

Police Service of Northern Ireland

ABSTRACT – This Policy is of interest to Student Officers, Probationer Constables and Supervisors as it details the management processes that will ensure that all newly appointed officers attain the minimum required standard that can then be built upon over their remaining career within PSNI

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POLICY DIRECTIVE

PROBATIONER MANAGEMENT POLICY

1. POLICY IDENTIFICATION

POLICY TITLE: Probationer Management Policy

POLICY OWNERSHIP:

DEPARTMENT	Human Resources
BRANCH	People Development

POLICY APPROVED BY:

**CCF REF/OTHER
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2. POLICY STATEMENT

The Police Service of Northern Ireland (PSNI) is committed to delivering a progressive and professional policing service where a performance culture is both valued and inherent. The purpose of this Policy is to ensure that mechanisms exist to enable this culture to be embedded at the point of entry to the organisation and to be expanded upon during the initial years of service as a police officer within PSNI.

3. INTRODUCTION

(1) Summary

- (a) The purpose of any probationary period is to ensure that new appointees have developed or are capable of developing all the necessary knowledge and skills required to perform the requirements of the role effectively and efficiently.
- (b) To be deemed suitable, for permanent appointment to PSNI, Probationer Constables **must**:
 - (i) Have completed a **minimum** of 2 years fully operational experience;
 - (ii) Demonstrate competence in the role through successful completion of the development programmes and physical competence assessments; **and**
 - (iii) Demonstrate high levels of attendance and be mentally and physically fit to undertake the full range of police officer duties; **and**
 - (iv) Conduct themselves both on duty and off duty in a manner befitting a Police Constable.

(2) Background

- (a) At present there is only one point of entry for those who wish to pursue a career as a police officer and that is to enter the Service at Constable level. Under the Police Trainee Regulations (Northern Ireland) 2001 'a person shall not be appointed to the rank of Constable in the PSNI unless he has:
 - (i) completed a period of service as a Police Trainee of 145 days or such longer period as specified by the Chief Constable;
 - (ii) obtained such qualification in police studies as may be specified by the Chief Constable; and
 - (iii) completed to such standard as the Chief Constable considers satisfactory, such other training for service as a police officer as may be specified by the Chief Constable'.
- (b) This period as a Police Trainee is known as the 'Student Officer' period and currently lasts 145 days. During this time Student Officers do not have any police powers. To successfully complete the trainee period Student Officers must:
 - (i) Demonstrate competence in the role through successful completion of the academic and physical competence assessments; **and**
 - (ii) Demonstrate high levels of attendance and be mentally and physically fit to undertake the full range of police officer duties; **and**
 - (iii) Demonstrate that they are well conducted.

- (c) Those who do not complete the initial training programme or who do not attain the necessary standard of competence in both the academic studies and physical assessments or who are not deemed to be well conducted will have their services terminated under Regulation 6 of the Police Trainee Regulations (Northern Ireland) 2001.
- (d) Upon successfully completing the training programme the Student Officer is then attested as a Police Constable and is required to undertake probation for a minimum of 2 years in a fully operational role before being confirmed in the rank of Constable. During this period there are a number of key milestones that must be attained by Probationary Police Constables:
 - (i) Operational training in Firearms, Driving and First Aid;
 - (ii) Tutor Constable period;
 - (iii) Stage 3, 4 and 5 academic and physical assessments;
 - (iv) Completion of a Personal Development Portfolio (PDP); and
 - (v) Confirmation to the rank of Constable.
- (e) Those who do not attain the necessary standards or whose conduct/behaviour is not deemed to be appropriate/suitable for a police officer will have their services terminated under Regulation 13 of the Police Service of Northern Ireland Regulations 2005.
- (f) In accordance with Section 25(5) of the Police (Northern Ireland) Act 1998 the Chief Constable has for the purposes of Regulation 13 of the Police Service of Northern Ireland Regulations 2005 sub delegated the decisions regarding dismissal of Probationer to Assistant Chief Constable (ACC) level.

(3) Legal Basis

The appointment of persons to the rank of Police Trainee is subject to the provisions of the Police Trainee Regulations (Northern Ireland) 2001. The probationary period of a Constable is subject to the Police Service of Northern Ireland Regulations (2005).

4. IMPLICATIONS OF THE POLICY

(1) Efficiency

Following reductions in PSNI resourcing levels the organisation must maximise the impact of every officer if it is to achieve its aim of providing a professional, progressive policing service. This Policy details the management processes that will ensure that all newly appointed officers attain the minimum required standard that can then be built upon over their remaining career within PSNI.

(2) Human Resources/Training

The Service is committed to developing best practice in relation to staff management and skill development. Training for application of the procedures referred to in this Policy will be arranged by People Development.

(3) Consultation

This Policy has been formulated in conjunction and consultation with the following stakeholders:

- (a) Police College - Foundation Faculty;
- (b) District Commanders;
- (c) Tutor Sergeants/Inspectors;
- (d) People Development - Attendance Management;
- (e) District Human Resources (HR) Managers;
- (f) Operational Sergeants;
- (g) Operational Inspectors;
- (h) PSNI Heads of HR;
- (i) Professional Standards Department (PSD);
- (j) Police Federation of Northern Ireland (PFNI);
- (k) Superintendents' Association of Northern Ireland (SANI).

5. HUMAN RIGHTS/UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (UNCRC)/EQUALITY/CODE OF ETHICS/FREEDOM OF INFORMATION

- (1) Section 75 of the Northern Ireland Act 1998 places a statutory duty on the Service to have due regard to the promotion of equality and good working relationships internally and externally.
- (2) This Policy is compliant with Section 75 of the Northern Ireland Act 1998. It has been screened for Section 75 considerations and complies with the PSNI Code of Ethics.
- (3) This Policy is compliant with the provisions of the Human Rights Act 1998.
- (4) This Policy is suitable for disclosure in accordance with the Freedom of Information Act 2000.

