



<b><u>Policy Title</u></b>	Managing performance of Student Officers
<b><u>CCMT Sponsor</u></b>	Director of Resources
<b><u>Department/Area</u></b>	Human Resources
<b><u>Section/Sector</u></b>	HR Employment Relations

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## **1.0 Rationale**

### **1.1**

Student officers are on probation for the first two years of their service. During this time, they are required to demonstrate satisfactory performance across a range of competencies in order to be confirmed in their appointment.

### **1.2**

Regulation 12 (Probationary Service in the rank of Constable) of the Police Regulations 2003 allows for this probationary period to be extended if deemed necessary as a result of identified performance/attendance issues. Regulation 13 (Discharge of Probationer) provides the grounds on which a Chief Constable may dispense with the services of a student officer at any time during their first two years of service.

## **2.0 Intention**

### **2.1**

The purpose of this policy is to set out guidelines for working constructively with student officers to assist them in achieving the standard of attendance and or performance required to allow them to be confirmed in appointment and to complete their National Occupational Standards

### **2.2**

The policy also sets out the steps to be taken in cases where satisfactory attendance and/or performance is not achieved and for the applications for Regulations 12 and 13 in those cases.

## **3.0 General Principles**

### **3.1 Scope**

This policy applies to student officers and is intended to outline the formal processes to be followed in dealing with performance, the early identification of problem areas, and the processes of extension of probation and discharge of the student officer where the Chief Constable considers they are not fitted, physically or mentally, to perform the duties of the office, or where they are not likely to become an efficient or well-conducted officer.

## **4.0 Guidance, Procedures & Tactics**

### **4.1**

The procedures to be followed in managing performance/attendance in accordance with Regulation 12 and 13 are set out in [APPENDIX A](#).

### **4.2**

Individuals involved in the Regulation 12 or 13 process and/or appeal process have a responsibility to ensure that their actions support the intent and requirements set out in this policy. All individuals covered by the scope of the policy should be aware of the policy and how to access it.

### **4.3**

Human Resources Advisors and HQ HR Employment Relations are available to advise line managers and other relevant staff on the application and use of the policy.

## **5.0 Challenges & Representations**

### **5.1**

To ensure transparency and accountability any decision made as a result of following this policy should be clearly documented.

### **5.2**

All challenges and representations should be made in writing to:

Head of Human Resources Service Delivery  
Thames Valley Police Headquarters (North)  
Oxford Road  
Kidlington  
Oxon. OX5 2NX

## **6.0 Communication**

Individuals will be informed of the new policy through an all-user email at the time of publication. The policy will be made available electronically via the Policy and Procedures intranet site and Human Resources site.

### **6.1 Links to Police National Legal Database Other**

- Diversity in Employment Policy
- ACPO Policies
- HMIC Policies
- Home Office policies
- Guidance documents relating to the management of police officer performance and the appropriate legislative governing this.

### **6.2 Implementation Strategy**

This policy will be published on the Policy Management Unit site and a link will be made to the Human Resources Intranet site. An entry will be made in Force Weekly Orders and an article will be published in Managers' Briefing, advising all staff of the new policy and direct them to policy on the Intranet site.

## **7.0 Compliance and Certification**

### **7.1 Human Rights Certification**

#### **(i) Legal Basis**

- Police Regulations 2003 (Regulations 12 and 13)
- Police Pension Regulations 1986
  
- Human Rights Act 1998

#### **(ii) Human Rights Articles Engaged**

**Article 8:** Right to Respect for Private and Family Life

**Article 14:** Prohibition of Discrimination

#### **(iii) Prohibition of Discrimination**

By engaging any of the aforementioned Articles, there is the potential to engage Article 14 of the European Convention. Article 14 states that the enjoyment of the Rights and Freedoms set forth in the European Convention of Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. Actions taken as a consequence of this policy will be applied fairly and impartially, having due regard for natural justice and human rights.

### **7.2 Diversity Impact Assessment**

This policy has been assessed against all the strands of Diversity and has been rated as 'LOW'.

