposed date is unsuitable a new date can be agreed, provided it is no more than 5 working days after the original date.
5. The Hearing Officer will send written confirmation of arrangements for the appeal meeting to the individual.
6. The individual is entitled to be accompanied by a Federation representative or work colleague at the meeting.
7. After considering the facts the Appeal Hearing Officer will either;
 - confirm or reverse the finding of unsatisfactory performance;
 - endorse or vary the terms of the improvement notice.
 Where the finding of unsatisfactory performance is reversed the improvement notice will be revoked.
8. The Hearing Officer will confirm their decision in writing to the individual within 3 working days of the appeal meeting. They will also provide a summary of the reasons for the decision as soon as possible.
9. The decision from the appeal will take effect from the date of the formal stage meeting to which the appeal applies.

SECTION 4 LEGISLATIVE COMPLIANCE

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; European Convention on Human Rights; Employment Act 2002; Employment Relations Act 1999, and other legislation relevant to policing.



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PD 627 Performance Management & Improvement for Police Staff

Type of Document: Procedure

Version: V1.0

Registered Owner: Sharon Ault, Head of HR & OD

Author: Suzanne Ager, HR Operations Partner

Effective Date: 11 October 2013

Review Date: October 2015

Replaces document (if applicable) PD 556 Unsatisfactory Performance/Attendance Procedure
PD 340 Capability Procedure
MG 306 Managers Guide Capability

Linked Documents:

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SECTION 1 VERSION CONTROL

Version No.	Date	Post Holder/Author	Post	Reason for Issue
1.0	Aug 2013	Suzanne Ager	HR Partner – Operational	New Policy

SECTION 2 AIMS / OBJECTIVES

The Performance Management & Improvement Policy and Procedure for Police Staff provides a clear and transparent framework for managers and individuals on how to manage performance. It outlines the approach and the potential outcomes when required improvements are not met.

The Procedure must be read and in conjunction with Performance Management & Improvement Policy PS 166. A management guidance document is also available to support managers.

A distinction should be made between poor performance and conduct matters. Matters of conduct should always be dealt with under the Disciplinary Policy for Police Staff.

After consideration; if it is determined that there is a case of poor performance the following provides for the procedure that should be followed.

SECTION 3 PROCEDURES

INFORMAL PROCEDURE

1. The line manager should address performance issues with an individual on an informal basis as soon as they arise, using the PDR process to record and monitor development plans against agreed timescales.
2. Where performance does not reach the required standard within the defined timescale, the line manager should progress to the formal stages of the procedure (consulting with HR as appropriate).

FORMAL PROCEDURE - STAGE ONE

1. Where it is determined appropriate to progress to the formal stage of the procedure the first line manager should arrange a First Stage Meeting and advise HR.

2. The case will be logged by the HR Case Management Team.
3. A date and time should be agreed for the meeting. In the event that the individual requires representation and the proposed date is unsuitable a new date can be agreed, provided it is no more than 5 working days after the original date.
4. The individual is entitled to be accompanied by a work colleague, trade union or staff association representative.
5. Once the meeting date is set the line manager should write to the individual notifying them of the requirement to attend the First Stage Meeting. The written notice of the meeting must include specific details as outlined in the Managers Guidance and copies of any relevant documentation which will be referred to during the meeting. The individual should be given the opportunity to provide any documents to the line manager on which they intend to rely, prior to the meeting.
6. The meeting will be conducted by the first line manager. An HR representative may also attend to advise on procedure.
7. The line manager should outline the performance issues and provide the individual and their representative an opportunity to respond. The line manager may adjourn at any point to take advice or check information presented.
8. The line manager will adjourn the meeting to consider the facts.
9. Where the line manager concludes that performance has been satisfactory they will inform the individual verbally that there will be no further action. They will also provide a written summary of the meeting to the individual as soon as reasonably practicable.
10. Where the manager concludes that performance has been unsatisfactory they will verbally advise the individual;
 - a. Why they consider performance to be unsatisfactory
 - b. The improvement required
 - c. The timescale for improvement (usually no more than 3 months)
 - d. That a written improvement notice with SMART objectives will be issued
 - e. The subsequent stages if satisfactory improvement is not made
 - f. Support that will be provided to achieve improvement
 - g. The rights and grounds in relation to an appeal.
11. The line manager should provide to the individual within 5 working days, a written summary of the meeting, a written copy of the improvement notice, signed and dated by the line manager and written notification of the right of appeal to the individual and where appropriate a development plan.
12. Where an individual chooses not to exercise their right of appeal they have 7 working days in which to submit in writing any comments in relation to the improvement notice. These comments will be retained with the other documentation relating to the case.

13. The line manager will monitor the individual's performance against the improvement notice throughout the specified period for improvement.
14. As soon as possible, following the end of the period specified in the improvement notice the line manager, in consultation with HR should formally assess the performance against the improvement notice. Where performance is considered satisfactory the line manager will notify the individual in writing. The individual will also be advised the improvement notice remains valid for the remainder of the 12 months and that the second stage will be initiated should satisfactory performance levels not be maintained during that period.
15. The individual may appeal the outcome of the first stage meeting. An appeal should be submitted within 7 working days of receipt of an improvement notice. The appeal must be in writing to the second line manager setting out the grounds. Please see Appeals section for further details relating to the appeals procedure.

FORMAL PROCEDURE - STAGE TWO

1. Where it is decided that performance remains unsatisfactory at the conclusion of the specified period or where performance drops during the 12 month period of the improvement notice, the line manager must notify the individual in writing that they will be invited to attend a Stage 2 meeting.
2. The Stage 2 meeting will be undertaken by the second line manager and will mirror the procedure as outlined in points 1 to 13 under Stage 1.
3. As soon as possible, following the end of the period specified in the improvement notice the line manager, in consultation with HR should formally assess the performance against the improvement notice. Where performance is considered satisfactory the line manager will notify the individual in writing. The individual will also be advised the improvement notice remains valid for the remainder of the 12 months and that the third stage will be initiated should satisfactory performance levels not be maintained during that period.
4. The first line manager retains responsibility for the ongoing line management and assessment of performance in line with the final improvement notice.
5. The specified period for the individual to make the required improvement should be a maximum of 3 months; however this is dependent on the specific circumstances of the case.
6. The individual may appeal the outcome of the second stage meeting this should be done within, 7 working days of receipt of an improvement notice. The appeal must be in writing to a senior manager as nominated in the Improvement Notice setting out the grounds of appeal. Please see Appeals Section for further details relating to the appeals procedure.

