



28th July 2006

UNSATISFACTORY PERFORMANCE PROCEDURES

Consultation Exercise

Purpose and timing

To consult key stakeholders on revised Unsatisfactory Performance Procedures for police officers.

The closing date for responses to this consultation is **Friday 29th September 2006**.

Introduction

The unsatisfactory performance procedures for police officers have been revised by a working party of the Police Advisory Board.

Unsatisfactory performance procedures for chief officers have also been developed through this group.

Background

Following the recommendations of the Taylor Review 2005, which was a comprehensive review of police disciplinary arrangements, the existing unsatisfactory performance procedures have been re-evaluated and revised. This was done in parallel with the reform of the misconduct procedures which formed the main focus of the Taylor Review. The new unsatisfactory performance procedures should not, therefore, be viewed in isolation but rather as part of a comprehensive package which will be implemented as such. Guidance will accompany both sets of procedures.

Scope

The draft unsatisfactory performance procedures will apply to all police officers up to and including chief superintendent and may also be applied to special constables. The draft unsatisfactory performance procedures for chief officers will apply to all chief officers. The two sets of procedures mirror each

other as closely as possible, deviating only where the specific circumstances of chief officers require a different process.

Objectives

The aim of the draft procedures is to provide a fair, open and proportionate method of dealing with performance issues, and to encourage a culture of learning and development for individuals and the organisation. To ensure that we have reflected these aims, and that the procedures are easy to understand, we invite your comments.

Consultation questions

We invite your views on the proposed unsatisfactory performance procedures for officers up to the rank of chief superintendent and those for chief officers. Please consider the following questions:

- 1, Are the proposed new procedures clear and easy to understand? If they are not, please say why they are not and give specific examples.
2. Do the unsatisfactory performance procedures achieve their aims of:
 - (a) providing a fair, open, timely and proportionate method of dealing with performance issues;
 - (b) encouraging a culture of learning and development for individuals and the organisation; and
 - (c) enshrining the values of fairness and equality in policing?

If they do not achieve one or more of these aims, please say why they do not.

3. Reduction in rank or dismissal is a possible outcome of the third (final) stage of the unsatisfactory performance procedures (see section 9 of the draft procedures). The draft procedures do not permit officers to be legally represented at this stage.
 - (a) There are situations where a single incident of very serious under-performance may have very serious consequences, for example in the context of a major disaster. In these circumstances it may be possible, exceptionally, to go directly to the final stage of the procedures rather than following the process stage by stage (see paragraph 6.3 of the draft procedures). Should police officers be permitted to be legally represented at the final stage of the unsatisfactory performance procedures in cases which have gone directly to this final stage?
 - (b) Are there any other circumstances in which officers should be permitted to be legally represented at the final stage of the

unsatisfactory performance procedures, for example where complex medical issues are involved? If so, please specify those circumstances.

The Consultation Process

The closing date for consultation responses is **Friday 29 September 2006**.

Please send responses via e-mail to the Home Office:

UPPconsultation@homeoffice.gsi.gov.uk

For the draft unsatisfactory performance procedures, see [Appendix A](#).
The draft procedures for chief officers are at [Appendix B](#).

A summary of the responses received will be sent to consultees within 3 months of the closing date of this consultation.

This document has been sent to the organisations listed in [Appendix C](#). If there are other interested parties then please inform us so that this document can be sent to them.

Should you have any enquiries or comments regarding the consultation process, please contact John de Sousa by email or telephone:

john.desousa@homeoffice.gsi.gov.uk

020 7035 0868/0867.

Responses: Confidentiality & Disclaimer

The information you send us may be passed to colleagues within the Home Office, the Government or related agencies.

Furthermore, information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the

Proposed Unsatisfactory Performance Procedures for Police Officers

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1. Introduction

1.1 This procedure applies to all police officers up to and including chief superintendent and may also be applied to special constables. They do not apply to probationers for whom there is an established separate procedure. In this document, where the word 'performance' is used, it should be taken that this refers to performance and attendance.

1.2 As regards special constables, the process should be adopted where the special constable is contesting that his/her performance is unsatisfactory. The power to dismiss lies with the panel but there should be the option to involve a chief officer of the special constabulary at the stage where dismissal is being considered.

1.3 The unsatisfactory performance procedures provide a fair, open and proportionate method of dealing with performance issues. The procedures set out below are intended to encourage a culture of learning and development for individuals and the organisation. Sanction has a part, when circumstances require this, but improvement will always be an integral dimension of any outcome (even in the extreme case where an individual has been dismissed there can be learning opportunities for the police service). If the unsatisfactory performance procedure is instigated as a result of a complaint from a member of the public it should be explained to the complainant what action has been taken and the time period within which it is to be completed.

1.4 Tackling unsatisfactory performance effectively is a key responsibility for all line managers.

1.5 A flow chart showing the unsatisfactory performance procedures is at annex A.

2. Principles

2.1 In the interests of fairness, managers in the police service and others involved in the process (such as police staff and HR professionals) must act in a way which an objective observer would consider reasonable. Examples include:

- Being clear about the grounds for believing that an officer's performance is unsatisfactory;
- Ensuring that the officer is aware of his or her right to be accompanied by a friend at UPP meetings;
- Conducting the UPP procedures properly;
- Ensuring that the level of any outcome imposed and any related remedial action, taking into account all the circumstances (including the nature of the working environment) is proportionate and fair in the circumstances.

2.2 All UPP matters should be handled as speedily as possible while maintaining confidence in the process.

2.3 UPP procedures should be applied fairly in both a non-discriminatory and non-adversarial way.

2.4 All UPP matters must be handled in the strictest confidence.

2.5 Any officer who is subject to action for unsatisfactory performance at any stage in the UPP procedure has a right of appeal against the decision and any outcome.

2.6 An officer may seek legal advice at any time subject to constraints in the procedure.

3. Purpose and Objectives

Unsatisfactory performance is:

- ***the inability or failure of a police officer to perform the duties of the role or rank he/she is currently undertaking to a satisfactory standard or level.***

3.1 The purpose of the new procedures is both to simplify and make more effective the process of dealing with cases of unsatisfactory performance by an officer.

3.2 In cases where officers are not performing their duties competently, or there are attendance issues, successful application of unsatisfactory performance procedures should aim to:

- establish the facts underlying the apparent underperformance;
- work with the officer to address the underperformance issues in order to achieve a satisfactory level; and,
- identify any learning for the officer or the organisation.

4. Standards of performance

4.1 The activities and behaviours expected from the officer within his or her role will be in accordance with the integrated competency framework and/ or their post profile. It is the responsibility of the line manager to set objectives which are specific, measurable, achievable, realistic, time related, evaluated and reviewed (SMARTER).

4.2 Any shortfall in performance should be pointed out at the earliest opportunity by the line manager and consideration given as to whether this is due to inadequate instruction, training, supervision or some other failing.

4.3 Where an officer works for another manager who has no line management responsibility for the officer, it will be that manager's responsibility to inform the substantive line manager that the officer's performance is not up to the required standard. The appropriate manager can be a police staff member.

4.4 It should be noted that care in recruitment, selection and training could minimise the risk of unsatisfactory performance or poor attendance.

5. Dealing with unsatisfactory performance

5.1 There are two ways to deal with matters which have been identified as potential unsatisfactory performance:

- management action
- formal action

Management Action

5.2 Cases of minor unsatisfactory performance are usually best dealt with through management action. Management action may include:

- pointing out unacceptable performance;
- identifying expectations for future performance;
- establishing an informal improvement plan; and
- addressing any underlying causes of underperformance.

