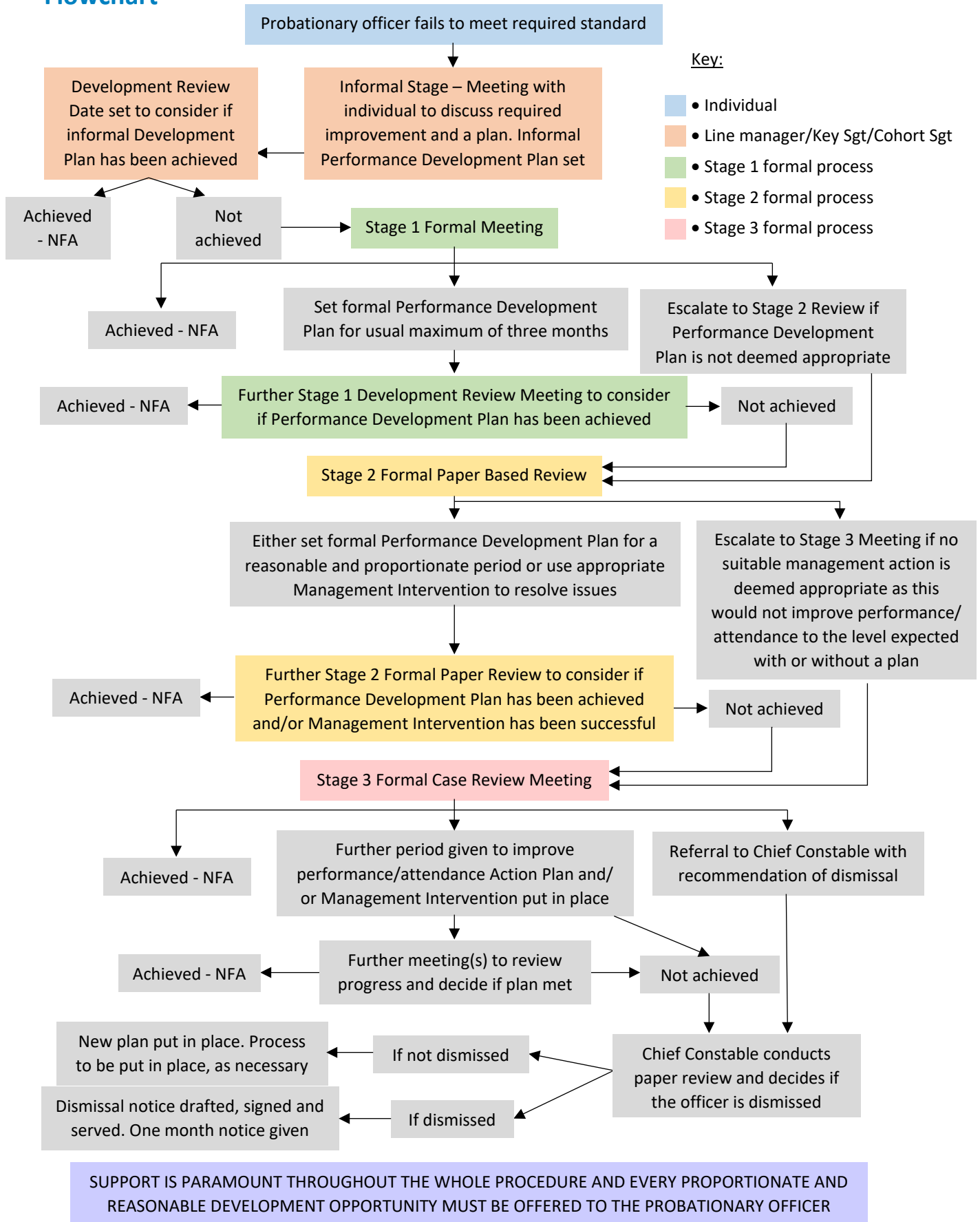


Police Officer Probation – Regulation 13

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Flowchart



Policy Statement

Summary

West Yorkshire Police (WYP) has established a policy which ensures that all police officers during their probationary period are treated fairly and consistently when issues arise relating to performance, that they are provided with the appropriate training and development opportunities and given sufficient time for improvement.

This policy explains how the process will work detailing informal and formal action and the possible outcomes.