FORMAL PROCEDURE - STAGE THREE

1. Where it is decided that performance remains unsatisfactory at the conclusion of the specified period of the final improvement notice or where performance drops during the 12 month period of the improvement notice, the line manager must notify the individual in writing of this and that they will be invited to attend a meeting under Stage 3. The decision to hold a Stage 3 meeting will rest with a senior manager within HR in consultation with the line manager.
2. A senior manager (M Grade police staff and above or Chief Inspector and above) as determined by a senior HR Manager will act as Hearing Officer for a Stage 3 meeting. The Hearing Officer will write to the individual to advise them a Stage 3 meeting will take place.
3. A date and time should be agreed for the meeting. In the event that the individual requires representation and the proposed date is unsuitable a new date can be agreed, provided it is no more than 5 working days after the original date.
4. Within 5 working days of receiving the meeting notice the individual must provide a written response to the Hearing Officer including any documents they wish to refer to in the meeting.
5. Where witnesses are requested by either party the Hearing Officer will make the final determination as to whether they should attend.
6. The Stage 3 meeting will be chaired by the senior manager, supported by an HR representative. The line manager will attend to present the evidence.
7. The individual can object to those nominated as Hearing Officer or advisors at the 3rd stage meeting, in writing no later than 3 working days after being notified of the names. This should include the grounds for their objection and be directed to the Head of HR and OD. The individual will be notified whether their objection has been upheld or rejected. Where the objection is upheld the individual will be notified in writing of the names of any new panel members.
8. At Stage 3 the panel will decide whether or not performance has been unsatisfactory. Where the decision is that of unsatisfactory performance there will be an outcome from one of the following options;
 - Dismissal with notice
 - Extension of the final improvement notice
 - Redeployment to a suitable alternative role (subject to consultation with HR)
 - Final improvement notice (gross incompetence cases only).Where it is concluded that performance is satisfactory there will be no further action.
9. The Hearing Officer will advise the individual verbally of the panel's finding, and the reason for the decision. A written copy of the finding should be provided to the individual within 5 working days of the meeting being concluded. A written record of the meeting will also be provided within a reasonable timeframe.
10. Where a final improvement notice is issued or extended, the line manager will continue to monitor performance through the defined period. The level of

performance will be reassessed as soon as reasonably practicable following the period specified in the notice. The Hearing Officer will then confirm their finding to the individual. Where there has been insufficient improvement a further Stage 3 meeting will be arranged and the process will recommence from that point.

11. The paperwork/file should be filed with the HR Department.

APPEALS

1. Individuals have the right to appeal following first, second or third stage meetings. Appeals cannot be made in relation to any action taken at the informal stages of the process.
2. Any decisions and outcomes from the first, second or third stage meetings will continue to apply pending the outcome of the appeal.
3. The appeal should be in writing, as detailed below:

Meeting Stage	Appeal Hearing Officer	Timescale for Appeal Submission
1st Stage	Second Line Manager	7 working days from receipt of improvement notice.
2nd Stage	A manager more senior than the Stage 2 Chair	7 working days from receipt of improvement notice.
3rd Stage	A manager more senior than the Stage 3 Chair	7 working days from receipt of the written outcome

4. For appeals the date and time for the meeting should be agreed, but where agreement cannot be reached the Appeal Hearing Officer will specify it. In the event that the individual requires representation and the proposed date is unsuitable a new date can be agreed, provided it is no more than 5 working days after the original date.
5. The Appeal Hearing Officer will send written confirmation of arrangements for the appeal meeting to the individual.
6. The individual is entitled to be accompanied by a work colleague, trade union or staff association representative at the meeting.
7. After considering the facts the Appeal Hearing Officer will either;
 - confirm or reverse the finding of unsatisfactory performance;
 - endorse or vary the terms of the improvement notice.

Where the finding of unsatisfactory performance is reversed the improvement notice will be revoked.

8. The Appeal Hearing Officer will confirm their decision in writing to the individual within 3 working days of the appeal meeting. They will also provide a summary of the reasons for the decision as soon as possible.
9. The decision from the appeal will take effect from the date of the formal stage meeting to which the appeal applies.

SECTION 4 LEGISLATIVE COMPLIANCE

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; European Convention on Human Rights; Employment Act 2002; Employment Relations Act 1999, and other legislation relevant to policing.



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PG 029 Performance Management & Improvement
Type of Document: Management Guide
Version: V1.0
Registered Owner: Sharon Ault, Head of HR & OD
Author: Suzanne Ager, HR Operations Partner
Effective Date: 11 October 2013
Review Date: October 2015
Replaces document (if applicable) PD 556 Unsatisfactory Performance/ Attendance Procedure
PD 340 Capability Procedure
MG 306 Managers Guide Capability

Linked Documents:

Functional owner

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Post: Head of HR & OD

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Version No.	Date	Post Holder/Author	Post	Reason for Issue
1.0	Aug 2013	Suzanne Ager	HR Partner – Operational	Support new policy and procedures

SECTION 2 BACKGROUND

This Managers Guide should be read in conjunction with PS 166 Performance Management & Improvement Policy, the associated procedures and the current force guidance on the PDR process. Additional supporting information, template letters and documents are available on the HR Intranet pages.

For further detailed guidance on managing poor performance for police officers, line managers should refer to the Home Office Guidance on Unsatisfactory Performance and Attendance Procedures.

SECTION 3 AIMS / OBJECTIVES

This Managers Guide to Performance Management & Improvement aims to provide managers with easy to follow advice and guidance to support them in dealing with work performance matters for both police officers and police staff. It places the management of underperformance within the context of the performance management cycle to enable a structured approach.

SECTION 4 DETAILS

What Is Performance Management?

Performance management is a tool to help managers manage their teams effectively. It should be a holistic, continuous process incorporating the following elements:

- **Performance Improvement** – for individuals, teams and organisational effectiveness
- **Development** – to support continuous improvement
- **Managing behaviour** – encouraging behaviour that creates better working relationships.

It consists of two parallel processes, the day to day management of individuals and teams by their immediate line manager and a framework of assessment (the PDR process). It should be driven by the corporate values and objectives. It is central to the relationship between managers and employees and can be a key to good communication and trust. When performance is managed it should positively effect employee engagement.

Managing Performance

It is expected that managers make the management and improvement of the performance of their teams part of their everyday practice. Any performance shortcomings should be addressed at an early stage and should not be saved up for formal PDR meetings.

Day to day informal management should aim to:

- demonstrate an active interest in individuals and teams to motivate and maintain discipline
- provide feedback on exemplary performance at the time it occurs
- provide feedback on unsatisfactory performance, listening to the individuals side, explaining where they need to improve and how it can be achieved
- ensure remedial actions are put in place to improve performance where there are specific issues, for example arranging training.

The PDR process

Whilst day to day informal management is the foundation for performance management, a PDR process helps focus on the individual's contribution and developmental needs in a structured way. Managers should carry out regular (at least 3 monthly) one to one meetings in addition to the annual PDR meeting.

The PDR meeting should address five key elements;

- **Measurement** – assess performance against agreed targets and objectives and behaviour and attitudes against expressed values.
- **Feedback** – provide information on performance and progress and on what is required to perform well in the future
- **Positive reinforcement** – emphasise what has been done well and express the importance of *how* things are done
- **Exchange of views** – a frank discussion of what has happened, how appraisees could improve performance, the support they need and future career aspirations.
- **Agreement** – a joint understanding of what needs to be done to improve and sustain performance.

It may also be appropriate for managers to devise personal development plans in conjunction with team members. Development needs may become apparent in a number of ways:

- through discussion at the PDR meeting
- to meet new or changed objectives
- to develop career aspirations
- to help improve organisational performance.

Development plans are not specifically for addressing poor performance, but are a useful tool for doing so.

Poor Performance

Identifying Poor Performance

Before poor performance can be identified managers must ensure all of their team members:

- are clear what is expected of them in their role

- understand how their performance will be measured and how poor performance will be addressed
- understand how their role relates to the corporate objectives and values.

Clear standards of performance are critical and as such individuals should be set objectives which are **Specific Measurable Achievable Relevant Timebound**.

Specific – Objectives should state the desired outcome, what do they need to achieve?

Measurable – How will you and your team member know when the objective has been achieved?

Achievable – Is the objective something the individual is capable of achieving but also challenging?

Relevant – Do the objectives relate to those of the team/department/business?

Timebound – When does the objective need to be achieved by?

