



STAFFORDSHIRE
POLICE

Regulation 12 & 13

Guidance Document

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for FOI 23286

1 Purpose

1.1 This guidance covers all Student Officers within their probationary period, as defined in Regulations 12 and 13 of the Police Regulations 2003 (the Regulations) and Annex C of Regulation 12. Including, those who are part of the Degree Holder Entry Programme, undertaking a Police Constable Degree Apprenticeship, Inspectors and Superintendents participating in the Direct Entry Programmes and all Police Rejoiners.

Regulation 13 can only be instigated prior to confirmation of successful completion of probation of any of the aforementioned.

1.2 The probationary period of a Student Officer will normally be no less than 2 years. The probationary timescale for those undertaking a Police Constable Degree Apprenticeship will normally be 3 years.

1.3 This guidance sets out the process Staffordshire Police will use for a Student Officer to be discharged at any time, as stated in Regulation 13;

'If the chief officer considers that he / she [the Student Officer] is not fitted, physically or mentally, to perform the duties of his / her office, or that he/she is not likely to become an efficient or well conducted constable.'

Regulation 13 proceedings should be considered where there is sufficient evidence to suggest that the individual is:

- a) Not fitted physically to perform the duties of their office;
- b) Not fitted mentally to perform the duties of their office;
- c) Not likely to become an efficient officer; or
- d) Not likely to become a well conducted constable.

1.4 This procedure may be used to address, for example,

- Unsatisfactory performance
- Unsatisfactory academic development
- Unsatisfactory attendance
- Incontrovertible misconduct.

With regards to potential **conduct** issues, prior reference should be made to Professional Standards Department, as The Police (Complaints and Misconduct) Regulations 2020 may apply, in cases of:

- alleged serious misconduct or
- misconduct if the facts of the case are disputed by the Student Officer

Any Student Officer who is discharged under Regulations 12 or 13 will not be barred or placed on the Police advisory list. As a result, the appropriateness of this vehicle should be fully considered in regards to alleged misconduct. Advice is available from People Services and Professional Standards Department if needed.

1.6 If there are any concerns regarding a Student Officer's performance, academic progress, attendance or conduct, line management, the Professional Development Unit, (PDU), Sergeant or Operational Training representative (if the Student Officer is still within initial training) should act in as timely way as possible as outlined in the following sections.

2 Supportive action

2.1 There is a clear expectation that all Student Officers will successfully complete all relevant courses and modules associated with their probation. If there are concerns regarding a Student Officer's performance, academic progress or attendance, these should initially be managed through informal supportive action.

For cases of incontrovertible misconduct, a case conference should be held between the appropriate parties. These may include but are not limited to: Professional Standards Department, People Services, Professional Development Unit and line management. If this initial assessment determines the appropriate use of Regulation 13, this guidance will commence at Section 5, Stage 3 – Final Review Meeting onwards. The Chair of such will be determined accordingly.

2.2 Where concerns arise, the Line Manager, or PDU Rep team representative if the Student Officer is still within initial training, will meet with the Student Officer to:

- Explain why they consider performance, academic progress, attendance or conduct to be unsatisfactory
- Explore any underlying reasons why the Student Officer is not able to meet the standards required
- Discuss ways of bringing performance, academic progress, attendance or conduct up to the required level
- Ensure that the Student Officer understands the standards required and when these need to be achieved by.

2.4 A record of the discussion can be made in Origin PDR. Agreed actions should be recorded either by adding specific supportive objectives to Origin PDR, or by including an objective to complete a supportive plan.

2.5 Line management, the PDU Rep should monitor the Student Officer's performance, academic progress, attendance or conduct and provide timely feedback.

2.6 The supportive measures should be reviewed as agreed at the outset and a decision made on the way forward. If progress is satisfactory, the supportive plan/Origin PDR should be updated to show that the objectives have been successfully completed.

2.7 If the Student Officer is not able to satisfactorily complete the supportive plan, a Stage 1 case conference will be arranged.

3 Stage 1 - Case Conference

3.1 Where, despite informal supportive action, progress is not satisfactory, or under circumstances as detailed at 2.1, a case conference should be held.

