

Force Procedure and Guidance

Regulation 12 and 13 Police Regulations 2013 - Police Constables (PEQF)

Introduction

Staffordshire Police is committed to providing the learning and development and ongoing support in order to enable staff to achieve competence within their role. There are several entry routes into policing and this process recognises and reviews processes and procedures for dealing with police officers within their relative probationary periods.

The current entry routes are;

PCDA - Police Constable Degree Apprenticeship - 3 years probationary period.

DHEP – Degree Holders Entry Programme - 2 years probationary period.

DC DHEP – Detective Constable DHEP - 2 years probationary period.

PDPP – Pre-join Degree in Professional Policing – 2 years probationary period.

Although Staffordshire Police is committed to attracting, retaining and developing our police officers, there are a number of reasons that officers do not meet the minimum requirements of the role. The Police Regulations 2003 provides Chief Constables with the below powers and this policy provides guidance and explains the process when dealing with student officers who are not meeting those requirements.

Regulation 12 Police Regulations 2003

The Chief Constable has the authority to extend the length of probationary period in order that the officer can meet the required standards expected for the officer's role.

Probationary service in the rank of constable-

12.—(1) Subject to paragraphs (2) and (3), a member of a police force appointed in the rank of constable, other than such a member who transferred to the force from another police force having completed the required period of probation therein, shall be on probation for such period as the Secretary of State shall determine in respect of such appointments.

(2) In making a determination under paragraph (1), the Secretary of State may, subject to paragraph (3), confer on the chief officer discretion to determine the required period of probation in a particular case.

(3) For the purposes of a determination under paragraph (1), the periods to be counted or disregarded in reckoning service shall be such as may be determined by the Secretary of State.

Regulation 13 Police Regulations 2003

The Chief Constable has the authority to dispense with the services of an officer if they do meet the requirements of the role.

Discharge of probationer-

13.—(1) Subject to the provisions of this regulation, during his period of probation in the force the services of a constable may be dispensed with at any time if the chief officer considers that he is not fitted, physically or mentally, to perform the duties of his office, or that he is not likely to become an efficient or well conducted constable.

(2) A constable whose services are dispensed with under this regulation shall be entitled to receive a month's notice or a month's pay in lieu thereof.

(3) A constable's services shall not be dispensed with in accordance with this regulation and any notice given for the purposes thereof shall cease to have effect if he gives written notice to the police authority of his intention to retire and retires in pursuance of the said notice on or before the date on which his services would otherwise be dispensed with; and such a notice taking effect on that date shall be accepted by the police authority notwithstanding that less than a month's notice is given.

(4) Where a constable has received a notice under this regulation that his services are to be dispensed with and he gives written notice of his intention to retire and retires under paragraph (3), he shall nevertheless be entitled to receive pay up to and until the date on which the month's notice he has received would have expired or where he has received or is due to receive a month's pay in lieu of notice he shall remain entitled to that pay notwithstanding the notice he has given under paragraph (3).

Sergeants and Inspectors that have been promoted under the National Policing Promotion Framework (NPPF) are also subject to regulation 12 and 13 of the Police Regulations, but those procedures are detailed within the NPPF Policy.

It is the requirement of the student officer to meet minimum requirements in relation to the following;

- National mandatory fitness and training. (ie OPST, fitness test, first aid)
- Professional standards of behaviour and Code of Ethics.
- Academic requirements of the officer's relevant PEQF programme.
- Operational competence.
- Behavioural competencies.
- Apprenticeship compliance where applicable (ie end point assessment).

Staffordshire Police also acknowledge the demands of the programme and other factors that can contribute to under-performance, such as sickness or programme pressures and there are measures to ensure that all support is provided to maximise the officers' opportunity to achieve full competence and successfully complete their probationary period.

Procedure

This procedure should be read in conjunction with the associated process flowchart fig 1 and fig 2. The management of the officer through this process is owned by their supervisor, with support from the PEQF team within L & OD and HR. If the issue is identified during the initial training phase, then this will be owned initially by the PEQF team, as the team will be line managers for officers at that time.

The initial stages of this process are intended to support the officer to understand the performance issues that have been identified and assist providing or signposting to further support that can assist. This support could come from staff associations, University support, Welfare and Occupational Health, L & OD and being supported within their operational role. The ultimate goal is for the student officer to meet the required outcomes and successfully complete their probationary period.