6. MONITORING AND REVIEW

- (1) The responsibility for the introduction, implementation, communication and monitoring of this Policy rests with People Development, Human Resources (HR) Department, Lisnasharragh.
- (2) People Development will undertake an annual review of this Policy.

7. CANCELLATIONS

- (1) Policy Directive 06/07 – Probationer Management Policy;
- (2) Service Procedure No 25/06 – Guidance on Dealing with Probationer Constables Alleged Not to be 'Well Conducted' But Such Behaviour is Not Suitable To Be Considered in Either Criminal And/or Disciplinary Terms.

SECTION 7

PROCEDURES AND GUIDANCE

1. GENERAL PRINCIPLES

- (1) This guidance is aimed at assisting managers in developing 'fit for purpose' Constables and ensuring that all Probationer Constables are treated in a fair and consistent manner. However it should be clearly understood that the Chief Constable retains the right to dispense with the services of any probationer where there is concern regarding the attendance, performance or conduct of the officer.
- (2) The purpose of the probationary period is to ensure that new appointees have developed or are capable of developing all the necessary knowledge and skills to perform the role of Constable effectively and efficiently.
- (3) Probationer Constables who have less than 2 years fully operational experience will not be signed out of probation. Where an officer is not in an operational role or is absent from work for a period of time in excess of 7 days other than on annual leave or training the probationary period will be extended to ensure that the officer has the required minimum of 2 years fully operational experience at the date of the recommendation to confirm in the rank of Constable.
- (4) Probation should not continue indefinitely and there will usually be a maximum of 2 extensions to probation. The maximum period that an officer should serve as probation will usually be 3 years unless there are exceptional circumstances.
- (5) The authority to dismiss Probationer Constables for poor attendance or poor performance arises from Regulation 13 of the 2005 PSNI Regulations. However in the interests of developing a consistent approach for all staff the monitoring of sickness absence for Student Officers and Probationer Constables will usually be undertaken in accordance with the PSNI Management of Sickness Absence Policy however it should be noted that there is no requirement to exhaust that process before recommending dismissal of a Probationer Constable.
- (6) Districts should take a holistic approach when assessing the development of Probationer Constables. The primary consideration when examining the performance to date must be the likelihood of the officer providing effective and efficient service as a Police Constable in the future and the suitability of continuing to employ the individual.
- (7) Where a Probationer Constable fails a Physical Competence Assessment (PCA), as required under the Probationer Development Programme the 'home' District for the officer should undertake a risk assessment regarding the ability of the officer to undertake the full range of duties. There is no requirement to automatically place officers on temporarily adjusted duties. Re-sits for failed PCA should usually be within standard Performance Below Standard (PBS) timescales.
- (8) Probationer Constables must undertake a minimum of 12 weeks duty within a Neighbourhood Policing Team (NPT). It is recommended that this is undertaken either as part of or immediately after the tutor period to allow further consolidation of training, however where this is not feasible Districts may determine the appropriate timing of this rotation which should ideally be in one 12 week block.
- (9) When forwarding files for final review the standard confirmation template Form 90/3 must be used. Where there have been breaches of standards regarding attendance, performance and/or conduct there must be evidence provided as to what action has been taken and when. Districts should in these cases make an assessment as to the suitability of the officer to be confirmed in the rank.

(10) In processes which include timelines, reference to a certain number of days, means full working days (ie where an officer normally works 10 hour shifts this will be 14 working days by 10 hours) as a consequence leave for those on PBS should be kept to a minimum and will usually only be facilitated where the leave has been booked in advance of being placed on PBS.

2. DEALING WITH POOR ATTENDANCE

(1) Student Officers

- (a) The PSNI utilises the Bradford Factor as an absence monitoring mechanism. Sick absence is monitored over a 12 month rolling period and therefore any absence that occurs during the student officer phase will carry forward into the probationary period. The Bradford Factor triggers applicable to Student Officers are as follows:

Stage of Procedure	Trigger
No Warning in place	Bradford Factor of 55 or more
Formal Warning in place	Bradford Factor of 20 or more
Final Warning in place	Any absence

Short term sickness absence by Student Officers may be dealt with via the trigger, interview and warnings process outlined in the Management of Sickness Absence Policy. Any sanctions imposed during the Student Officer phase will carry through to the probationary period.

- (b) In the extremely unlikely event that a Student Officer has both a formal and final warning in place for sickness absence and breaches the trigger outlined above there is no requirement for a formal attendance panel and a dismissal can be effected by ACC acting on behalf of the Chief Constable. The statutory authority for this action is Regulation 6 of the Police Trainee (Northern Ireland) Regulations 2001.
- (c) Where a Student Officer is continuously sick absent for 42 days or more the Chief Constable may through delegated authority dismiss the Student Officer in accordance with Regulation 6 of the Police Trainee (Northern Ireland) Regulations 2001.
- (d) Where a Student Officer is sick absent for 5 or more days during the 145 day training period the Chief Constable may through delegated authority specify a longer period of service as a trainee (Regulation 5(2)). Where this determination is reached the Student Officer will be 'Re-coursed'.
- (e) Where a Student Officer has been re-coursed once, any further sickness absence totalling 5 days or more may result in dismissal.
- (f) Student Officers who are sick absent for 7 days or more should be referred to Occupational Health and Welfare (OHW) for an assessment of the ability to continue with the programme. Where the trainee is unable to undertake the full training programme, the officer will be unable to undertake any element of the programme and will be declared unfit for duty. Whilst 'unfit' for duty the trainee will be offered appropriate supportive action from OHW and line management. Case reviews will be conducted by the HR Manager and OHW at 30 day intervals with a view to determining if the absence is reasonable for the condition and/or if the PSNI can sustain the absence and for OHW's input on the likelihood of the officer being able to complete the training programme within the short to medium term.