5.3 Appropriate and reasonable avenues of management action should be taken prior to formal proceedings being initiated.

5.4 It should not be the case that an officer is subject to formal action because issues have been allowed to build up without them being previously addressed by the line manager. A record of informal action should be kept by the line manager to show the steps that have been taken to resolve the issue. This personal record will be kept locally by the line manager.

5.5 There will, however, be situations where matters are more serious or where an informal approach has been tried but is not working. In these circumstances it would be appropriate to initiate formal procedures.

6. The formal process

6.1 There are three stages to the formal UPP procedures, each of which involves a different panel composition and possible outcomes.

6.2 In order to deal with matters efficiently and within a reasonable time, each separate stage of the process should not normally exceed three months.

6.3 Normally the full process will be followed. However, in certain circumstances it may be appropriate to enter the process at a higher stage and it will be possible to do so. This is to allow for cases of very serious under-performance issues (which could be a single incident) amounting to gross incompetence which may go directly to the final stage, for example. In cases where this is done this should be recorded in writing and a copy given to the officer concerned.

6.4 The line manager can ask a representative from HR to attend the meeting(s) or obtain advice from HR prior to the meeting(s), if he/she is in any doubt about the process.

The right to be accompanied

6.5 For the purposes of support and assistance for the officer concerned, he/she has the right to nominate and be accompanied by a friend (member of the police service or a nominee of his/her staff association) throughout each of the stages. See text box, below.

6.6 A friend who has agreed to accompany a colleague is entitled to take a reasonable amount of duty time to fulfil his/her responsibilities as a friend.

6.7 If the chosen friend is not available at the date or time specified the officer may propose an alternative time. Provided that alternative time is reasonable, and falls within a period of five working days beginning with the first working day after that originally proposed, the hearing must be postponed to that time.

6.8 In cases where the officer is off sick and cannot attend a meeting, a short delay may be reasonable to allow him/her to attend. If this is not possible the person conducting the meeting may allow the officer to participate by telephone or video link. In these circumstances, a friend will always be permitted to attend the meeting to represent the officer.

Throughout the process, the friend can:

- advise the police officer on the process;
- clarify any points which may be unclear;
- make representations on the fairness of the process; and,

At meetings the friend can:

- put the police officer's case in meetings;
- sum up the police officer's case; and
- confer with the police officer.

NOTE: It is good practice to allow the friend to participate as fully as possible but at the meeting the friend is not there to answer questions on the officer's behalf.

7. First formal unsatisfactory performance procedure stage

7.1 The line manager must first inform the officer that since insufficient improvements have been made in his/her performance he/she will be subject to the first stage of the formal unsatisfactory performance procedures. The line manager informs the officer that a review of their performance will occur which will result in a formal meeting on a given date.

7.2 The procedures of the first formal stage are:

- (a) Once the line manager has received and considered all the relevant information and is satisfied that the officer's performance is not meeting the required standard, he/she will arrange a formal meeting.
- (b) The line manager will inform the officer in writing of the details of the meeting, including its purpose, the date of the meeting together with copies of related documentation that the line manager has collated and intends to use at the meeting. The line manager will also inform the officer that he/she have the right to be accompanied at the formal meeting by a friend.
- (c) Those attending the meeting will be the officer concerned, the person conducting the meeting (usually the line manager) and the officer's friend.
- (d) The purpose of the meeting is to hear the nature of the under-performance and to give the officer concerned the opportunity to put forward his/her views. It will also be an opportunity to hear of any factors that are inhibiting the officer's performance and what can be done to overcome them.
- (e) The manager will explain that if the procedure is followed to the end, dismissal is an option, and the maximum outcome at this stage is a first improvement notice. The purpose is to improve performance in as short a period of time as is reasonable and practicable.

Possible outcomes:

- No further action
- First improvement notice

(f) The action plan accompanying the first improvement notice should describe what steps and measures the officer and the organisation will take to improve performance (be that further training, support from line management chain etc); the timescale in which this improvement must be made; and a date for formally reviewing the performance . The line manager will explain to the officer what steps the organisation will take to assist him/her in achieving the action plan. The line manager should also discuss with the officer what steps he/she will need to take in order to achieve the action plan such as increased motivation, attention to detail etc. Action plans should be SMARTER.

(g) The timescale must be reasonable. This plan must be formally documented and all concerned parties must receive a copy. The officer will be made aware that if his/her performance does not improve the second stage of the procedures will come into effect.

(h) If the review date passes and the line manager considers that there has been insufficient improvement in the officer's performance he/she will inform the officer accordingly that the second stage of the formal procedure will take place.

(i) Whatever the decision made at the first stage the officer will be informed of the outcome and of his/her right to appeal.

NOTE: *If the officer is considered to have made good progress in achieving aspects of his/her action plan but has not quite made the progress necessary to fully satisfy the line manager, a limited extension of the action plan may be put in place.*

8. Second formal unsatisfactory performance stage

8.1 Having informed the officer that his/her performance is still not meeting the requirements of what is expected of him/her, a second meeting will be convened. If the officer has made improvements in the areas that were causing concern, but the line manager finds that subsequently other similar areas of performance are now unsatisfactory, the line manager should use his/her discretion regarding whether these similar incidents constitute a lack of improvement and the second formal process commences, or whether the process should start at the first stage.

(a) The line manager must inform the officer in writing that he/she is subject to a further meeting to discuss their lack of improvement in their performance. Again, the line manager informs the officer that he/she is entitled to be accompanied by a friend.

(b) The meeting will be conducted by the second line manager with the first line manager also present – the latter usually in attendance to put the case forward. An HR representative may attend to provide advice where necessary – although his/her attendance at the meeting is optional.

(c) The outcome at this second stage of the proceedings would normally be a final improvement notice but this should also be accompanied by an action plan of what is required from the officer in order to improve his or her performance (e.g. further training, support from line management chain, etc), the timescale in which this improvement must be made and also a date for formally reviewing the officer's performance. Again, the timescale must be reasonable and management must ensure that the officer is made aware of the steps it intends to take to assist him/her to improve their performance in accordance with their action plan.

Possible Outcomes:

- No further action
- Continued management action
- Final improvement notice

NOTE: *If the officer is considered to have made good progress in achieving aspects of his/her action plan but has not quite made the progress necessary to fully satisfy the line manager, a limited extension of the action plan may be put in place.*

(d) The second line manager will inform the officer that if no improvement or insufficient improvement takes place prior to the review date that the next stage of the unsatisfactory performance proceedings will take place and that if he/she is given a final improvement notice the outcome of the next stage could be dismissal. This will be his/her final chance to improve before the third and final stage of the procedures commences.

(e) If the review date passes and, following due consideration, the line manager considers that there has been insufficient improvement in the officer's performance, he/she will inform the officer that the third and final stage of the formal procedure will take place.

(f) Whatever the decision made at the second stage, the officer will be informed of the outcome and of his or her right to appeal.

9. Third formal unsatisfactory performance stage (formal hearing)

9.1 Having informed the officer that his/her performance is still not meeting the requirements of what is expected of him/her, a third and final meeting will be convened. If the officer has made improvements in the areas that were causing concern, but the line manager finds that subsequently other similar areas of performance are now unsatisfactory, the line manager should use his/her discretion regarding whether these similar incidents constitute a lack of improvement and the second formal process commences, or whether the process should start at the either the first or second stage.

(a) The line manager must inform the officer in writing that he/she is subject to final stage action and that a meeting will be convened to discuss his/her continued lack of improvement in his/her performance. As with the first and second stages, the line manager will inform the officer that he/she is entitled to be accompanied by a friend.