Step 1

1.0 Identification of Issue raising doubt of timely completion of probationary period.

The first time an issue is identified can occur at any stage of the officer's probationary period and this can have an affect on decision making in relation to the use of Regulation 12 or 13. This is also compounded by the risk level of the identified issue. The issue could be of high enough risk to consider immediate use of Regulation 13. Conversely, the issue may be of low risk but have a bearing on the completion date of the probationary period, such as maternity, long term injury/sickness or an intermission from the academic programme (later guidance).

Step 2 (please see fig.1)

2.0 High risk

The first decision to be made is whether the identified issue is high risk and therefore an immediate decision in relation to the recommendation of Regulation 13 needs to be made. The rationale behind the risk assessment needs to be documented against the criteria of risk to:

- the public
- the organisation
- colleagues
- the student officer.
- Successful completion of all apprenticeship or programme requirements.

Examples of High Risk issues:

2.1 JRFT

It is currently the requirement of NPCC and College of Policing that all police officers can pass the national Job-Related Fitness Test (JRFT). This is currently a bleep test; although an equivalent alternative can be taken. This test is required to be passed in order to be offered a post within policing and is also taken within the first two weeks of starting the role.

It is a requirement that this is passed before the student is then allowed to complete the Operational Police Safety Training (OPST). If a student fails the fitness test, they will be afforded another attempt within six weeks. A failure will expedite a student officer stage 2 case conference, as Regulation 13 will be considered.

2.2 OPST

Student officers are provided OPST training within their first two weeks and a formal assessment before week 9 of their service. During the initial two weeks, if the training team identify that competence is not being met, then a case conference will be expedited and a development plan implemented. Should the student fail the formal assessment, then Regulation 13 will be considered by the case conference. It is mandatory that this assessment is passed before the officer is operationally deployable and they would be recorded as being restricted.

2.3 First Aid

This is also a mandatory training subject and the training would need to be passed being operationally deployed. A failure would result in an expedited case conference and development plan put in place. Any failure to progress to passing the training would result in Regulation 13 being considered.

2.4 Gross Misconduct

An incident or allegation of misconduct perpetrated by a student officer may instigate an investigation and a decision in relation to immediate deployment or suspension. These investigations will be overseen by Anti-Corruption Unit or Professional Standards Dept. ACU or PSD will maintain contact with the PEQF management team and HR.

2.5 Failure to meet PEQF programme gateway or End Point Assessment

The different entry routes all require student officers to meet apprenticeship (if applicable), academic and operational competence requirements and there are gateways between years of the programme, where set outcomes are required to be met at these milestones. Regular contact between the HEI provider and Staffordshire Police is maintained, monitoring progress.

2.6 Where high risk is identified

Where the supervisor has identified an issue that is deemed to be high risk, then a Stage 2 Student Officer Case Conference should be arranged, where the evidence supporting should be

presented to the chair of the meeting. The format and attendees of this meeting is later described.

2.7 Where issue is identified as not being high risk.

When there is no immediate need for a Regulation 13 decision, the supervisor should progress to step 3.

Step 3

3.0 Is there need for immediate decision in relation to regulation 12?

When an issue is identified that could have a bearing on successful completion of the student officer's probationary period, consideration should be given as to whether any required developmental action would take the officer beyond the conclusion of the probationary period.

3.1 Low risk reason for Regulation 12

The reasons for consideration of Regulation 12 may be low risk and need minimal intervention; such as maternity or sickness, in which case a summarised report from the manager to HR would expedite a Regulation 12 recommendation through the Head of Enabling Services to the chief constable. The report would highlight the issue, specify the support being offered and the recommended extension period.

3.2 University Intermission of Learning

As part of the PEQF programmes, any reasons that mean that student officers have to stop their learning journey, require an intermission in learning. This is put in place to ensure that funding is not being made for an officer not progressing through the journey. This is usually due to sickness for longer than 28 days, maternity, some extenuating circumstances delaying the progression of academic work or ongoing investigations being undertaken by ACU or PSD that prevent operational work.