3.2 The Student Officer will be given a minimum of 5 working days written notice of the meeting. The written notice will include;

- Date, time and venue of the meeting
- Confirmation of the meeting Chair and the others who will be present
- The matters to be discussed
- Any documentation to be relied on
- The option to be represented by a Police Federation representative or to be accompanied by a colleague who is not acting as a legal professional
- The potential outcomes of the meeting:
 - Recommendation to the Head of People Services/nominated member of the People Services SMT to progress through to Stage 3, which may ultimately result in a decision by the Chief Constable to dispense with their services (this should only be used for those instances identified in 2.1)
 - Recommendation to the Head of People Services/nominated member of the People Services SMT to extend the probationary period with a supportive plan
 - Implementation of a supportive plan

3.3 The case conference will be chaired by the PDU Rep or their line manager as appropriate and will also be attended by; the Student Officer, together with; PDU representative (Student Development Officer), their tutor and a representative from People Services, as appropriate. If the Student Officer is still within initial training, the meeting will be chaired by an Operational Training team representative.

3.4 The purpose of a case conference is to:

- Assess performance, academic progress, attendance or in some instances conduct, where appropriate and examine all relevant documentation
- Give the Student Officer the opportunity to explain why they are not reaching the required standards
- Give interested parties the opportunity to discuss areas of concern and offer any possible remedies to rectify these with those in attendance at the case conference. Potential remedies which it may be appropriate to consider include; further training/re-tutoring, double crewing, mentoring, attachments, supportive measures, including liaison with academic providers where applicable to assist the Student Officer in dealing with personal issues, or supportive measures to assist their return to work, for example, Recuperative Duties
- If a Student Officer has a medical condition/disability which may be affecting their performance, attendance or conduct, advice can be sought from Occupational Health. In the case of a disability, reasonable adjustments, for example, adjustments to the physical working environment or to the way the work is organised, will be considered, and discussed.
- If appropriate allow all relevant parties to formulate a supportive plan with timescales to address areas of concern. The duration of the supportive plan should be appropriate to the circumstances of the case but would not normally be expected to exceed 3 months. It may be deemed necessary to implement a support plan for a shorter duration, dependent upon the Student Officer's learning pathway
- Ensure that the Student Officer fully understands the issues and if applicable what is required of them including timescales
- Ensure Student Officers are made aware of support networks available to them

3.5 If the outcome is progression to Stage 3, the Chair of the meeting should then forward a full report to the Head of People Services/nominated member of the People Services Senior Management Team. The report should include;

- The Student Officer's level of performance/academic progress/attendance or conduct to date, clearly highlighting the issues
- Actions taken and discussions held to assist the Student Officer to be able to achieve the standards required, if applicable
- The results of any supportive action or supportive plans (operational or academic) together with the supporting documents, if applicable
- Recommended way forward with supporting rationale
- Comments from the Student Officer and any Federation representative

A copy of the report and any supporting papers should also be given to the Student Officer and any Police Federation representative.

3.6 The Student Officer should be informed that they can make comment upon those reports. **These must be in writing and should be returned to the HR representative.**

3.7 If the outcome includes a supportive plan, it should be prepared at the case conference and written up within 7 days of the meeting. The original copy should be signed by the Student Officer and the Chair of the case conference. A copy should be given to all attendees and the original should be retained by the meeting Chair.

An objective to successfully complete the plan should be recorded in Origin PDR. A copy of the notes of the review meeting will be provided to the Student Officer and their representative.

3.8 Review of progress against the supportive plan will be monitored by the line manager, PDU Rep/Operational Training team representative who should ensure that timely feedback is provided to the Student Officer and is documented.

3.9 At the end of the development improvement plan period, the PDU Rep/line manager/Operational Training team representative as appropriate and Student Officer will have a review meeting.

The outcome may be;

- The supportive plan is achieved,
- The supportive plan is not achieved, and the case will be progressed to Stage 2 (see section 4)
- A short extension to the supportive plan (where there has been substantial but not quite sufficient improvement). In this event, the Student Officer should be

made aware of the remaining improvement required and when the extended plan will be reviewed.

4 Stage 2 - Formal Review Meeting

4.1 Where, despite support, the Student Officer has not achieved the required standard, the PDU Inspector or second line manager as appropriate may arrange a Stage 2 meeting. If the Student Officer is still within their initial training, a Learning & Development Manager will consider the way forward.