Examples of SMART Objectives

SMART	Not SMART
Update all victims by the end of each set of shifts.	Update victims as far as possible.
By the end of the year prepare a paper on staff absence levels with recommendations on how absence might be reduced.	Investigate absence levels.
Carry out website usability testing once a quarter and improve customer satisfaction in usability tests by 25% over the course of the year.	Improve ease of use of the web-site.

If a team member is assessed to fall short of their agreed objectives, or does not behave in a way which is compatible with the Force values and behaviours, the manager should address the shortfall in performance.

One of the first points to consider is whether the issues are capability or conduct? Is it that the individual can't do something (i.e. capability) or that they won't do something (i.e. conduct). Managers need to be clear on the nature of the problem before deciding on action needed. It is likely managers will need to do some investigation to establish the reason for the poor performance. The manager should provide the individual with factual evidence of where there is poor performance and explore the reasons behind it. Some of this exploration will be an informal discussion with the team member. The unsatisfactory performance should be considered in context, for example perhaps the individual was never told how to do something or their ability was affected by personal circumstances.

The following definitions should assist when considering whether a matter is conduct or capability.

Conduct - Where an individual could do better but won't through either carelessness, lack of effort or negligence. Reference should be made to the relevant disciplinary procedure.

Capability - If an individual can't do what is reasonably expected of them however hard they try then it should potentially be dealt with under PS 166 Performance Management & Improvement Policy & the associated procedures.

Where a manager feels the under performance is due to conduct, they should consult with HR and/or PSD around whether to instigate the disciplinary/misconduct proceedings. Where it is felt to be a capability matter the first step should usually be to address it through informal action. Although there may be some circumstances where poor performance is such that it could be considered gross incompetence and the matter may need to progress directly to a formal Third Stage meeting.

Based on the Police (Performance) Regulations 2012 gross incompetence is defined as: "... a serious inability or serious failure of an individual to perform the duties of the rank/grade or role they are currently undertaking to a satisfactory standard or level, to the extent that dismissal would be justified."

Informal Management of Poor Performance

Poor performance should be highlighted early through day to day management and this alone may resolve issues before anything escalates. Managers should be keeping a record of actions and decisions they take and share this with the team member. They must be fair and transparent in how they manage performance.

It is also appropriate to discuss and record poor performance issues within the PDR. This should not, however, be the first occasion where team members are made aware of any concerns.

A template for one to one meetings with members of your team is available as part of the managers toolkit on the HR Intranet Pages.

Managers should create and develop a personal development plan in conjunction with their team member.

Personal Development Plans

This will usually be included as part of the PDR personal objectives but may require a separate plan in some circumstances, particularly where there are complex performance issues. A Personal Development Plan template is available for managers, it includes:

- development needed
- how development will be achieved
- when the development will be achieved
- how the achievement will be measured.

Managers should consider a range of options and must ensure they are operationally viable. Developmental opportunities may include:

- formal training courses
- further education
- changing jobs
- special projects
- online learning
- coaching
- mentoring

- shadowing
- attachments to other departments.

Development objectives should also be SMART. Typically a development plan would not last beyond 3 months, however its duration is dependent on the managers judgement as to what is reasonable given the circumstances.

Managers should then ensure they review progress, again as part of day to day management activity. Additionally a more formal review between the line manager and team member should be put in place, in line with timescales set out in the development plan. It may also be appropriate to include formal interim reviews as regular feedback is vital.

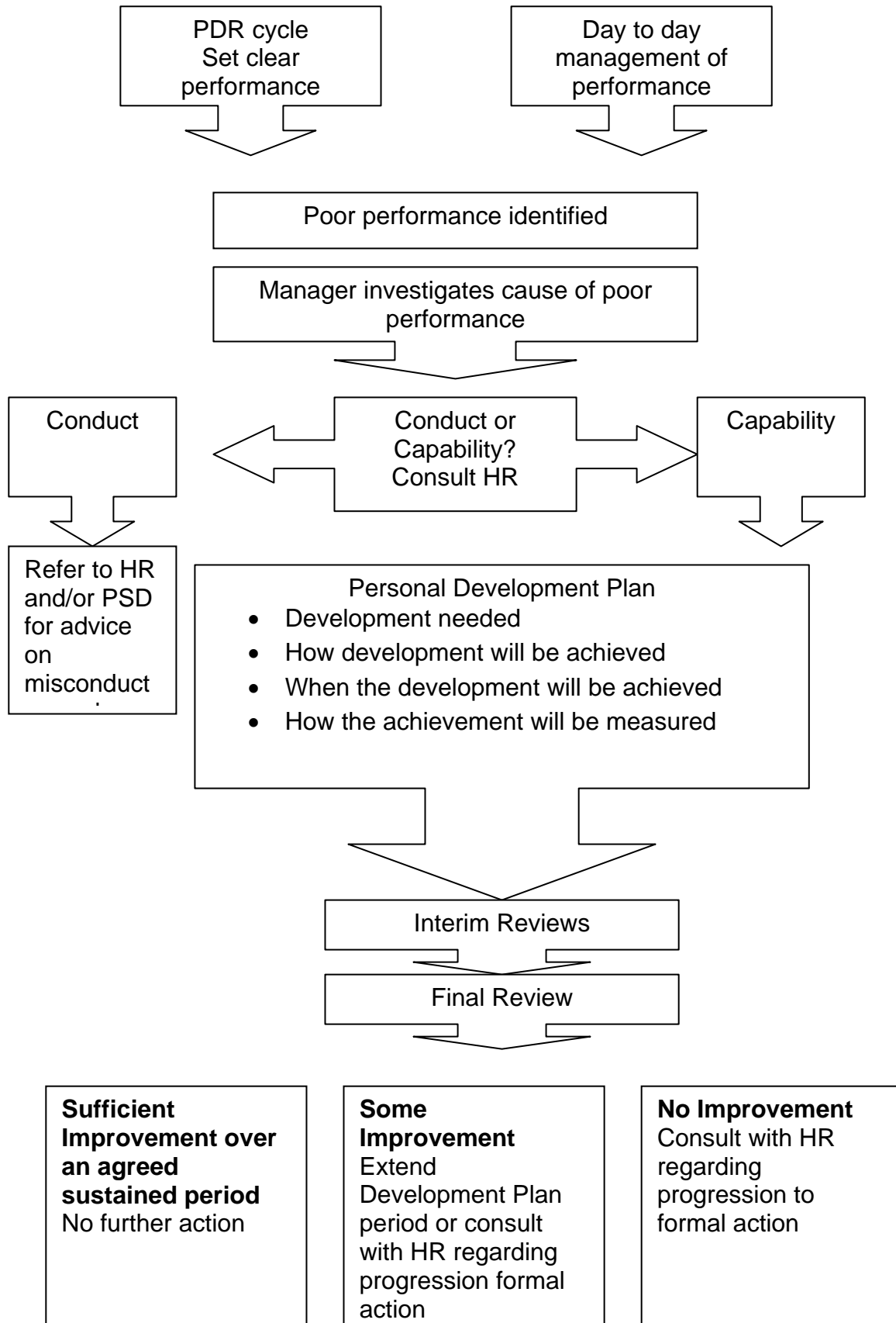
During the reviews the team member and line manager should sit down to discuss progress against the plan. Any achievements can be celebrated and constructive feedback offered where there is more to be done.

Where an individual reaches the required standard either at or before the stated review date this should be documented by the manager and no formal action will be required. The improvement should be sustained over a reasonable time period. If it is not a sustained improvement, it may be appropriate to proceed to the formal stages of the policy. What is a reasonable period of sustainment ideally will be agreed between the manager and individual, but where agreement can't be reached the manager will make the decision.

