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## **Management & Development of Probationary Constables**

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2.00	Minor changes to nomenclature contained within the document such as PSoS to Police Scotland and Human Resources to People and Development. SOP has been formatted into new corporate template.	10/10/2016
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4.00	Amended to reflect changes to the performance appraisal system through the implementation of MyCareer. Minor updates to Module Descriptor terminology and Appendix F.	01/10/2020

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## **1 Overview**

### **1.1 What is this about?**

1.1.1 The procedure sets out how probationary Constables are assessed, developed and managed throughout their training.

### **1.2 Who is this for?**

1.2.1 This applies to all probationary officers and those who have a role in the training, development and confirmation of probationers in the rank of Constable.

### **1.3 Key information**

- Probationary Constables will normally be on probation for the first two years of their service. During this time they will be tested for operational effectiveness, academic ability, fitness and integrity.
- If a probationer works part time, or has previous service in another police force, the probationary period may be longer or shorter than two years. In these situations, the Chief Constable will decide how long the probationary period should last, on a case-by-case basis.
- Officers who have completed their probation period with a different force before transferring to Police Scotland will not normally be classed as a probationer. However, this depends on the force in which the probation was served. More information on this can be found within the Police Service of Scotland Regulations 2013.
- The probationary period training programme consists of the following:
  - Module One - Initial Course, Scottish Police College (SPC)
  - Module Two - Post Initial Course, Local Training
  - Module Three - Operational Phase
  - Module 4 - Assessment Milestones
  - Module 5 – Operational/Confirmation Stage
- A Probationer Single Point of Contact (SPOC) will help coordinate and manage the process.
- Information regarding the support provided if you become pregnant is within the Frequently Asked Questions resource.

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- The responsibility for the management and development of probationary Constables is shared between Leadership, Training and Development, and the Division to which they have been posted. Individual roles and responsibilities are outlined in the table below:

<b>Rank/Role</b>	<b>Main Responsibilities</b>
<b>Tutor Constable</b>	<ul style="list-style-type: none"><li>• Give operational guidance and direction to the probationary Constable to assist in their development.</li><li>• Provide guidance and support to the probationary Constable in respect of completing their Electronic Portfolio of Evidence (EPE).</li><li>• Highlight any areas of unacceptable or unsatisfactory operational performance to their Sergeant as soon as possible, so they can be addressed.</li></ul>
<b>Sergeant</b>	<ul style="list-style-type: none"><li>• Speak to the Tutor Constable before conducting the probationary Constable's appraisals, to gather feedback on their progress.</li><li>• Conduct operational appraisals.</li><li>• Review and sign off the probationary Constable's EPE.</li><li>• Put in place a formal action plan (using the Probationary Constable Action Plan Form [106-006]) to address any operational issues, if required. Monitor this regularly.</li><li>• Further detail on this role is given in the Manager section of this procedure.</li></ul>
<b>Inspector</b>	<ul style="list-style-type: none"><li>• Serve notifications or forms in line with Regulation 8 or Regulation 9, as required</li><li>• Authorise any action plans for underperforming probationary Constables.</li></ul>
<b>Chief Inspector/Local Area Commander</b>	<ul style="list-style-type: none"><li>• Ensure there are sufficient numbers of suitably trained Tutor Constables.</li><li>• Serve notifications or forms in line with Regulation 8 or Regulation 9, as required.</li><li>• Ensure guidance relating to Disability in Employment and reasonable adjustments has been followed prior to approving Regulation 9 Discharge Hearing Documentation being served.</li><li>• Authorise action plans, as required.</li></ul>
<b>Chief Superintendent</b>	<ul style="list-style-type: none"><li>• Authorise extensions of up to and including six months, plus extensions of any length relating to pregnancy, maternity, or adoption.</li><li>• Ensure guidance relating to Disability in Employment and reasonable adjustments has been followed prior to approving Regulation 9 Discharge Hearing Documentation being served.</li></ul>

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	<ul style="list-style-type: none"><li>• Chair Regulation 9 hearings to consider whether a probationary Constable should be discharged from the service, in conjunction with People and Development (P&amp;D).</li><li>• Make a recommendation to the Chief Constable after the Regulation 9 hearing, regarding whether or not the probationary Constable should be discharged from the service.</li></ul>
<b>Probationer SPOC</b>	<ul style="list-style-type: none"><li>• Provide training where necessary and manage and facilitate all probationer milestones for exams and fitness.</li><li>• Collate and manage probationary Constables' records throughout their probationary period.</li><li>• Coordinate information between relevant departments and key stakeholders.</li><li>• Maintain regular contact with all stakeholders who have an interest in the status of individual probationary Constables.</li><li>• Provide guidance and assistance to operational supervisors when developing action plans.</li><li>• Manage the Regulation 8 and 9 administrative processes and documentation.</li><li>• Monitor the confirmation dates of all probationary Constables, and ensure that they are confirmed in rank.</li><li>• Ensure all relevant information and evidence is accurately recorded and properly evidenced.</li></ul>

## **2 Officer/Staff**

### **2.1 What you need to do:**

- Complete all mandatory components of your probationary period to a satisfactory standard;
- Maintain and gather information for your Electronic Portfolio of Evidence (EPE); and
- Ensure your EPE is signed off by your Sergeant.
- If you leave Police Scotland before the end of your probationary period you should contact your Pension Fund Administrator for information and advice regarding your pension contributions.

### **2.2 Management of probationers**

- 2.2.1 Leadership, Training and Development (LTD) are responsible for the management of your probationary period until your start date with a Local Policing Area (LPA) division.
- 2.2.2 You will be posted to an LPA division after Module One, where you will carry out uniformed operational duties within community or response policing teams. From this point on, the division will manage your probation.
- 2.2.3 You will be assigned to a Tutor Constable and aligned to a Sergeant as your line manager for day to day management of performance, and attendance.
- 2.2.4 Your Tutor Constable will support your learning by giving you operational guidance and positive feedback on effective performance. They will liaise with your Sergeant if they note any areas of your operational performance that are unacceptable or unsatisfactory, so that these can be addressed.

### **2.3 Our expectations of you**

#### **Monthly reports**

- 2.3.1 You will be asked to complete a monthly progress report for the first few months of your probationary period. This will help you, and us, better understand your learning experiences and identify any areas in which you need more support. The length of time you are required to complete the progress reports will be determined by your individual LPA.

#### **Electronic Portfolio of Evidence (EPE)**

- 2.3.2 You need to keep an EPE using defined criteria to demonstrate the work you do and the experience you gain. This needs to be signed off by your

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Sergeant.

- 2.3.3 Make sure you maintain your EPE by updating it on a regular basis. If you have any questions about what you should be recording in it, speak to your Tutor Constable or your Sergeant.

### Exams

- 2.3.4 You need to pass a number of formal exams during your probationary period.
- 2.3.5 If you fail an exam, you will be served with a Regulation 9 notification. You will be given up to two opportunities to resit the exam, and if you pass successfully, you will progress to confirmation within the original timescales if there are no other areas of concern.
- 2.3.6 If, after three attempts, you have still not achieved a pass mark, you will be invited to a Regulation 9 hearing. It will then be recommended to the Chief Constable that you are either given a further opportunity to pass the exam or that you are discharged from the service.
- 2.3.7 Additional support in relation to studying and exam techniques is available from the Scottish Police College (SPC) and can be arranged through your Probationer SPOC.

### Fitness

- 2.3.8 You need to pass five fitness tests during your probationary period. Before sitting each test, you will be asked to sign a Probationer Fitness Screening Form (140-004) to confirm whether or not you are free from injury/illness, and fit to sit the test. If you are ill, injured, or otherwise unable to sit the test (e.g. due to fasting on religious grounds), we will arrange for you to sit the test on an alternative date. If you have to reschedule a fitness test, you may wish to contact the Physical Training Instructors at the SPC for advice and support.
- 2.3.9 If you fail a fitness test, we will serve you with a Regulation 9 notification and allow you to resit the test. We will schedule this resit at least six weeks after the date you failed the test. If you have to resit a fitness test, we recommend that you contact the Physical Training Instructors at the SPC for advice and support. If you successfully pass your resit test you will progress to confirmation within the original timescales if there are no other areas of concern.
- 2.3.10 If you fail either the resit or any of the remainder of the five tests, no further resits will be allowed. This means that you may sit a maximum of six fitness tests in total. If you fail the resit or any further fitness tests, you will be served notice under Regulations 9 and you may be discharged from the service.

### Conduct and integrity

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- 2.3.11 As a probationary Constable, you are expected to conduct yourself in an appropriate manner and not to take part in any activity that will compromise you or the police service.
- 2.3.12 If we believe that you have done something that we would consider to be misconduct during your probation, we will manage this using the Police Service of Scotland (Conduct) Regulations 2014. Where any such action is to be taken, consultation will take place with the Professional Standards Department (PSD) and the Anti-Corruption Unit (ACU).
- 2.3.13 If you are subject to misconduct or criminal proceedings you will be served with a Regulation 9. This is in addition (i.e. not as an alternative) to consideration of the misconduct or criminality under the Conduct Regulations.
- 2.3.14 Consideration may also be given to extending a probationary period to allow for misconduct/criminal proceedings to be completed.