- (g) Where it is considered that the absence cannot be sustained and there is no prospect of the Student Officer successfully completing the programme in the short to medium term, the officer may be dismissed as per paragraph 2(1)(b).

(2) Probationer Constables

- (a) Given the requirement to demonstrate high levels of attendance Probationer Constable absence is subject to stringent monitoring. Short term sickness absence by Probationer Constables may be dealt with via the trigger, interview and warnings process outlined in the Management of Sickness Absence Policy. The Bradford Factor triggers applicable to Probationer Constables are as follows:

Stage of Procedure	Trigger
No Warning in place	Bradford Factor of 55 or more
Formal Warning in place	Bradford Factor of 20 or more
Final Warning in place	Any absence

- (b) Where both a formal and final warning are in place for sickness absence and the officer breaches the trigger outlined above there is no requirement for a formal attendance panel and a dismissal can be effected by an ACC acting on behalf of the Chief Constable. The statutory authority for this action is Regulation 13 of the Police Service of Northern Ireland Regulations 2005.
- (c) Probationer Constables who are continuously sick absent for 14 days or more should be referred to OHW for an assessment of the ability to continue with the Probationer Development Programme.
- (d) Where OHW are of the view that they are temporarily unfit for the full range of duties Probationer Constables may be facilitated on temporary adjusted duties, however this will not normally exceed a period of 6 months. Officers facilitated on restricted duties will have a pro-rata extension to the probationary period.
- (e) When dealing with long term sickness absence for a Probationer, the absence may be managed in accordance with the pro-active case management protocols for confirmed officers as outlined in Management of Sick Absence Policy however there is no requirement to follow the Ill health capability process or exhaust the ill health retirement process. The main consideration in determining if a Probationer Constable should be allowed to remain in the service is that of the ability of the officer to provide efficient and effective service in the future. In taking the appropriate considerations managers will need to consult with OHW.
- (f) Case reviews of Probationer Constable's on temporarily adjusted duties should be conducted by the HR manager and OHW, at 30 day intervals, with a view to determining if the officer is likely to be able to complete the Probationer Development Programme within the short to medium term.
- (g) The consideration of dismissing a Probationer Constable should be taken as soon as it becomes apparent that the officer is unlikely to provide efficient and effective service in the future and should be discussed at the 90-day case conference.
- (h) Where management and OHW are of the view that there is no likelihood of a return to work or the full range of duties in the short to medium term case papers should be referred to the appropriate regional ACC who will consider terminating the appointment of the Probationer Constable on behalf of the Chief Constable in accordance with Regulation 13 of the Police Service of Northern Ireland (2005) Regulations. Please see also Section 6 'Dispensing with the Services of a Probationary Constable', paragraph 6(3)(a).

(3) **Expunging of Records**

Records of any part of the unsatisfactory attendance procedure will be expunged from an officer's personal file or other record after a period of 2 years has elapsed since the last action was taken.

3. DEALING WITH POOR PERFORMANCE

- (1) Where there are concerns about the officer's ability to perform at the required level line managers will in the first instance provide support and guidance and agree action plans that will assist the officer in developing the required skill/knowledge. Where this does not result in improved performance or performance at the required standard then line managers should invoke PBS. It is essential that before placing an officer onto PBS that line managers consult with the Probationer Development Officer (PDO) who will usually be the Professional Development Unit manager to review the line manager's evidence and ensure that this process is being applied consistently across the District. The PDO will also be available to offer support and guidance to the line manager on the process.
- (2) The purpose of the PBS process is primarily to identify areas of weakness that need to be addressed by a Probationer Constables and provide them with an opportunity to address these issues. Probationer Constables who make the necessary improvements when placed on PBS should be supported and monitored to ensure that no further issues arise, however if there is subsequently a further issue identified it may be appropriate to move straight to level 2 particularly if it is a recurrence of the previous issue. In some instances where a Probationer Constable has already been on level 2 and they fail to maintain the required improvements it may be more appropriate to consider the performance in the round' and recommend dismissal on the basis that the officer is not likely to become an efficient or effective officer. It is important that each case is considered on its own merits and that management can evidence a specific course of action.
- (3) When an officer is placed on PBS the line manager will within 2 days copy the papers to the HR Manager, who will then ensure that the correct procedure and dates are adhered to.

(a) **PBS Level 1 procedure**

- (i) Poor performance may be identified in a number of ways. The line manager may for example identify areas for improvement when reviewing the PDP folder, by observation of the officer in performance of duties, or as a result of checking prosecution files. Other supervisory officers may also bring issues to the attention of the relevant line manager based on their experiences of working with the officer. In addition poor performance in specific areas may be identified as a result of injuries being sustained or feedback from members of the public;
- (ii) Where poor performance is identified this must be brought to the attention of the individual at the earliest opportunity and informal action must be taken to assist the officer in developing the necessary skills. This should take the form of an action plan that has been drawn up by the Sergeant/line manager detailing the necessary actions and timescale to assist the officer in improving performance;
- (iii) Where such action does not bring about the necessary improvements, the line manager (Sergeant) will meet with the PDO and outline the facts of the case. The role of the PDO is to offer advice and guidance to the Sergeant and to ensure that application of the PBS procedure is appropriate. Where the PDO is satisfied that the formal PBS procedure should be utilised the Sergeant will meet with the Probationer Constable and advise that a recommendation to invoke PBS Level 1 is being made. The Sergeant will document this meeting on Form PBS MTG (available on PoliceNet) and provide the Constable with a Form PBS COM (available on PoliceNet) to submit any comments that they wish to record. The Sergeant and Probationer Constable will then complete **Step One** of Form PBS1 (available on PoliceNet);