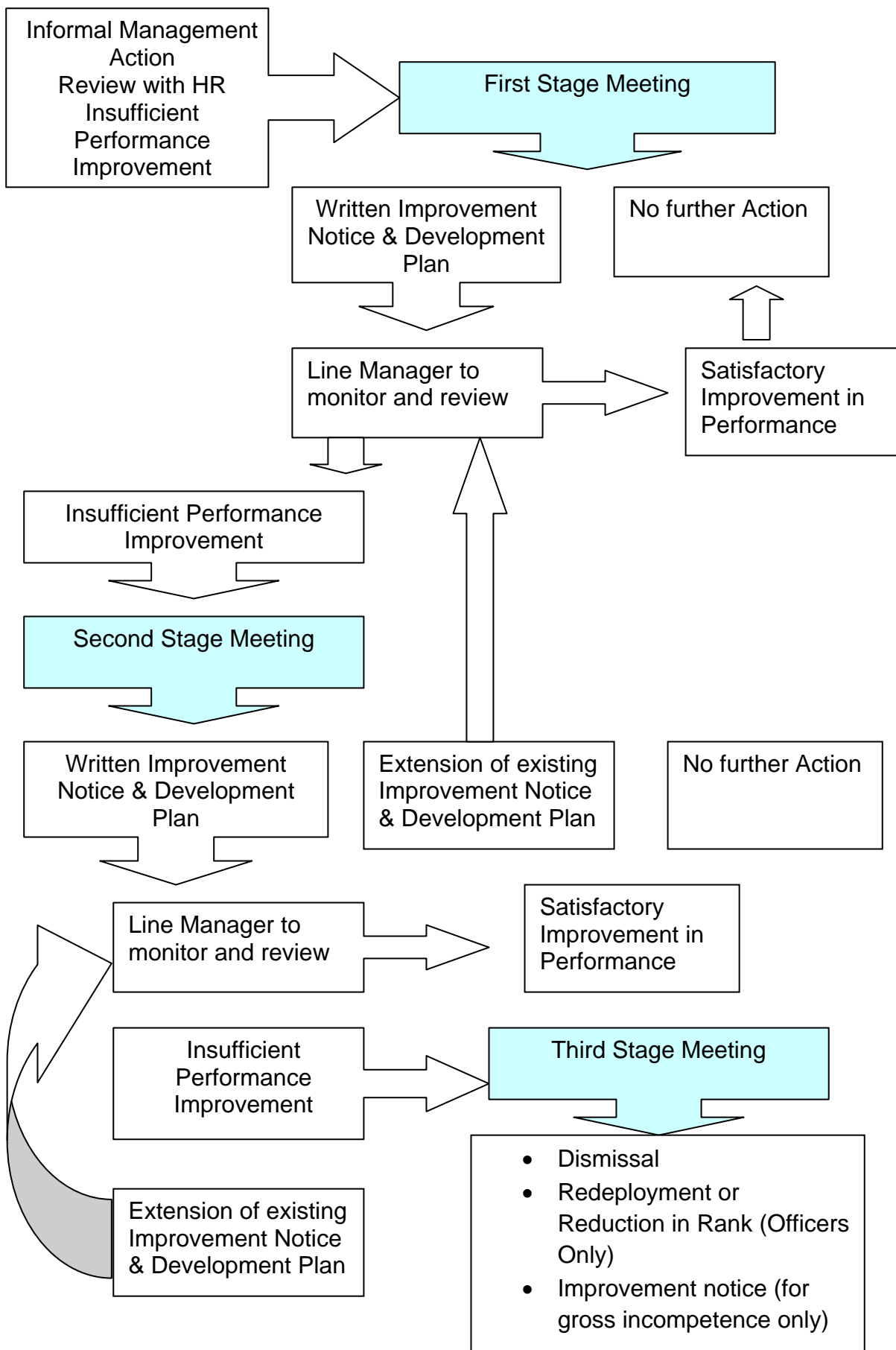
Where there has been some improvement but the individual still falls short of the required standard, the manager can either extend the review period or progress directly to formal action taking into consideration the degree of improvement and any other relevant factors. Where there has been no improvement it is likely the matter should progress to the formal stages of Performance Management & Improvement Procedure.

In any event, managers should discuss the case with a HR before progressing to the formal stages of the procedure.

OVERVIEW INFORMAL PERFORMANCE MANAGEMENT



OVERVIEW FORMAL PERFORMANCE MANAGEMENT



Formal Performance Management Process

Due to variations in the procedure there are separate sections within the Managers Guidance for Police Officers and Police Staff.

In any event, the first line manager should always discuss the case with HR before progressing to the formal stages of the procedure.

This is an opportunity to review the evidence of under performance, its context and any actions taken so far.

The formal stages should not be used to address occasional lapses in performance which can be dealt with through normal management activity. They will be used for repeated or more serious cases of under performance. Should any new elements of under performance arise at this stage they should be dealt with under the informal process and not be immediately included in the formal process.

The managers toolkit on the HR Intranet pages provides managers with template letters for the formal stages of the performance management process.

Conducting a First or Second Stage Meeting

Preparation:

- Clearly define the reasons for the meeting
- Agree a date and time with the individual
- Organise HR support at the meeting
- Carry out any relevant background investigation and collate the evidence
- Make sure any evidence to be considered is shared with the individual in a timely manner (within a minimum of 5 working days of the meeting)
- Send written notification
- Check whether the individual has any documents they wish to submit for consideration
- Ensure the meeting is held in private and there will be no interruptions
- Allow adequate time for the meeting to take place
- Allow the individual to be accompanied by a union representative or work colleague.

The meeting:

- Try and put the person at ease
- Introduce those present and explain that there will be a formal note of the meeting
- State the purpose of the meeting
- Explain the stages of the process and the maximum outcome at each stage
- Check the individual has had sufficient opportunity to review any evidence supplied to them as part of the process
- Check whether there is any additional evidence to be considered – adjourn to consider if necessary

Advise the individual as to the meeting structure

1	That you will put forward the reasons as to why performance is considered unsatisfactory
2	The individual, or their representative on their behalf will put forward their views and make known any factors that are affecting their performance
3	You will adjourn if appropriate to consider the evidence and what has been said
4	The individual will then be notified of the decision.
5	They can expect written confirmation of the meeting outcome and a copy of the meeting notes.

- Explain to the individual why it is believed their performance has been unsatisfactory
- Allow them the opportunity to respond
- Allow the representative an opportunity to respond
- Listen and ask questions as appropriate, try to make sure you draw out all the relevant details
- If possible get the individual to suggest how matters could be resolved
- Adjourn the meeting to consider all the evidence and to make a decision
- Reconvene to let the individual know the decision, the sanction its duration and any other implications, if applicable
- Let them know about their right of appeal.

Managers should focus on being compassionate and empathetic whilst ensuring the individual is clear on the evidence and concerns relating to their performance. Managers need to be firm and clear regarding the facts surrounding under performance but open minded and compassionate about what sits behind the performance issues. The purpose of the meeting is to achieve an improvement in performance and it is not a punitive discussion. Therefore, good feedback, questioning and listening skills can be the key in managing the formal process to a successful conclusion.

Some helpful tips are:

- Feedback should be related to actual events, observed behaviours or actions.
- Events should be described rather than judged.
- Feedback should be accompanied by questions soliciting the individual's opinion why certain things have happened.
- Individuals should be encouraged to come to their own conclusions about what happened and why.
- There should be understanding about what went wrong and an emphasis on 'putting things right' rather than censuring past behaviour.