(b) The meeting will consist of a three-person panel – chaired by a chief officer or HR director:

Stage 3 meeting composition
Chair – A chief officer or HR director
2nd member – Superintendent or above or a police HR professional
3rd member – Superintendent or above or a police staff member at an appropriate grade.

(c) Whatever the decision made at the third and final stage, the officer will be informed of the outcome and of his or her right to appeal.

Note:

- At least one member of the panel must be a serving police officer.
- At least one member of the panel must be an HR professional.
- No member of the panel should be junior to the officer who is subject to the unsatisfactory performance procedure.
- The officer should be informed of the names of those holding the meeting as soon is practicable after they have been appointed. The officer may object to any member of the panel. If he/she submits a compelling reason why any member should not be involved in the meeting then, in the interests of fairness, a replacement should be found.

(d) The officer must be given notice, details of the membership of the panel and any relevant papers at least 14 working days before the meeting takes place. This does not prevent the meeting from taking place earlier

than the 14 days with the mutual consent of the police officer and the people conducting the meeting if this is considered appropriate and desirable. There is an expectation, however, that the meeting will take place within 28 calendar days of the officer being provided with notice.

(e) There are a number of possible outcomes from this meeting – including redeployment, demotion, and dismissal. However, officers can also be given a further, final opportunity to improve their performance or attendance. Again, any such improvement notice should be accompanied by an action plan of what is required from the officer in order to improve (e.g. further training, support from line management chain, etc), the timescale in which this improvement must be made and also a date for formally reviewing the officer's performance. The timescale must be reasonable and management must ensure that the officer is made aware of the steps it intends to take to assist him/her to improve his/her performance in accordance with his/her action plan.

Possible Outcomes:

- No further action will be taken;
- A further opportunity to improve (a final improvement notice) is given;
- Where appropriate, consideration of re-deploying the officer elsewhere, with appropriate follow up;
- The officer is reduced in rank;
- The officer is dismissed with notice.

10. Medical and attendance

10.1 This part of the process is not applicable if an officer is currently going through the police medical retirement procedures.

10.2 Guidance will be provided on whether an attendance issue should fall under the misconduct or UPP (capability) procedures. This procedure will take into account the Sex Discrimination Act, Disability Discrimination Act and other equality legislation.

10.3 Where absence is due to medically certificated illness, the issue becomes one of capability rather than conduct. Management may need to take a more sympathetic and considerate approach, particularly if the absence is disability related and where reasonable adjustments in the workplace might enable the officer to return to work. The officer should be made aware early on that if he/she remains unwell and reasonable adjustments cannot be made, dismissal could be considered.

10.4 In accordance with local force managing attendance procedures, the line manager and the officer should keep in regular contact. If management wish to contact the officer's doctor, normal force arrangements will be followed.

10.5 On the basis of the occupational health advice, management should consider whether alternative work is available. If there is some doubt about the nature of the officer's illness or injury, the officer will be informed that he/she will be examined by a doctor to be appointed by the force. If the officer refuses, he/she will be told in writing that a decision on whether he/she is subject to unsatisfactory performance procedures will be taken on the basis of the information available. The above will be applied in accordance with forces' own managing attendance procedures.

10.6 If the officer is on long term sickness absence and is unlikely to return to work, management should consider going straight to the final stage of the unsatisfactory performance procedures.

11. Length of improvement notices

11.1 Whereas the completion of each stage of the procedure should not exceed a period of three months, improvement notices, which may result from any three of the stages, will remain on record for a period of 12 months after their completion.

11.2 Records of improvement notices will be kept on the officer's personal file for a 12 month period for use by management in consideration of further unsatisfactory performance issues by the officer in question. Records will not be taken into consideration after this time, except where there is cyclical behaviour (see 12.3).

11.3 If an officer does not serve for a period of time temporarily, for example owing to a career break or as a result of long term sickness, then the time that an improvement notice remains live will be suspended until he or she returns to duty.

12. Reverting back to previous stages

12.1 If, after the first stage of the unsatisfactory performance procedures, the officer makes a satisfactory improvement but then his/her performance deteriorates before the end of the twelve month period, the line manager should review the officer's performance and consider whether there are grounds to start procedures from the second stage. If the performance deteriorates after the expiry of the 12 month period, the process will start again from the first formal stage.

12.2 If after the second stage of the unsatisfactory performance procedures the officer makes a satisfactory improvement but then his/her performance

deteriorates before the expiry of the final improvement notice period, the officer will normally move immediately to the third formal stage. However the decision to move to the third stage should be subject to review by the line manager and second line manager. Circumstances behind the dip in performance should be taken into account and in some cases an extension of the improvement notice period could be granted. Circumstances where this may occur will be referred to in guidance.

12.3 After any improvement notice has expired it can no longer be used in subsequent unsatisfactory procedures. The only exception is in cases where there has been cyclical behaviour. Cyclical behaviour occurs when an improvement notice is given in respect of similar behaviour within three months of the expiry of a previous improvement notice on two or more occasions.

13. Appeals process

The purpose of the appeal is to:

- *to give the police officer the opportunity to appeal against the finding and/or the outcome of a performance meeting.*

13.1 The officer should provide the grounds for the appeal. The person conducting the appeal or the panel, as applicable, may consider:

- Whether the finding of the original meeting was unreasonable, having regard to all the evidence considered, or if the finding could now be doubted due to material new evidence which has emerged since the meeting.
- Any outcome imposed by the meeting which may be considered as too severe having regard to all the circumstances of the case.
- Whether the finding or outcome could be unsafe due to procedural unfairness and prejudice to the officer (although the panel must also take into account whether the unfairness or prejudice could have materially influenced the outcome).

13.2 The appeal should be made in writing, including the grounds for appeal (as above) within seven working days of the receipt of the notification of outcome.

First and second stage appeals

13.3 The officer has the right to be accompanied by a friend.

13.4 The appeal panel will be made up of a member of the police service of a higher grade or rank than that who conducted the first or second stage meeting and accompanied by an HR adviser. The person conducting the appeal can overturn any decision and reduce or increase any outcome applicable to the stage in question.

13.5 The appeal will normally be heard within seven working days of receipt of the grounds for appeal. If this is not possible then the officer will be informed of the revised date and the reason for the delay. If the chosen friend is not available at the date or time specified, the officer may propose an alternative time. Provided that the alternative time is reasonable and falls within a period of five working days beginning with the first working day after that proposed, the hearing must be postponed to that time.