### **2.4 Managing performance**

- 2.4.1 You will be given formal appraisals throughout your probationary period. You will have a MyCareer discussion generated on SCoPE at weeks 30, 60 and 90. Each MyCareer discussion should be completed within eight weeks of it being generated. We will record any unsatisfactory or unacceptable operational performance, whether this is identified by your Tutor Constable or another supervisor.
- 2.4.2 If a pattern of unsatisfactory or unacceptable performance continues, then your Sergeant will let the Probationer SPOC know. You will then be served with notification under Regulation 9.
- 2.4.3 In addition to the Regulation 9 notice, your Sergeant will support you and help you to achieve the standards we expect of you. This may include assessment of underlying issues which may be affecting your performance which could be improved with appropriate support mechanisms. Your Sergeant will meet with you, along with your Inspector, to draft and formally record a Probationary Constable Action Plan Form (106-006).
- 2.4.4 While the action plan is in place, your progress will be formally monitored by your Sergeant, Inspector, Local Area Commander and Probationer SPOC. This will be done on a monthly basis. All evidence, whether it indicates improvement or not, will be recorded on the action plan.
- 2.4.5 Your action plan will continue for 12 weeks. If all your objectives have been fully achieved by this point then no further action will be taken at this stage and the Regulation 9 notification will no longer be valid.
- 2.4.6 If your objectives have not been fully achieved a second, and final, action plan will be raised for a minimum of 12 weeks. If the objectives are achieved within the agreed timescales of this action plan then no further action will be taken, and the Regulation 9 notification will no longer be valid.

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2.4.7 If your performance is still unsatisfactory, we will follow the Regulation 9 process to consider your discharge from the service.

### **2.5 Long term illness or injury**

2.5.1 If you develop an illness or injury which affects your performance or ability to achieve or maintain the standards we expect, we will refer you to Occupational Health (OH). A medical report will be requested from the Force Medical Examiner (FME)/OH.

2.5.2 Depending on the report's recommendations, we may consider extending your probationary period or discharging you from the service. Any decision to discharge you due to a medical condition will be taken in conjunction with the provisions of the Police Pension Scheme (Scotland) Regulations 2015.

### **2.6 Disability**

2.6.1 If you have a disability and need reasonable adjustments to allow you to carry out your job, speak to your manager or Probationary SPOC. If you disclose a disability whilst still under the management of LTD, they will liaise with your division (once assigned) to allow them to make any reasonable adjustments. They will ask for your consent before having this discussion.

2.6.2 More detail about how we can help is provided in the Disability in Employment procedure.

### **2.7 Part Time/Flexible Working**

You are entitled to apply for a flexible working pattern which may involve reduced hours, compressed hours, job share, or term time working. Any application to undertake flexible working involves a formal agreement that you will work a specific number of hours on a regular and planned basis. Further information is available in the Flexible Working Procedure.

### **2.8 Confirmation**

2.8.1 Once you have successfully completed all of the modular training, and if all your appraisals and other performance related factors have been satisfactory throughout your probation, you will be confirmed in the rank of Constable.

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### **3 Manager**

#### **3.1 What you need to do:**

- Support and manage any probationers under your line management on a day-to-day basis.
- Liaise on a regular basis with the probationer's Tutor Constable, and the Probationer Single Point of Contact (SPOC) for the division, as appropriate.
- Conduct appraisals and formally note any areas of operational performance that are unacceptable or unsatisfactory.

#### **3.2 Probationer management**

3.2.1 As well as responsibility for the day-to-day management of probationary Constables under your management, you also have certain responsibilities specifically for probationers.

3.2.2 You must hold appraisals at appropriate points during the probationary period. All probationers will have a MyCareer discussion generated on SCoPE at weeks 30, 60 and 90. Each MyCareer discussion should be completed within eight weeks of it being generated.

3.2.3 If any unsatisfactory or unacceptable operational behaviour is identified in the probationary Constable by yourself, a Tutor Constable, or another supervisor this should be logged on SCoPE under the Appraisal and Evidence Gathering sections. You should give details of the issue and the action taken to resolve it. This information may also be included on Action Plans or other appraisal tools as appropriate.

3.2.4 If the unsatisfactory or unacceptable behaviour continues, let the Probationer SPOC know. They will arrange for the probationer to be served with notification under Regulation 9, and will contribute to the development of an appropriate action plan.

3.2.5 You should then meet with the probationer and your Inspector to put in place the formal action plan. Actions should be set in line with the SMARTER acronym:

- Specific
- Measurable
- Action oriented
- Realistic and relevant
- Time based
- Evaluated

- Responded to

3.2.6 Actions should be decided on after consultation between all parties present. You should document the agreed actions on the Probationary Constable Action Plan Form (106-006).

3.2.7 Along with your Inspector and the Local Area Commander you should monitor the probationary officer's progress on a monthly basis. Record all evidence, whether it indicates improvement or not.

### **3.3 Ill health**

3.3.1 If a probationer under your management develops a long-term illness or injury which affects their ability to achieve or maintain the standards we expect, you (or another officer with supervisory responsibility for the individual) should refer the probationer to Occupational Health (OH).

3.3.2 If the OH report recommends an extension to the probationary period or discharge from the service, see the manager guidance document for Regulation 8 or 9, as appropriate, for more information.

### **3.4 Disability**

3.4.1 If a probationary officer discloses a disability to you, see the Disability in Employment procedure.

### **3.5 Part Time/Flexible Working**

As with all officers, probationers are entitled to apply for flexible working which may involve reduced hours, compressed hours, job share or term time working. Any application to undertake flexible working involves a formal agreement that a specific number of hours will be worked on a regular and planned basis. Further information regarding this is available in the Flexible Working procedure.

## **4 Resources**

### **Forms**

- Online Resignation and Retiral Form
- Probationer Fitness Screening Form (140-004)
- Probationary Constable Regulation 9 Notification (Fitness, Examination, Performance) (106-001A)
- Probationary Constable Regulation 9 (Criminal, Misconduct) (106-001B)
- Probationary Constables Summary Evidence (106-002)
- Probationary Constable Notice of Consideration to Discharge Form (106-003)
- Probationary Constable Regulation 8 Extension Request (Pregnancy, Adoption, Maternity, Paternity) (106-005A)
- Probationary Constable Regulation 8 Extension Request (Criminal, Misconduct) (106-005B)
- Probationary Constable Regulation 8 Extension Request (Fitness, Examination, Performance) (106-005C)
- Probationary Constable Action Plan Form (106-006)

### **Reference Documents**

- Frequently Asked Questions
- Probationary Period Module Descriptors
- Officer Guidance on Extension of Probationary Period - Regulation 8 Process
- Officer Guidance on Discharge from the Service - Regulation 9 Process
- Manager Guidance on Extension of Probationary Period - Regulation 8 Process
- Manager Guidance on Discharge from the Service - Regulation 9 Process
- Regulation 8 Extension – Adoption, Maternity, Shared Parental Leave
- Regulation 8 Extension Notification
- Regulation 8 Extension Regulation 9 Notification - Illness
- Regulation 8 Extension Regulation 9 Notification - Injury
- Regulation 8 Extension Regulation 9 Notification - Misconduct
- Regulation 8 Extension Regulation 9 Notification - Criminality
- Regulation 9 Discharge
- Regulation 9 Notification - Exam
- Regulation 9 Notification - Fitness Repeated Postponement
- Regulation 9 Notification - Fitness
- Regulation 9 Notification - Performance
- Regulation 9 Notification

**Related Procedures**

- Adoption
- Capability (Attendance and Performance) (Police Officer)
- Disability in Employment
- Flexible Working
- Leavers
- Postings and Transfers
- Pregnancy and Maternity
- Shared Parental Leave

**Useful Links**

- [Scottish Public Pensions Agency](#)



## Appendix A

### Frequently Asked Questions

#### **What am I entitled to in terms of travel to the Scottish Police College (SPC) for Module One?**

For your first week at the Scottish Police College (SPC) you will need to make your own travel arrangements. After this, if you live at such a distance from the SPC that travelling on the Monday is unreasonable (i.e. more than 90 minutes' drive) and you are **required** to travel earlier, a hire vehicle will be made available on the Sunday. This will be arranged for you by SPC staff. As far as possible, you will be required to travel with other probationary Constables as vehicles are not provided to each individual probationer. You are not required to pass the basic authorisation police driving test in advance of being able to use a hire car.

You may be compensated for this additional day's travelling, in accordance with the Regulations, through the grant of a re-rostered rest day. This compensation will be determined by the Head of Probationer Training following full consideration of the circumstances, for example, the distance to be travelled and the road support network.

#### **I am ill and am scheduled to sit an exam. What should I do?**

If you are feeling unwell and feel that your performance in the exam may be affected, speak to the Probationer SPOC. This is particularly important if you are taking a course of medication which may impact your performance. We want to support all probationers to achieve the best results they can, so in some cases it may be appropriate to sit the exam at a later date when you are feeling better. We will treat each situation on a case by case basis.