Open, closed, probing questions should be asked as appropriate. Leading questions should be avoided. Examples of questions you might use include the following:

- How do you feel things have been going?
- How do you feel you're developing?
- Tell me, why do you think that happened?

Probing questions dig deeper for more specific information on what happened or why. They should indicate support for the individual's answer and encourage them to provide more information about their feelings and attitudes, while they can also be used to reflect back to the individual and check information. Examples would be:

- That's very interesting. Tell me more about ...?
- To what extent do you think that ...?
- Have I got the right impression? Do you mean that?

In addition to asking appropriate questions listening skills are essential to establish which situation you are in. Listen to the individual's responses so as to get a clear understanding of why they have been under performing. Repeat back to clarify reasons and to confirm details. Be patient, allow pauses, to give the individual time to respond to questions – this is a difficult situation for them.

Following the Meeting

- As soon as reasonably practicable provide a written record of the meeting to the individual
- Where poor performance has been found make sure the individual receives a copy of the improvement notice which should incorporate a personal development plan and written notice of the right to appeal
- Allow the individual to submit any written comments
- Make sure HR have a copy of any relevant documentation
- Put into place any supportive actions identified in the development plan
- Carry out ongoing monitoring of performance against the improvement notice/development plan through the agreed period with the individual
- Formally review performance against the improvement notice/development plan in consultation with HR and assess whether the required improvements have been met.

Conducting a Third Stage Meeting

Upon receiving the meeting notice and prior to the meeting the individual will be expected to respond in writing, this should include:

- Whether they accept their performance has been unsatisfactory
- Where they accept their performance has been poor any written mitigation
- Where they do not accept their performance has been poor or where they dispute individual matters referred to in the meeting notice, what they are disputing and their reasoning.
- Copies of any documents they will be relying on
- Details of any witnesses they might wish to call, or confirmation that they do not wish to request witnesses.

The Chair will decide which, if any, witnesses should be called to attend the meeting and who they will be. Witnesses should only be called to Third Stage Meeting where the Chair believes it is in the necessity of fairness for them to attend.

Arrangements will need to be made for a record of the meeting to be taken.

The meeting:

- Try and put the person at ease
- Introduce those present
- State the purpose of the meeting and that notes will be taken
- Explain the potential outcomes of the meeting
- Check the individual has had sufficient opportunity to review any evidence supplied to them as part of the process
- Check whether there is any additional evidence to be considered – adjourn to consider if necessary
- Confirm whether any witnesses will be attending and where in the proceedings this will be
- Advise the individual as to the meeting structure

1	That you will put forward the reasons as to why they are required to attend the Third Stage Meeting
2	That witnesses will attend to give their evidence (if applicable)
3	The individual, or their representative on their behalf will put forward their views and make known any factors that are affecting their performance
4	You will adjourn if appropriate to consider the evidence and what has been said
5	The individual will then be notified of the decision.
6	They can expect written confirmation of the meeting outcome and a copy of the meeting notes if requested.

- Explain to the individual why it is believed their performance has been unsatisfactory
- Allow them the opportunity to respond
- Allow the representative an opportunity to respond
- Listen and ask questions as appropriate, try to make sure you draw out all the relevant details
- If possible get the individual to suggest how matters could be resolved
- Adjourn the meeting to consider all the evidence and to make a decision
- Chair will write up the decision, this should state whether they find performance to be unsatisfactory, the reason and any outcome
- Reconvene to let the individual know the decision, the sanction its duration and any other implications, if applicable
- Let them know about their right of appeal.

Following the Meeting

- Provide a written notice of the finding to the individual
- Update the line manager with the outcome
- Provide a record of the meeting to the individual within a reasonable time frame
- Where the meeting has resulted in dismissal notify HR and Payroll in writing immediately
- Make sure HR have a copy of any relevant documentation
- Where an improvement notice is extended ensure the individual receives a copy as soon as possible
- Where an improvement notice is extended, advise the line manager of the need to put in place any supportive actions identified in the development plan which may have been amended. The line manager will then need to carry out ongoing

monitoring of performance against the improvement notice/development plan through the agreed period with the individual and formally review.

Individuals have the right to appeal. For more information on the appeal process please refer to Appeals section. The finding and outcome of the Third Stage Meeting will continue to apply whilst the outcome of an appeal is pending.

Police Staff Formal Performance Management Process

Where the line management consult with HR and it is agreed to go ahead with the formal process the first line manager will arrange a First Stage Meeting.

Police Staff First Stage Meeting

Meeting Chair	Other Attendees	Potential Outcomes
1 st Line Manager	<ul style="list-style-type: none"> • Individual • HR Representative • Staff Association Representative, union or work colleague 	<ul style="list-style-type: none"> • No further action • Written Improvement Notice & Development Plan.

The manager should verbally advise the individual they intend to call a first stage meeting. They will determine the date and time and confirm this to the individual in writing. If there are issues with representation the individual can propose an alternative date, as long as it is not more the 5 working days after the original date.

The manager’s written notification to the individual should include the following details:

- A summary of the reasons why performance is considered unsatisfactory
- The possible outcomes of the meeting
- Who will be attending
- Instruction that the individual should provide the line manager with any documentation they wish to be considered as part of the meeting
- Right to seek advice and representation.

The manager should include with the written notification copies of any documentation they wish to rely on to support their view on the individual’s performance. This should be provided within a minimum of 5 working days of the meeting date.

Individuals have the right to appeal. The Chair of the meeting should ensure they are aware of this. For more information on the appeal process please refer to Police Staff Appeals section. The finding and outcome of the First Stage Meeting will continue to apply whilst the outcome of an appeal is pending.

Police Staff Second Stage Meeting

Meeting Chair	Other Attendees	Potential Outcomes
2 nd Line Manager	<ul style="list-style-type: none"> • Individual • HR Representative • Staff Association Representative, union or work colleague • First line manager. 	<ul style="list-style-type: none"> • No further action • Final Written Improvement Notice & Development Plan.

The Second Stage Meeting should only be commenced for matters similar to or connected with matters addressed under Stage One. It may be instigated either upon final review of the development plan under Stage One or within the 12 month period of the improvement notice where an initial satisfactory improvement in performance has subsequently dropped. Arrangements for the Second Stage Meeting mirror those for the First Stage, with the exception the second line manager is responsible for organising and conducting the meeting.

Individuals have the right to appeal. The manager conducting the meeting should ensure they are aware of this. For more information on the appeal process please refer to Police Staff Appeals section. The finding and outcome of the Second Stage Meeting will continue to apply whilst the outcome of an appeal is pending.

Police Staff Third Stage Meeting

Meeting Chair	Other Attendees	Potential Outcomes
M1 Grade Staff Manager or above – or Police Officer equivalent (C/Insp or above)	<ul style="list-style-type: none"> • Individual • HR Representative • Staff Association Representative, union or work colleague • First line manager. 	<ul style="list-style-type: none"> • Dismissal with notice • Extension of written Improvement Notice Development Plan • Redeployment • No further action.

The Third Stage Meeting should only be commenced for matters similar to or connected with matters addressed under Stage's One and Two, or for cases of potential gross incompetence. It may be instigated either upon final review of the development plan under Stage Two, or at anytime within the 12 month period of the improvement notice where performance has then dropped.

The Senior Manager (Chair) must provide written notice to the individual which should include the following:

- That the meeting will be with a panel appointed by Nottinghamshire Police
- The proposed date and time for the meeting
- The procedures for amending the time and date if required
- A summary of the reasons why performance is considered unsatisfactory
- The possible outcomes of the meeting
- Who will be attending and why

- Instruction that the individual should provide the Chair with any documentation they wish to be considered as part of the meeting
- Right to seek advice and representation.