Scope

This policy applies to:

- All student officers within their probationary period, inclusive of all entry routes;
 - Officers transferring from other forces who have probationary periods or re-joiners; and
 - Direct entrant inspectors and superintendents.
-

Principles

General

- During the period of their probation in the Force, the services of a constable, direct entrant inspector, direct entrant superintendent or rejoiner police officer may be dispensed with at any time if the Chief Officer considers that they are not fit, physically or mentally, to perform the duties of their office, or that they are not likely to become an efficient or well conducted constable, direct entry inspector, direct entry superintendent or rejoiner member.
- All probationary officers must achieve the required competencies, standards and qualifications as required for their ranks/role before confirmation of appointment.
- Irrespective of their entry route, any decision to take action against an officer under this policy will only be made if an officer's behaviour, attitude, performance and/or attendance has led to a concern that they are not physically and mentally fit to perform the duties of a constable, inspector or superintendent (as appropriate), and that they are not likely to become an efficient and well conducted officer.
- At all formal stages of this process, individuals must be notified in writing of the right to be accompanied by a Police Federation representative or a work colleague.

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- If an officer's performance is not successfully improved by informal management action, there are three formal stages to this procedure. These are:
 - Stage 1 – Formal Meeting (Performance Review Meeting);
 - Stage 2 – Formal Senior Officer Paper Review;
 - Stage 3 – Formal Meeting (Formal Case Review Meeting).
- This procedure can lead to an officer in their probation period being dismissed under Regulation 13 if, following the Formal Case Review Meeting, the Chief Constable determines that the officer is not physically and/or mentally fit to perform the duties of a constable, inspector or superintendent, as appropriate, or they are not likely to become an efficient and well conducted constable, direct entry inspector, direct entry superintendent or rejoiner member.
- At the point of instigating formal proceedings, the officer must be served the relevant notice and a case report summary, together with any other documentation to be considered at the meeting at least 21 calendar days ahead of the formal meeting.
- A probationary officer or their representative has until seven calendar days before the formal meeting to provide any written submission for consideration by the Chair.
- For student officers, an Initial Police Education Training (IPET) or a Central Assessment Unit (CAU) sergeant must be consulted and attend at each stage of the formal process. They will usually present details of the officer's case to the formal meeting, along with the officer's line manager and/or any other relevant attendees, and answer questions. The IPET or CAU sergeant will also provide information about the probation process and the standards required.
- Where officers are unable to attend work due to sickness, the informal procedure for managing this will be in accordance with the principles detailed in the Attendance Management policy. See supporting information for templates specifically for probationary officers.
- If sickness absences cause officers to fail to meet the Force Attendance Standard, either applied on a pro rata basis to the length of service in the first year of probation or on a rolling 12 month thereafter, then an informal plan for improvement will be set. This will seek to ensure that the attendance standard is met by no later than the end of the probationary period.
- If a plan cannot be set due to the level of absence, or is set but not achieved, then a Stage 1 Performance Review Meeting will take place to consider the attendance level further.
- In exceptional circumstances, with the agreement of the IPET sergeant or an Employee Relations Advisor, officers may be entered into the process directly at the Stage 3 Formal Case Review Meeting. The rationale for this action must be documented and be included within the case report summary provided to the officer.

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- If the officer is determined to have demonstrated the required performance at a Performance Review Meeting, then no further action will be taken. If the same or related performance issues re-occur during the probationary period and formal action is deemed to be necessary, any further action will usually commence at the last stage reached.
- The period of a Performance Development Plan can be extended by the Chair of the meeting or, if they are unavailable, by another officer of at least the same rank if they consider that there are appropriate reasons for the extension.
- Officers of the Police Constable Degree Apprenticeship must achieve Independent Patrol Status (IPS) before they can progress to year two of the apprenticeship scheme. Informal or formal action may be taken in accordance with this policy if an officer fails to achieve IPS.
- If an officer is given further time to improve following a formal meeting held under this policy, in exceptional circumstances, an IPET or a CAU sergeant can request an extension of the plan period. Any extension to a plan will usually be of no more than one month. The extension to the plan period must be approved by the meeting Chair or by another officer of at least the same rank. The officer will be notified in writing by an IPET or CAU sergeant whether an extension of their Performance Development Plan period is granted or not, with reasons for the decision.
- At an informal or formal Stage 1 meeting or Stage 3 meeting, the probationary officer and/or their representative will be given the opportunity to address the meeting and may provide an explanation or provide any mitigation.
- The Chair of a Formal Action meeting must ensure that detailed notes or minutes of the meeting are completed, and that a copy is given to the officer who is subject of the meeting.
- An informal or formal Stage 1 meeting or Stage 2 meeting may be adjourned when deemed appropriate by the meeting Chair.
- This policy may be commenced at Formal Stage 1, without informal action being carried out, following discussion with a CAU sergeant and/or Employee Relations. The process will only be commenced at Formal Stage 1 if it is determined that informal action is not appropriate.