### **7.3 Diversity (Human Resources)**

In the application of this policy, the Force will not discriminate against any persons regardless of their gender, sexual orientation, race or ethnic origin, religion, belief, age or disability.

### **7.4 Management of Police Information (MoPI) Compliance**

This policy does not affect any of the key business areas as identified by Management of Police Information (MoPI).

However, any information deemed 'for a policing purpose,' or any data about an individual that is circulated or received by e-mail; or published/downloaded via the intranet or internet or circulated in any other format must comply with [MoPI guidelines](#).

## **7.5 Community Engagement Strategy and Standards**

This policy has no community engagement implications

Please use the following links for further information:

- [Community Engagement Strategy](#)
- Standards

## **7.6 Data Protection**

Personal Data (and sensitive personal data) processed in compliance with this policy will be managed in accordance with the provisions of the Data Protection Act 1998. It is recognised that such information will be of a sensitive nature and procedures will be in place to ensure appropriate disclosures, retention and storage guidance is available. Line Managers must be aware that the information they hold under as a result of this policy must be managed in a secure manner in order to prevent inappropriate access. Line Managers also need to aware that if the student officer subsequently is confirmed in appointment, all paperwork in relation to any Regulation 13 procedures must be destroyed.

## **7.7 Freedom of Information Act**

This policy will be publicly available.

## **7.8 Protective Markings**

This document has been assessed for the appropriate level of marking and is

**NOT PROTECTIVELY MARKED**

## **7.9 Health & Safety at Work**

This policy does not have any specific Health and Safety implications.

## **8.0 Monitoring and Review**

There is a clear requirement for a structured and regular review of the policy. The policy will be reviewed to take account of the following:

- Changes in legislation
- Court rulings – Domestic, European and Human Rights
- Examples of good practice from other Forces
- Changes in Home Office Circulars
- Developments with ACPO Policy Unit
- Representations made by individuals and relevant organisations

A full policy review will be conducted on a bi-annual basis or whenever relevant legislation changes, whichever is sooner.

The policy will be due for review in November 2010.

APPENDIX

APPENDIX A

**Procedure for Managing Performance of Student Officers**

**A considerable level of informal action and support can take place on BCUs in relation to student officers. The guidelines contained in this appendix are not intended to affect any informal action but outline the formal procedures to be followed when informal action has been tried and has been unsuccessful.**

**Early identification of Problem Areas**

It is the responsibility of all officers/staff involved in the training and supervision of a student officer to identify concerns about the officer's progress, development or performance as early as possible, and then to support the individual to reach the required standard within the prescribed probationary period which may, in some circumstances, be extended.

When under-performance or attendance issues have been identified the following procedures should be followed. If considered necessary, the matter can be progressed at any time directly to a Regulation 13 hearing

**Step 1: Initial Meeting**

The Human Resources Business Partner will convene a panel who will meet to discuss the student officer's developmental issues, enable problem areas to be identified and remedial action plans to be agreed.

Where the student officer is in Phase 3, the panel should always comprise:

- Human Resources Business Partner (Chair) or L&D Manager where responsibility has been delegated
- The student officer who may be accompanied by a Federation Representative or colleague as a 'friend'
- PDU Sergeant,
- IPLDP Trainer Sergeant
- Tutor Constable

Where the student officer is in Phase 4 (post initial training) the panel should always comprise

- Human Resources Business Partner
- The student officer who may be accompanied by a Federation Representative or colleague as a 'friend'
- The student officer's line manager
- The DAO (Development Assessment Officer)

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The Human Resources Business Partner should also consider the inclusion of the PDU Sergeant and/or IPLDP Sergeant and Tutor Constable in case there have been issues which started during Phase 3

The panel will:

- Identify areas for development
- Set an action plan
- Agree a timescale with a review date
- Produce written agreement (copy to go into the PAC portfolio for Phase 3 officers, or into the NVQ portfolio for Phase 4 officers) and a copy retained by the Human Resources Business Partner.