The individual should also be provided with a copy of any documentation relied upon by line management which supports their view of the officers poor performance within a minimum of 5 working days of the meeting.

The Chair and HR Representative should also receive copies of the relevant documentation. This should include:

- Documents referred to as part of the First Stage Meeting
- Documents referred to as part of the Second Stage Meeting
- Any document prepared or submitted in advance of the Third Stage Meeting
- Any documents prepared following either First or Second Stage Meetings (i.e. Improvement notices, development plans, meeting notes)
- Any appeal documentation.

Amending The Third Stage Meeting Date

Where there are issues with representation the individual can propose an alternative date, as long as it is not more the 5 working days after the original date. The Chair may also extend the period in which the meeting can take place, this can be by up to 30 working days. This will be where the Chair considers an extension is in the interests of fairness.

Objecting To Panel Members

The individual can object to members of the panel, this must be in writing and within 5 working days of notification of their identity. Grounds for their objection must be provided. The objection should be directed to a senior manager within HR in the first instance who will decide whether to reject or uphold the objection. Where an objection is upheld the individual will be informed in writing as soon as possible and advised who the newly appointed panel member will be.

Police Staff Appeals

Individuals have the right of appeal at all stages of the formal process. There is no right of appeal regarding informal management action.

The right of appeal can be against the finding and the terms of the improvement notice. The individual should submit their appeal in writing to the relevant manager within 7 working days of having received the improvement notice. The original terms of the improvement notice and finding will continue to apply pending the appeal outcome.

Appeal Stage	Hearing Officer
First Stage Appeal	Second Line Manager
Second Stage Appeal	Nominated manager more senior than Second Stage Meeting Chair
Third Stage Appeal	Nominated manager more senior than Third Stage Meeting Chair.

The written appeal notice should state the grounds for the appeal. This may be one of the following:

- The finding of unsatisfactory performance is unreasonable
- Some or all of the terms of the improvement notice are unreasonable
- There is evidence which could not have been reasonably considered at the meeting which could have affected the finding or terms of the improvement notice
- There was a breach of the procedures which potentially had a significant affect on the finding and terms of the improvement notice.

The Hearing Officer should agree with the individual a time and date for the Appeal Meeting to take place. If agreement cannot be reached the Hearing Officer will specify it. However where there are issues with representation the individual can propose an alternative date, as long as it is not more the 5 working days after the original date.

The Hearing Officer should confirm the meeting arrangements in writing to the individual. The notice should include the following:

- Date, time and location of the meeting
- The right to representation
- Notice of any other attendees

Template appeal letters are available on the HR Intranet pages.

The Appeal Meeting – Police Staff

The Hearing Officer will allow the individual or their representative to make representations. They will then consider what has been said and then confirm their decision. The decision could be one of the following:

- To confirm the finding of unsatisfactory performance
- To reverse the finding of unsatisfactory performance
- To endorse the terms of the improvement notice
- To vary the terms of the improvement notice.

Where the finding of unsatisfactory performance is reversed the improvement notice must also be revoked.

The decision will be confirmed in writing to the individual within 3 working days of the Appeal Meeting. The Hearing Officer will also provide written reasons for their decision.

Any changes to the original finding will come into affect as of the date of the most recent Stage meeting under the formal process.

Police Officer Formal Performance Management Process

Where the line management consult with HR and it is agreed to go ahead with the formal process the first line manager will arrange a First Stage Meeting.

Police Officer First Stage Meeting

Meeting Chair	Other Attendees	Potential Outcomes
1 st Line Manager	<ul style="list-style-type: none"> • Individual • HR Representative or Police Officer experienced in UPP's. • Staff Association Representative, Federation or work colleague 	<ul style="list-style-type: none"> • No further action • Written Improvement Notice & Development Plan

The manager should let the individual know of their intention to call a first stage meeting and agree with the individual a time and date for this to take place. Where agreement cannot be reached the line manager will specify it. However where there are issues with representation the individual can propose an alternative date, as long as it is not more than 5 working days after the original date.

Once the date has been agreed the manager should provide written notification to the individual which should include the following details:

- A summary of the reasons why performance is considered unsatisfactory
- The possible outcomes of the meeting
- Who will be attending
- Instruction that the individual should provide the line manager with any documentation they wish to be considered as part of the meeting
- Right to seek advice and representation.

The manager should provide written notification of the meeting and attach copies of any documentation they wish to rely on to support their view on the individuals performance.

Individuals have the right to appeal. For more information on the appeal process please refer to Police Officer Appeals. The finding and outcome of the First Stage Meeting will continue to apply whilst the outcome of an appeal is pending.

Police Officer Second Stage Meeting

Meeting Chair	Other Attendees	Potential Outcomes
2 nd Line Manager	<ul style="list-style-type: none"> Individual HR Representative or Police Officer experienced in UPP's. Staff Association Representative, Federation or work colleague. 	<ul style="list-style-type: none"> No further action Final Written Improvement Notice & Development Plan

The Second Stage Meeting should only be commenced for matters similar to or connected with matters addressed under Stage One. It may be instigated either upon final review of the development plan under Stage One or within the 12 month period of the improvement notice where there may initially have been a sufficient improvement in performance which has subsequently dropped.

Arrangements for the Second Stage Meeting mirror those for the First Stage, with the following exceptions:

- Second line manager is responsible for organising and conducting the meeting.
- There is an additional option for the outcomes to include extending the existing improvement notice.

Individuals again have the right to appeal. For more information on the appeal process please refer to Police Officer Appeals. The finding and outcome of the Second Stage Meeting will continue to apply whilst the outcome of an appeal is pending.

Police Officer Third Stage Meeting

Meeting Chair	Other Attendees	Potential Outcomes
Chief Superintendent (or above) or Head of HR & OD.	<ul style="list-style-type: none"> Individual Senior HR Representative or Chief Superintendent Third panel member – at least Superintendent rank or staff equivalent Staff Association Representative, Federation or work colleague 	<ul style="list-style-type: none"> Dismissal with notice Redeployment Reduction in rank Extension of Final Written Improvement Notice/ Development Plan No further action Dismissal without notice (gross incompetence only) Final Written Improvement Notice (gross incompetence only).

The Third Stage Meeting should only be commenced for matters similar to or connected with matters addressed under Stage's One and Two. It may be instigated either upon final review of the development plan under Stage Two, or within the 12 month period of the

improvement notice where there may initially have been a sufficient improvement in performance which has subsequently dropped.

Notification

The first line manager should let the individual know of the intention to call a Third Stage Meeting and notify them in writing that they need to attend to discuss the issues relating to the poor performance. The Senior Manager (Chair) must then provide written notice to the individual which should include the following information:

- That the meeting will be with a panel appointed by Nottinghamshire Police.
- The proposed date and time for the meeting.
- The procedures for amending the time and date if required
- A summary of the reasons why performance is considered unsatisfactory.
- The possible outcomes of the meeting.
- Who will be attending and why.
- Instruction that the individual should provide the Chair with any documentation they wish to be considered as part of the meeting
- Right to seek advice and representation.

The individual should also be provided with a copy of any documentation relied upon by the first line manager which supports their view of the police officers poor performance. The panel members should also receive copies of the relevant documentation. This should include:

- Documents referred to as part of the First Stage Meeting.
- Documents referred to as part of the Second Stage Meeting.
- Any document prepared or submitted in advance of the Third Stage Meeting.
- Any documents prepared following either First or Second Stage Meetings (i.e. Improvement notices, development plans, meeting notes).
- Any appeal documentation.