4.2 The Student Officer will be given a minimum of 5 working days written notice of the meeting.

The written notice will include:

- Date, time and venue of the meeting
- Confirmation of the meeting Chair and the others who will be present
- The matters to be discussed
- Any documentation to be relied on
- The option to be represented by a Police Federation representative or to be accompanied by a colleague who is not acting as a legal professional
- The potential outcomes of the meeting:
 - Recommendation to the Head of People/nominated member of the People Services SMT to progress through to Stage 3, which may ultimately result in a decision by the Chief Constable to dispense with their services
 - Recommendation to the Head of People Services/nominated member of the People Services SMT to extend the probationary period with a supportive plan
 - Extension of the existing supportive plan
 - No further action

4.3 The Stage 2 meeting will be chaired by the PDU Inspector or second line manager as appropriate and will be attended by; the Student Officer, together with; their line manager, their tutor, their Fed representative, the PDU Rep and a representative from People Services, as appropriate. If the Student Officer is still within initial training, the meeting will be chaired by an Operational Training team representative.

4.4 The Chair of the meeting will outline the concerns and will provide the Student Officer with the opportunity to provide further information regarding their case. The Chair of the meeting will then inform the Student Officer of the outcome of the meeting from the options available as shown in section 4.2.

4.5 If the outcome of the Stage 2 meeting is recommendation to Stage 3, or extension to probation period, the Chair of the meeting should then forward a full report to the Head of People Services/nominated member of the People Services SMT.

The report should include;

- The Student Officer's level of performance/academic progress/attendance or conduct to date, clearly highlighting the issues
- Actions taken and discussions held to assist the Student Officer to be able to achieve the standards required
- The results of any supportive or supportive plans together with the supporting documents
- Recommended way forward with supporting rationale
- Comments from the Student Officer and any Federation representative
- A copy of the report and any supporting papers should also be given to the Student Officer and any Police Federation representative.

4.6 The Student Officer should be informed that they can make comment upon those reports. **These must be in writing and should be returned to the HR representative.**

5 Stage 3 – Final Review Meeting

5.1 Upon receipt of the report from:

- the Chair of the Stage 1 or 2 meeting, or,
- Professional Standards Department on a matter of incontrovertible misconduct

A member of the People Services representative, will arrange for a review meeting to take place to discuss the evidence presented.

5.2 The review meeting will be chaired by the appropriate Senior Operational Commander who will be accompanied by a People Services representative to advise on proceedings. If the Student Officer is a Direct Entry Inspector the Stage 3 meeting will be chaired by an Assistant Chief Constable. If the Student Officer is a Direct Entry Superintendent, reference should be made to section 5.8.

5.3 The Student Officer will be given a minimum of 15 working days written notice of the meeting.

Written notice of the meeting will include;

- Date, time and venue of the meeting
- Confirmation of the meeting Chair and the others who will be present
- The matters to be discussed
- Any documentation to be relied on
- The option to be represented by a Police Federation representative or to be accompanied by a colleague who is not acting as a legal professional
- The potential outcomes of the meeting:
 - Recommendation to the Chief Constable for consideration of dispensing with their services under Regulation 13
 - Recommendation to the Head of People Services/nominated member of the People Services SMT to extend the probationary period with a supportive plan
 - Creation of a supportive plan or extension of the existing supportive plan
 - Any other action as deemed appropriate
 - No further action

The Student Officer/Federation Representative should submit written details of any supporting evidence or documentation they wish to be considered by the Chair of the Stage 3 meeting, no later than 5 working days prior to the date of the meeting. This is inclusive of any questions they may wish the Chair of the Stage 3 meeting to consider ahead of the meeting, which may also influence the composition of attendees at the Stage 3 meeting.

5.4 Those invited to the review meeting will be the Student Officer, and may include; their line management, their tutor, their federation representative or Student Development Officer, the PDU Inspector or Sergeant, a representative of the Operational Training team and any other individual deemed appropriate by the Chair of the Stage 3 meeting.

5.5 At the conclusion of the review meeting, the Chair of the meeting will inform the Student Officer of the outcome of the meeting, which could be;

- Recommendation to the Chief Constable for consideration of dispensing with their services under Regulation 13
- Recommendation to the Head of People Service/nominated member of the People Services SMT to extend their probationary period with a supportive plan
- Extension of the existing supportive plan

- No further action

If necessary, the Stage 3 meeting may be adjourned to enable the Chair of the Stage 3 meeting to gather any further information required before determining an outcome.