#### **I am fasting for religious/cultural reasons. What support is available to me as a probationer?**

Speak to the Probationer SPOC or your manager about how we can best support you during and after the period of fasting. You may not have enough energy to sit fitness tests and/or academic exams which may be scheduled at this time. (Remember that your energy levels and overall ability will probably be affected for a short while even after the fasting period, as your body recovers.) If this is the case, we can look at the best alternatives for you. This may involve rescheduling fitness tests and/or exams.

**I am pregnant – what support is available to me as a probationer?**

Speak to the Probationer SPOC or your manager about how we can best support you during and after your pregnancy. Depending on your health during the pregnancy, you may not feel able to sit the academic exams, and we will always undertake risk assessments regarding your participation in fitness activities. We will support you on a case-by-case basis according to your individual needs and, if required, will consider alternative options which may involve rescheduling fitness tests and/or exams.

If you are unable to sit the full range of fitness tests because of your pregnancy, we may still be able to confirm you in the rank of Constable, but sometimes an extension to your probationary period may be appropriate. In situations where an officer is approaching the end of her probation, has completed all examinations, has performed satisfactorily and passed four fitness tests the officer may be confirmed in the rank of constable i.e. the officer's probation will not be extended solely for the purpose of completing the final fifth fitness test.

The Pregnancy and Maternity procedure gives more information on your entitlements and how we will support and manage you during your pregnancy and maternity leave.





## Appendix B

### Probationary Period Module Descriptors

The probationary period consists of five modules. A brief description of each of these modules is given below. You need to complete and pass all five modules before we can confirm you in the rank of Constable. If you fail any fitness tests or exams throughout the modules, resits will be managed through the local training centres.

#### **Module One – Initial Course, Scottish Police College (SPC)**

This module will develop your knowledge, understanding, skills, attitude and behaviour to enable you to undertake the role of a Constable with supervision and guidance from a tutor.

It is an intensive 11-week course which combines academic assessments and your first two fitness tests. The module is normally a residential training course, however if you live within reasonable travelling distance of the SPC, you can travel from your home to the college on a daily basis.

Areas covered include:

- Induction and Oath of Office;
- Policing skills;
- Policing in the community;
- Evidence;
- Crime;
- Initial Investigative Interview Skills Course (IIISC);
- General Police Duties (GPD);
- Roads policing;
- Skills Development Exercises (SDEs);
- Physical fitness; and
- Drill.

#### **Module Two – Post Initial Course, Local Training**

This module will prepare you for operational deployment within your Local Policing Area. It will be delivered at a local training centre and covers training specific to the area you will be posted to. Areas covered include:

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- ICT;
- local procedures;
- practical issues such as site visits to custody areas and the mortuary;  
and
- traffic control.

The duration of this module will be one week.

### Module Three - Operational Phase

This module will develop your theoretical knowledge and teach you how to apply it practically in operational situations. It consists of operational duties within community or response policing teams at the division you are posted to. During this phase you must ensure your Electronic Portfolio of Evidence (EPE) is compiled to the required standard. Your Tutor Constable and Sergeant will monitor this.

You will also need to complete Open Distance Learning (ODL) packages in preparation for a formal examination at Module Four.

To enhance your local operational awareness, your Tutor Constable may arrange visits to:

- Force Control Centres;
- CCTV areas;
- Technical Support Units;
- Courts; etc.

### Module Four – Assessment Milestones

This module will consolidate and refine your learning from Module Three. It will also give you the additional skills, knowledge and awareness of specialist services that you will need to allow you to carry out the duties of a Constable. Your EPE will form the basis of the first part of this module, so it must be checked and signed off by your Tutor Constable and Sergeant beforehand.

This module consists of three individual training days delivered at a local training centre. The below table gives you an overview of the content of each training day, as well as approximately when you can expect them to take place.

Training Day 1 (approx. week 40)	<ul style="list-style-type: none"><li>• an oral exam</li><li>• your third fitness test</li></ul>
Training Day 2 (approx. week 66)	<ul style="list-style-type: none"><li>• a formal ODL examination based on the ODL packages issued during Module Three</li><li>• your fourth fitness test.</li></ul>

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Training Day 3 (approx. week 92)	<ul style="list-style-type: none"><li>• a confirmation exam based on all theoretical knowledge from the initial training course in Module One and the Operational Modular Assessed Debrief (OMAD) examination</li><li>• your fifth fitness test</li></ul>
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All three days will also include local training needs and inputs from specialist areas.

**Module Five – Operational/Confirmation Phase**

This module provides continuous development in an operational role.



## Appendix C

# Officer Guidance on Extension of Probationary Period - Regulation 8 Process

### What...?

Normally the probationary period lasts two years. However, sometimes this needs to be extended to allow you the time you need to complete all training and pass all tests and exams. If we need to extend your probationary period, Regulation 8 allows us to do this.

### Why...?

We may extend your probationary period for reasons such as:

- pregnancy;
- extended periods of leave such as adoption, maternity or shared parental;
- failing exams;
- failing a fitness test;
- misconduct or criminal allegations;
- unsatisfactory/unacceptable operational performance; or
- prolonged periods of illness or injury.

We may also extend your probationary period as a reasonable adjustment under the provisions of the Equality Act 2010.

### Who...?

A Chief Superintendent can extend your probationary period for up, and including, six months. They can also extend for longer than six months if the reason for the extension is one of the following:

- Pregnancy
- Adoption
- Maternity
- Shared parental leave

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An Assistant Chief Constable (ACC) must make the decision if an extension of more than six months is needed for any reason not listed above.

Speak to your Probationer SPOC if you need more information or guidance.

### Process

Before an extension to your probationary period is requested, we will consider the:

- length of probation you have completed;
- number of fitness tests you have completed;
- mandatory training modules you have successfully completed; and
- number of operational hours completed.

If you are pregnant or plan to take an extended period of leave, such as adoption leave or shared parental leave, we will also take into account the:

- expected date of your child's birth/date of adoption placement;
- leave start date; and
- date you expect to return to work.

Once these factors have been considered, if we decide to extend your probationary period under Regulation 8, you will be served with written notification. This means that we will complete a form outlining why and for how long your probationary period is being extended. A Chief Inspector will let you know that we are doing this, and ask you to sign the form to acknowledge your understanding. If required, we can authorise a further extension, e.g. if you wish to take a longer period of maternity leave.

If a probationer is pregnant and unable to participate in all the tests required by the confirmation process, this will not necessarily preclude confirmation in the rank of Constable. Each instance will be considered on a case by case basis.

If your probationary period is extended you should contact your Pension Fund Administrator or Scottish Police Federation (SPF) for guidance on your pension contributions.

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## Appendix D

# Officer Guidance on Discharge from the Service – Regulation 9 Process

### What...?

Regulation 9 of the Police Service of Scotland Regulations 2013 allows the Chief Constable to discharge a probationary Constable from the service if it is considered they are unfit, physically or mentally, to perform the duties of the office of a Constable or are unlikely to become an efficient or well-conducted officer.

### Why...?

We may consider discharging you from the service for a number of reasons including, but not limited to:

- failing more than one fitness test;
- failing a formal academic exam (including resits);
- not achieving the objectives of an action plan; or
- diagnosis of an illness or injury which would prevent you, physically or mentally, from performing the duties of a Constable.

We may also need to serve a Regulation 9 notification as a result of findings from any misconduct or criminal proceedings.

If you have any questions about this, speak to the Probationer SPOC for your division.

### Notification

If you meet one or more of the criteria above, or we have to consider discharging you from the service for any other reason, we will serve you with a notification under Regulation 9. This means that we will complete a form outlining the reasons why we are considering a discharge. A Chief Inspector will let you know that we are doing this and ask you to sign the form to acknowledge your understanding.

### Formal hearing

Before being considered for discharge from the service you will be given the opportunity to attend, or be represented at, a hearing chaired by a Chief Superintendent.

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The Chief Inspector will let you know the date and location of the hearing at least seven calendar days in advance. They will also give you a summary of the information which will be considered when deciding the outcome of the hearing.

You can choose to:

- attend the hearing in person, with an SPF representative or another officer accompanying you;
- not attend the hearing, but have an SPF representative or other officer attend on your behalf; or
- not attend the hearing and not send anyone to attend on your behalf (i.e. not engage with the hearing at all). The hearing will be held in your absence. You, or someone acting on your behalf, may submit written representation in advance of the hearing.

A People and Development representative for your Local Policing Area and the Probationer SPOC will also attend the hearing. The Chief Superintendent may choose to invite other relevant individuals, if they wish. In some circumstances it may be appropriate for minutes to be taken of the meeting or for it to be recorded.

After the hearing, the Chief Superintendent will consider the case and forward their recommendation to the Chief Constable for final decision. You will not be told what the recommendation is at this time, however, we will give you the Chief Constable's decision as soon as it is known.

Until the final decision is made by the Chief Constable, we may put restrictions on the work you are undertaking and/or access to I.T. systems.

