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WEST MIDLANDS POLICE

Force Policy Document

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| POLICY TITLE: | Unsatisfactory Performance of Student Officers |
| POLICY REFERENCE NO: | HR/23 |

Executive Summary.

Under Regulation 13 of the Police Regulations 2003, the Chief Constable may at any time dispense with a Student Officer if they consider that he/she is not fit, 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. This Order replaces Part One Order 35/2006 published July 2006. Regulation 12 provides for the Chief Constable to determine the required period of probation in a particular case.

The Performance Management Procedure for Dealing with Student Officers can only be instigated prior to confirmation of appointment. Student officer refers to any officer within the 2 year probationary period or extended probationary period if applicable.

'A Student Officer Is Defined As A Probationer Constable Within The Meaning Of Police Regulations 2003.'

***Any enquiries in relation to this policy should be made directly with the policy contact / department shown below.*

Intended Policy Audience.

This policy is aimed at all police officers and staff, (including where on secondment) including those members of the organisation acting in their capacity as representatives of the Police Federation, Trade Unions, Staff Associations and Support Associations.

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|--|--|-----------------|
| Current Version And Effective Date. | Version 1.6 | 12/06/15 |
| Business Area Owner | Corporate Human Resources | |
| Department Responsible | Corporate Human Resources | |
| Policy Contact | Chief Insp Kevin Doyle | |
| Policy Author | Chief Insp Kevin Doyle | |
| Approved By | David Wilkin, Director of Resources | |
| Policy Initial Implementation Date | 02/10/2015 | |
| Review Date | 02/10/2017 | |
| Protective Marking | Not Protectively Marked | |
| Suitable For Publication – Freedom Of Information | Yes (no restrictions) | |

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Supporting Documents

- Student Officer Performance Management Flow-chart – Appendix A
- Code of Ethics (http://www.college.police.uk/docs/Code_of_Ethics.pdf)
- Regulation 12 and 13 Police Regulations 2003 – Appendix B

Evidence Based Research

Full supporting documentation and evidence of consultation in relation to this policy including that of any version changes for implementation and review, are held with the Force Policy Co-ordinator including that of the authorised original Command Team papers.

Please Note.

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UPTO DATE VERSION OF ANY POLICY OR DIRECTIVE CAN BE FOUND ON THE EQUIP DATABASE ON THE INTRANET.

Force Diversity Vision Statement and Values

“Eliminate unlawful discrimination, harassment and victimisation. Advance equality of opportunity and foster good relations by embedding a culture of equality and respect that puts all of our communities, officers and staff at the heart of everything we do. Working together as one we will strive to make a difference to our service delivery by mainstreaming our organisational values”

“All members of the public and communities we serve, all police officers, special constables and police staff members shall receive equal and fair treatment regardless of, age, disability, sex, race, gender reassignment, religion/belief, sexual orientation, marriage/civil partnership and pregnancy/maternity. If you consider this policy could be improved for any of these groups please raise with the author of the policy without delay.”

Code of Ethics

West Midlands Police is committed to ensuring that the Code of Ethics is not simply another piece of paper, poster or laminate, but is at the heart of every policy, procedure, decision and action in policing.

The Code of Ethics is about self-awareness, ensuring that everyone in policing feels able to always do the right thing and is confident to challenge colleagues irrespective of their rank, role or position

Every single person working in West Midlands Police is expected to adopt and adhere to the principles and standards set out in the Code.

The main purpose of the Code of Ethics is to be a guide to "good" policing, not something to punish "poor" policing.

The Code describes nine principles and ten standards of behaviour that sets and defines the exemplary standards expected of everyone who works in policing.

Please see http://www.college.police.uk/docs/Code_of_Ethics.pdf for further details.

The policy contained in this document seeks to build upon the overarching principles within the Code to further support people in the organization to do the right thing.