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- (iv) During or immediately following this meeting the Sergeant will complete a Form PBS1(a) to identify the particular competence(s) that require development. The Sergeant will in conjunction with the Probationer Constable prepare an action plan detailing what action needs to be taken and a timeframe for this;
- (v) The Sergeant will then arrange to meet with the PDO, the Countersigning Inspector and the Probationer Constable. This meeting should take place not later than 10 days from the meeting at (iii) above. The Sergeant will, at this point, advise the Probationer Constable of their right to be accompanied at this meeting by a 'friend' or Police Federation of Northern Ireland (PFNI) representative;
- (vi) The role of the PDO at this meeting will be to advise the Countersigning Inspector and Sergeant on the procedure and standards across the District/Organisation;
- (vii) The Countersigning Inspector will examine the evidence and documents prepared earlier in the process and determine if PBS should proceed. The Countersigning Inspector will complete **Step Two** on the PBS1 form;
- (viii) The Countersigning Inspector will also at this stage document this meeting on a PBS MTG form and provide the Probationary Constable with a PBS COM form to enable this officer to record any comment they may wish to make. The Probationer Constable may complete the PBS COM form outside of the meeting and return it to the Countersigning Inspector within 24 hours;
- (ix) Where the Countersigning Inspector has determined that PBS Level 1 is appropriate, the Probationary Constable will have 28 working days to carry out actions as detailed in the action plan and collate evidence of working to the required standard;
- (x) Immediately following the initial meeting with the Countersigning Inspector all documentation pertaining to the process will be forwarded to the local HR Manager who will ensure that this information is placed on the officer's progress file. The Sergeant may wish to retain a copy and the Probationary Constable should be provided with a copy for their own records;
- (xi) During this time the Sergeant will be available to support the Probationary Constable through ongoing reviewing and provision of advice and guidance. However it should be noted that it is the responsibility of the Probationary Constable to collate the required evidence that demonstrated improved performance;
- (xii) At the end of the 28 working days the HR Manager will return the original papers to the Sergeant who will formally meet with the Probationary Constable to review the evidence collated. The Sergeant will at this stage complete a new PBS1(a) form indicating if the required level of competence has been achieved. The Sergeant will then arrange to meet with the Countersigning Inspector, the PDO and the Probationer Constable. This meeting should take place not later than 10 working days after the 28 day evidence gathering period has expired. The Sergeant will, at this point, advise the Probationer Constable of their right to be accompanied at the meeting by a 'friend' or PFNI representative;
- (xiii) The role of the PDO at this meeting will be to advise the Countersigning Inspector and Sergeant on the procedure and standards across the District/Organisation;
- (xiv) The Countersigning Inspector will examine the evidence and documents prepared earlier in the process and determine if the officer has made sufficient progress to be removed from PBS. In this instance the officer would revert to normal monitoring;

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- (xv) Where the Countersigning Inspector does not consider that the officer has made sufficient progress or the Probationary Constable who is assessed as having made sufficient progress and reverts to normal monitoring subsequently performs below the required standard the Countersigning Inspector will make a recommendation to the District Commander that the officer is placed on PBS Level 2;
- (xvi) The Countersigning Inspector will document the discussion and outcome of this meeting on a PBS MTG form and provide the Probationary Constable with a PBS COM form on which to record their viewpoint/comments. The PBS COM form may be completed outside the meeting and returned to the Countersigning Inspector within 24 hours.

(b) **PBS Level 2 Procedure**

- (i) The recommendation that the officer should be placed on PBS Level 2 will be forwarded to the local HR Manager who will arrange a case conference chaired by the District Commander and should take place **not later than 10 days** from the second meeting with the Countersigning officer outlined in (3)(xii) above;
- (ii) In the event that the District Commander is not available to chair the case conference, this role can be carried out on their behalf by another Senior Manager, who must be of, at least, Superintendent rank. Thereafter this officer can take forward the remainder of the PBS Level 2 procedure on behalf of the Commander;
- (iii) The HR Manager on behalf of the District Commander will invite the Probationary Constable, Sergeant, PDO and Countersigning Inspector to attend the case conference;
- (iv) The HR Manager will provide the District Commander with copies of all papers in relation to the PBS procedure to date as well as a copy of the officer's progress file detailing all development to date;
- (v) The HR Manager will attend the case conference to advise the District Commander on procedural issues, the role of the PDO is as earlier in the process to provide advice on standards and consistent application of the PBS procedure;
- (vi) At the case conference the District Commander will review all the evidence and listen to any representations from any of the concerned parties present;
- (vii) Where the District Commander considers that PBS Level 2 is not appropriate the officer will revert to normal assessment;
- (viii) Where the District Commander considers that the officer should proceed to Level 2 of the PBS procedure the District Commander must inform the Probationary Constable as follows:

“The question of dispensing with your services is now under consideration. I am formally notifying you that you are being placed on PBS Level 2 and you have 28 working days from this date to demonstrate and evidence the required level of competence to perform the duties of a Police Constable within PSNI.”
- (ix) The District Commander will complete **Step One** of Form PBS2 (available on PoliceNet) as well as documenting the meeting on Form PBS MTG provide the Probationary Constable with Form PBS COM to record their comments;
- (x) Immediately following this meeting all documentation pertaining to the process will be forwarded to the local HR Manager who will ensure that this information is placed on the officer's progress file. The Sergeant may wish to retain a copy and the Probationary Constable should be provided with a copy for their own records;