You may choose to resign before you are advised of the Chief Constable's decision and, if you do so, you should complete the online resignation and retiral form. If you are not at work and unable to access the form, you must put your resignation in writing to either your manager or the Probationer SPOC. All uniform and equipment must be returned before you leave the service. Speak to your Probationer SPOC or Sergeant about who/where to return this to.

If you are discharged, you are entitled to one month's notice or a month's pay in lieu of notice. If you decide during that notice period to resign then you are still entitled to receive pay up until the date when you were due to leave.

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## Appendix E

# Manager Guidance on Extension of Probationary Period - Regulation 8 Process

### What...?

This guidance explains how to extend a probationary period under Regulation 8.

### Why...?

You may consider extending a probationary period for reasons such as:

- pregnancy;
- extended periods of leave such as adoption, maternity or shared parental;
- failing exams;
- failing a fitness test;
- misconduct or criminal allegations;
- unsatisfactory/unacceptable operational performance; or
- prolonged periods of illness or injury.

You may also consider extending a probationary period as a reasonable adjustment under the provisions of the Equality Act 2010.

### Who...?

A Chief Superintendent can authorise an extension of up to, and including, six months. They can also extend for longer than six months if the reason for the extension is one of the following:

- Pregnancy
- Adoption
- Maternity
- Shared parental leave



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An Assistant Chief Constable (ACC) must make the decision if an extension of more than six months is needed for any reason not listed above.

Speak to your Probationer SPOC if you need more information or guidance.

### Process

Before requesting an extension to a probationary period, you should consider the:

- length of probation completed;
- number of fitness tests completed;
- mandatory training modules successfully completed; and
- number of operational hours completed.

If the officer is pregnant or plans to take an extended period of leave, such as adoption or shared parental leave, you should also consider the:

- expected date of the child's birth/date of adoption placement;
- leave start date; and
- date the officer expects to return to work.

Speak to your Probationer SPOC to request an extension - they will ensure that the required paperwork is completed and processed correctly.

Once the Regulation 8 form is completed it should be approved by the submitting officer (line manager), then passed to the Chief Superintendent for consideration.

If approved by the Chief Superintendent, the Inspector should advise the probationer that they are being served with a Regulation 8 notification to extend their probationary period and ask them to sign the form.

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## **Appendix F**

# **Manager Guidance on Discharge from the Service – Regulation 9 Process**

### **What...?**

This guidance explains the process of serving a Regulation 9 notification if you believe that a probationary Constable should be discharged from the service.

### **Why...?**

You may serve a Regulation 9 notification if a probationary Constable

- fails more than one fitness test;
- fails a formal academic exam (including resits);
- does not achieve the objectives of an action plan; or
- is diagnosed with an illness or injury, which would prevent them, physically or mentally, from performing the duties of a Constable.

You may also need to serve a Regulation 9 notification as a result of the findings from any misconduct or criminal proceedings against the probationer. If you have any questions about this, speak to the Probationer SPOC for your division.

### **Process**

Speak to your local Probationer SPOC to request a Regulation 9 be served – they will ensure that the required paperwork is completed and processed correctly.

A Regulation 9 notification can be served by an officer of Inspector rank or above if a probationer fails to pass examinations or fitness tests. Regulation 9 notifications due to operational performance issues should be served by an officer of Chief Inspector rank or above.

The probationer should be advised that they are being served with a Regulation 9 notification to consider their discharge from the service, and asked to sign the form.

The Probationer Single Point of Contact (SPOC) will update the Probationary Officer's SCOPE record accordingly.

Once the Regulation 9 form is completed, it should be passed to the Chief Superintendent for consideration. It is crucial to clarify that a probationer in this

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situation fully understands the Discharge Hearing process, and all its implications, before asking them to sign the form.

The form will contain details of where and when the hearing is scheduled to take place. The probationer does not have to attend the hearing, but it will be held either way. More details on the options they have are given in the Officer Guidance on Discharge from the Service – Regulation 9 document.

Where a disability or a neurodiversity condition is identified, either by the organisation or by the probationer themselves, guidance should be sought from the Disability Co-ordinator. All reasonable adjustments should have been identified and implemented prior to Discharge Hearing documentation being issued in line with the Disability in Employment procedure.

If you feel it is necessary, you may put restrictions on the probationer's operational deployments and access to I.T. systems. Speak to your Probationer SPOC if you are considering doing this.

The likely outcome of the hearing should not be intimated to the probationer prior to the Chief Constable concluding all relevant considerations. Following the hearing and submission of the Chief Superintendent's recommendation, if the Chief Constable determines that the probationer is to be discharged from the service, they will be given the option to resign before being discharged. If they choose to resign, they must complete the online resignation and retiral form. If they are not at work and unable to do so, they should put their resignation in writing to either you or the Probationer SPOC. The online resignation and retiral form should then be completed on their behalf, either by you or Shared Services. If the probationer is discharged, or resigns, they must return all uniform and equipment before they leave the service.

### **Guidance for Chief Superintendent**

As chair of the Regulation 9 hearing you may determine it is appropriate for minutes to be taken or, in some circumstances, for the hearing to be recorded.

After the hearing, you should send your recommendation to the Chief Constable for a final decision.

If it is your recommendation that the probationer be discharged, you should include a summary of the key issues, actions and considerations which will be included in the 'Regulation 9 Discharge' letter if the Chief Constable determines this should be issued.

If it is your recommendation that the probationer is not discharged you should include a summary of the action necessary to achieve the required standard of performance which will be included within the 'Alternative to Regulation 9 Discharge' letter if the Chief Constable is in agreement with the recommendation.

If a case is particularly complex, the letter templates provided may not be suitable and legal advice should be taken. This advice, and the recommendation should be forwarded to the Chief Constable to assist in the decision making process. However, in normal circumstances, either the 'Regulation 9 Discharge' or the 'Alternative to

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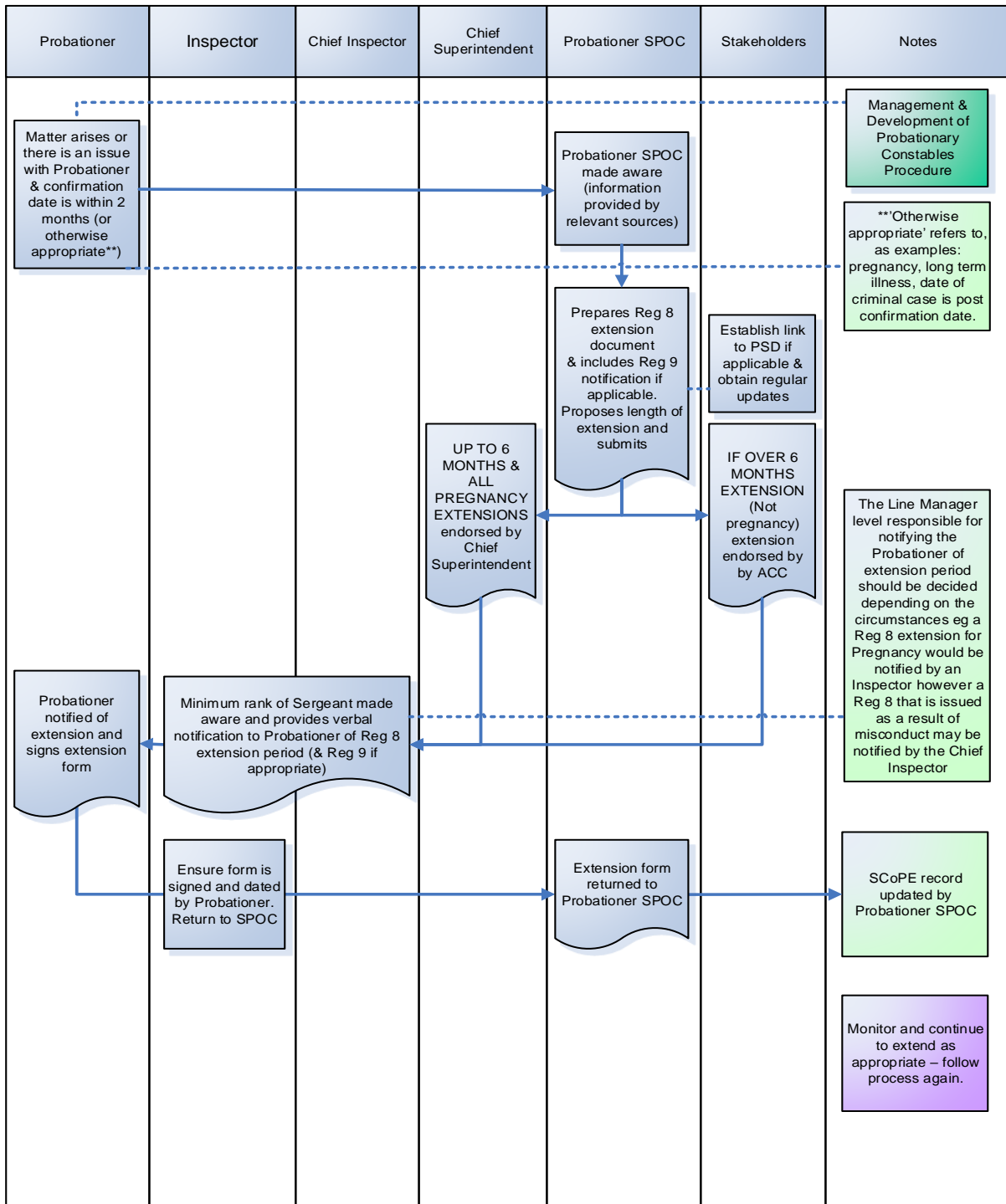
Regulation 9 Discharge' letter will be issued from the Chief Constable's office. The likely outcome should not be intimated to the probationer prior to the Chief Constable concluding all relevant considerations. The Local Area Commander is responsible for ensuring that the probationer is issued with the letter issued from the Chief Constable.