Amending the Third Stage Meeting Date

Where agreement on a meeting time and date cannot be reached the Chair will specify it. However where there are issues with representation the individual can propose an alternative date, as long as it is not more the 5 working days after the original date. The Chair may also extend the period in which the meeting can take place, this can be by up to 30 working days. This will be where the Chair considers an extension is in the interests of fairness.

Objecting to a Panel Member

The individual can provide written objections regarding any panel members within 3 working days of receipt of the meeting notice. They must provide the grounds for their objection. This should be directed to the Head of HR and OD in the first instance who will seek the organisations decision on whether to reject or uphold the objection. Where an objection is upheld the individual will be informed in writing as soon as possible and advised who the newly appointed panel member will be.

Actions Prior to the Third Stage Meeting

The individual will be expected to respond in writing within 14 days of receiving the meeting notice. This should include:

- Whether they accept their performance has been unsatisfactory.
- Where they accept their performance has been poor any written mitigation.

- Where they do not accept their performance has been poor or where they dispute individual matters referred to in the meeting notice, what they are disputing and their reasoning.
- Copies of any documents they will rely upon.
- Details of any witnesses they might wish to call, or confirmation that they do not wish to request witnesses.

The Chair will decide which, if any, witnesses should be called to attend the meeting and who they will be. Witnesses should only be called to a Third Stage Meeting where the Chair believes it is in the necessity of fairness for them to attend.

Arrangements will need to be made for a verbatim record of the meeting to be taken.

Individuals have the right to appeal, for more information on the appeal process please refer to Police Officer Appeals. The finding and outcome of the Third Stage Meeting will continue to apply whilst the outcome of an appeal is pending.

Police Officer Appeals

Individuals have the right of appeal at all stages of the formal process. There is no right of appeal regarding informal management action.

The right for appeal can be against the finding and the terms of the improvement notice. The individual should submit their appeal in writing to the relevant manager within 7 working days of having received the improvement notice. The original terms of the improvement notice and finding will continue to apply pending the appeal outcome.

Appeal Stage	Hearing Officer
First Stage Appeal	Second Line Manager
Second Stage Appeal	Senior Manager or Superintendent
Third Stage Appeal	Police Appeals Tribunal

The written appeal notice should state the grounds for the appeal. This may be one of the following:

- The finding of unsatisfactory performance is unreasonable.
- There are terms of the improvement notice which are unreasonable.
- There is evidence which could not have been reasonably considered at the meeting which could have affected the finding or terms of the improvement notice.
- There was a breach of the procedures which potentially had a significant affect on the finding and terms of the improvement notice.

The Hearing Officer should agree with the individual a time and date for the Appeal Meeting to take place. If agreement cannot be reached the Hearing Officer will specify it. However where there are issues with representation the individual can propose an alternative date, as long as it is not more the 5 working days after the original date.

The Hearing Officer should confirm the meeting arrangements in writing to the individual. The notice should include the following:

- Date, time and location of the meeting.
- The right to representation.
- Notice of any other attendees.

Template appeal letters are available on the HR Intranet pages.

The Appeal Meeting - Police Officers

The Hearing Officer will allow the individual or their representative to make representations. They will then consider what has been said and then confirm their decision. The decision could be one of the following:

- To confirm the finding of unsatisfactory performance.
- To reverse the finding of unsatisfactory performance.
- To endorse the terms of the improvement notice.
- To vary the terms of the improvement notice.

Where the finding of unsatisfactory performance is reversed the improvement notice must also be revoked.

The decision will be confirmed in writing to the individual within 3 working days of the Appeal Meeting. It is advisable that the Hearing Officer also provides written reasons for their decision.

Any changes to the original finding will come into affect as of the date of the most recent Stage meeting under the formal process.

Right to be Accompanied

Individuals have the right to be accompanied at formal performance management meetings by a work colleague or trade union representative. The role of the work colleague or trade union representative is to support the employee, not to answer questions on their behalf.

At a formal meeting, an individuals work colleague or trade union representative may address the hearing, sum up and put the case forward for the employee, answer on the employee's behalf to any view expressed at the hearing and confer with the employee during the hearing. They cannot respond to questions on the employee's behalf.

As the intention of the right to be accompanied is for the individual to be provided with independent, objective support, the organisation would not normally allow a family member to represent an individual at a formal performance management meeting.

Representatives from outside the organisation will not normally be allowed. However where an individual has a disability it may be appropriate for an external person to attend meetings in a supportive capacity. This will be at the discretion of the manager running the meeting.

Record Keeping

Managers should ensure they use the PDR process to manage the performance of members of their team. This should ensure that any concerns around performance are logged at the earliest possible stage. It is vital to record concerns, decisions and actions taken. Line managers should also be mindful of the reasoning behind their decisions. It is advisable that managers use a log to track their actions and decision making, particularly when considering formal performance management action.

Where there are changes in management personnel in the midst of a performance management process, a comprehensive handover should always take place between the

managers. Involvement of HR and good record keeping are critical in enabling the incoming manager pick up the management of any issues.

Information recorded about an individual should be open and transparent and should not contain any surprises to the individual. Managers should not be keeping records they are not prepared to share openly with the individual.

Performance Records

Colleagues and managers can use a performance record (Form G378) to note an occasion of exceptional performance or poor performance in relation to an individual. The record should be shared with both the individual and their line manager so they can discuss it and if appropriate make note of it formally in the PDR.

A negative performance record should not be treated as if it is a formal sanction. The line manager should explore the points raised and any evidence, then take further action they deem appropriate in the given circumstances. This could include;

- No further action.
- PDR note.
- Consultation with HR and/or PSD with a view to performance management intervention or misconduct proceedings.

A positive performance record may also be noted in the PDR. Managers may also wish to consider whether a referral for a Force award is appropriate.

Development Plans and Improvement Notices

Where an individuals performance is found to be unsatisfactory following a formal meeting they will be issued an Improvement Notice which will be “live” for a 12 month period.

1st Stage Meeting	Improvement Notice	12 Months Duration
2nd Stage Meeting	Final Improvement Notice	12 Months Duration

The Improvement Notice should include the following:

- Why performance is considered unsatisfactory.
- The improvement required to achieve an acceptable standard.
- The timescale in which the improvement is expected to be made.
- The period for which improvement notice is live.
- The subsequent stage of the procedure if insufficient improvement is made.
- The right to appeal.
- Signature and date of the person issuing the notice.
- Advise the individual of their right to submit written comments.

It is likely the Improvement Notice will be accompanied by a Development Plan. Both documents are available on the HR Intranet pages. The timescale for an acceptable standard to be reached as set out in the Improvement Notice should usually be aligned to the duration of the Development Plan. This would normally be for 3 months, however in exceptional circumstances and where agreed with HR this may be varied. The minimum period for improvement is 1 month and the maximum 12 months.

The Development Plan should:

- Identify any weaknesses which may be the cause of the unsatisfactory performance.
- Describe the steps which must be taken to improve performance.

- Identify what support is available from the organisation.
- Specify a period within which actions should be followed up.
- Set dates for review.

Extending an Improvement Notice

There may be some rare circumstances where the individual has been unable to achieve the required improvement in the timescale set due to unforeseen circumstances, for example due to an unexpected absence from work. Where this occurs there is the option to extend the timescale for improvement.