In the event that this occurs, the PEQF team will undertake the processes required with the university and apprenticeship board. However, this action freezes the student's progression through the programme and will result in the officer picking up with the next available cohort once the intermission is complete. This will inevitably lead to a requirement for an extension to the officer's probationary period.

Once the officer has completed the intermission period and has re-joined the programme, an HR representative will be in a position to understand the length of period needed for a probationary period extension. A report will be compiled by the HR representative and submitted at this point via the Head of Enabling Services to the Chief Constable explaining the full circumstances and recommending an appropriate Regulation 12 extension of probation period.

If the officer was subject to this process at the point of entering a period of intermission, then they will resume at the same point in the process once the reason for the intermission is

resolved. A fresh decision based on the circumstances post intermission will be made as to the next steps.

3.3 Under performance

If the identified issue is due to under-performance, either academically or operationally and the end of probationary period is imminent, then a stage 2 case conference will be arranged and evidence presented to the chair for consideration of Reg 12, 13 or no further action. The evidence should outline the issue in question, the support that is needed to enable the student officer to meet the performance gap and the recommended period of extension.

3.4 If no imminent decision for Regulation 12 is required, then supervisors can progress to step 4.

Step 4

4.0 Student Officer Development Plan.

Once initial performance issues have been identified and there is need for further development by the student officer in order to meet the required standards, the supervisor should agree a development plan with the student. The development plan should be a written document that has detail of SMART targets and planned interventions. This plan should be retained.

4.1 The supervisor needs to identify the specific performance gaps against operational, academic and behavioural expectations and hold a meeting with the student officer to explain and agree a development plan. The plan should consist of SMART goals, with agreed measures of what is required to meet them. The student officer should be offered the opportunity to explain any mitigating factors and be offered any support needed in order to achieve them. The supervisor should consult with the PEQF L and OD team, who also monitor the overall progress of student officers in all aspects of the programme. A summary of the salient points of this meeting should be recorded.

4.2 Welfare of Student Officers and Support Mechanisms

The PEQF programmes are demanding and some officers will find different aspects less or more challenging. Whilst there are programme requirements to be met and police officers need to reach a level of competence for the role, they will also need support in achieving these goals. The support can be operational or through departments that can offer pastoral care. These include but are not exclusive to staff associations, welfare and Occupational Health dept, University support, L & OD team. The development plan should have an appropriate review date, that is timely but allows sufficient time for progress to occur.

4.3 Equality Diversity and Inclusion

Consideration should be given to those student officers that have protected characteristics and how those can impact upon performance and welfare. There may be cultural factors that could

have a bearing on perceived performance or could influence the most appropriate support that can be offered. The ED and I officers can be a valuable source of advice and guidance for the supervisor and student in offering or signposting to appropriate support.

Dyslexia and other neuro diversity conditions are more openly disclosed and Staffordshire Police is an inclusive organisation that has support processes for students with such conditions. Dyslexia assessments can be offered and Reasonable adjustment plans agreed with the student with a provision for IT and other specific needs where appropriate.

Students should explain their personal circumstances and these should be considered as part of any development plans and activity. Supervisors should consider whether there are any underlying ED and I issues that the student may not be aware of, or find it difficult to divulge.

4.4 Review of Initial Development Plan

The supervisor will monitor progress of the student officer throughout the review period, keeping an evidence base of assessed progress. At the end of the agreed development plan period the supervisor needs to consider whether the SMART development plan goals have been achieved. If the student officer has met the agreed targets, the development plan can be closed with a copy being retained by the L & OD team. If there is no return of the under-performance, then the matter is closed.

4.5 Failure to meet Development Plan goals

If the student officer has not met the agreed development goals, or there are additional areas of concern, then a meeting should be arranged and the supervisor should proceed to step 5.

Step 5

5.0 Stage 1 Formal Development Plan Review Meeting

Upon completion of the development plan period agreed between student officer and supervisor at step 4 and the officer has still not met the agreed goals, then the supervisor should arrange a formal meeting. Within the meeting it is explained to the student officer that although all support will be offered for the student to achieve the desired outcomes, they have started a process that could ultimately result in consideration of Police Regulations 12 and 13.