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Appendix G

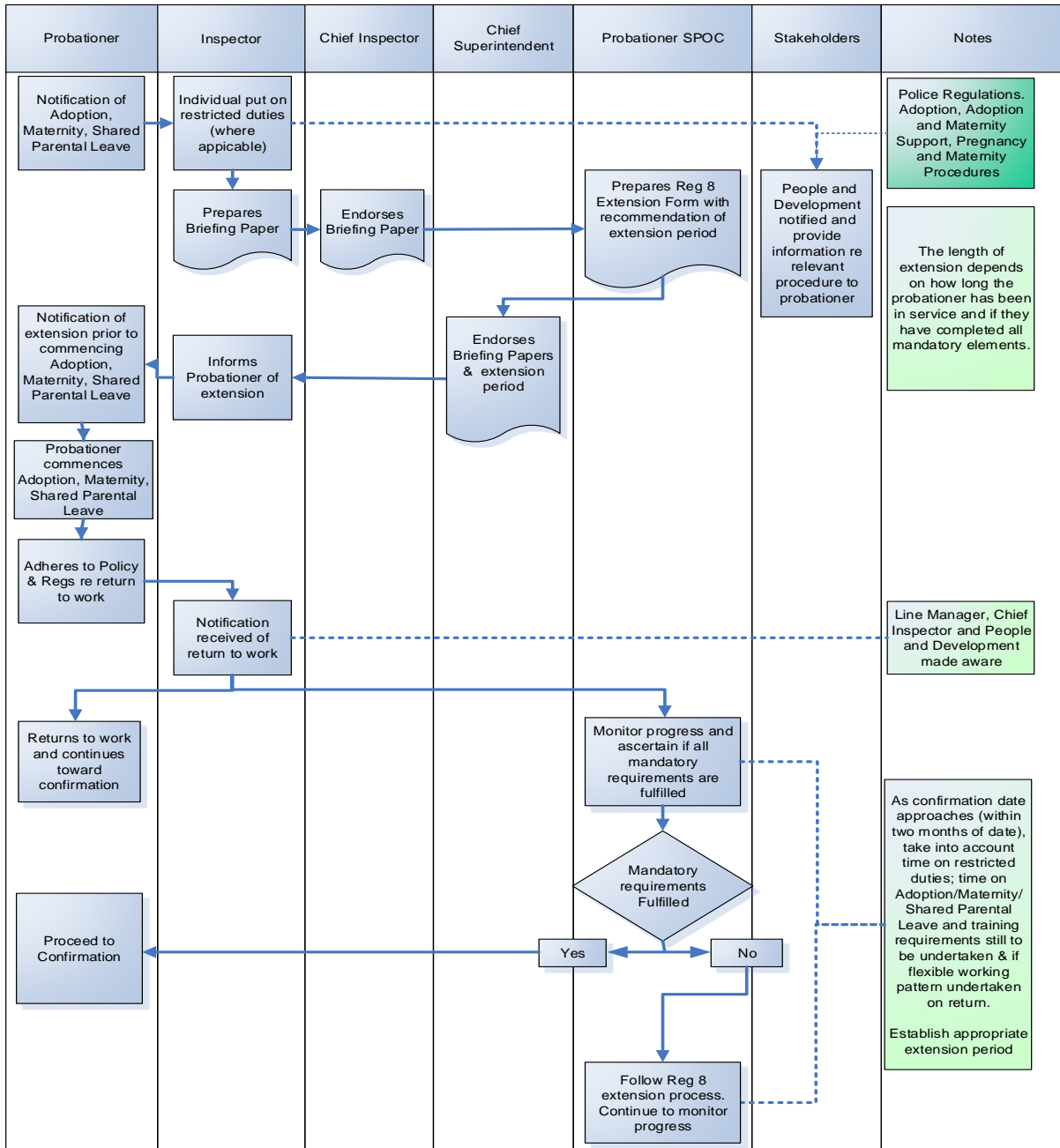
Regulation 8 Extension Notification





Appendix H

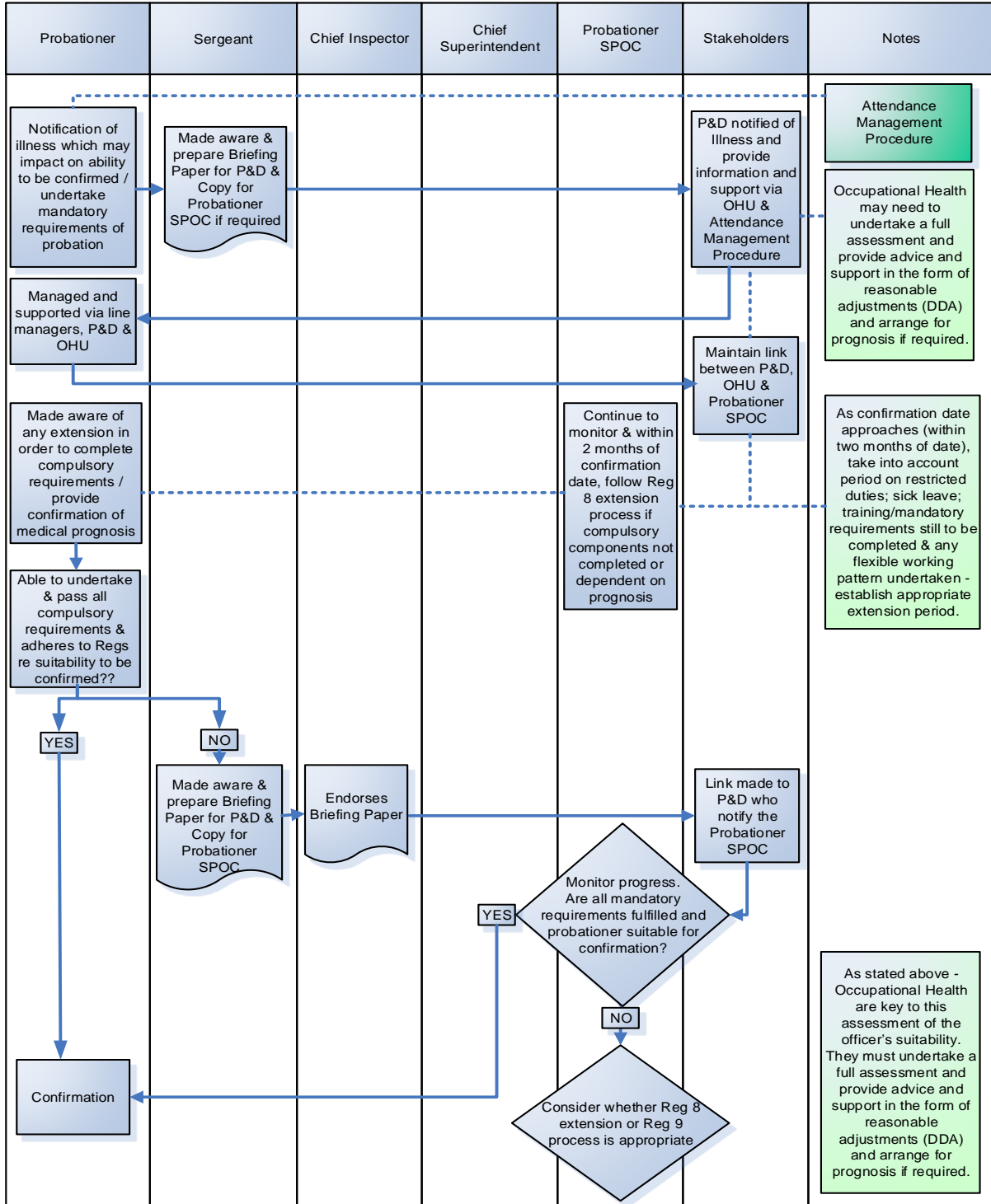
Regulation 8 Extension Adoption, Maternity, Shared Parental Leave