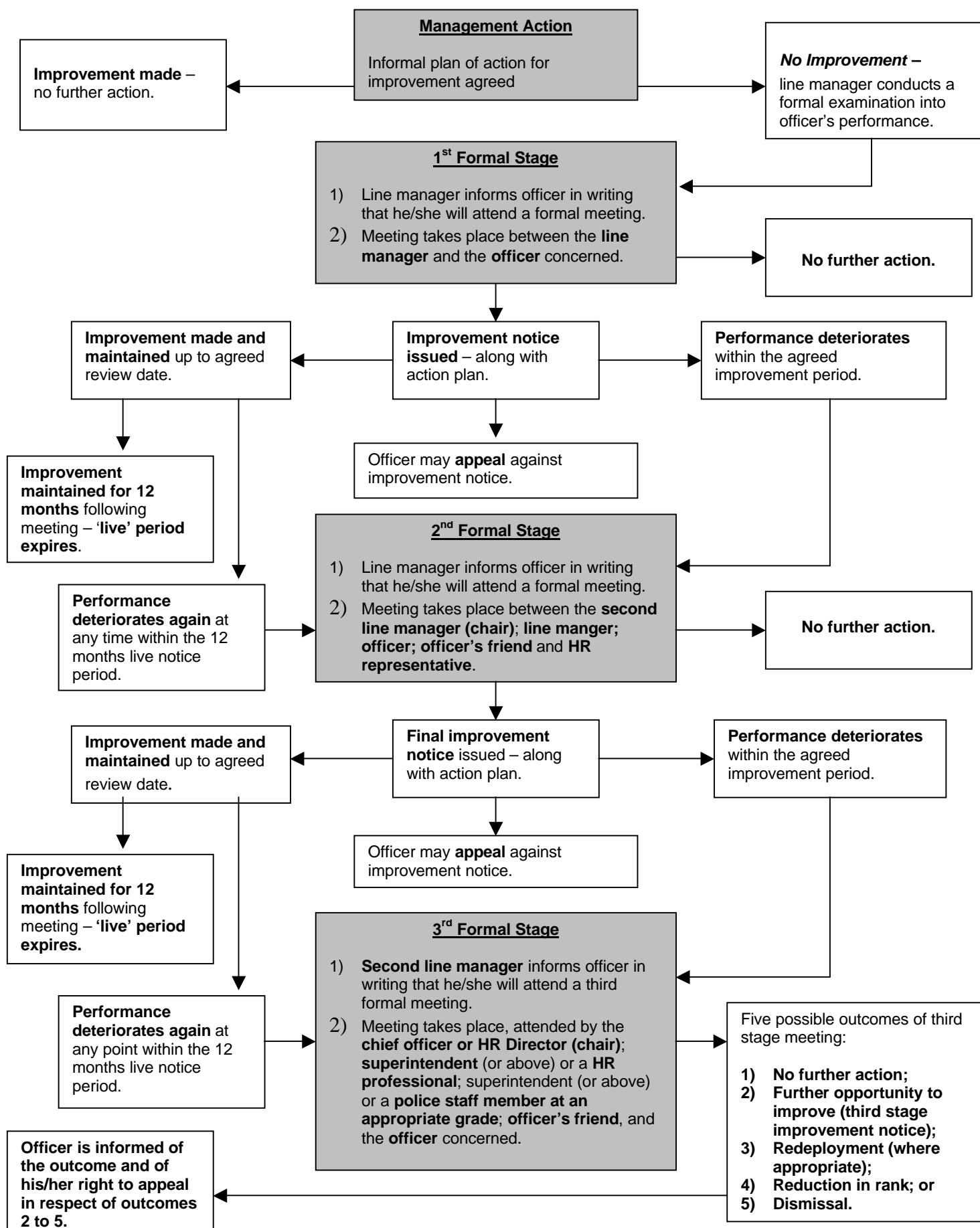
Third stage appeals

13.6 The appeal panel for a third stage appeal will be made up of a trained ACAS arbitrator (not an ACAS employee but an individual on the ACAS arbitrator panel), a member of the police authority, a chief officer from that force or another force and a national representative from the officer's staff association. The chief officer from the same force as the officer concerned should not have any prior knowledge of the case. The officer may choose to be legally represented.

13.7 The appeal should be heard as soon as possible but within eight weeks of the grounds for the appeal being received. If it is not possible for the hearing to take place within eight weeks of receipt of notification, the officer will be informed of the revised date and the reason for the delay. If the chosen friend is not available at the date or time specified, the officer may propose an alternative date or time. Provided that it is reasonable and falls within a period of five working days beginning with the first working day after that originally proposed, the hearing must be postponed to that time.

Unsatisfactory performance procedures

ANNEX A



Meeting composition in the three stages

1st Formal Stage

- 1) Line manager;
- 2) Officer; and
- 3) Officer's friend (optional)

2nd Formal Stage

- 1) Second line manager (chair);
- 2) Line manager;
- 3) HR representative
- 4) Officer; and
- 5) Officer's friend (optional).

3rd Formal Stage

- 1) Chief officer or HR director;
- 2) Superintendent (or above) or a HR professional;
- 3) Superintendent (or above) or a police staff member at an appropriate grade;
- 4) Officer; and
- 5) Officer's friend (optional).

Note

For **second and third** stage meetings:

- no member of the panel should be junior to the officer who is subject to the unsatisfactory performance procedure.
- the officer may object to any member of the panel. If he/she submits a compelling reason why any member should not be involved in the meeting then, in the interests of fairness, a replacement should be found.
- at least one member of the panel must be an HR professional.

Relevant to the **third stage** meeting only:

- at least one member of the panel must be a serving police officer.

General Definitions

ANNEX C

Line manager

This is a police officer or member of police staff of any rank or grade with supervisory or management responsibility over a police officer.

Friend

A friend is any member of the police service or a nominee of the officer's staff association who is not an interested party in the case.

Staff association

Staff associations are the Police Federation of England and Wales, the Police Superintendents' Association of England and Wales or the Chief Police Officer Staff Association.

Chair of a panel

The Chair conducts the meeting. He or she has discretion to allow witnesses at performance meetings if there is a compelling reason for them to attend. When making a decision the Chair has an equal vote with the other two people on the panel.

HR professional

A person considered by the appropriate authority to be competent and knowledgeable in matters relating to performance proceedings from the force's Human Resources department.

A Chief Officer

A police officer above the rank of chief superintendent from any force.

'Live' improvement period

The 12 month period following any of the three stage meetings during which a record of any action taken in respect of performance will be kept on the officer's personal file.

Officer

The person subject to the unsatisfactory performance procedures.

Proposed Unsatisfactory Performance Procedures for Chief Officers

Draft

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- ANNEX A – Unsatisfactory Procedures flowchart
ANNEX B – Personnel for stages of UPP and appeals

1. Introduction

1.1 This procedure applies to all chief police officers. In the case of chief constables, the term “line manager” is inapplicable. At points in the procedure where line manager is mentioned, in relation to chief constables, the chair of the police authority should be substituted.

1.2 The unsatisfactory performance procedures (UPP) provide a fair, open and proportionate method of dealing with performance issues. The procedures set out below are intended to encourage a culture of learning and development for individuals and the organisation. Sanction has a part, when circumstances require this, but improvement will always be an integral dimension of any outcome (even in the extreme case where an individual has been dismissed there can be learning opportunities for the Police Service). If the unsatisfactory performance procedure is instigated as a result of a complaint from a member of the public, it should be explained to the complainant what action has been taken and the time period within which it is to be completed.

1.3. Tackling unsatisfactory performance effectively is a key responsibility for all chief constables and police authority chairs.

1.4 A flow chart showing the unsatisfactory performance procedures for chief officers is at Annex A.

1.5 This procedure is not concerned with the power of the Home Secretary to require the Police Authority to exercise its powers under section 11 of the Police Act

1.6 This procedure relates to performance or attendance issues and the use of the word performance in this paper collectively refers to performance or attendance.

2. Principles

2.1 In the interests of fairness, all involved in the process must act in a way which an objective observer would consider reasonable. Examples include:

- Being clear about the grounds for believing that an officer’s performance is unsatisfactory;
- Ensuring that the officer is aware of his or her right to be accompanied by a friend at UPP meetings;
- Conducting the UPP procedures properly;
- Ensuring that the level of any outcome imposed and any related remedial action, taking into account all the circumstances (including the nature of the working environment) is proportionate and fair in the circumstances.