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- (xi) During this time the Sergeant will be available to support the Probationary Constable through ongoing reviewing and provision of advice and guidance. However it should be noted that it is the responsibility of the Probationary Constable to collate the required evidence that demonstrated improved performance;
- (xii) At the end of the 28 working days the HR Manager will return the original papers to the Countersigning Inspector who will formally meet with the Sergeant and Probationary Constable to review the evidence collated **not later than 4 days from the expiry of the 28 day period**. The Sergeant will at this stage complete a **new PBS2 (a)** form indicating if the required level of competence has been achieved. This information will then be forwarded to the District Commander for review of progress;
- (xiii) The HR Manager will arrange a second case conference to take place **not later than 10 days after the expiration of the 28 day monitoring period**;
- (xiv) The HR Manager will at this point advise the Probationer Constable of their right to be accompanied at this meeting by a 'friend' or PFNI representative;
- (xv) At the second case conference the District Commander will formally review the evidence and the progress made. There are 3 potential outcomes from this case conference:
 - (aa) The area(s) of concern have been addressed. The Probationary Constable will revert to normal monitoring; (please see paragraph (xv) below);
 - (bb) The Probationary Constable has made significant progress but there are still some areas of concern. In this event the officer will be given a further and final opportunity to improve performance;
 - (cc) There is no significant improvement.
- (xvi) Where option (aa) is selected and the officer subsequently performs below the required standard in the original area of concern, the officer may be placed on the PBS Level 2 and given a further and final opportunity to improve performance;
- (xvii) Where an officer is given a further and final opportunity to improve performance they will be given a further **14 working days** from the date of the second case conference to improve performance. In this scenario a further case conference will be required and steps (xii) – (xv) above will be repeated – however option (bb) will no longer be a potential outcome;
- (xviii) Where there is no significant improvement or the officer fails to improve following a further and final opportunity the District Commander will recommend to the ACC that services of the Probationary Constable are dispensed with in accordance with Regulation 13 of the PSNI Regulations 2005;
- (xix) The District Commander will record the decision made at both the second and if appropriate third case conference on Form PBS2 and complete the PBS MTG form as well as providing the Probationary Constable with a PBS COM form on each occasion. Please see also Section 6 'Dispensing with the Services of a Probationary Constable', paragraph 6(3)(a).

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4. DEALING WITH CONDUCT ISSUES

(1) Determining 'Not well Conducted'

- (a) Although Probationer Constables are subject to the Police Conduct Regulations and the PSNI code of Ethics there may be occasions where issues arise that are not in themselves sufficient to warrant action under the Conduct Regulations but which form or are part of a pattern that evidences unacceptable behaviour on the part of the member concerned. The PSNI in determining if a Probationer Constable is well conducted will give cognisance to:
- (i) Article 1.10 of the Code of Ethics 'whether on or off duty, police officers shall not behave in a way that is likely to bring discredit upon the Police Service;
 - (ii) Whether the Probationer Constable has or is acting on or off duty in such a way as to raise concerns about the PSNI's ability to protect and promote public confidence in policing;
 - (iii) Whether the Probationer Constable has or is acting on or off duty in such a way as to raise concerns about their general ethical probity, and/or character and/or judgement to act in accordance with the requirements of the Code of Ethics.
- (b) A precise definition of 'concerns' is not possible, as each set of circumstances must be judged on its own merit. In all cases, it should be borne in mind that termination of the services of a Probationer Constable can have very serious negative consequences for the individual. Therefore as a guide to those seeking to assess 'concerns' regarding the behaviour of an officer, considerations should include:
- (i) The credibility of the individual as a witness of truth in criminal prosecutions, or misconduct hearings and requirements for disclosure;
 - (ii) The potential risk to the public, colleagues or operations if the Probationer Constable continues in the post;
 - (iii) The perceived risk posed by improper association with criminals and potential corruption;
 - (iv) Suspected unethical or dishonest conduct or corruption;
 - (v) An assessment of the risk of recurrence; and
 - (vi) Whether the alleged action of the individual was undertaken knowingly or recklessly.
- (c) Where a District has concerns or can evidence behaviour or a pattern of behaviour that gives rise to concerns about the suitability or likelihood of an individual to become well conducted, efficient or effective officer but a full Professional Standards Department (PSD) investigation is not appropriate the District Commander should convene a formal '**Concerns about Conduct**' case conference to determine appropriate action. This case conference should comprise the District Commander, Discipline Champion and Head of HR.
- (d) The purpose of the 'Concerns about Conduct' case conference is to determine if the officer is 'well conducted' and in taking this consideration the group may have regard to the following:
- (i) Does the alleged behaviour conflict with the standards expected of an effective and efficient police officer?
 - (ii) Does the alleged behaviour conflict with the PSNI mission statement of providing a professional and progressive policing service?