CONTENTS

1. INTRODUCTION..... 5
2. AIM..... 5
3. STAGE 1 – Immediate Supportive Case Conference Reg 13..... 6
4. STAGE 2 - Formal Case Conference Reg 13..... 7
5. FINAL CASE CONFERENCE 8
6. REPORT TO THE CHIEF CONSTABLE – DISPENSING WITH SERVICES. 9
7. RESIGNATION..... 9
8. MATTERS REQUIRING DISCIPLINE INVESTIGATION 9
9. REG. 12 EXTENSION OF PROBATION 10
10. EQUALITY IMPACT ASSESSMENT (EQIA)..... 11
11. HUMAN RIGHTS..... 11
12. FREEDOM OF INFORMATION (FOI)..... 11
13. TRAINING. 11
14. PROMOTION / DISTRIBUTION & MARKETING..... 12
15. REVIEW. 12
16. VERSION HISTORY..... 13
17. APPENDIX A..... 14
18. APPENDIX B..... 16

1. INTRODUCTION.

- 1.1 Under Regulation 13 of the Police Regulations 2003, the Chief Constable may at any time dispense with a Student Officer if they consider that he/she is not fit, 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. This Order replaces Part One Order 35/2006 published July 2006.
- 1.2 Under Regulation 12 of the Police Regulations 2003, the Chief Constable has the authority to extend a Student Officer's service beyond 2 years on a case by case basis.
- 1.3 It is important to note that Reg 12 and Reg 13 are not the same thing although they are often considered together.
- 1.4 The aim of this policy is to set out a code of good practice and standards. It is important that any departure from this code is clearly justified and supported with documented evidence.
- 1.5 Given the scope of this policy, it is inevitable that opportunities for organisational learning will be presented and will be documented by the Student Officer Assessment Team. Such learning will be used to inform future iterations of this policy.
- 1.6 In applying this policy, West Midlands Police will act with procedural and substantive fairness and have due regard to its obligations under the Equality Act 2010.

2. AIM.

- 2.1 The aim of this document is to provide guidance on the support available to assist Student Constables to reach the required level of competence to be considered suitable for substantive appointment. The document also explains the procedure to be followed to address under performance including extension of probationary service and dispensing with services. Competence in this context includes satisfactory levels of attendance.
- 2.2 This document is not definitive and should be considered as a guide for Student Constables Coaches, Assessors and Line Managers. In cases of sustained under-performance additional guidance should be sought from Line Manger Advisors. Appendix A provides a flow chart describing the stages of the process.
- 2.3 Before considering the formal procedure of the Case Conference framework developmental conversations should be taking place routinely between the Student Officer and their Assessor with Coach or Line Manager involvement as appropriate.
- 2.4 In all cases of under-performance, intervention should follow four key principles:
 - Interventions will be open, honest and supportive
 - Intervention is a tool for improvement
 - There will be a joint commitment from WMP and Student Officer to improvement
 - Early identification and intervention will take place at the lowest competent level