2.2 All UPP matters should be handled as speedily as possible while maintaining confidence in the process.

2.3 UPP procedures should be applied fairly in both a non-discriminatory and non-adversarial way.

2.4 All UPP matters must be handled in the strictest confidence.

2.5 Any officer who is subject to action for unsatisfactory performance, at any stage in the UPP procedure, has a right of appeal against the decision and any outcome.

2.6 An officer may seek legal advice at any time subject to constraints in the procedure.

3. Purpose and Objectives

Unsatisfactory performance is:

- ***the inability or failure of a police officer to perform the duties of the role or rank he/she is currently undertaking to a satisfactory standard or level.***

3.1 The purpose of the new procedure is both to simplify and make more effective the process of dealing with cases of unsatisfactory performance by an officer.

3.2 In cases where officers are not performing their duties competently, or there are attendance issues, successful application of unsatisfactory performance procedures should aim to:

- establish the facts underlying the apparent underperformance or poor attendance;
- work with the officer to address the underperformance or attendance issues in order to achieve a satisfactory level; and,
- identify any learning for the officer or the organisation.

4. Standards of performance

4.1 The activities and behaviours expected from the officer within his or her role will be in accordance with the Integrated Competency Framework and/or their post profile. It is the responsibility of the chief constable (or HM Inspectors in the case of chief constables) to set objectives which are specific, measurable, achievable, realistic time related, evaluated and reviewed (SMARTER).

4.2 Any shortfall in performance should be pointed out at the earliest opportunity by the line manager consideration given as to whether this is due to inadequate instruction, training, supervision or some other failing.

4.3 It should be noted that care in recruitment, selection and training could minimise the risk of unsatisfactory performance or poor attendance.

4.4. The UPP for chief officers will focus on personal performance as with the draft scheme for other ranks. The chief officer's PDR may be an indicator in deciding whether to commence UPP. However, given the leadership role of chief officers in performance of their force, there should be a greater link between the personal performance of the chief officer and the force performance. When deciding whether to commence UPP for chief officers, this link needs to be explored fully and incorporated into any overall assessment. HMIC inspections and Crime and Police Standards Unit interventions could therefore act as useful indicators. However, where a link to unsatisfactory force performance is part or all of a decision to commence UPP, care must be taken to ensure that that link has been fully explored and the decision is reasonable and linked to personal failure, and not the consequential liabilities for another's action or inaction.

5. Dealing with unsatisfactory performance

5.1 There are two ways to deal with matters which have been identified as potential unsatisfactory performance:

- management action
- formal action

Management Action

5.2 Cases of minor unsatisfactory performance are usually best dealt with through management action. Management action may include:

- pointing out unacceptable performance;
- identifying expectations for future performance;
- establishing an informal improvement plan; and
- addressing any underlying causes of underperformance.

5.3 Appropriate and reasonable avenues of management action should be taken prior to formal proceedings being initiated.

5.4 It should not be the case that an officer is subject to formal action because issues have been allowed to build up without them being previously addressed by the line manager. A record of informal action should be kept by the line manager to show the steps that have been taken to resolve the issue. This personal record will be kept locally by the line manager.

5.5 There will, however, be situations where matters are more serious or where an informal approach has been tried but is not working. In these circumstances it would be appropriate to initiate formal procedures.

6. The formal process

6.1 There are three stages to the formal UPP procedures, which involve different panel compositions and possible outcomes.

6.2 In order to deal with matters efficiently and within a reasonable time, each separate stage of the process should not normally exceed three months.

6.3 Normally the full process will be followed. However in certain circumstances it may be appropriate to enter the process at a higher stage and it will be possible to do so. This is to allow for cases of very serious under performance issues (which could be a single incident) amounting to gross incompetence which may go directly to the final stage.

6.4 The line manager (or police authority chair in the case of chief constables) can ask a representative from HR to attend the meeting(s) or obtain advice from HR prior to the meeting(s), if he/she is in any doubt about the process.

The right to be accompanied

6.5 For the purposes of support and assistance for the officer concerned, he/she has the right to nominate and be accompanied by a friend (member of the police service or a nominee of his/her staff association) throughout each of the stages. See text box, below.

6.6 A friend who has agreed to accompany a colleague is entitled to take a reasonable amount of duty time to fulfil his/her responsibilities as a friend.

6.7 If the chosen friend is not available at the date or time specified the officer may propose an alternative time. Provided that alternative time is reasonable, and falls within a period of five working days beginning with the first working day after that originally proposed, the hearing must be postponed to that time.

6.8 In cases where the officer is off sick and cannot attend a meeting, a short delay may be reasonable to allow him/her to attend. If this is not possible the person conducting the meeting may allow the officer to participate by telephone or video link. In these circumstances, a friend will always be permitted to attend the meeting to represent the chief officer.

Throughout the process, the friend can:

- advise the chief officer on the process;
- clarify any points which may be unclear;
- make representations on the fairness of the process; and,

At meetings the friend can:

- put the chief officer's case in meetings;
- sum up the chief officers case; and
- confer with the chief officer.

NOTE: It is good practice to allow the friend to participate as fully as possible but at the meeting the friend is not there to answer questions on the chief officer's behalf.

6.9 In terms of who commences UPP for chief officers, the position of chief officers at the top of the force, and the broader police service performance management framework, mean that the situation is somewhat more complex than for other ranks:

- The police authority may commence UPP for Chief Constables and Commissioners
-
- For ranks below Chief Constable, the appropriate senior officer may commence UPP

7. First formal unsatisfactory performance procedure stage¹

7.1 The line manager must first inform the officer that since insufficient improvements have been made in his/her performance, he/she will be subject to the first stage of the formal unsatisfactory performance procedures. The line manager informs the officer that a review of their performance will occur which will result in a formal meeting on a given date.

7.2 The procedures of the first formal stage are:

- (a) Once the line manager has received and considered all the relevant information and is satisfied that the officer's performance is not meeting the required standard, he/she will arrange a formal meeting.

¹ Please note that for all stages and appeals, the City of London Police ranks are treated as the equivalent ranks in the provincial forces. Therefore, the City of London Commissioner is treated the same as a Chief Constable, the Assistant Commissioner is treated the same as a Deputy Chief Constable, and a Commander is treated the same as an Assistant Chief Constable.

(b) The line manager will inform the officer in writing of the details of the meeting, including its purpose, the date of the meeting together with copies of related documentation that the line manager has collated and intends to use at the meeting. The line manager will also inform the officer that he/she have the right to be accompanied at the formal meeting by a friend. For ease of reference, the personnel involved at the various stages of UPP are set out in tabular form at Annex B.

(c) For the ranks below Chief Constable/ MPS Assistant Commissioner, the meeting will be held by:

- A Deputy Chief Constable/Deputy Assistant Commissioner, who will make the decisions, unless the Deputy Chief Constable/Deputy Assistant Commissioner has an interest in, or is associated with, the matter, in which case the Chief Constable / Assistant Commissioner will act. Where a Deputy Chief Constable's / Deputy Assistant Commissioner's performance is at issue, the Chief Constable / Assistant Commissioner will act
- designated Police Authority officer will be present to act as an advisor, although the decision will rest with the Deputy Chief Constable/Deputy Assistant Commissioner or Chief Constable/Assistant Commissioner

(d) For the Chief Constable/ MPS Assistant Commissioner, the meeting will be held by:

- The Chair of the Police Authority who will make the decisions
- An HM Inspector/ Deputy Commissioner and a designated Police Authority officer will be present to act as an advisor, although the decision will rest with the Chair

(e) For the MPS Commissioner and MPS Deputy Commissioner, the meeting will be held by:

- The Chair of the Police Authority who will make the decisions
- An HMCIC and a Police Authority officer will be present to act as an advisor, although the decision will rest with the Chair

(f) The purpose of the meeting is to hear the nature of the under performance and to give the officer concerned the opportunity to put forward his/her views. It will also be an opportunity to hear of any factors that are inhibiting the officer's performance and what can be done to overcome them.