Appendix I

Regulation 8 Extension/Regulation 9 Notification – Illness





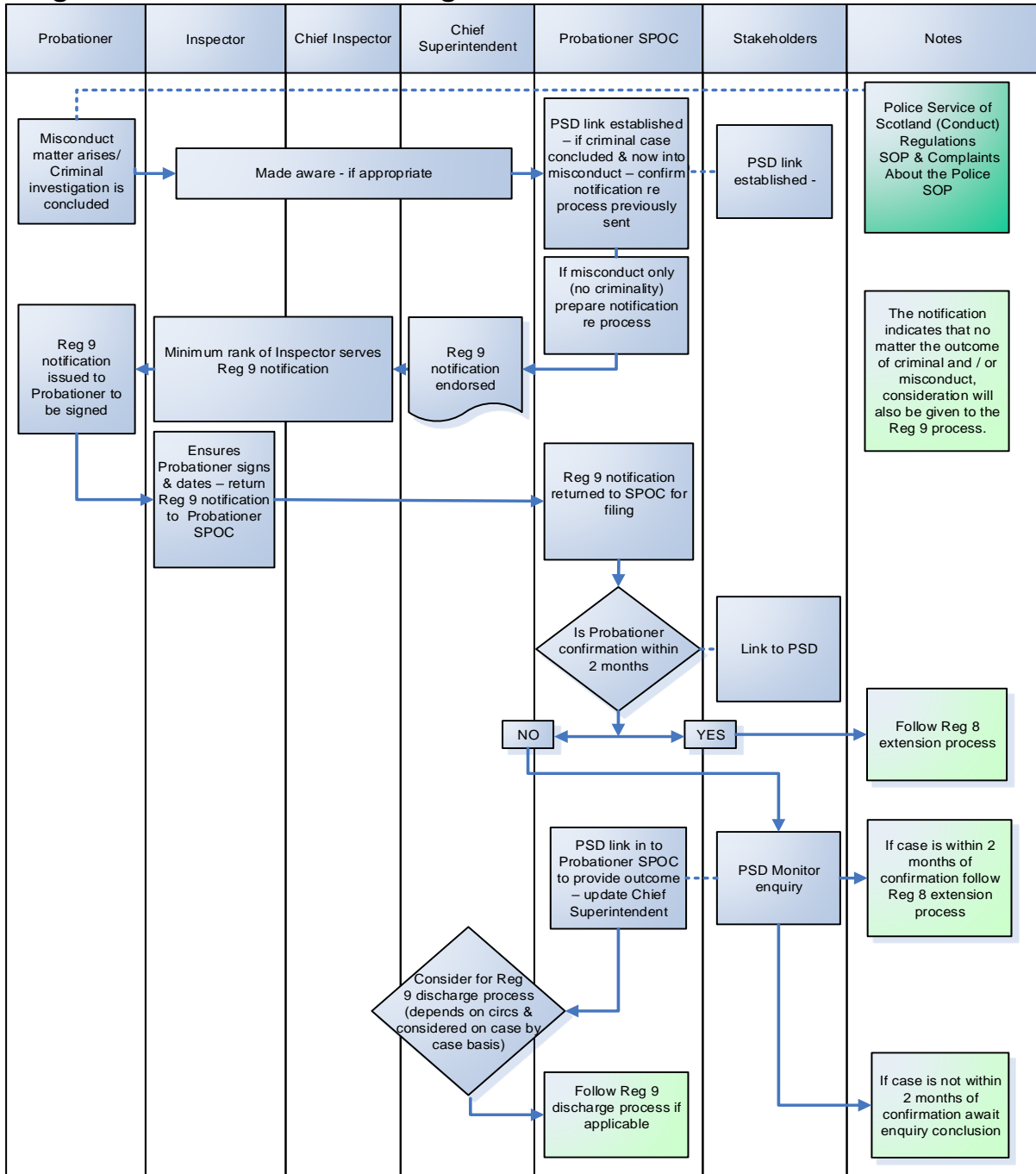






Appendix K

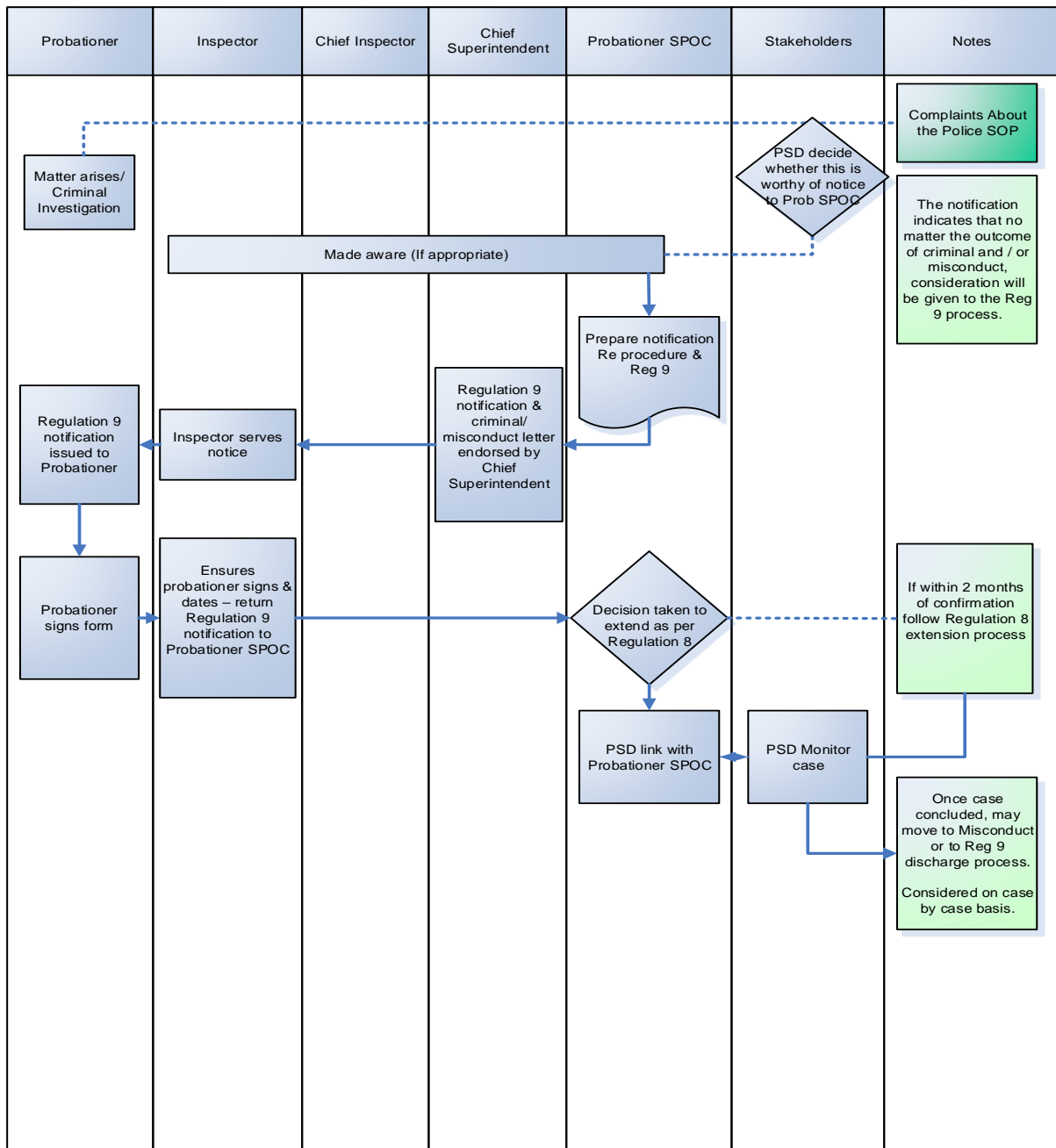
Regulation 8 Extension/Regulation 9 Notification - Misconduct