5.1 Attendees at Meeting

The meeting should have the student officer and supervisor present, as they will be aware of the development to this point. Police Federation should be invited, along with a representative from HR and the PEQF Management team, or delegated representative. Other attendees could be considered if appropriate; such as assessors or tutors who can provide specific observations. Minutes of the meeting should be taken and a record of any supporting evidence. The minutes will be circulated and agreed.

5.2 Meeting format

The meeting should be led by the supervisor where progress can be explained and why the supervisor believes insufficient development has taken place. This should be evidence based and the student (and or Federation representative) will have the opportunity to respond to any

of the evidence presented. Development plan goals can be withdrawn if achieved or extended should new evidence be provided.

5.3 Meeting Outcomes

Upon the conclusion of the meeting, the supervisor, with agreement from the other panel members, will decide whether;

- a) No further action needed. (action as per 4.3)
- b) Some progress has been made and therefore the plan should continue for another period of time and further review date agreed.
- c) Insufficient progress has been made and the student officer will progress to a stage 2 case conference meeting, where Regulation 12 or 13 will be considered.

5.4 Continued Monitoring

Should the decided outcome be either b) or c), then the supervisor will continue to monitor against the current development plan until the next development plan review date or Stage 2 Case Conference date. HR and/or PEQF Manager will arrange the stage 2 Case Conference and invite all parties (step 6).

Step 6 (please see fig. 2)

6.0 Stage 2 Student Officer Case Conference

If insufficient progress has been made as a result of the review of development plan meetings, the student officer will progress through to a Stage 2 Case Conference Meeting. This meeting will be chaired by a HR Business Partner and the evidence of performance will be presented. Minutes of the meeting will be taken and circulated to all present.

6.1 Attendees at the meeting

The attendees should where possible be the same as the development plan meeting with the addition of the HRBP and/or PEQF Programme Manager, who will chair the meeting. This will include Police Federation rep, student officer and supervisor.

6.2 Format of the meeting

The chair will have presented a copy of the evidence and minutes from previous meetings before the meeting date; and the Police Federation rep and student officer will receive relevant documentation. The supervisor will summarise the details leading to the previous meeting and update the attendees with the progress made since the previous Stage 1 meeting. The student officer (and/or Police Federation rep) can respond to the account provided by the supervisor along with any mitigating circumstances. At the conclusion of presented evidence, the meeting will ask the student and rep to leave the meeting and the chair will consider all the evidence and student account provided and decide the next action. The student will be invited back into the meeting where the decision will be disclosed and explained.

6.3 Possible Decision Outcomes

The chair of the meeting could make one of the following decisions based upon the outcome of the meeting.

- a) No further action required. The student has no further development to undertake as they have made the required improvement against development. (action 4.3)
- b) A decision to further extend the development plan period, as sufficient progress is being made, and return to the Stage 2 Case Conference Meeting to review. The same decision choices will remain. The student will remain at the same stage in the process.
- c) A decision to recommend **Regulation 12** for an extension to the probationary period and to extend the development plan goals into that period of time. The chair will submit a report with associated evidence and minutes to the chief constable via the Head Of People and Organisational Development, with detail of action and support provided to date, recommendations for the continued support and the period of time for the extension to apply. A copy of the report will be shared with the Police Federation rep within 10 working days (unless agreed otherwise), where they can provide a response within 10 working days.
- d) A decision to recommend **Regulation 13** and terminate employment of the student officer, as it is believed that based upon the evidence presented, the officer will not meet the necessary requirements to become a police officer. The chair will compile a file of relevant gathered evidence and appendices and share with the Police Federation within 10 days (unless agreed otherwise), where they can provide a response. The file will be submitted to the Chief Constable, via the Head of People and Organisational Development, detailing all available evidence and the rationale for the recommendations.

Step 7

7.0 Decision of the Chief Constable

Upon receipt of the evidence report, the chief constable will make a decision in relation to the recommendations made. The chief constable can follow the submitted recommendations, ask for further information or make any other decisions as outlined in paragraph 6.3. This decision will then be communicated to the student officer via the Head of People and Organisational Development, or delegated representative.