(g) The panel chair will explain that if the procedure is followed to the end, dismissal is an option, and the maximum outcome at this stage is a first improvement notice. The purpose is to improve performance in as short a period of time as is reasonable and practicable.

Possible outcomes:

- No further action
- First improvement notice

(h) The action plan accompanying the first improvement notice should describe what steps and measures the officer and the organisation will take to improve performance (be that further training, support from line management chain etc); the timescale in which this improvement must be made; and a date for formally reviewing the performance.. The line manager will explain to the officer what steps the organisation will take to assist him/her in achieving the action plan. The line manager should also discuss with the officer what steps he/she will need to take in order to achieve the action plan such as increased motivation, attention to detail etc. Again, those action plans should be SMARTER.

(i) The timescale must be reasonable. This plan must be formally documented and all concerned parties must receive a copy. The officer will be made aware that if his/her performance does not improve the second stage of the procedures will come into effect.

(j) If the review date passes and the line manager considers that there has been insufficient improvement in the officer's performance, he/she will inform the officer accordingly that the second stage of the formal procedure will take place.

(k) Whatever the decision made at the first stage, the officer will be informed of the outcome and of his/her right of appeal.

NOTE: *If the officer is considered to have made good progress in achieving aspects of his/her action plan but has not quite made the progress necessary to fully satisfy the line manager,, a limited extension of the action plan may be put in place.*

8. Second Formal unsatisfactory performance stage

8.1 Having informed the officer that his/her performance is still not meeting the requirements of what is expected of him/her, a second meeting will be convened. If the officer has made improvements in the areas that were causing concern, but the line manager finds that subsequently other similar areas of performance are now unsatisfactory, the line manager should use

his/her discretion regarding whether these similar incidents constitute a lack of improvement and the second formal process commences, or whether the process should start at the first stage.

(a) The line manager must inform the officer in writing that he/she is subject to a further meeting to discuss their lack of improvement in their performance . Again, the line manager informs the officer that he/she is entitled to be accompanied a friend.

(b) For the ranks below Chief Constable/ MPS Assistant Commissioner, the meeting will be held by:

- A Deputy Chief Constable/ Deputy Assistant Commissioner, who will make the decisions, unless the Deputy Chief Constable/ Deputy Assistant Commissioner has an interest in, or is associated with, the matter, in which case the Chief Constable/ Assistant Commissioner will act. Where a Deputy Chief Constable's / Deputy Assistant Commissioner's performance is at issue, the Chief Constable/ Assistant Commissioner will act.
- The designated Police Authority officer will be present to act as an advisor, although the decision will rest with the Deputy Chief Constable/ Deputy Assistant Commissioner or Chief Constable/ Assistant Commissioner

(c) For the Chief Constable/MPS Assistant Commissioner, the meeting will be held by:

- The Chair of the Police Authority will make the decisions
- An HM Inspector/ Deputy Commissioner and a designated Police Authority officer will be present to act as an advisor, although the decision will rest with the Chair

(d) For the MPS Commissioner and Deputy Commissioner, the meeting will be held by:

- The Chair of the Police Authority will make the decisions
- An HMCIC and a designated Police Authority officer will be present to act as an advisor, although the decision will rest with the Chair

(e) The outcome at this second stage of the proceedings would normally be a final improvement notice but this should also be accompanied by an action plan of what is required from the officer in order to improve his or her performance (e.g. further training, support from line management chain, etc), the timescale in which this improvement must be made and also a date for formally reviewing the officer's performance. Again, the timescale must be reasonable and management must ensure that the officer is made aware of the steps it intends to take to assist him/her to improve their performance in accordance with their action plan.

Possible Outcomes:

- No further action
- Continued management action
- Final improvement notice

NOTE: If the chief officer is considered to have made good progress in achieving aspects of his/her action plan but has not quite made the progress necessary to fully satisfy the line manager, a limited extension of the action plan may be put in place.

(f) The line manager will inform the officer that if no improvement or insufficient improvement takes place prior to the review date, that the next stage of the unsatisfactory performance proceedings will take place and that if given a final improvement notice the outcome of the next stage could be dismissal. This will be his/her final chance to improve before the third and final stage of the procedures commences.

(g) If the review date passes and, following due consideration, the line manager considers that there has been insufficient improvement in the officer's performance, he/she will inform the officer that the final stage of formal procedures will take place.

(h) Whatever the decision made at the second stage, the officer will be informed of the outcome and his/her right to appeal.

9. Third formal unsatisfactory performance stage (Formal Hearing)

9.1 Having informed the officer that his/her performance is still not meeting the requirements of what is expected of him/her, a third and final meeting will be convened. If the officer has made improvements in the areas that were causing concern, but the line manager finds that subsequently other similar areas of performance are now unsatisfactory, the line manager should use his/her discretion regarding whether these similar incidents constitute a lack of improvement and the second formal process commences, or whether the process should start at either the first or second stage.

(a) The line manager must inform the officer in writing that he/she is subject to final stage action and that a meeting will be convened to discuss his/her continued lack of improvement in his/her performance. As with the first and second stages, the line manager will inform the officer that he/she is entitled to be accompanied by a friend.

(b) For the rank below Chief Constable/ MPS Assistant Commissioner, the third meeting should comprise of a three person panel, consisting of:

- The Chair of the Police Authority, or another member of the Authority with delegated authority
- The Chief Constable/ Assistant Commissioner
- A person from the ACAS Panel of Arbitrators

The Police Authority member will chair the panel.

For the Chief Constable/ MPS Assistant Commissioner, the third meeting should comprise of a three person panel, consisting of:

- The Chair of the Police Authority, or another member of the Authority with delegated authority
- An HM Inspector/ Deputy Commissioner
- A legally qualified person from the ACAS Panel of Arbitrators

The Police Authority member will chair the panel.

For the MPS Commissioner and Deputy Commissioner, the third meeting should comprise of a three person panel, consisting of:

- The Chair of the Police Authority, or another member of the Authority with delegated authority
- An HMCIC
- A person from the ACAS Panel of Arbitrators

The Police Authority member will chair the panel

(c) The officer must be given notice, details of the membership of the panel and any relevant papers at least 14 working days before the meeting takes place. This does not prevent the meeting from taking place earlier than the 14 days with the mutual consent of the officer and the people conducting the meeting if this is considered appropriate and desirable. There is an exception, however, that the meeting will take place within 28 days of the officer being provided with notice.

(d) There are a number of possible outcomes from this meeting – including redeployment, demotion, and dismissal. However, officers can also be given a further, final opportunity to improve their performance or attendance. Again, any such improvement notice should be accompanied by an action plan of what is required from the officer in order to improve (e.g. further training, support from line management chain, etc), the timescale in which this improvement must be made and also a date for formally reviewing his/her performance. The timescale must be reasonable and management must ensure that the officer is made aware of the steps it intends to take to assist him/her to improve his/her performance in accordance with his/her action plan.

Possible Outcomes:

- No further action will be taken;
- A further opportunity to improve (a final improvement notice) is given;
- Where appropriate, consideration of re-deploying the officer elsewhere, with appropriate follow up;
- The officer is reduced in rank;
- The officer is dismissed with notice.

(e) Whatever the decision made at the third and final stage, the officer will be informed of the outcome and of his or her right to appeal.

