



Scottish Police Federation

5 Woodside Place Glasgow G3 7QF

JCC Circular 3 of 2016

Ref: CS/DK/LS

21 January 2016

Attachments: Briefing Paper SC Regs (Prop Amend/s)

Dear Colleague

Briefing Paper - Special Constable Regulations (Proposed Amendments) 200116 - Consultation

Please find attached Briefing Paper for your comments/observations.

Please submit any you have to Lesley.stevenson@spf.org.uk by **Friday 5 February 2016**.

Yours sincerely

Calum Steele
General Secretary

Integrity, Fairness and Respect are the values of Police Scotland. All decisions we make must reflect our values and be able to withstand scrutiny when judged against them. Accordingly our values will be the touchstone in all decisions we reach within this forum.



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| Paper provided for | Scottish Police Consultative Committee |
| Date | 3rd February 2016 |
| Title of Paper | Police Service of Scotland (Special Constables) Regulations 2013 |
| Presented By | PI Laura Mackay |
| Recommendation to Members | For Discussion |

1. PURPOSE

- 1.1 The purpose of this paper is to provide consideration for amendment to the existing Police Service of Scotland (Special Constables) Regulations 2013 and associated determinations.

2. BACKGROUND

- 2.1 The Police Service of Scotland (Special Constables) Regulations 2013 (hereinafter referred to as 'the Regulations') came into effect aligned with the Police and Fire (Scotland) Reform Act 2012.
- 2.2 Practical application of these Regulations has revealed discrepancies which have the potential to affect the reputation of Police Scotland if not addressed.
- 2.3 Where 'regular' Police Officers are subject to both The Police Service of Scotland (Performance) Regulations 2014 and The Police Service of Scotland (Conduct) Regulations 2014, existing regulations for Special Constables do not align themselves to these. Of most concern is the lack of ability to manage performance in relation to Special Constables.

3. FURTHER DETAIL ON THE REPORT TOPIC

3.1 Regulations

3.1.3 Capability and Performance

Amendment

A full section is required in relation to 'capability and performance' to supplement that provided for misconduct.

It is proposed that the current Capability (Attendance and Performance) (Police Officers) SOP and the Police Service of Scotland (Performance) Regulations 2014 should be adopted to include Special Constables:

Unsatisfactory performance is defined as an inability or failure of the officer to perform the duties of their role to a satisfactory standard. Unsatisfactory

performance can also include poor attendance. Unsatisfactory performance can become apparent in a number of different ways. This may include (not an exhaustive list):

- *poor standards of work, e.g. frequent mistakes, not following a job through, unable to cope with instructions given;*
- *inability to cope with a reasonable volume of work to a satisfactory standard;*
- *poor interpersonal skills resulting in poor relationships with colleagues or members of the public;*
- *lack of apparent skill/method of work required;*
- *poor communication skills i.e. written or verbal;*
- *consistently not achieving reasonably agreed and realistic set objectives;*
- *failing to achieve or sustain required qualifications/training courses; or,*
- *inability to attend work to a level that results in a difficulty to effectively perform roles and responsibilities.*

An accompanying streamlined process for dealing with unsatisfactory performance will also be required.

Rationale

Poor performance, followed by a lack of improvement in these areas following identification, support and welfare, may provide grounds for referral to formal processes similar to that outlined within the Police Service of Scotland (Performance) Regulations 2014. In addition, Police Scotland require to have a means to dismiss Special Constables where they have not been deploying on a regular basis without good cause.

Officers who do not deploy on a regular basis cannot be expected to maintain their skill set in terms of basic officer safety techniques thus posing a risk to themselves, their colleagues and the public that they deal with. Where officers have suffered a health/medical issue giving rise to non-attendance, they will be supported and referred to Occupation Health; the amendment to these Regulations will be applied only to those who do not have a good reason for non-deployment.

Other occurrences have included poor communication skills and failing to present an appropriate image of Police Scotland through either representation or physical appearance. To date, there have been Special Constables who have failed to provide this appropriate image, however when 'asked to leave' officers have refused as there are no legal grounds for requiring their resignation.

It is recognised that many acts or omissions may not constitute misconduct, however may require some form of action on behalf of Police Scotland, and at present there are no grounds to effectively 'dismiss' a Special Constable without grounds other than within the Misconduct section.

3.1.4 Restrictions on the Private Life of Special Constables – Regulation 3(1) – Schedule 1

Amendment

This section makes reference to “*a special constable must not wilfully refuse or neglect to discharge any lawful debt*” which is often a reason their application would be rejected to become a ‘regular’ police officer (this would be determined by the Vetting Unit).

It is proposed that a further point should be added either within this section or the dedicated section on Misconduct similar to “*conduct likely to bring discredit on Police Service of Scotland*” which would cover ‘inappropriate associations’.

Rationale

The Force Vetting Unit have raised a concern that where a special constable, who applies to become a regular officer has an ‘inappropriate association’. This may be grounds for refusal for their application to become a regular officer, in such circumstances, the officer’s ability to remain a Special Constable may come into question. The addition of the above section would permit the force to review their ability to remain a Special Constable, and enable the officer to be ‘dismissed’ if the need arose.

4. LEGAL IMPLICATIONS

- 4.1 There are legal implications associated with this paper.
- 4.2 It is recognised that this paper will require to be submitted to the Scottish Police Consultation Committee prior to consideration of proposal to the Scottish Ministers.
- 4.3 It is further recognised that, should the proposed performance section be included, that Special Constables will be entitled to have the right to be accompanied. This will form part of wider discussion with the Scottish Police Federation to fully explore the entitlements of Special Constables to Federation support and representation.

5. REPUTATIONAL IMPLICATIONS

- 5.1 There are reputational implications associated with this paper.
- 5.2 As uniformed and regulated officers, Special Constables are representative of Police Scotland. Members of the public do not distinguish between a Special Constable and ‘regular’ Police Constable. Where ‘regular’ Police Constables are bound by the Police Service of Scotland (Performance) Regulations 2014 and associated Capability (Attendance and Performance) (Police Officers) SOP, there is no such provision for Special Constables. This may pose reputational damage if not amended.

6. CONCLUSION

- 6.1 This paper is provided for the Scottish Police Consultation Committee for consideration and further discussion on this topic.

Inspector Laura Mackay
National Coordinator for Special Constables