**Progression
directly to
Formal Action
Stage 3**

- In the case that a student officer's attitude or behaviour is deemed to have fallen substantially below the required standards, a written recommendation to progress directly to Stage 3 must be made by an officer of chief inspector rank. This may be the result of a series of incidents, or following a single event of considerable severity, which immediately calls into question the individual's suitability to be a police officer.
- Before any case is progressed directly to Stage 3, the file must be reviewed by both the Professional Standards Directorate (PSD) and Legal Services,

and it must be decided that action under the Police Conduct Regulations was not to be progressed.

- The Superintendent Learning and Organisational Development (L&OD) will determine if a case is to progress directly to Formal Action Stage 3 following consultation with relevant individuals (as they deem appropriate), consideration of the case file and assessment of the comments from PSD and Legal Services.
- In this case, the outcomes available at the Formal Stage 3 meeting remain the same as those detailed in the Formal Stage 3 Case Review meeting section of this policy, but in addition the case could be reverted to the informal stage, or to a Stage 1 meeting if the Chair felt that was appropriate.

Failure to achieve academic requirements

- Where a student officer fails to achieve the academic requirements of the university course, either on the PCDA or DHEP entry route, or they fail to pass the National Investigators' Exam (IPLDP+ officers only), and there are no other performance issues, alternative provisions will be considered on a case-by-case basis.

Informal Action

Principles

- Informal action will take place if the probationary officer is failing to meet the required standards. This day-to-day local supervision may involve the production of an Informal Performance Development Plan.
- Line manager, Central Assessment Unit (CAU) sergeants and/or constables or others responsible for the officer's performance and/or attendance must hold an initial meeting with the probationary officer to discuss the areas of concern, then set an Informal Performance Development Plan to support the officer to improve and reach the required standard with the support of Leeds Trinity University teaching staff (if appropriate).
- If the Informal Performance Development Plan is achieved, this is signed off and the process ends.
- If the Informal Performance Development Plan is not achieved, and all reasonable training and support offered, then the matter must be progressed to Stage 1 of the formal process.

Formal Action

**Stage 1 –
Performance
Review Meeting**

- This meeting will be held when the officer's line manager determines that informal action has not resulted in the officer's performance improving following the provision of reasonable training, support and time.
- The Chair will be as follows:
 - For a constable, this meeting will be chaired by an inspector;
 - For a direct entrant inspector, this meeting will be chaired by a superintendent; and
 - For a direct entrant superintendent, this meeting will be chaired by an independent chief superintendent (not their line manager).
- At a Stage 1 Meeting, in addition to the Chair, the officer, the officer's representative or work colleague, and an Employee Relations Advisor, the following people will also attend for probationary constables:
 - Initial Police Education Training sergeant, if the officer is still in their initial training at Learning and Organisational Development (L&OD);
 - The officer's line manager, if they are being managed by district;
 - The Central Assessment Unit (CAU) sergeant, if the officer has completed their initial training; and
 - Any other person deemed appropriate by the Chair may also attend, such as class trainer/mentor constable/assessor or a member of Leeds Trinity Academy.
- The Chair will consider all information regarding performance and/or attendance along with any opportunities for improvement that have been offered in determining the most appropriate outcome. The available outcomes from a Stage 1 meeting are as follows:
 - That the required standard has been met and no further formal action is necessary, and the probationary period should continue.
 - The officer can be given further time to improve if the Chair considers that all reasonable time and development opportunities have not been given to assist the officer to improve their performance and/or attendance. A formal Performance Development Plan will be set, with a timeframe of usually no more than three months, or other Appropriate Management Intervention put in place; or
 - Referral to Stage 2, where it is considered that all reasonable time, training and/or support has been given to the officer for them to reach the required standard. A written report will be provided of the Chair's decision and rationale for consideration at the Stage 2 Review.
- If the officer is given further time to improve, a report will be provided to the Stage 1 Meeting Chair by the CAU sergeant, in collaboration with the line manager (if they are being managed by district), usually at the end of the development plan period, detailing the officer's progress during the plan period. The report can be submitted earlier if the CAU sergeant or line manager considers that the plan has been clearly breached.
- The officer must be given a copy of the report before it is submitted to the meeting Chair and must have an opportunity to submit written comments, including any mitigation. Where it is recommended by the CAU sergeant

that the case is progressed to a Formal Stage 2, the officer must be given at least seven calendar days before the case file is sent or handed to the meeting Chair in which to submit any written representations or comments including any mitigation. The officer must be told in writing, either via email or minute sheet, of the end date for them to submit representations or comments.