3. STAGE 1 – Immediate Supportive Case Conference Reg 13

- 3.1 The Student Officer maintains an e-portfolio upon appointment and until the probationary period is completed. This contains self-assessment reports and periodic reports by trainers, coaches, assessors and line managers. This contains evidence and feedback on submissions made by student officers in order to claim National Occupational Standards (NOS), the Police Professional Framework (PPF) and West Midlands Police centric tasks. It also is a business enabler, holding and interpreting management data.
- 3.2 The e-portfolio will be managed by the Student Officer Assessment Team within Learning & Development. The data held on the e-portfolio will be kept by the Student Officer Assessment Team for a minimum of 3 years following the projected end of the Student Officer's probationary period. This data can only be accessed by the relevant members of the Student Assessment Team and the City & Guilds System Administrator
- 3.3 Early intervention when a Student Officer is failing to make satisfactory progress is an Immediate Supportive Case Conference where the Student Officer is given the necessary advice and guidance to improve their performance and successfully complete their Probationary period.
- 3.4 An Immediate Supportive Case Conference is a meeting that will usually be hosted at the Student Officer's place of work. It is a structured professional meeting but should be managed in a way that encourages open and honest conversation. The meeting will generally be Chaired by the Student Officer's Assessor or Student Assessment Team Sergeant. The meeting will generally involve the Student Officer in person, but there may be rare circumstances where this is inappropriate (e.g. watchful waiting after a traumatic incident). The purpose of the meeting is to ensure the Student Officer is aware that they are not meeting the required standards and that improvement is required. The meeting will outline what support is required to develop a Student Officer and it is important that the Student Officer knows at the earliest opportunity what he/she can expect and also what is expected of them. The Student Officer is integral to agreeing the level of support required. Agreement or any failure to agree should be recorded. A Student Officer should be aware that they may be accompanied or supported by a colleague who may be a Federation representative.
- 3.5 A SMART learning plan should be identified to set objectives relating to performance, adherence to the Code of Ethics or to improve attendance levels against force expectations. Where possible the learning plan should be co-created with the student officer and their agreement, although if this cannot be achieved a learning plan should still be created. If attendance levels do not improve to the required standard, it may be appropriate to recommend dispensing with the officer's services as outlined in this policy.
- 3.6 Where a Student Officer is subject of a SMART Learning plan, progress will be monitored by the Student Officer Assessment Team and oversight maintained through the monthly Student Officer Performance Panel.
- 3.7 Where improvement is achieved but not sustained at any time during the probationary period, application of the Regulation 13 framework can be referred directly to the next level. Progression direct to the next level is intended to address patterns of unacceptable behaviour regardless of time intervals. Although the circumstances of each incident should be considered on a case by case basis, there is no requirement to

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recommence at Stage One unless the concerns identified are new and entirely unconnected with earlier performance concerns.

- 3.8 WMP values include a need to acknowledge our mistakes and learn. e.g. If a decision concerning management of Student Officer's performance is made in good faith but subsequently found to be poor, there is an expectation that organisational failings will be acknowledged and addressed at the earliest opportunity and at the lowest competent level.

4. STAGE 2 - Formal Case Conference Reg 13

- 4.1 If following an Immediate Supportive Case Conference, a Student Officer fails to show signs of performance improvement; this will be recorded by the Student Officer Assessment Team on the Officer's e-portfolio (via the Contact Entries functionality). This system is administered by Learning & Development. Assessment Team Staff at Learning & Development will assess the concerns and in the case of serious performance concerns will determine that a Formal Case Conference be held.
- 4.2 The Formal Case Conference is a structured business meeting. The purpose of the Formal Case Conference is to establish the *likelihood* of the Student Officer becoming an efficient or well conducted constable. The burden of proof is on the balance of probabilities and investigation of concerns should be proportionate. Effective management of the Case Conference depends on all parties having mutual trust and a common purpose to best support the needs of the Student Officer. Evidenced concerns held by either the Student Officer or the Manager addressing the sustained failure to improve, must be shared at least seven working days prior to the Conference. To ensure consistency, the Conference will be chaired by a member of the Senior Leadership Team from Learning and Development. Also present will be a member of the Senior Leadership Team from the LPU or Department to which the Student Officer is posted.
- 4.3 Attendees should include as a minimum:
- Learning and Development SLT member
 - LPU/Dept SLT member (to which Student Officer is posted)
 - Student Officer
 - Student Officer's Assessor and Coach (Phase 2 only)
 - Student Officer's Line Manager
 - Student Officer's Federation Representative or Friend
 - Line Manager Advisor
- 4.4 Options open to the Formal Case Conference include one or more of the following:
- Determine evidence of under-performance as inadequate to support concerns
 - Monitor and review development
 - Extend Probation under Regulation 12
 - Acknowledge and address organisational failings e.g. poor decisions made in good faith
 - Recommend Final Case Conference
- 4.5 Where a decision is made to monitor and review development and/or extend probation, a formal action plan must be agreed with specific objectives and milestones. Performance should be reviewed on a monthly basis and overseen by the Student Officer Performance Panel.