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- (iii) Does the alleged behaviour actually or potentially impact upon building and maintaining public confidence?
- (e) Where the conclusions from the case conference are that there is **sufficient** evidence to suggest that the officer is unlikely to provide effective and efficient service as a police officer a recommendation to dismiss on this basis may be made to the ACC. This recommendation should detail all of the available evidence of unsatisfactory behaviour and conduct and outline the rationale behind the recommendation. Please see also Section 6 'Dispensing with the Services of a Probationary Constable', paragraph 6(3)(a).
- (f) Where the conclusions of this case conference are that there is **insufficient** evidence to suggest that the officer is unlikely to provide effective and efficient service as a police officer the District Commander may direct the case conference is held in abeyance until further information is obtained or that the officer is formally advised that there are concerns regarding their behaviour and that failure to address these concerns may result in termination.
- (g) In some instances the PSNI may receive intelligence about the conduct or activities of officers, which calls into question that officer's integrity. In these cases the Head of PSD will determine if the service disciplinary procedures should be used to deal with the matter or if it may be more appropriately dealt with via the 'Probationer Not Well Conducted' process outlined below. In these cases the Head of PSD will refer the matter to the Director of Human Resources (DHR).
- (h) Where the '**Probationer Not Well Conducted**' process is being considered the DHR will in the first instance, as soon as is reasonably practicable, convene a case conference comprising the DHR, District Commander, Head of PSD, Legal Adviser and Head of HR for the Probationer Constable. The conference will be closed and confidential. Attendance at this case conference may be delegated to the Deputy Director of HR (DDHR), District Operations Manager and Deputy Head of PSD in the event of unavailability of the more senior member. Everyone will be required to sign a confidentiality agreement. Confidential minutes will be kept and the decision-making process will be fully documented.
- (i) The purpose of the 'Probationer Not Well Conducted' case conference will be to consider the following issues:
 - (i) Does the alleged behaviour raise concern about the individual not being well conducted?
 - (ii) Does the alleged behaviour conflict with the PSNI mission statement of providing a professional and progressive policing service?
 - (iii) Does the alleged behaviour actually or potentially impact upon building and maintaining public confidence?
 - (iv) Is the alleged behaviour in keeping with the public perception of appropriate conduct for a police officer?
 - (v) Is there sufficient information available to make a decision or are there further investigation and or clarification required?
- (j) Where it is the view of the case conference that the issue does not constitute 'Not Well Conducted' the matter may be referred for local action as per 4(1)(c) above or a decision of no further formal action may be recorded.
- (k) Where the case conference considers that there is insufficient information to determine 'Not Well Conducted' the group will determine what further information is required and direct appropriate actions and by whom to obtain this. The conference will be adjourned until the actions directed are complete.

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- (l) Where the Case conference determines that the behaviour does constitute 'Not Well Conducted' the matter will be referred to the ACC of the area that the Probationer Constable is attached to.
- (m) Where applicable PSD will conduct an assessment of the need to review all relevant past and outstanding prosecutions the probationer is involved in. The Head of PSD will conduct a review as to disclosure in those cases.

5. FINAL REVIEW FOR CONFIRMATION TO THE RANK OF CONSTABLE

The Final Review

- (1) Where officers have satisfactorily completed Stages 3, 4 and 5 of probationer training and are not subject to an extension of probation, the local HR office will request the PDP and the completed PDP7 (Confirmation of Appointment) at week 90 of the probationary period. Please see also Section 6 'Dispensing with the Services of a Probationary Constable', paragraph 6(3(a)).
- (2) Upon receipt of the PDP the HR Manager will arrange for the Probationer Final Report form (Form 90/3 available on PoliceNet) to be completed and forward together with a print out of sick absence to the PDO.
- (3) The purpose of the final review is to ensure that the Probationer Constable is fitted both physically and mentally to perform the duties of a Constable in an effective and efficient manner and that there are no concerns regarding the conduct of the officer. It is essential that the PDO takes a holistic view of the performance of the officer during the probationary period. The PDO will therefore check that all paperwork is in order, that the required number of task sheets and action plans have been completed and that the officers attendance and/or performance and/or conduct does not give rise to any concern.
- (4) When the PDO is satisfied that the officer is suitable for permanent appointment, the papers will be forwarded to the District Commander advising that a recommendation that the officer is confirmed in the rank of Constable is made. The Commander should not routinely meet with the officers at this stage unless the Commander has specific concerns that they wish to address directly with the officer.
- (5) The final review documentation will also require documentation confirming that the Probationer is registered on the Level 1 PIP Investigators Register. All probationer officers must have successfully completed all the elements of Level 1 PIP to be confirmed in the rank of Constable.
- (6) Where the PDO is not satisfied that the officer meets the standards set by PSNI for confirmation to the rank of Constable the PDO should make a recommendation to the District Commander that the services of the officer are dispensed with in accordance with Regulation 13 of the Police Service of Northern Ireland Regulations 2005. The recommendation must detail the rationale for the recommendation and be accompanied by supporting evidence (eg details re extensions, PBS, examples of poor behaviour, how public confidence is reduced etc).
- (7) Where the recommendation is that the officer should not be confirmed in the rank of Constable the District Commander should review the file and ensure that appropriate action has been taken to address attendance/performance/conduct concerns and that the officer has been given the opportunity to improve.
- (8) Should the District Commander form the view that the officer has not had the opportunity to improve then they may convene a case conference to discuss the issue with management as appropriate. In these circumstances the District Commander may authorise an extension to the probationary period to allow for the required improvement to be made. It should however be noted that unless there are **exceptional** circumstances the maximum period that an officer should serve as probation is 3 years.