10. Medical and attendance

10.1 This part of the process is not applicable if an officer is currently going through the police medical retirement procedures.

10.2 Guidance will be provided on whether an attendance issue should fall under the misconduct or UPP (capability) procedures. This procedure will take into account the Sex Discrimination Act, Disability Discrimination Act and other equality legislation.

10.3 Where absence is due to medically certificated illness, the issue becomes one of capability rather than conduct. Line managers and police authority chairs may need to take a more sympathetic and considerate approach, particularly if the absence is disability related and where reasonable adjustments in the workplace might enable the officer to return to work. The officer should be made aware early on that if he/she remain unwell and reasonable adjustments cannot be made, dismissal could be considered.

10.4 In accordance with local force managing attendance procedures, the line manager and the officer should keep in regular contact. If line managers wish to contact the officer's doctor, normal force arrangements will be followed.

10.5 On the basis of the occupational health advice, line managers should consider whether alternative work is available. If there is some doubt about the nature of the officer's illness or injury, the officer will be informed that he/she will be examined by a doctor to be appointed by the force. If the officer refuses, he/she will be told in writing that a decision on whether he/she is subject to unsatisfactory performance procedures, will be taken on the basis of the information available. The above will be applied in accordance with forces' own managing attendance procedures.

10.6 If the officer is on long term sickness absence and is unlikely to return to work, management should consider going straight to the final stage of the unsatisfactory performance procedures.

11. Length of improvement notices

11.1 Whereas the completion of each stage of the procedure should not exceed a period of three months, improvement notices, which may result from any three of the stages, will remain on record for a period of 12 months after their completion.

11.2 Records of improvement notices will be kept for a 12 month period for use by management in consideration of further unsatisfactory performance issues by the officer in question. Records will not be taken into consideration after this time, except where there is cyclical behaviour (see 12.3).

12. Reverting back to previous stages

12.1 If, after the first stage of the unsatisfactory performance procedures, the officer makes a satisfactory improvement but then his/her performance deteriorates before the end of the twelve month period, the line manager should review the officer's performance and consider whether there are grounds to start procedures from the second stage. If the performance deteriorates after the expiry of the 12 month period, the process will start again from the first formal stage.

12.2 If after the second stage of the unsatisfactory performance procedures the officer makes a satisfactory improvement but then his/her performance deteriorates before the expiry of the final improvement notice period, the officer will normally move immediately to the third formal stage. However, the decision to move to the third stage should be subject to review by the line manager. Circumstances behind the dip in performance should be taken into account and in some cases an extension of the improvement notice period could be granted. Circumstances where this may occur will be referred to in guidance

12.3 After any improvement notice has expired it can no longer be used in subsequent unsatisfactory procedures. The only exception is in cases where there has been cyclical behaviour. Cyclical behaviour occurs when an improvement notice is given in respect of similar behaviour within 3 months of the expiry of a previous notice on two or more occasions.

13. Appeals process

The purpose of the appeal is to:

- *to give the police officer the opportunity to appeal against the finding and/or the outcome of a performance meeting.*

13.1 The officer should provide the grounds for the appeal. The person conducting the appeal or the panel, as applicable, may consider:

- Where the finding of the original meeting was unreasonable having regard to all the evidence considered or if the finding could now be doubted due to material new evidence which was emerged since the meeting
- Any outcome imposed by the meeting which may be considered as too severe having regard to all the circumstances of the case
- Whether the finding or outcome could be unsafe due to procedural unfairness and prejudice to the police officer (although the panel must also take into account whether the unfairness or prejudice could have materially influenced the outcome).

13.2 The appeal should be made in writing, including the grounds for appeal (as above) within seven working days of the receipt of the notification of outcome.

First and second stage appeals

13.3 The officer has the right to be accompanied by a friend
For the ranks below Chief Constable/ MPS Assistant Commissioner, the appeal will be heard by:

- The Chief Constable/MPS Assistant Commissioner, unless he or she has acted before in the matter, in which case another Chief Constable/Assistant Commissioner, nominated by an HM Inspector/ Deputy Commissioner, to act
- An expert adviser² who has not previously acted in the matter to act as an adviser

² An expert adviser will be an officer of the Police Authority or a person contracted to the Police Authority who by reason of their experience, knowledge and/or training is able to provide the person conducting the hearing with sound advice on procedural matters. Members of Police Authority staff such as clerks,

13.4 For the Chief Constable/ MPS Assistant Commissioner, the appeal will be heard by a three person panel comprising:

- Members of the Police Authority other than any member previously involved in the matter
- An expert adviser who has not previously acted in the matter and an HM Inspector/ Commissioner (also not to have previously acted in the matter), to advise

13.5 For the MPS Commissioner and Deputy Commissioner, the meeting should comprise of a three person panel, consisting of:

- Members of the Police Authority not previously involved in the matter

An expert not previously involved in the matter and an HM Chief Inspector of Constabulary to advise.

13.6 The appeal panel can overturn any decision and reduce/increase any outcome.

13.7 The appeal will normally be heard within 7 working days of receipt of the grounds of appeal. If this is not possible then the officer will be informed of the revised date and the reason for the delay. If the chosen friend is not available at the date or time specified, the officer may propose an alternative time. Provided the alternative time is reasonable and falls within a period of 5 working days beginning with the first working day after that proposed, the hearing must be postponed to that time

Third stage appeals

13.8 For the ranks below Chief Constable/ MPS Assistant Commissioner, the appeal will be heard by a three person panel comprising:

- A full-time Employment Tribunal Chair, who will chair the panel
- The Chief Constable of another force (nominated by an HM Inspector) / Deputy Commissioner
- The Chair of the Police Authority or delegate (not previously been involved in the matter)

13.9 For the Chief Constable/ MPS Assistant Commissioner, the appeal will be heard by a three person panel comprising:

- A full-time Employment Tribunal Chair, who will chair the panel

or consultants with experience in police disciplinary procedures, are examples of potential expert advisers

- An HM Chief Inspector or delegate (not previously involvement in the matter) / Commissioner
- The Chair of the Police Authority or delegate not previously been involved in the matter