5.6 Where the outcome of the review meeting is anything other than recommendation to the Chief Constable for consideration of dispensing with their services under Regulation 13, this will be confirmed in writing to the Student Officer and their representative. In all cases, a copy of the notes of the review meeting will be provided to the Student Officer and their representative.

5.7 Where the outcome of the Stage 3 review meeting is to extend probation, a supportive plan will be put in place and the Student Officer's progress will be monitored. Prior to the end of the extension period, the line manager /PDU representative will hold a review meeting with the Student Officer to either confirm that the plan has been successfully completed or, in the event that the Student Officer has failed to achieve the required standard, to prepare a report for a further Stage 3 meeting which will then be convened.

5.8 In the event that the Student Officer is a Direct Entry Superintendent, the Stage 3 meeting will be chaired by the Chief Constable who will determine the outcome, including any decision to discharge the officer.

5.9 If discharge of the Student Officer is recommended by the Chair of the Stage 3 meeting, at any stage, and whilst awaiting a decision from the Chief Constable, the Student Officer will not be allowed to perform operational duties. It will be the responsibility of the line manager or PDU Inspector in consultation with the local Chief Inspector to decide how the Student Officer should best be deployed during this period.

6 Extension of Probationary Period

6.1 An extension to a Student Officer's probationary period may be considered at any time, dependent on the circumstances of the individual case. Examples of reasons for extension could be unsatisfactory attendance, performance or academic progress.

Any extension should be made in good time as if a Student Officer's probation is not extended prior to the expiry of the original probationary period, the Student Officer will be deemed to have satisfactorily completed their probation.

6.2 The Chief Constable is to determine the extension of probationary periods for Student Officers under the Police Regulations.

6.3 If it is considered necessary to extend the probationary period of a Student Officer, the line manager or PDU Rep as appropriate will write a report to the second line manager/PDU Inspector as appropriate.

The report should include;

- The Student Officer's level of performance/academic progress/attendance or conduct to date, clearly highlighting the issues
- Actions taken and discussions held to assist the Student Officer to be able to achieve the standards required
- The results of any supportive plans together with the supporting documents
- Recommended way forward with supporting rationale
- Comments from the Student Officer and any Federation representative

If the PDU Inspector/second line manager wishes to recommend an extension to the Student Officer's probation, they should provide a full report including their recommendations and supporting rationale, to the Head of People/nominated member of the People Services SMT.

6.4 The Head of People Services (or their nominated deputy's) decision will be confirmed in writing to the Student Officer within 5 working days.

6.5 A Supportive plan will be put in place which will outline the standards the Student Officer is expected to achieve and sustain. The plan will be monitored by their line manager and PDU Inspector as appropriate. Prior to the end of the extension period, the line manager/PDU representative will hold a review meeting with the Student Officer to either confirm that the plan and probation have been successfully completed or, in the event that the Student Officer has failed to achieve the required standard, to prepare a report for a Stage 2 meeting which will then be convened. In the event that the extension to probation was made following a previous Stage 3 meeting, a Stage 3 meeting will be arranged.

7 Discharge of a Student Officer

7.1 If the Student Officer is a Direct Entry Superintendent, reference should be made to section 5.8 above. For all other Student Officers where the recommendation is that the Student Officer's services are dispensed with under Regulation 13, a report will be forwarded to the Chief Constable by the Chair of the Stage 3 review meeting giving the rationale for the recommendation.

The report should include;

- The Student Officer's level of performance/academic progress/attendance or conduct to date, clearly highlighting the issues
- Actions taken and discussions held to assist the Student Officer to be able to achieve the standards required
- The results of any supportive plans together with the supporting documents
- Recommended way forward with supporting rationale
- Written representation from the Student Officer and any Federation representative
- Comments from a senior People Services representative

In the event of poor performance, the Chief Constable will most likely complete a paper review in which they will review the above recommendation report, with no further meeting required.

In cases where a Regulation 13 dismissal on the grounds of misconduct by a Student Officer is being considered, the Chief Constable may wish to meet with the officer again before making their determination. In this case, the following arrangements will apply.