- The Chair will make a paper-based decision, assisted by an Employee Relations Advisor, following consideration of the report and any comments submitted by the officer. The Chair will determine whether the required standard has been met or whether to progress to a Stage 2 Meeting. The Chair will write to the officer and/or their representative detailing their decision with reasons.

**Formal Stage 2 -
Senior Officer
Paper Review**

- A chief inspector or above will undertake a Senior Officer Paper Review of the officer's case.
- The reviewer will be provided with a case file, compiled by the Initial Police Education Training (IPET) sergeant, the Central Assessment Unit (CAU) sergeant and/or the officer's line manager, which will include:
 - All the papers supplied to the Stage 1 Formal Performance Review Meeting;
 - Papers and reports relating to any Performance Development Plans set for the officer;
 - Notes or minutes of the Stage 1 Formal Meeting;
 - The Stage 1 Meeting Chair's decision document that was sent to the officer and/or their representative;
 - Copies of any written submission or documents provided by the officer and/or their representative for the Stage 1 process;
 - An updated timeline and case summary; and
 - Written details of any significant developments regarding the officer's case following the Stage 1 Formal Meeting that have not been covered in other file documents.
- The officer and their representative will be sent a copy of the Senior Officer Paper Review case file no less than three weeks before the paper review is to be held. At the same time, they will be notified of the date of the review.
- The officer and/or their representative will have until seven calendar days before the Senior Officer Paper Review is to be held in which to submit any written presentations and/or documents for consideration by the reviewer.
- The purpose of the Senior Officer Paper Review is to undertake further assessment of the actions, evidence and procedure of the case to ensure that it is appropriate for the officer to progress to an ACC Formal Case Review Meeting.

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- The senior officer will review whether the officer has had all reasonable time and development opportunities to assist the officer to improve their performance and/or attendance.
 - The possible outcomes of the Senior Officer Paper Review are:
 - To allow the officer's case to progress to a Stage 3 Formal Case Review if they are satisfied that there is sufficient evidence in the file that the required standards have not been met and that the officer has had all reasonable time and development opportunities to achieve the required levels.
 - To require that the officer is given a further Performance Development Plan if they determine that the officer has not been given all reasonable time and opportunities to achieve the required standards.
 - To cease the formal action process or remit the case back for a new Formal Stage 1 Meeting if they consider that:
 - This policy and/or the performance management process has not been applied reasonably and/or appropriately; or
 - It is not appropriate to continue the current formal action process for some other substantial reason.
 - The officer and/or their representative will be given a report detailing the reviewer's decision in writing. The written decision will also be provided to the other attendees at the Stage 1 Formal Meeting.
 - If the reviewer determines that a further Performance Development Plan is to be set, this will be designed, issued and assessed in the same way as for a plan set after the Stage 1 Formal Meeting, except that the senior officer will determine whether:
 - The required standard has been met and no further action will be taken at that time; or
 - To progress to a Stage 3 Formal Case Review Meeting.
 - The reviewer will write to the officer and/or their representative detailing their decision with reasons. A copy will be provided to the other Stage 1 Meeting attendees.
 - The senior officer undertaking the Paper Review will be supported and advised by an Employee Relations Advisor.
-

Stage 3 – Formal Case Review Meeting

- The Chair will be as follows:
 - For a constable, direct entrant inspector or rejoinder at constable, sergeant or inspector rank, this meeting will be chaired by an Assistant Chief Constable; and
 - For a direct entrant superintendent or a rejoinder of chief inspector rank or above, this meeting will be chaired by the Deputy Chief Constable.
- Unless the case progresses directly to a Stage 3 Meeting, the Chair will be provided with all the information available at the Stage 2 Review together with the Senior Officer's Paper Review written decision report.