4.6 If no improvement is evidenced or is evidenced but not sustained, which indicates to the satisfaction of the Student Officer Assessment Team at Learning and Development that *'The Student Officer is unlikely to become and efficient and well conducted Constable'*, the matter can be remitted to a Final Case Conference.

5. FINAL CASE CONFERENCE

5.1 The Final Case Conference is a structured business meeting. The purpose of the Final Case Conference is to establish the *likelihood* of the Student Officer becoming an efficient or well conducted constable when earlier interventions have failed to secure an improvement in performance.

5.2 The Final Case Conference will be chaired by an Assistant Chief Constable. A minimum provision of 14 working days between Formal and Final Case Conference is to allow disclosure of matters to the Student Officer that will be cited at the hearing and allow sufficient time for the Student Officer to prepare any material/evidence that they may wish to present.

5.3 The Student Officer has the right to be accompanied by a colleague who may be a Federation representative. To ensure consistency, evidence will be presented by a member of the Senior Leadership Team from Learning and Development. Also present will be a member of the Senior Leadership Team from the LPU or Department to which the Student Officer is posted. Both parties may bring forward witnesses from West Midlands Police, if appropriate, to support their case of evidence.

5.4 Attendees should include as a minimum:

- Learning and Development SLT member
- LPU/Dept SLT member (to which Student Officer is posted)
- Student Officer
- Student Officer's Federation Representative or Friend
- Line Manager Advisor

5.5 The Panel should have access to a copy of the Student Officer's personal file including their initial application report and e-portfolio

5.6 The panel will assess the nature of concerns and may elect to:

- Determine evidence of under-performance as inadequate to support concerns.
- Extend Probation under Regulation 12 for such longer period as the Chief Constable determines in the circumstances of a particular case. The Chief Constable may use his/her discretion to reduce or dispense with the period of probation. (An Assistant Chief Constable may make this decision on behalf of the Chief Constable.)
- Recommend to the Chief Constable that the Student Officer's services be dispensed with.

6. REPORT TO THE CHIEF CONSTABLE – DISPENSING WITH SERVICES

- 6.1 Where an Assistant Chief Constable has recommended that the Student Officer's services be dispensed with, the Student Officer's uniform, warrant card and any other police property should be retained by WMP. The Student Officer will commence a period of exceptional paid leave pending the decision of the Chief Constable.
- 6.2 Following an Assistant Chief Constable's decision to recommend that the Student Officer's services be dispensed with, the Assistant Chief Constable will submit a report to the Chief Constable.
- 6.3 The final decision to dispense with the services of the Student Officer rests with the Chief Constable. The Chief Constable does not need to see the Student Officer personally. If the Chief Constable decides that the Student Officer's services should be dispensed with the file shall be returned to the Head of Human Resources endorsing it to the effect that the Student Officer's services be dispensed with. The decision should be notified to the Student Officer by the Student Officer Assessment Team. Dispensation with services is immediate, although any outstanding annual leave will be compensated in addition to a payment equivalent of one month's salary.

7. RESIGNATION

- 7.1 If the Student Officer wishes to voluntarily resign as an alternative to services being dispensed with, the resignation will be considered in the normal way. If the concern leading to services being dispensed with is of an integrity nature the application may be refused.
- 7.2 A Student Officer can voluntarily resign up until the Chief Constable has made a final decision after the hearing. If after the Chief Constable has made a decision, the Student Officer wishes to resign, the dismissal notice will remain in place.