Appendix L

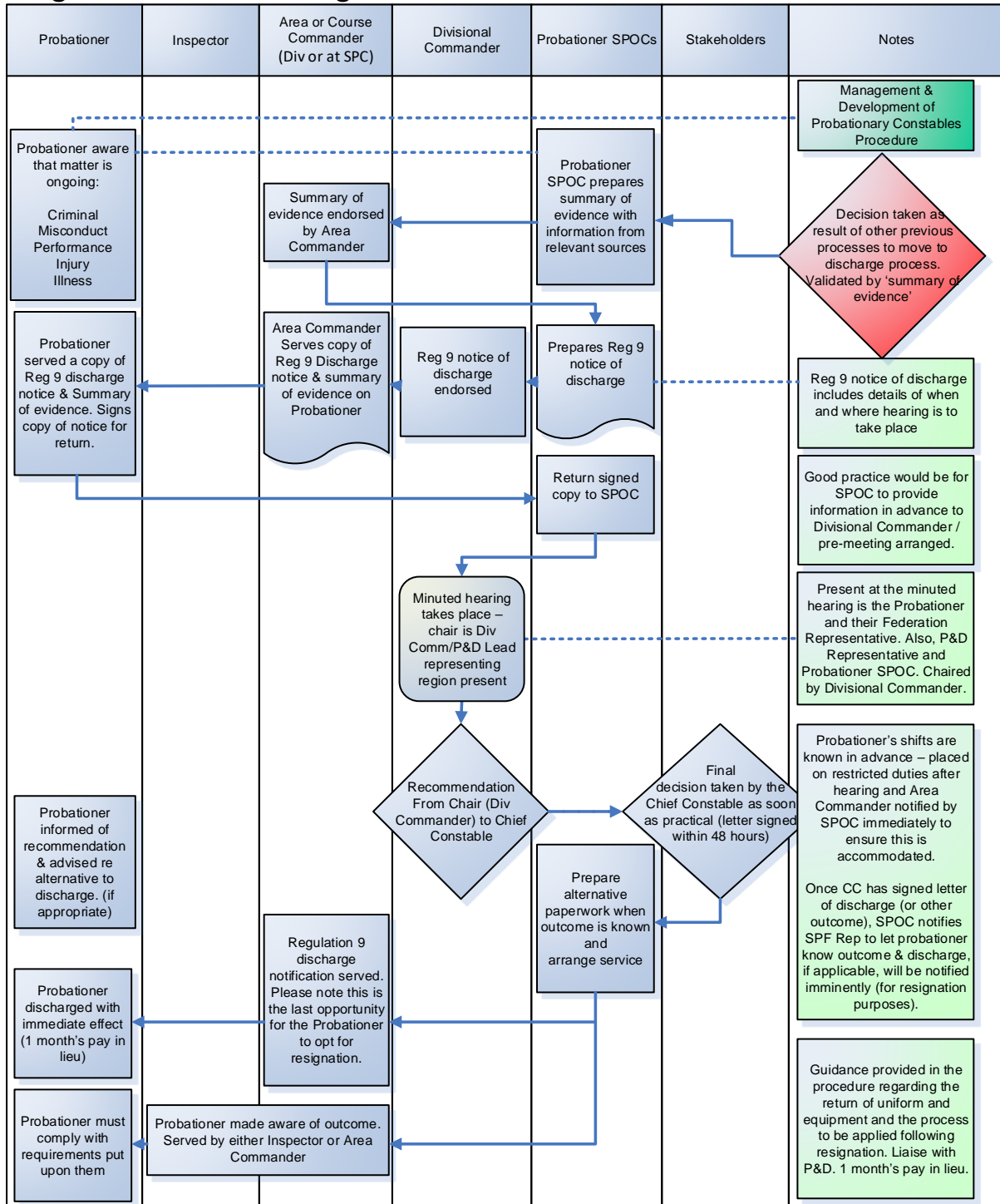
Regulation 8 Extension/Regulation 9 Notification – Criminality