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- (9) Where the District Commander is of the view that the officer should not be confirmed to the rank of Constable then a submission recommending dismissal, rationale and supporting evidence should be forwarded to the ACC. Please see also Section 6 'Dispensing with the Services of a Probationary Constable', paragraph 6(3)(c) 'Dismissing a Probationer on the Basis of the Final Review.
- (10) Once the District Commander has endorsed the recommendation to confirm the officer the HR Manager will forward the Probationer Progress File with the final report at the top of the file to the DHR for final decision. Where there are any negative comments or there have been earlier concerns regarding the officer's suitability for permanent appointment, papers relating to these should be tabbed and indexed for ease of reference of the DHR.
- (11) The DHR approval to confirm the officer should not ordinarily exceed 28 days.
- (12) Where the papers have been forwarded for final confirmation to the rank of Constable with a recommendation that the officer is confirmed but the DHR disagrees with the District Commander's recommendation, the DHR will forward the papers to the relevant ACC to review the recommendation.
- (13) The ACC will not later than 10 days from receipt of the recommendation appoint an independent officer of at least Superintendent rank to review the evidence and assess if the officer has met all the required standards. This officer will be known as the 'Delegated Officer' and will have the powers to make any enquiries about the process.
- (14) The Delegated Officer will have 10 days to complete their assessment of the evidence.
- (15) Where the Delegated Officer considers that the evidence does not support the recommendation the Delegated Officer will return the papers to the District Commander outlining what action should be taken. The Delegated Officer may after consultation with the ACC direct that an extension to probation is warranted and will detail the circumstances of this to the District Commander. The District Commander will be required to follow any directions and authorise action as appropriate.
- (16) Where the Delegated Officer considers that the evidence does support the recommendation the papers will be returned to the DHR via the ACC to facilitate final confirmation.
- (17) Upon return of the approval of confirmation the PDO should arrange a meeting between the District Commander and the officer for the Commander to issue the officer with written notification of the confirmed status.
- (18) Where an officer is subject to an extension of probation the HR Manager will request the completed PDP 3 months prior to the anticipated date of confirmation.
- (19) Where a PDP folder has been requested and is not submitted by the officer before week 104 of the probationary period or the anticipated date of confirmation for officers who are on extensions, the PBS process will be automatically instigated and a minimum 3 month extension to the probationary period imposed.

6. DISPENSING WITH THE SERVICES OF A PROBATIONARY CONSTABLE

- (1) The decision to dispense with the services of a Probationer Constable may be made for any of the following reasons:
 - (a) The officer has high levels of sick absence;
 - (b) The officer is not performing to the required standard (ie Poor Performance);
 - (c) There is evidence that the officer is not likely to be an efficient and effective officer;
 - (d) There are concerns that the officer is not well conducted;

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- (e) Upon final review the officer has failed to evidence that overall they are likely to provide effective and efficient service in the future.
- (2) Regardless of the reason for the dismissal the legislative authority for the Dismissal is Regulation 13 of the Police Service of Northern Ireland 2005 Regulations. The decision to dismiss an individual from the Office of Police Constable may have long lasting and serious repercussions for individuals in terms of the perceptions that may be made by future employers and therefore the PSNI has a duty to clearly evidence the standards that are not being reached or maintained by the Probationer which have led to the dismissal.
- (3) The decision to dismiss a Probationer Constable may be taken by an officer of ACC level. In all cases the Chief Constable must be informed of the decision to dismiss the officer.
- (a) **Dismissing an Officer For:**
- (i) **High Levels of Sick Absence and/or;**
 - (ii) **Poor Performance and/or;**
 - (iii) **Evidence That The Officer Is Not Likely To Be an Effective and Efficient Officer**
 - (aa) Probationer Constables' sick absence is monitored under the PSNI Management of Sickness Absence procedure. Where the Probationer Constable is subject to both a formal and final warning for absence and fails to make or maintain the necessary improvement the District Commander may in consultation with the Head of HR for the area prepare papers for submission to the relevant ACC recommending dismissal of the officer;
 - (bb) Poor performance during the probationary period is managed under the PBS process. Where an officer is on PBS level 2 and has failed to make or maintain the necessary improvement the District Commander may prepare papers for submission to the ACC recommending dismissal of the officer;
 - (cc) In the event that there has been a local 'Concern about Conduct' case conference and the outcome of the conference is a recommendation to dismiss the officer the District Commander will prepare papers for the ACC;
 - (dd) The ACC will not later than 10 days from receipt of the recommendation appoint an independent officer of at least Superintendent rank to review the evidence and assess if a case for dismissal has been made. This officer will be known as the 'Delegated Officer' and will have the powers to make any enquiries about the process;
 - (ee) The Delegated Officer will have 10 days to complete their assessment of the evidence;
 - (ff) Where the Delegated Officer considers that the evidence does not support the recommendation the Delegated Officer will return the papers to the District Commander outlining what action should be taken. The Delegated Officer may after consultation with the ACC direct that an extension to probation is warranted and will detail the circumstances of this to the District Commander. The District Commander will be required to follow any directions and authorise action as appropriate;
 - (gg) Where the Delegated Officer considers that the evidence does support the recommendation the papers will be returned to the ACC who will afford the Probationary Constable the opportunity to state their case at a hearing;

- (hh) The probationary Constable has the right to be accompanied to this hearing by a 'friend', as defined in this procedure, or PFNI representative;
- (ii) The hearing will be chaired by the ACC and attended by the Head of HR who will document the hearing;
- (jj) The hearing will normally take place not later than 15 days from the decision of the Delegated Officer, however if further information/clarification is sought this has the ability to impact upon the date of the hearing. Any failure to adhere to the standard time frame should be recorded;
- (kk) The ACC will following the hearing direct as follows:
 - (A) That there is insufficient evidence to support the recommendation and the officer should continue in their service and be subject to normal monitoring/management arrangements;
 - (B) That there is insufficient evidence to support dismissal at this time but the officer should have an extension to the probationary period to allow closer monitoring to take place;
 - (C) The evidence indicates that the officer has failed to attend/perform/conduct themselves to the required standard and the officer is not likely to become an efficient and/or well-conducted officer and their service should be terminated. In this instance the ACC will detail the effective date for termination. The effective date of termination will not usually be sooner than 1 month from the date of the decision to dismiss.
- (ll) The ACC will advise the District Commander of the decision and rationale in writing.