**Step 2: First Review**

No later than the end of the agreed first review period a review panel meeting will be convened to determine whether:

- The student officer has completed the action plan
- The student officer has reached the required level of competence
- The review process should continue.

If the student officer has reached the acceptable level a report should be placed in the relevant portfolio and a copy held by the Human Resources Business Partner.

**Step 3: Further Development**

Where a student officer has not reached the required level following the first review, the review process will continue, with the panel meeting at regular intervals. Notes of these meetings should be copied to the relevant portfolio and Human Resources Business Partner. At any review meeting performance may be considered to be acceptable and the normal process only should continue.

At each meeting the panel should decide whether:

- The student officer has achieved the necessary progress and the review process can end or
- The student officer is making progress and the review process can continue and if so, whether an extension of probation will be necessary
- The student officer is making insufficient progress and Step 4 of this procedure should be initiated **via HQ Employment Relations.**

**Extension of Probation under Regulation 12 Police Regulations 2003**

The probationary period automatically ceases at the end of the first two years service unless a decision to extend is made before the end of the period. This also applies to subsequent extensions.

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Extension of the probationary period can be allowed where an officer has been absent from the workplace for a significant period of time and is unable to demonstrate the necessary competencies within the two years or where a programme of further development has already been agreed, but additional time is necessary to achieve competence in the role of student officer.

If it is considered necessary to extend the probationary period of a student officer the Human Resources Business Partner should submit the request together with supporting reports, (including occupational health reports in sickness absence cases) to HQ Employment Relations

A decision to extend the probation period will be made by an Assistant Chief Constable, following recommendation by the Head of HR Service Delivery.

**Fitness for Independent Patrol**

At the end of Phase 3 of the IPLDP training programme student officers will be assessed as to whether they are 'fit for independent patrol.' If a student officer is considered unfit for independent patrol a review process similar to Step 1 & 2 above can be followed but the review will take place sooner than a month.

**Initial Training will only be extended in exceptional circumstances. In the ordinary course of events, where an officer is not considered fit for independent patrol at the end of the 35 week period, a request for a full panel hearing under Regulation 13 should be made.**

**Step 4: Regulation 13 Panel Hearing**

There are two circumstances under which a request for a full panel hearing under Regulation 13 can be made.

1. As a result of performance/attendance issues. Steps 1 to 3 above need to have been carried out locally before a full hearing request is made **through HQ Employment Relations**. The request will normally be made in the latter part of the probationary period
2. As a result of concerns as to the officer's suitability or fitness to hold the office of constable. This request can be made at any time during the probationary period **through HQ Employment Relations**.

The student officer will be notified by the Human Resources Business Partner in writing at least 10 days in advance of the intention to hold a hearing under Regulation 13, and will be provided with full disclosure of the information to be used at the hearing, and that he/she maybe accompanied at the hearing by a Federation Representative or a friend.

The Head of HR Service Delivery will conduct the meeting and will determine:

- Whether all possible remedial development has been identified and actioned

**NOT PROTECTIVELY MARKED**

- Whether or not the necessary level of competence can be achieved if so
- What further action may result in the student officer achieving the required standard

He/she will make a recommendation to the Chief Constable either for an extension to probation under Regulation 12 or dismissal from the service under Regulation 13.

**Step 5: Dismissal**

If the Chief Constable's decision is to dismiss the student officer, then the provisions of Regulation 13 of the Police Regulations will apply. There is no right of appeal.

**Confirmation of Appointment**

It is the responsibility of BCU/LPA Commanders to approve confirmation of appointment which is now recognised at a formal ceremony, when NVQ awards also are presented

Unless action is taken to extend a probationary period 'confirmation of appointment' will automatically occur on completion of two years service,

**Standards of Behaviour/Integrity**

Where the concern over a student officer is in relation to standards of behaviour or integrity, a request can be made for an immediate full Regulation 13 hearing, without any of the intermediate steps happening. Advice should be sought from the Professional Standards Department as to whether the student officer should be subject to Regulation 13 procedures or Misconduct procedures.