8. MATTERS REQUIRING DISCIPLINE INVESTIGATION

- 8.1 Regulation 13 reporting procedures are not to be used as an alternative or substitute to gross misconduct or criminal proceedings. Gross Misconduct or criminal proceedings should be investigated to an independent conclusion and are not to be combined with reporting procedures of poor performance. However, where an individual has been subject of a discipline enquiry which has been taken to conclusion, and this revealed shortcomings in performance, then the facts of those matters relative to performance should be incorporated into the Regulation 13 procedure. Conversely, material gathered under Regulation 13 should not be used for the purposes of the misconduct procedure if this means that the safeguards for police officers provided in the misconduct procedure, such as provision for formal notification, are undermined.
- 8.2 Matters assessed as 'Misconduct' rather than 'Gross Misconduct' may be considered suitable for process under Regulation 13 where there is clear scope for personal learning and improvement. Each case should be assessed on merit by the Appropriate Authority in consultation with Student Assessment team and Line Management Advisors, (Case-Management) via Shared Services.

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8.3 Misconduct matters that come to light within the first ten weeks of appointment should be brought to the immediate attention of the Student Officer Assessment Team at Learning and Development. If such matters indicate there to be substantial concern that the Student Officer will not be able to fulfil the role of an efficient and well conducted constable, it will be possible to move directly to Final Case Conference. The rational supporting 'substantial concern' must be documented and shared with the Student Officer at the earliest reasonable opportunity.

9. REG. 12 EXTENSION OF PROBATION

9.1 It is important to note that Reg 12 and Reg 13 are not the same thing although they are often considered together.

9.2 Reg 13 is the process to address under performance. Reg 12 is the facility to extend a Student Officer's period of probation. Reg 12 can be applied to allow a Student Officer an extended period to reach the required standard or where due to absence through illness or welfare, an extended period will be needed for the Student Officer to demonstrate the competencies required to be confirmed in rank.

9.3 It will not be appropriate to apply Reg 12 solely on the basis of absence or restriction. There must be clearly evidenced links between the absence or restriction, and the ability of the Student Officer to discharge the full range of operational duties and demonstrate competency within the standard two year period. The focus of effective management must always be to consider what competencies can be secured during the period of restriction with a view to continuing to progress towards substantive appointment.

9.4 If it is considered necessary to extend the probationary period of a Student Officer a meeting should be held following the format of an Immediate Supportive Case Conference. In all cases advice is available from Line Manager Advisors. The Student Officer Assessment Team at Learning and Development will be central to any discussions.

9.5 It is not necessary to hold an Immediate Supportive Case Conference if the decision to apply Reg 12 is a consequence of matters already being managed through Reg 13 performance procedure.

9.6 A decision to extend the probationary period will be made by an Assistant Chief Constable, following recommendation by the Chair of either the Immediate Supportive Case Conference or the Formal Case Conference as appropriate. (Regina -v- Chief Constable of Greater Manchester Police Ex P Lainton; CA 4-Apr-2000)

10. EQUALITY IMPACT ASSESSMENT (EQIA).

10.1. The policy has been reviewed and drafted against all protected characteristics in accordance with the Public Sector Equality Duty embodied in the Equality Act 2010. The policy has therefore been Equality Impact Assessed to show how WMP has evidenced 'due regard' to the need to:

- Eliminate discrimination, harassment, and victimisation.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Supporting documentation in the form of an EQIA has been completed and is available for viewing in conjunction with this policy.

11. HUMAN RIGHTS.

11.1. This policy has been implemented and reviewed in accordance with the European Convention and principles provided by the Human Rights Act 1998. The application of this policy has no differential impact on any of the articles within the Act. However, failure as to its implementation would impact on the core duties and values of WMP (and its partners), to uphold the law and serve/protect all members of its community (and beyond) from harm.

12. FREEDOM OF INFORMATION (FOI).

12.1. Public disclosure of this policy document is determined by the Force Policy Co-ordinator on agreement with its owner. Version 1.6 of this policy has been GPMS marked as not protectively marked.

