



TAYSIDE POLICE

POLICY

REGULATION 13

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REGULATION 13 – POLICE (SCOTLAND) REGULATIONS 2004

1. POLICY

Regulation 13 provides for the discharge of a probationary constable by the Chief Constable. In order to formalise the process in relation to the possible discharge of a probationary constable under Regulation 13 Police (Scotland) Regulations 2004, the following procedures will be adopted.

1.1 CRITERIA FOR DISCHARGE

Regulation 13 provides for the discharge of a probationary constable by the Chief Constable if that constable is considered:

(a) “not fitted, physically or mentally, to perform the duties of office of constable”.

Or

(b) “not likely to become an efficient or well conducted constable”.

It is clear from the wording of the Regulation that the power of the Chief Constable to discharge a probationer is to be exercised only after due consideration and determination of the areas specified above. It is not a discretion that may be exercised arbitrarily and without accountability or without due regard for the rules of natural justice.

The ultimate responsibility for assessing the suitability of a probationary constable who is giving cause for concern rests with the Assistant Chief Constable. A full and detailed account of such an officer’s performance must be established prior to the Assistant Chief Constable contemplating a discharge recommendation. The procedures to be adhered to, in order to achieve this, are described later in this document.

The power to discharge a probationary constable under Regulation 13 is vested solely in the Chief Constable and cannot be delegated. Consequently, supervisors should not attempt to avoid application of Regulation 13 and ensure a probationer is aware of the options. The appropriate procedures must therefore be followed in every case.