7.1 Continued Monitoring

Should the recommendation for Regulation 12 be made, progress against any development plans or activities will be monitored by the Stage 2 Case Conference panel. Towards the conclusion of the extended probationary period the Stage 2 Case Conference panel will reconvene in order to monitor progress. The same attendees or representatives will follow meeting guidance as detailed in paragraphs 6.0 to 6.3, whereupon a full update report will be submitted via the Head of People and Organisational Development to the Chief Constable as to actions taken and further recommendations.

Fig 1

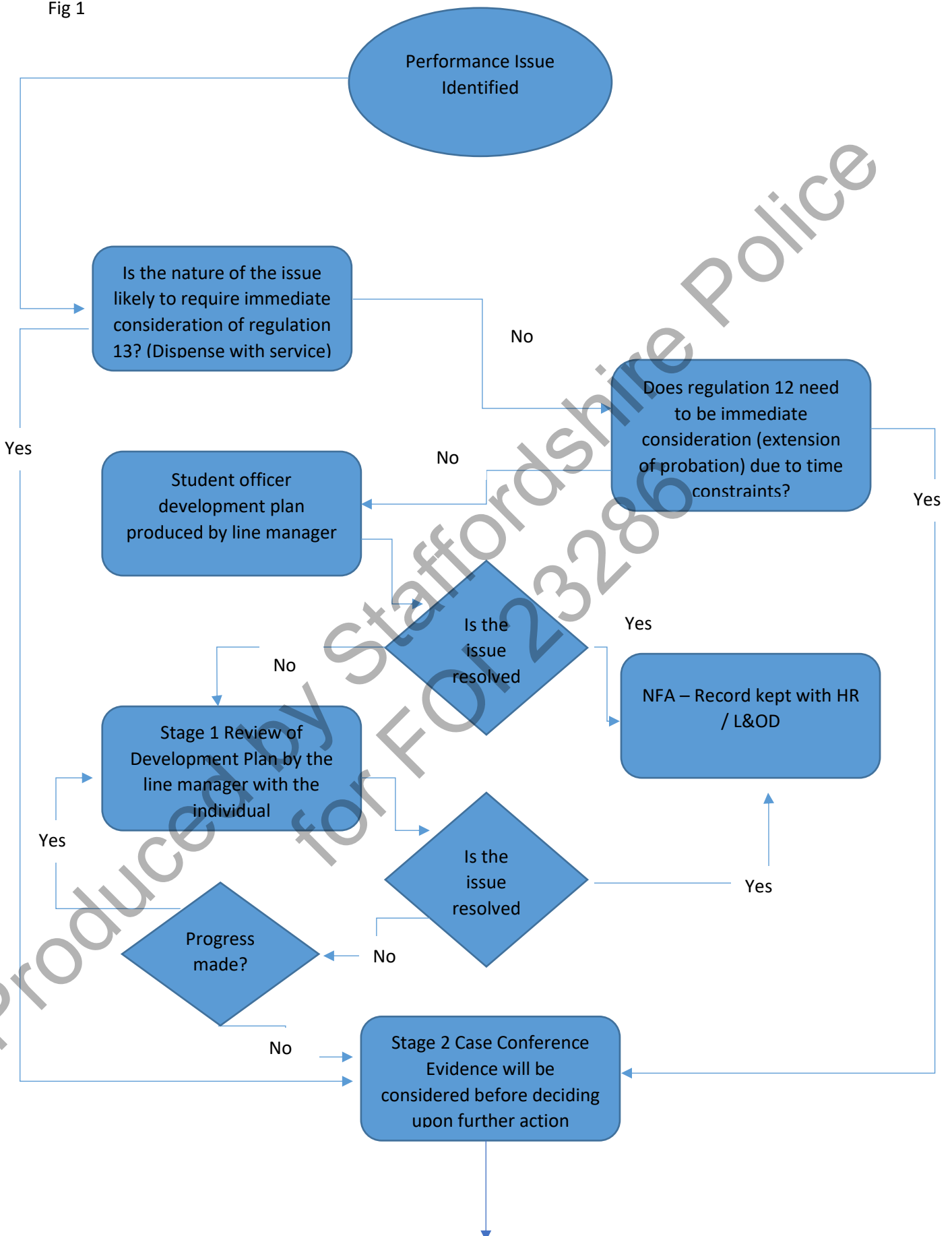


Fig 2