12.2. Public disclosure does not automatically apply to supporting Force policies, directives and associated guidance documents, and in all cases the necessary advice should be sought prior to disclosure to any one of these associated documents.

| Which exemptions apply and to which section of the document? | Whole document | Section number |
|--|----------------|----------------|
| None | | |

13. TRAINING.

- Student Assessor Training
- Student Coach Training
- Supervisor Briefings

14. PROMOTION / DISTRIBUTION & MARKETING.

- 14.1. The following methods will be adopted to ensure full knowledge of the policy:
- Policy document and associated documents on the Force Intranet (noticeboard) for the attention of all WMP officers and staff;
 - Recording and audit entry on the Force policy library (EQUIP);
 - Intranet marketing via Newsbeat

15. REVIEW.

- 15.1. The policy business owner Corporate Human Resources maintain outright ownership of the policy and any other associated documents and in-turn delegate responsibility to the department/unit responsible for its continued monitoring.
- 15.2. The policy should be considered a 'living document' and subject to regular review to reflect upon any Force, Home Office/ACPO, legislative changes, good practice (learning the lessons) both locally and nationally, etc.
- 15.3. A formal review of the policy document, including that of any other potential impacts i.e. EQIA, will be conducted by the date shown as indicated on the first page.
- 15.4. Any amendments to the policy will be conducted and evidenced through the Force Policy Co-ordinator and set out within the version control template.
- 15.5. Feedback is always welcomed by the author/owner and/or Force Policy Co-ordinator as to the content and layout of the policy document and any potential improvements.

CHIEF CONSTABLE

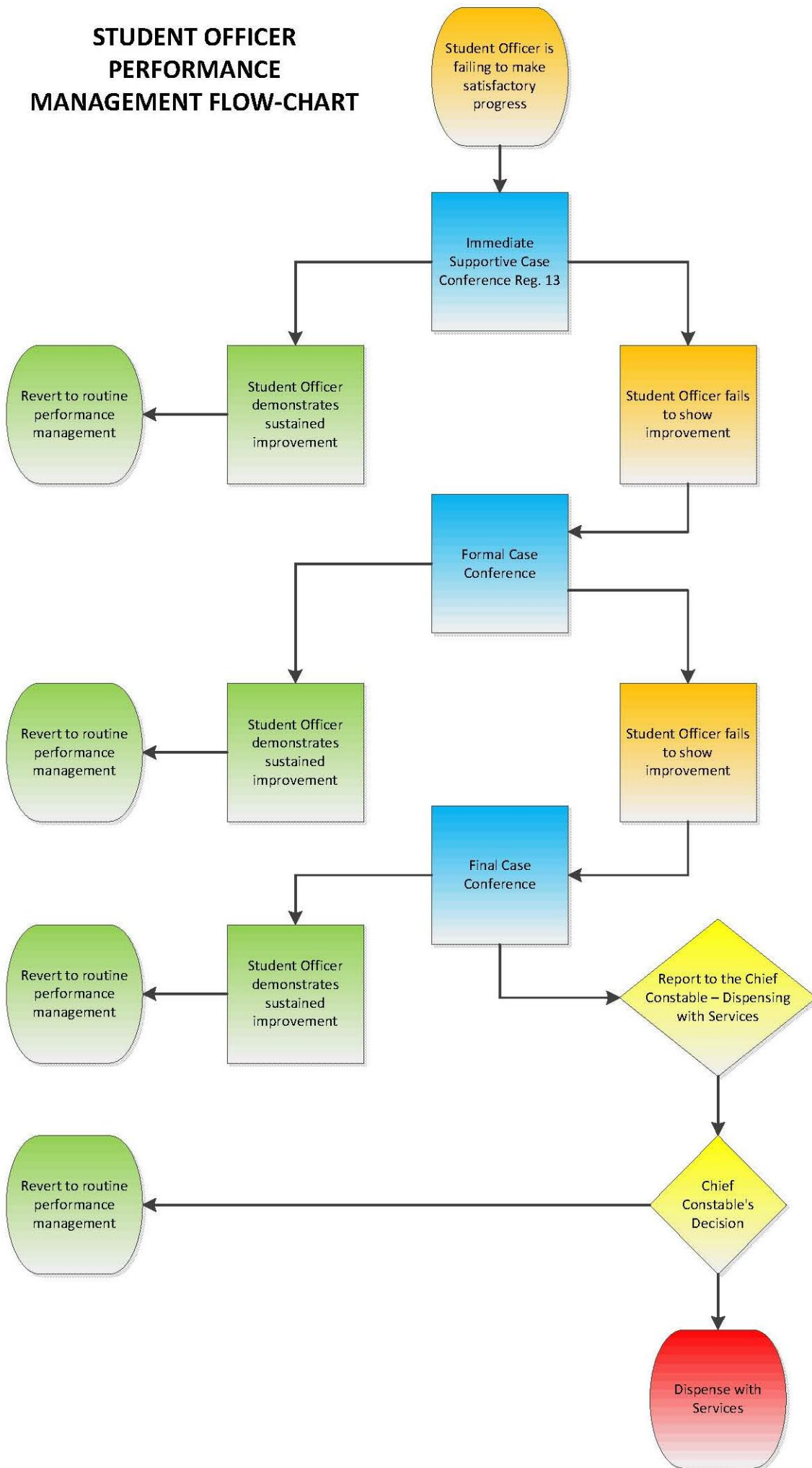
16. VERSION HISTORY.