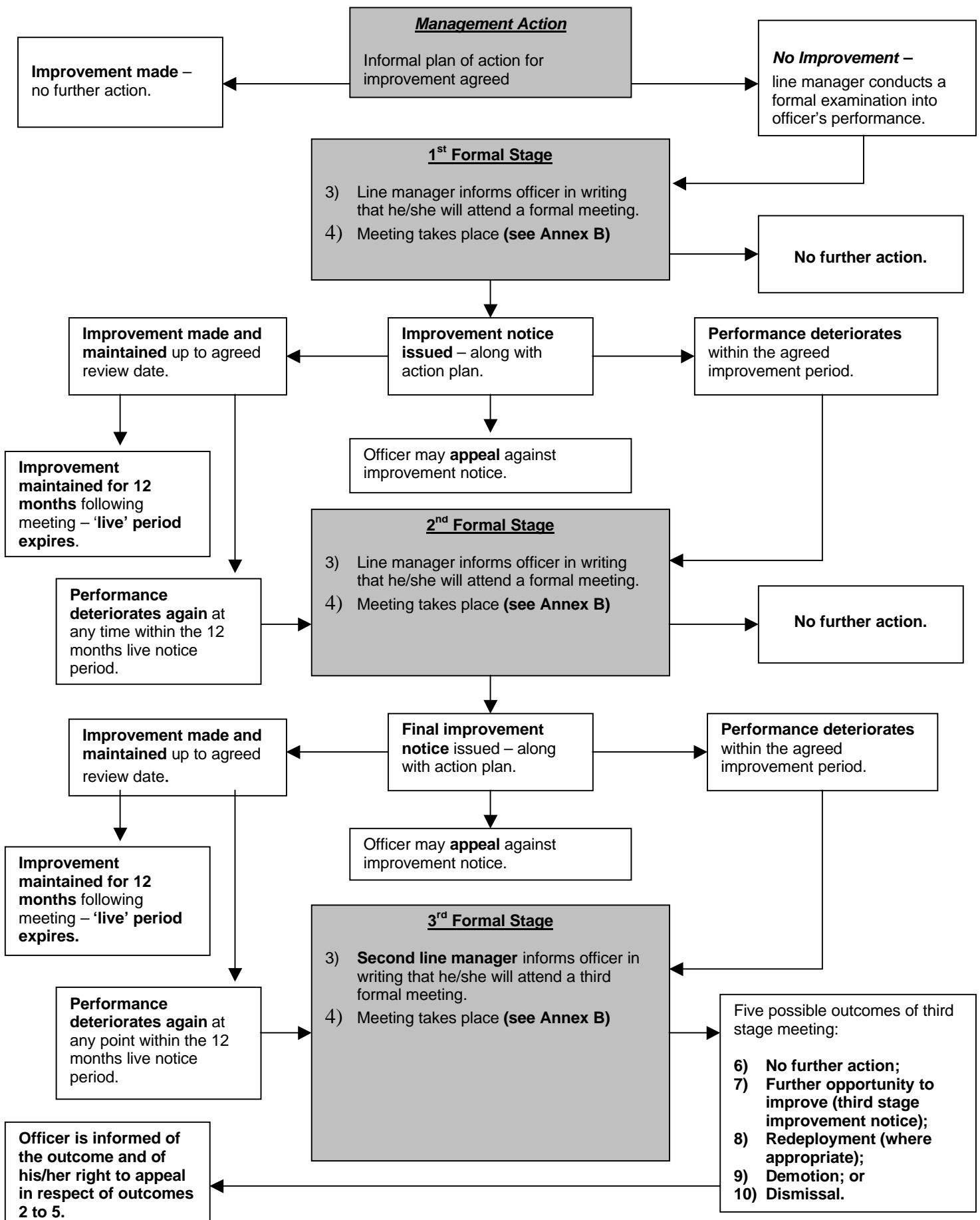
13.10 For the MPS Commissioner and Deputy Commissioner, the meeting will be held by a three person panel comprising:

- A High Court Judge, who will chair the panel
- A full-time Employment Tribunal Chair
- The Chair of the Police Authority or delegate (not previously involved in the matter)

13.11 The appeal should be heard as soon as possible but within eight weeks of the grounds for the appeal being received. If it is not possible for the hearing to take place within eight weeks of receipt of notification, the officer will be informed of the revised date and the reason for the delay. If the chosen friend is not available at the date or time specified, the officer may propose an alternative date or time, provided that it is reasonable and falls within a period of five working days beginning with the first working day after that originally proposed by the appropriate authority the hearing must be postponed to that time.

Unsatisfactory Performance Procedures for chief officers

ANNEX A



ANNEX B

UPP process	ACPO (below CC)³	Appeal	CC⁴	Appeal
<p>Level 1 & 2 (max sanction final written warning).</p> <p><i>Only one decision maker.</i></p>	<p>DCC to decide unless involved, in which case CC to act.</p> <p>Where a DCC's conduct is at issue, the CC will act.</p> <p>Designated PA officer to advise</p>	<p>CC (unless acted before then HMI⁵ to nominate another CC).</p> <p>Expert adviser</p>	<p>Chair PA to decide</p> <p>(1) HMI and (2) Designated PA officer to advise</p>	<p>3-person panel of PA members not previously involved in the matter</p> <p>(1) HMI and (2) an expert adviser—neither previously involved in the matter – to advise.</p>
<p>Level 3. (max sanction dismissal)</p> <p>Three decision makers requiring majority verdict</p>	<p>Chair PA (or delegate)</p> <p>CC</p> <p>Person from ACAS Panel of Arbitrator.</p>	<p>Full-time ET chair</p> <p>CC of another force, nominated by HMI</p> <p>Chair PA or delegate (not previously involved in the matter)</p>	<p>Chair PA (or delegate)</p> <p>HMI</p> <p>Person from ACAS Panel of Arbitrator</p>	<p>Full-time ET Chair</p> <p>HMCIC or delegate (not previously involved in the matter)</p> <p>Chair PA or delegate (not previously involved in the matter).</p>

TABLE 1: FORCES OTHER THAN THE MPS

³ Including the City of London Police Commander and Assistant Commissioner

⁴ Including the City of London Police Commissioner

UPP process.	ACPO (below AC)	Appeal	AC	Appeal
<p>Level 1 & 2. (max sanction final written warning).</p> <p><i>Only one decision maker.</i></p>	<p>DAC to chair unless involved.</p> <p>Where a DAC's conduct is at issue, the AC will act.</p> <p>Designated PA officer to advise</p>	<p>AC (who has not acted before)</p> <p>Expert adviser who has not previously acted to advise.</p>	<p>Chair PA to decide</p> <p>(1) HMI and (2) Designated PA officer to advise</p>	<p>3-person panel of PA members not previously involved in the matter</p> <p>(1) HMI and (2) an expert adviser– neither previously involved in the matter – to advise.</p>
<p>Level 3. (max sanction dismissal)</p> <p>Three decision makers requiring majority verdict</p>	<p>Chair PA (or delegate)</p> <p>AC</p> <p>Person from ACAS Panel of Arbitrators.</p>	<p>Full-time ET chair</p> <p>CC of another force, nominated by HMI or DC</p> <p>Chair PA or delegate (not previously involved in the matter)</p>	<p>Chair PA (or delegate)</p> <p>HMI</p> <p>Person from ACAS Panel of Arbitrator</p>	<p>Full-time ET Chair</p> <p>HMCIC or delegate (not previously involved in the matter)</p> <p>Chair PA or delegate (not previously involved in the matter).</p>

TABLE 2: MPS

UPP process.	Commissioner/DC	Appeal
<p>Level 1& 2. (max sanction final written warning).</p> <p><i>Only one decision maker.</i></p>	<p>Chair PA</p> <p>(1) HMCIC (2) Designated PA officer to advise</p>	<p>3-person panel of PA members not previously involved in the matter</p> <p>(1) HMCIC and (2) an expert adviser not previously involved in the matter to advise.</p>
<p>Level 3. (max sanction dismissal)</p> <p>Three decision makers requiring majority verdict</p>	<p>Chair PA (or delegate)</p> <p>HMCIC</p> <p>Person from ACAS Panel of Arbitrators</p>	<p>Full-time ET Chair</p> <p>High Court Judge</p> <p>Chair PA or delegate (not previously involved in the matter).</p>

TABLE 2: MPS

DISTRIBUTION LIST

Chief Officers
Association of Chief Police Officers
Association of Police Authorities
Association of Police Lawyers
British Association of Women in Policing
British Transport Police
Centrex
Chair of Police Authorities
Chief Police Officers' Staff Association
Commission for Racial Equality
Disability Rights Commission
Equal Opportunities Council
Gay Police Association
Her Majesty's Inspectorate of Constabulary
Independent Police Complaints Commission
Ministry of Defence Police
National Black Police Association
National Disabled Police Association
Police Superintendents Association
Police Federation
Police Staff Council (Trade Union side)
Serious Organised Crime Agency
Special Constabulary (policy contacts)
Skills for Justice