Appendix M

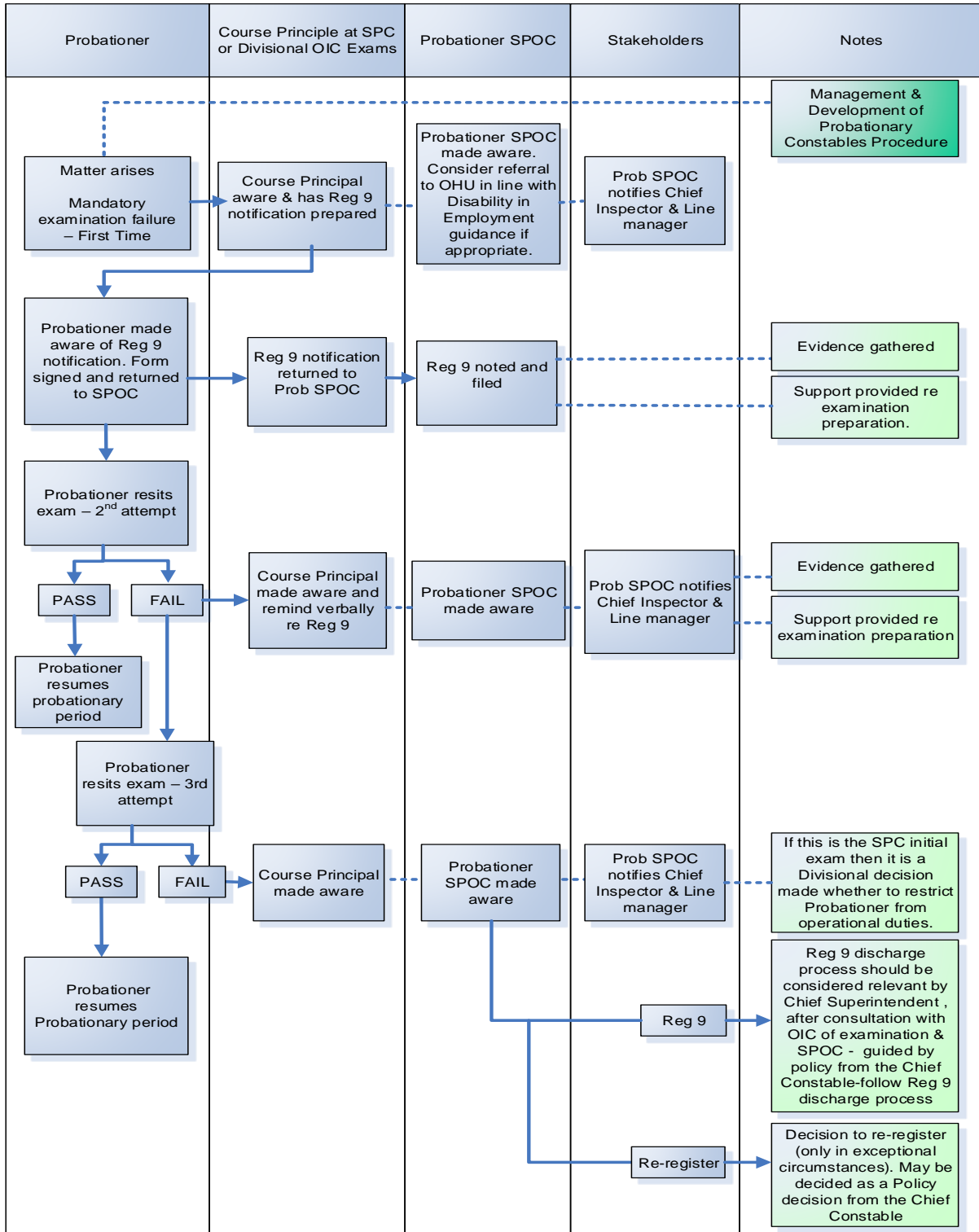
Regulation 9 Discharge





Appendix N

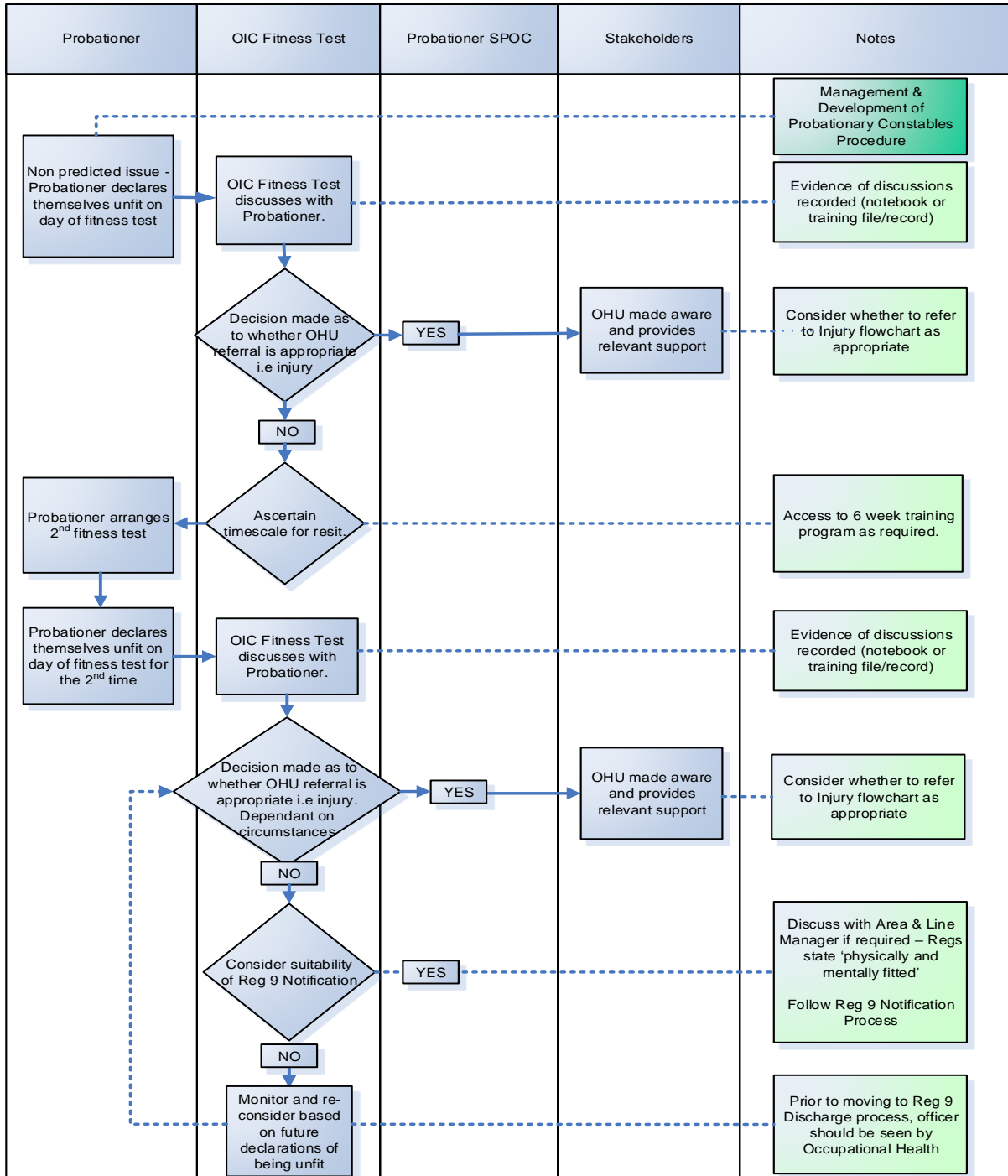
Regulation 9 Notification – Exam





Appendix O

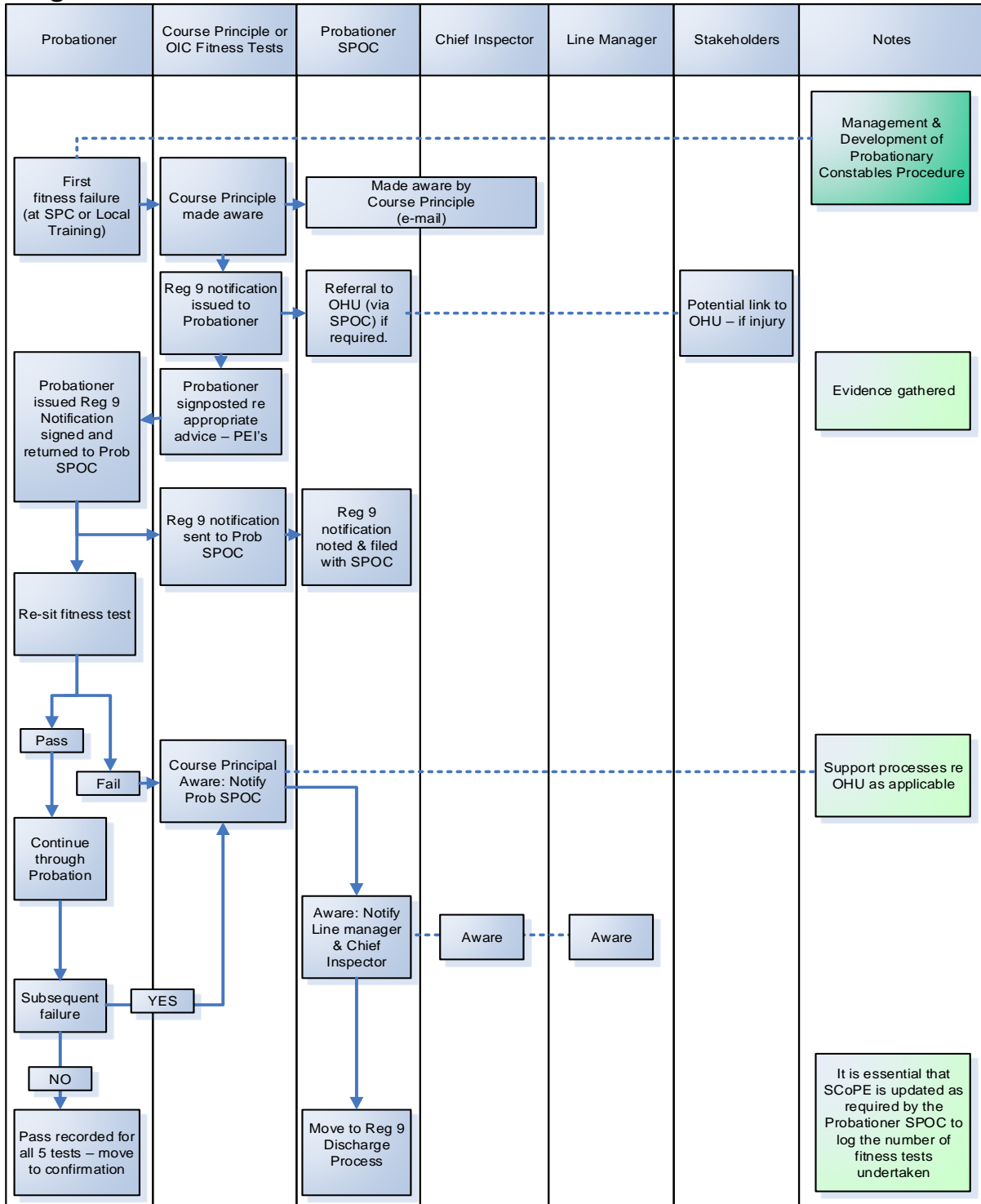
Regulation 9 Notification - Fitness (Repeated Postponements)





Appendix P

Regulation 9 Notification - Fitness

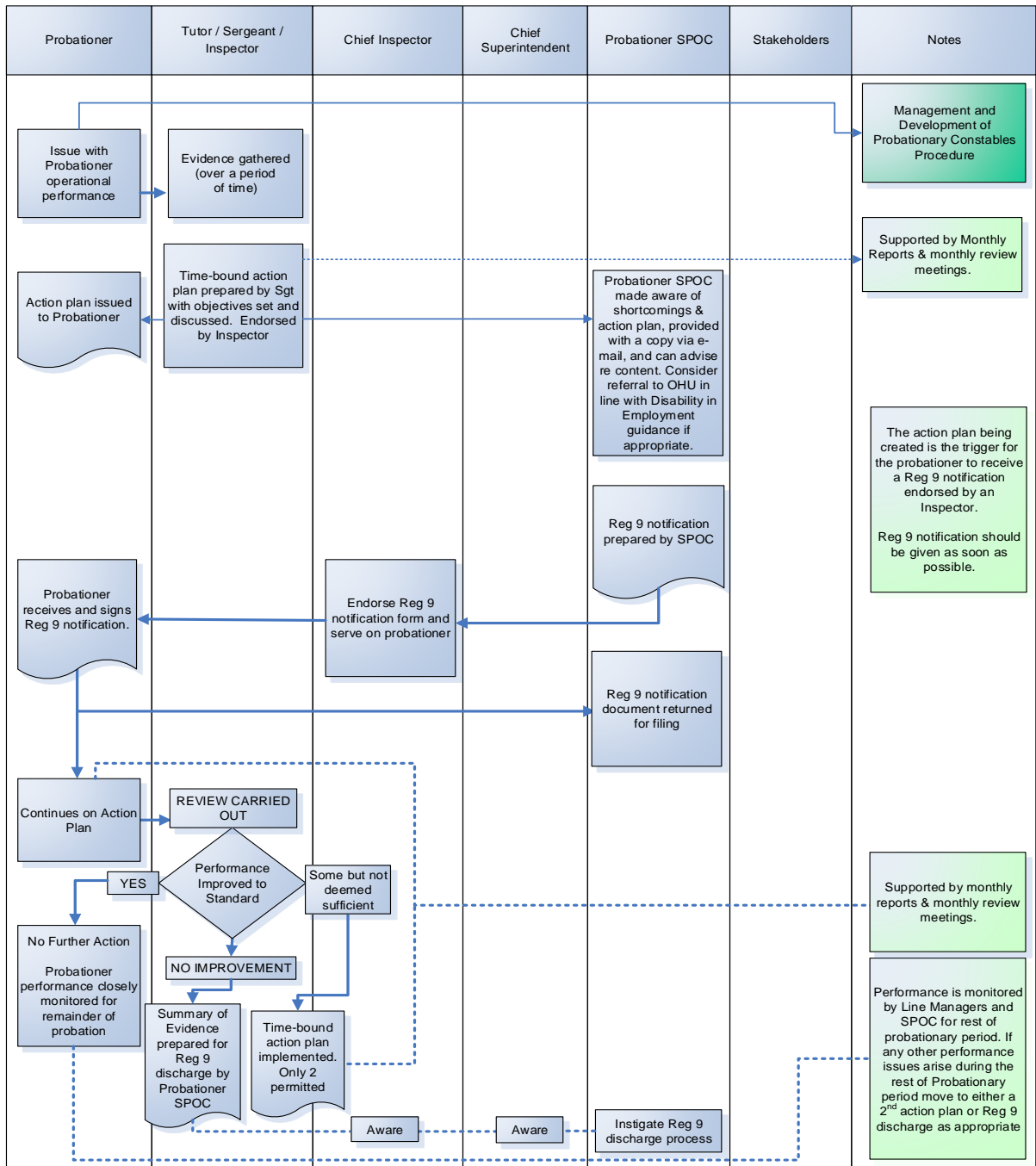






Appendix Q

Regulation 9 Notification - Performance





Appendix R

Regulation 9 Notification