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- The Chair will be supported and advised at the Stage 3 Meeting by a Senior Employee Relations Advisor.
- Unless the case progresses directly to a Stage 3 Meeting, the Case Review Meeting will usually have the same attendees as the Stage 1 Meeting. The exception to this is the Employee Relations Advisor will not usually attend. If any intended attendees are unavailable, the Chair will determine whether the meeting shall proceed in their absence.
- In cases which progress directly to a Stage 3 Meeting, the Initial Police Education Training (IPET) sergeant (if the officer is still in their initial training at Learning and Organisational Development), the line manager and/or the CAU sergeant (if the officer has completed their initial training) will attend the meeting.
- Any other person deemed appropriate by the Chair may also attend. This will be determined on a case-by-case basis.
- As part of the meeting, the officer and/or their representative will be given an opportunity to make their case as to why they should not be dismissed.
- The available outcomes from a Stage 3 meeting are as follows:
 - No further action is required, and the officer can continue their probationary period.
 - The officer can be given further time to improve if the Chair considers that all reasonable time and development opportunities have not been given to assist the officer to improve their performance and/or attendance. A further formal Performance Development Plan, with a specified timeframe, will be put in place.
 - All reasonable time and opportunities have been provided for the officer to perform to the required standard and they recommend to the Chief Constable that the services of the probationary officer should be dispensed with in accordance with Regulation 13. A written report must be submitted to the Chief Constable with a recommendation for dismissal. The officer will be sent a copy of the report.
The officer will also be provided with a copy of the detailed notes, minutes, a verbatim record or recording of the Stage 3 Meeting.
 - The ACC may determine to place a student officer on an alternative entry route. The ACC will also determine (if appropriate) the alternative entry programme starting point following representations from the CAU sergeant or another officer responsible for the student officer's development.
- If the officer is given further time to improve, a further Stage 3 Meeting will be held to review the officer's performance and/or attendance during the formal Performance Development Plan period. This meeting will usually be held at the end of the plan period, but it could take place part way through if the officer's line manager/CAU sergeant believes they have breached their plan. This meeting will mirror the first Stage 3 Meeting, except that only in very exceptional circumstances could a further formal Performance Development Plan be set.

OFFICIAL

- The Chair of the Stage 3 Meeting can extend the officer's probationary period, if they consider that this is appropriate.
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Change of Cohort and Extension of Probation

Principles

- The Chief Constable can extend the probationary period for any reason when required, for example due to poor performance, development or attendance, sickness or other absence. There must be a justifiable evidence-based reason(s) for extending the probationary period.
- Consideration must be given to extending an officer's probation period if it is uncertain whether the probationer is likely to become an efficient and well-conducted officer before the end of their current probation period. This uncertainty may be because there have been performance or attendance issues, or because there is insufficient information to assess whether the officer is likely to meet the required standards, perhaps because of a significant abstraction or operational duty restriction.
- The power to extend an officer's probation is delegated as follows:
 - An ACC can decide to extend an officer's probationary period for any reason that they consider is appropriate and necessary;
 - In cases where a student officer is given a new entry cohort, a Learning and Organisational Development (L&OD) officer of chief inspector rank or above can decide to extend an officer's probationary period. As well as determining an officer's new cohort, the L&OD senior officer will also determine if the officer should be given a new probation period end date. If an extension is considered to be necessary, it is expected that the new probation period end date will match that for the cohort the officer has been allocated to. The decision to change a student officer's cohort will be made following consideration of a Change of Circumstance form submitted by a CAU sergeant;
 - If an officer on the PCDA entry route fails one or more of the parts of their End Point Assessment (EPA) or if the officer has extenuating circumstances, which are agreed by Leeds Trinity University, for why they were unable to submit their EPA on time, an L&OD officer of chief inspector rank or above can decide to extend the officer's probationary period for a period of four months to allow them to submit the required outstanding elements of their EPA and for these to be assessed; and
 - If an officer on the DHEP entry route fails their final university diploma submission, an L&OD officer of chief inspector rank or above can decide to extend the officer's probationary period for a period of four months to allow them to submit the required outstanding elements of their diploma and for these to be assessed.

A chief inspector or an officer in a superintending rank can only extend an officer's probation period once. Any further extension requires an ACC decision.