Documentation

All the relevant paperwork collated during the process should be compiled along with a report summarising action taken in chronological order. All documentation should be referenced clearly. This will ensure that the Panel or Hearing Officer (in the case of an appeal) can review all the documentation easily. This is particularly important at a Third Stage or Appeal Meeting.

The following is a non-exhaustive list of what ought to be disclosed if applicable:

- Current PDR.
- Written Improvement Notice.
- Development Plans.
- Any documentation which supports the employee's case or undermines the concerns around the individual's performance.
- Summary notes of any one to one meetings.
- Details of any relevant training or other supportive intervention undertaken.
- Witness statements and documentary evidence.
- Meeting notes from any previous meetings under the Performance Management & Improvement Procedures (live processes only, not historical).
- Letters/emails to employee/witness/es (although it is not essential to include, it is good practice to ensure all documentation is collated and referenced appropriately).

The individual must be provided with two copies of the relevant documents at least 5 working days prior to the formal meeting.

If the formal performance management meeting does not result in a formal outcome (e.g. written improvement notice):

The individual will receive a written summary of the meeting, which should include confirmation of the outcome. They will also receive a duplicate copy for their workplace representative.

Any file and report will be kept for 12 months in the HR Department and then destroyed as confidential waste or shredded.

If the formal performance management meeting does result in a formal outcome:

The individual will receive (where applicable) a Written Improvement Notice / Final Written Improvement Notice, written summary of the meeting which should include confirmation of the outcome and action/development plan. They will also receive duplicate copies for their workplace representative.

Where the third stage outcome is one of dismissal the individual should be provided with written notice of their termination date. For Police Staff the notice should be in line with

their contract of employment, other than for exceptional cases where dismissal is without notice.

Redeployment

Redeployment can only be considered where there is a known vacancy that could be suitable. Nottinghamshire Police will not create positions specifically for the purpose of redeploying individuals. Managers must always consult with HR where they believe redeployment could be a suitable option. Redeployment resulting from capability issues will be limited to roles of either the same, or a lower grade or rank. The Force Redeployment Policy will apply.

Redeployment Police Staff

Individuals will be required to evidence the skills necessary for the role through an appropriate selection method.

Individuals being progressed through the formal performance management stages will not be entitled to 3 months on the redeployment register, although redeployment could be considered as an option up until the point employment / service is terminated. This remains at the organisations discretion. New posts will not be created specifically for the purpose of redeployment.

In cases where an offer to redeploy can be made the individual should be aware of the following points:

- Salary protection does not apply, any reduction in salary will be effective from the commencement date of the new contract of employment.
- The individual will usually commence on the bottom salary scale point.
- If the proposed redeployment role involves a change in base location the individual will not be entitled to claim travel and disturbance.
- There is no obligation on the individual to accept the role on offer.
- Where an offer is accepted the individual will maintain continuous service.

Redeployment Police Officers

Where the outcome at a Stage 3 Meeting for Police Officers is one of redeployment, which may include reduction in rank, Nottinghamshire Police will determine a suitable posting in line with organisational needs.

Disability Related Redeployment

Individuals with disabilities will still be required to evidence they have the skills for a role being considered for redeployment. However any selection process must take into account the disability and reasonable adjustments will be put in place. Managers should also consider whether any reasonable adjustments are required to enable the individual to carry out the role under consideration.

Formal Performance Management Procedure and Sickness Absence

Absence due to illness or injury may not necessarily render a person unfit to attend a formal meeting under the Performance Management Procedure. Each case will be assessed on an individual basis, in consultation with Occupational Health where deemed appropriate. Meetings will not be deferred indefinitely due to sickness absence, although every effort should be made to enable the individual to attend. For example:

- The acute phase of a serious physical illness may be short lived, therefore the meeting may be deferred until an individual is well enough to attend.

- Where the individual suffers from a physical illness such as a broken leg, it may be appropriate to hold the meeting at a location convenient to them.

For a Stage 3 meeting the organisation may consider the use of video, telephone or other conferencing technology.

Where efforts have been made to support attendance and the individual either persists in non-attendance or maintains their inability to attend, the meeting Chair will decide whether to defer or to proceed in their absence.

Performance Management and Disability

When managing performance, managers should always be mindful of the Equality Act 2010 and the provisions relating to disability.

The Equality Act 2010 defines disability for the purposes of discrimination legislation as: "Any physical or mental impairment which has a substantial and long-term adverse effect on ability to carry out day-to-day activities." Day-to-day activities include things such as using a telephone, reading a book or using public transport.

Section 15 of the Equality Act means a manager should make sure they are not treating an individual unfavourably because of something arising as a consequence of a disability without a justifiable reason. For example an individual may be taking medication because of a disability which affects their ability to perform their role. This means reasonable adjustments should be considered both in relation to the disability itself and for matters arising from it.

Disability may incorporate many common problems such as stress-related illness or bad backs, both of which could have a significant effect on an individual's ability to properly perform their job.

Before embarking on a formal performance management process, it is good practice for the manager to discuss with the individual whether there are any adjustments they require to assist them in carrying out their role. This could be as simple as supplying an adequate, ergonomic chair or power-assisted piece of equipment. Reasonable adjustments could also include re-deployment to a different type of work if necessary, however Nottinghamshire Police are not obliged to create suitable positions where they don't already exist. Managers should seek advice from HR and Occupational Health on reasonable adjustments or where they believe a disability may be affecting someone's ability to perform their role.

Consideration should be given as to whether the disability is responsible for the poor performance and accordingly, whether invoking the performance management procedure would constitute discrimination. Managers should always seek advice and guidance from HR.

PG023 Attendance Management – Managers Guide, provides additional guidance in relation to disability.

Gross Incompetence

There may be exceptional circumstances where performance is so unsatisfactory that it warrants procedures being initiated directly at the third stage. The case would require review by at least Chief Superintendent rank for Police Officers or for Police Staff, the

Head of HR and OD or nominated representative. They will be responsible for the decision as to whether the performance equals gross incompetence and should go directly to the Third Stage Meeting.

Gross incompetence is likely to be a single event that is so serious a failing in performance that it could potentially warrant dismissal.

Arrangements for a Third Stage Meeting for gross incompetence are the same as for any other Third Stage Meeting.

Available outcomes are also the same except for the additional option to issue an improvement notice where it is found to be unsatisfactory performance rather than gross incompetence. If an improvement notice is issued this will be as if it were issued at a First Stage Meeting.

Grievances raised during the performance management process

It is possible that a police staff member or police officer subject to a performance management process either formal or informal may raise a grievance. Each case should be considered on its own merit and discussed with HR. It is not the norm to suspend the performance management process to investigate the grievance.

Additional considerations for police officers

Performance Management for Police Officers is covered by The Police (Performance) Regulations 2012. There is also comprehensive Home Office Guidance. Whilst the Nottinghamshire Police Managers Guide to Performance Management & Improvement aims to be in line with both Regulations and Home Office Guidance it is recommended that managers dealing with Police Officer UPP's also refer to these documents.

A key difference to note is that at the Stage 3 Meeting Police Officers may have legal representation. There is no right for legal representation for Police Staff at any point of this process.

Special Constables

Where a Third Stage Meeting has been called for a Special Constable, a member of the Special Constabulary will be appointed to attend the meeting to advise the panel around any additional considerations resulting from the role of a Special. They should be sufficiently senior and experienced to provide advice. They will not form part of the panel and will not play a part in determining the outcome.

SECTION 5 LEGISLATIVE COMPLIANCE

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; European Convention on Human Rights; Employment Act 2002; Employment Relations Act 1999, and other legislation relevant to policing.