Appeal

- (mm) Grounds for appeal of the decision to dispense with the services of a Probationary Constable are:
 - (A) The decision to dismiss is unfair on the basis that the individual has been treated less favourably than another individual in the same circumstances;
 - (B) The correct procedure has not been followed;
 - (C) The appellant can provide new evidence/information pertinent to the level of performance.
- (nn) Appeals must be submitted in writing within 14 days of the ACC's notice of the decision to dispense with the individual's service to the Chief Constable;
- (oo) When considering the appeal, the Chief Constable may give the Probationer Constable the opportunity to make representation in person. The appeal decision must be made and communicated before the effective date of termination;
- (pp) Where the original decision is upheld, the Chief Constable will direct that the termination stands. Where the decision is overturned the Chief Constable will detail the circumstances/rationale for this decision to the ACC, who will inform the District Commander as appropriate.

- (b) **Dismissing a Probationer Constable on The Basis That They Have Been Determined As 'Not Well Conducted'**
- (i) The decision-making process must be formally documented.
 - (ii) On receipt of the recommendation from the 'Probationer Not Well Conducted' case conference the ACC will consider:
 - (aa) Whether there is sufficient information to support the recommendations of the case conference;
 - (bb) Whether the actions recommended are necessary, proportionate, non-discriminatory and not an abuse of process.
 - (iii) After considering all the available information the ACC will determine if the Probationer Constable should be dismissed from the Service.
 - (iv) Where the decision is to terminate the service of the Probationer Constable and the details of the case in whole or part can be disclosed to the Probationer Constable the ACC will provide such details to the Probationer Constable and invite him to attend an interview.
 - (v) The Probationer Constables District Commander should be present at this interview and the officer will also have the option of being accompanied by a 'Friend'. The 'Friend' must be a serving officer in PSNI and may be a Staff Association representative. Confidential minutes of this meeting will be kept and should contain:
 - (A) A record of the decision-making process. This will include the purpose of the meeting, the proposed course of action, the options considered and rejected and any recommendations made.
 - (B) The procedure being followed will be explained to the Probationer Constable – however neither the Probationer Constable nor the 'Friend' will be entitled to a copy of the minutes;
 - (C) The Probationer Constable will be given all possible information but there will be limits on what may be disclosed. The ACC will read from a prepared script and nothing that would frustrate any investigation, prevention or detection of crime will be disclosed. The ACC should consult with the Head of PSD and ACC Crime Operations if necessary to formulate what the Probationer Constable can be told in a prepared script format at this interview.
 - (D) The Probationer Constable will be informed of the right to appeal the decision of the ACC in writing to the Chief Constable via the Head of PSD within 14 days of the interview.
 - (vi) Where the Probationer Constable declines to attend an interview the ACC will communicate the decision to dismiss in writing to the Probationer via the District Commander who will hand the letter to the Probationer Constable in person and record any verbal response. The letter should include information on the right and process of appeal as per (3)b)(D) above.
 - (vii) The ACC will communicate the decision and actions taken to all members of the Case Conference. Papers relating to the process will be forwarded to the Head of PSD who will retain all documentation on the case.

Appeal

- (viii) An appeal against the decision of the ACC must be submitted to the Chief Constable in writing within 14 days of the Probationer Constable being informed of the decision to terminate service. The notice should indicate the reason and grounds for appeal.
- (ix) The Probationer Constable will have the opportunity to present their case to the Chief Constable. The Probationer Constable has the right to be accompanied by a 'friend' at any meeting with the Chief Constable. The 'friend' must be a serving officer of PSNI and may be a member/representative of a Staff Association.
- (x) The Chief Constable will consider whether the decision to terminate the service of the Probationer Constable was necessary, proportionate, non-discriminatory and not an abuse of process and notify the Probationer Constable of the outcome of the appeal in person not later than 42 days from the date of the receipt of the written appeal.
- (xi) The decision of the Chief Constable will be final.

(c) Dismissing a Probationer On The Basis of The Final Review

- (i) Where the District Commander forwards a recommendation to dispense with the services of the Probationer rather than confirm them in the rank, the District Commander must meet with the officer and advise them of the recommendation and the rationale for the decision;
- (ii) Within 7 days of the receipt of a recommendation to dismiss the officer the ACC will write to the officer and provide them with the opportunity to meet with them and present their case to him. This meeting should take place not later than 21 days from the date of the notification;
- (iii) The Probationer Constable's District Commander should be present at this meeting and the officer will also have the option of being accompanied by a 'friend'. The 'friend' must be a serving officer in PSNI and may be a Staff Association representative;
- (iv) Where the Probationer Constable declines to attend the meeting the ACC will review the evidence available and if appropriate communicate the decision to dismiss in writing to the Probationer via the District Commander who will hand the letter to the Probationer Constable in person and record any verbal response;
- (v) The ACC will communicate his decision to the Probationer Constable within 14 days of the meeting.

Appeal

- (vi) An appeal against the decision of the ACC must be submitted in writing within 14 days of the Probationer Constable being informed of the decision to terminate service. The notice should indicate the reason and grounds for appeal;
- (vii) The Probationer Constable will have the opportunity to present their case to the Chief Constable. The Probationer Constable has the right to be accompanied by a 'friend' at any meeting with the Chief Constable. The 'friend' must be a serving officer of PSNI and may be a member/representative of a Staff Association.

- (viii) The Chief Constable will consider whether the decision to terminate the service of the Probationer Constable was necessary, proportionate, non-discriminatory and not an abuse of process and notify the Probationer Constable of the outcome of the appeal in person not later than 42 weeks from the date of the receipt of the written appeal.
- (viv) The decision of the Chief Constable will be final.