- Where a decision is made to extend an officer's probation, this must be determined before the end of the probationary period. If not, the officer will automatically become a permanent appointee at the end of their probation.
 - If it is recommended that probation be extended for any reason other than due to change of cohort, failure to pass their EPA or failure to pass their final university diploma submission, then the line manager/CAU sergeant or equivalent must provide a report to the ACC and notify the relevant Employee Relations Advisor accordingly. Cases must be referred to the ACC or L&OD senior officer (as appropriate) in good time to allow a decision to be made before the end of the probationary period.
 - A line manager/CAU sergeant's written report to the ACC must include support from a chief inspector or above. The ACC will consider the submission and determine if an extension is to be given.
 - The report to the ACC must:
 - Identify the reason(s) for the request;
 - Detail the length of the extension requested;
 - Provide supporting evidence including the steps taken already to remedy the situation;
 - Assess the likelihood of the student officer meeting the required standard if given additional time; and
 - Include a Performance Development Plan for moving forward (when appropriate).
 - An extension must only be requested when it is considered by the line manager/CAU sergeant, or equivalent, to be essential.
 - For integrity and transparency, a copy of a report or submission requesting that an officer's probation period is extended will be sent to the officer when it is sent to the decision maker.
 - If an officer's probation period end date is changed, the officer will be sent a letter or email detailing their new probation period end date. If appropriate, this written notification will also include details of their new cohort.
 - If an officer with an extended probation period successfully completes all the required elements of their probation before the extended end date, they can be confirmed in role so long as they have completed a probation period of at least two calendar years or the specified shorter period for a rejoiner.
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Responsibilities

- Responsibilities**
- Probationary officers are responsible for complying with this policy and demonstrating the ability to perform their duties to the appropriate standard and that they are likely to become an efficient and well conducted officer.
 - Line managers, CAU sergeants or other persons responsible for the officer's performance must ensure that probationary officers are aware of any performance issues as part of the day-to-day supervisory process.
 - Line managers, CAU sergeants or other officers responsible for the officer's performance must ensure this policy is adhered to when probationary officers are in their district or Learning and Organisational Development (L&OD).
 - Employee Relations are responsible for providing support and advice to the Chair of the meetings regarding process, and offering support and advice to line managers, CAU sergeants or other persons responsible for the officer's performance, regarding any considerations throughout.
 - Probationary officers must disclose any mitigating circumstances or any other documents they wish to submit for consideration by the Formal Meeting Chair, to the CAU sergeant or district, or other officer responsible for the officer's performance at least seven days prior to the formal meeting. Arrangements will then be made for the submission to be made available to the officer chairing the formal meeting.
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Chief Constable's Decision

- Principles**
- The Chief Constable will conduct a paper review of the Stage 3 Chair's recommendation and the evidence submitted at the case review, and will make a decision as to whether the probationary officer should be dismissed. They will be advised by a suitably qualified HR professional (POD grade or higher).
 - The probationary officer and/or their representative will be given an opportunity to make a written submission for consideration by the Chief Constable before a decision is made.
 - In the event of a dismissal, a suitably qualified HR professional (POD grade or higher) will prepare a Regulation 13 notice and arrange for it to be served.
 - If probationary officers are dismissed under Regulation 13, they must be provided with a month's notice or pay in lieu.
 - If probationary officers wish to resign, this can be done either before or after the dismissal notice is served. The resignation will be accepted even if less than a month's notice is given.
 - If a probationary officer resigns prior to the notice of dismissal, normal resignation rules apply.

- If the Chief Constable determines that the officer is not to be dismissed, they will also determine what further action will be taken. This could include consideration of offering a reduction in rank to a direct entry inspector, a direct entry superintendent or a rejoiner who returns at sergeant rank or higher.
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No right of appeal

- Although there is no right of appeal, throughout the process there are robust checks and balances to ensure that probationers, and especially student officers, understand fully what is expected from them.
 - The probationer will be given opportunities to take advice from the Federation and support groups, and to present their views.
 - At the Formal Case Review Meeting, before recommending dismissal, the Chair will need to be satisfied that:
 - All reasonable measures have been taken to determine if the officer is physically or mentally fit to perform the duties of their office or whether they are likely to become an efficient and well-conducted constable, direct entry inspector, direct entry superintendent or rejoiner; and
 - The measures taken are reasonable, appropriate and proportionate.
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Pay Progression

Principles

- Student officers joining on the Initial Police Learning and Development Programme (IPLDP) will be placed at pay point 1 of the police constable scale and will move to pay point 2 12 months after appointment.
 - The initial pay point and incremental progression arrangements are detailed in the Student Police Constables policy.
 - Direct entry inspectors and superintendents commence on the bottom pay point of the scale for their rank and they progress to the second pay point of their scale 12 months after appointment.
 - Incremental progression will be in accordance with Police Regulations.
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Additional Information

Compliance

This policy complies with the following legislation, policy and guidance:

- Police Regulations 2003, Regulation 13
 - Police Conduct Regulations 2020
 - Data Protection Act 2018
 - Attendance Management policy
 - Apprenticeships policy
 - Learning and Development policy
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