7.2 The meeting will be chaired by the Chief Constable who will be accompanied by a People Services representative to advise on proceedings.

7.3 The Student Officer will be given a minimum of 10 working days written notice of the meeting.

Written notice of the meeting will include;

- Date, time and venue of the meeting
- Confirmation of the meeting Chair and the others who will be present
- The matters to be discussed
- Any documentation to be relied on
- The option to be represented by a Police Federation representative or to be accompanied by a colleague who is not acting as a legal professional

The Student Officer/Federation Representative should submit written details of any supporting evidence or documentation they wish to be considered by the Chief Constable, no later than 5 working days prior to the date of the meeting. This is inclusive of any questions they may wish the Chief Constable to consider ahead of the meeting.

7.3 The decision of the Chief Constable will be provided to the Student Officer and their Federation Representative, within 5 working days of the review meeting. This will be confirmed in writing to the Student Officer, with a copy to their Federation representative.

7.4 Where the Chief Constable decides that the Student Officer's services will be dispensed with under Regulation 13, the Student Officer will be given one month's pay in lieu of notice. The Chief Constable's decision is final. The Student Officer, at that point, may exercise their right to resign in accordance with Regulation 13 and in this event will receive one month's pay in lieu of notice.

7.5 Any Student Officer who is discharged under Regulations 12 or 13 will not be barred or placed on the Police advisory list.

8 Misconduct and the Use of Regulations 13

There are two separate dismissal procedures which govern student officers, Regulation 13 and Police Officer Conduct Regulations and Complaints & Misconduct Regulations. Which one to use is a decision for the force, depending on the circumstances in hand.

The probationary period is there to discover and deal with fundamental unsuitability of outlook or temperament or behaviour of a Student Officer. Discharge under Regulation 13 for what might be misconduct or gross misconduct is permissible, but only when the evidence for that misconduct is **incontrovertible (i.e. admitted or beyond realistic dispute)**.

Otherwise, the Student Officer is entitled to the protection of the conduct regime. Where the facts founding the complaint are **not admitted or controverted**, in most cases the decision is likely to be to use disciplinary procedures to determine with the charge is proven or not proven.

Whilst an officer who had passed probation may have been subject to a misconduct meeting in such circumstances and would unlikely face dismissal, the Chief Constable may determine that a **potential breach amounting to misconduct during a probationary period would demonstrate that the officer is not fitted to become an efficient or well conducted constable**.

The line manager or PDU Rep must engage a People Services representative in each case, who will support the decision making and use of appropriate documentation.

Responsibilities

Chief Constable will:

- Consider recommendations and make decisions regarding discharge under Regulation 13 fairly, proportionately and ethically

Head of People / People Services Senior Management Team will:

- Consider recommendations and make decisions for extension to probationary period fairly, proportionately and ethically.

Senior Operational Commanders will:

- Chair of the Stage 3 review meeting and determine the outcome of the meeting (which may involve making a recommendation to the Chief Constable or to the Head of People) fairly, proportionately and ethically

PDU Inspectors, second line managers and Learning & Development Managers will:

- Chair Stage 2 meetings and determine the outcome of the meeting (which may involve making a recommendation to the Head of People fairly, proportionately and in an ethical way

PDU Reps and First Line Supervision will:

- Assess performance, attendance and conduct in fair, proportionate and ethical way
- Raise concerns with a Student Officer's performance, academic progress, attendance or conduct with them at the earliest opportunity and manage issues in line with this procedure
- Provide support to assist a Student Officer to be able to reach the standards required. This includes making reasonable adjustments where a Student Officer has a disability
- Chair Stage 1 meetings and determine the outcome of the meeting, proportionately and in an ethical way

Operational Training will:

- Oversee Student Officer's initial training
- Raise concerns with a Student Officer's performance, academic progress, attendance or conduct with them at the earliest opportunity and manage issues in line with this procedure
- Provide support to assist a Student Officer to be able to reach the standards required. This includes making reasonable adjustments where a Student Officer has a disability
- Act as Internal Quality Assurance of work and provide feedback to the Student Officer and their supervision
- Provide management information to supervision to assist them effectively managing Student Officers

- Liaise with external programme providers

Operational Officers (Student Officers) will:

- Engage positively in their training and development

People Services will:

- Provide advice and guidance on the interpretation and implementation of this procedure.

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