

2020 No. 453

POLICE

**The Police Service of Scotland (Miscellaneous Amendments)
Regulations 2020**

Made - - - - *18th December 2020*

Laid before the Scottish Parliament *22nd December 2020*

Coming into force - - *1st March 2021*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 48 and 125(1) of the Police and Fire Reform (Scotland) Act 2012^(a) and all other powers enabling them to do so.

In accordance with section 54(2) of that Act, the Scottish Ministers have consulted and shared a draft of the Regulations with the persons mentioned in section 54(2)(a)(i) to (vi) of that Act and have considered any representations made.

Citation and commencement

1. These Regulations may be cited as the Police Service of Scotland (Miscellaneous Amendments) Regulations 2020 and come into force on 1 March 2021.

Interpretation

2. In these Regulations—

“The Promotion Regulations” means the Police Service of Scotland (Promotion) Regulations 2013^(b),

“Senior Officers’ Conduct Regulations” means the Police Service of Scotland (Senior Officers) (Conduct) Regulations 2013^(c),

“Senior Officers’ Performance Regulations” means the Police Service of Scotland (Senior Officers) (Performance) Regulations 2016^(d).

Amendments to the Promotion Regulations

3. The Promotion Regulations are amended as follows.

4. In regulation 2 (interpretation) after the definition of “constable” insert ““PLDP” has the meaning given by regulation 4A(1);”.

(a) 2012 asp 8.
(b) S.S.I. 2013/39.
(c) S.S.I. 2013/62.
(d) S.S.I. 2016/51.

5. For regulation 3 (qualification for promotion) substitute—

“Qualification for promotion

3.—(1) A constable qualifies for promotion only if the constable has obtained the qualifying diploma or has completed the PLDP.

(2) Paragraph (1) does not apply to a constable promoted temporarily to the rank of sergeant for the purpose of their participation in the PLDP.”

6. In regulation 4 (qualifying diploma) omit paragraph (4).

7. After regulation 4, insert—

“Police Leadership Development Programme

4A.—(1) The PLDP is the Police Leadership Development Programme, completed on or after 1st March 2021.

(2) A constable may participate in the PLDP only if the constable has—

- (a) completed the required period of probation in the rank of constable; and
- (b) successfully applied for a place on the PLDP.

(3) A constable who is to participate in the PLDP is to be promoted temporarily to the rank of sergeant on the first day of the constable participating in the PLDP, for such a period and on such conditions as the chief constable may determine.

(4) For the purpose of paragraph (2)(a)—

- (a) “required period of probation” means the period of probation determined under regulation 8 of the Police Service of Scotland Regulations 2013;
- (b) a constable is taken to have completed the required period of probation if the constable has completed such period of probation, in any police force specified in regulation 8(4) of those Regulations, as is required of constables appointed to the rank of constable in that police force.

(5) The Scottish Ministers must determine—

- (a) the application process and procedures in relation to the PLDP; and
- (b) the content and format of the syllabus upon which the PLDP will be based.

(6) The Scottish Ministers may, in making a determination under paragraph (5), confer such functions on the Authority or the chief constable in relation to that determination as they think fit.

(7) The chief constable may remove a constable from the PLDP if the chief constable considers that the constable is not performing satisfactorily on the PLDP.

(8) Where a constable is removed from the PLDP under paragraph (7), the constable is no longer eligible to participate in the PLDP unless they successfully reapply for a place on the PLDP in accordance with paragraph (2)(b).

Requirement to hold qualification for promotion process

4B. The chief constable must hold either of the qualifying diploma or the PLDP at least once in each calendar year.”

8. In regulation 6 (period of probation for constable promoted to the rank of sergeant) after paragraph (2) insert “(2A) Notwithstanding paragraph (2), any period of temporary promotion by virtue of regulation 4A(3) must be taken into account in calculating the period of probation under paragraph (1), unless the constable was removed from the PLDP by virtue of regulation 4A(7) during that period of temporary promotion.”.

9. In regulation 7 (temporary promotion) in paragraph (1)(b) after “diploma” insert “or completed the PLDP”.

Amendments to the Senior Officers’ Conduct Regulations

10. In regulation 2 (interpretation) of the Senior Officers’ Conduct Regulations—

- (a) after the definition of “proved” insert ““reporting officer” has the meaning given in regulation 2 of the Senior Officers’ Performance Regulations;”, and
- (b) after the definition of “the senior officer” insert “the Senior Officers’ Performance Regulations” means the Police Service of Scotland (Senior Officers) (Performance) Regulations 2016;”.

11.—(1) In the provisions of the Senior Officers’ Conduct Regulations specified in paragraph (2) for “to be dealt with under procedures maintained under regulation 23 of the Police Service of Scotland (Performance) Regulations 2013” substitute “to the senior officer’s reporting officer to be dealt with in accordance with the Senior Officers’ Performance Regulations”.

- (2) (a) Regulation 8(3)(c),
- (b) Regulation 11(1)(c),
- (c) Regulation 15(2)(c),
- (d) Regulation 22(4)(c),
- (e) Regulation 26(8)(e), and
- (f) Regulation 27(2)(b)(iv).

Amendments to the Senior Officers’ Performance Regulations

12. In regulation 17 (arrangement of performance appeal meeting: assistant chief constables) of the Senior Officers’ Performance Regulations, in each of paragraph (8)(a) and (b), for “chief constable” substitute “senior officer”.

HUMZA YOUSAF
A member of the Scottish Government

St Andrew’s House,
Edinburgh
18th December 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police Service of Scotland (Promotion) Regulations 2013 (“the Promotion Regulations”), the Police Service of Scotland (Senior Officers) (Conduct) Regulations 2013 (“the Senior Officers’ Conduct Regulations”) and the Police Service of Scotland (Senior Officers) (Performance) Regulations 2016 (“the Senior Officers’ Performance Regulations”).

Regulations 3 to 9 amend the Promotion Regulations by providing for a new promotion programme, namely the Police Leadership Development Programme (“PLDP”). Regulation 4 inserts Regulation 4A and 4B into the Promotion Regulations, providing a definition for the PLDP and making associated provision. Regulation 5 substitutes regulation 3 of the Promotion Regulations to provide that a constable qualifies for promotion only if the constable has obtained the qualifying diploma or completed the PLDP and provides that constables participating in the PLDP are eligible for temporary promotion to sergeant before having completed the PLDP.

Regulation 6 removes the requirement that the qualifying diploma course is to be held at least once in each calendar year.

Regulation 7 inserts regulation 4A and makes provision in relation to the PLDP, including eligibility to participate in the PLDP and the Scottish Ministers’ functions in determining certain matters (subject to a consultation requirement by virtue of regulation 10 of the Promotion Regulations).

Regulation 8 makes amendments so that for constables participating in the PLDP any period of temporary promotion must be taken into account in calculating the period of probation under regulation 6(1) of the Promotion Regulations.

Regulation 9 makes amendments to extend eligibility to temporary promotion to constables who have completed the PLDP.

Regulations 10 and 11 make consequential amendments to the Senior Officers’ Conduct Regulations as a result of the revocation of regulation 23 of the Police Service of Scotland (Performance) Regulations 2013 by the Police Service of Scotland (Senior Officers) (Performance) Regulations 2016.

Regulation 12 corrects errors in the Senior Officers’ Performance Regulations.

No business or regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.

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