| Version | Date | Reason for Change | Amended/Agreed by. |
|---------|-------------------------------|---|----------------------|
| 1.0 | 16 th Dec 2014 | This Order replaces Part One Order 35/2006 published July 2006. | C/Insp Doyle |
| 1.1 | 27 th January 2015 | Condensed to align format with new policy portal and ease of reading. Example cited by North Yorkshire Police | C/Insp Doyle |
| 1.2 | 1 st April 2015 | <p>References to four year period of probation removed as not believed to be a reliable interpretation of the regulations.</p> <p>References to maternity/paternity in respect of Reg 12 removed as potentially discriminatory if applied in isolation of an evidenced need to improve performance. Also far too complex to calculate service etc in a document intended to outline a general approach to managing performance.</p> <p>References to misconduct have been simplified placing an obligation on the 'Appropriate Authority' to consider each case on merit.</p> <p>References to resignation prior to dispensation have been changed to 'will be considered' rather than 'will be accepted' and specific reference made to integrity concerns.</p> <p>References to DDA removed as each case should be considered on merit.</p> | C/Insp Doyle |
| 1.3 | 21 st April 2015 | Expand detail ref Reg 12 Para 9 | C/Insp Bruton |
| 1.4 | 10 th May 2015 | Align terminology to structure of Student Assessment infrastructure. | C/Insp Bruton |
| 1.5 | 13 th May 2015 | SMART learning plans. References to e-portfolio and functionality. | Insp Sharon Naughton |
| 1.6 | 12 th June 2016 | Review authority level for Reg 12 (Regina -v- Chief Constable of Greater Manchester Police Ex P Lainton; CA 4-Apr-2000). | C/Insp Doyle |
| 1.6 | 02/10/2015 | Policy signed off by CC – Policy now live and published | 56408 Couchman |
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17. APPENDIX A

(See below)

STUDENT OFFICER PERFORMANCE MANAGEMENT FLOW-CHART



18. APPENDIX B

Regulation 12 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 a 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 Discharge of Probationer

13. (1) Subject to the provisions of this regulation, during his period of probation in the force the services of an officer may be dispensed with at any time if the chief officer considers that he/she 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.
- (2) An officer whose services are dispensed with under these regulations shall be entitled to receive a months notice or a months pay in lieu thereof.
- (3) An officer whose services are 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/her services would otherwise be dispensed with: and such a notice taking effect on that date on which his/her 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 months notice is given.
- (4) Where an officer has received a notice under this regulation that his/her services are to be dispensed with and he/she gives written notice of this intention to retire and retires under paragraph (3) he/she shall nevertheless be entitled to receive pay up to and until the date on which the months notice he/she has received would have expired or where he/she has received or is due to receive a months pay in lieu of notice he/she shall remain entitled to that pay notwithstanding the notice he/she has given under paragraph (3).