

POLICY NOTE

THE POLICE SERVICE OF SCOTLAND (MISCELLANEOUS AMENDMENTS) REGULATIONS 2020

SSI 2020/453

For constables in the Police Service of Scotland, this instrument introduces the Police Leadership Development Programme, as a qualification for promotion from the rank of constable to the rank of sergeant. It also makes consequential amendments to rectify errors in the named regulations, as highlighted to Scottish Ministers by the Scottish Parliament.

The Police Service of Scotland (Miscellaneous Amendments) Regulations 2020 are made in exercise of the powers conferred under sections 48 and 125(1) of the Police and Fire Reform (Scotland) Act 2012 (“the 2012 Act”) and are subject to negative procedure.

Policy Objectives

1. The Police Service of Scotland (Miscellaneous Amendments) Regulations 2020 amend the Police Service of Scotland (Promotion) Regulations 2013 (“the Promotion Regulations”), the Police Service of Scotland (Senior Officers) (Conduct) Regulations 2013 and the Police Service of Scotland (Senior Officers) (Performance) Regulations 2016.
2. The Police Service of Scotland is modernising the promotion processes for ranks up to and including superintendent, by introducing new Leadership Pathways for each rank. This includes a Leadership Pathway for constables, who wish to be promoted to the rank of sergeant. This particular pathway includes the introduction of the Police Leadership Development Programme (“the PLDP”), as the qualification for promotion from the rank of constable to sergeant. These Regulations introduce the PLDP as a qualification for promotion.
3. The Police Service of Scotland is introducing the PLDP as a vocational qualification with the aim of replacing the current qualification for promotion, the Diploma in Police Service Leadership and Management (“the Diploma”), in due course. The PLDP should bring the following benefits compared to the Diploma: less out of work study time; on-the-job learning that can be immediately put into practice; and a shorter period of study time to gain the qualification.
4. The PLDP will be a Scottish Credit and Qualifications Framework (SCQF) Level 8, the same level as the Diploma, and will take approximately 12 months to complete. The Diploma provides a constable with a ‘qualification for promotion’ but constables currently undergo an 18 month course, before they can then apply for promotion opportunities.
5. Regulations 3 to 9 amend the Promotion Regulations by providing for the new PLDP, with Regulation 4 providing a definition for the PLDP.
6. Regulation 5 substitutes regulation 3 so that a constable can gain a qualification for promotion, by either obtaining the Diploma or the PLDP. It also clarifies that constables undertaking the PLDP can be on temporary promotion to the rank of sergeant, without having obtained a qualification for promotion.

7. Regulation 7 inserts regulation 4A and regulation 4B. Regulation 4A sets out the provisions in relation to the PLDP, including eligibility to participate in the PLDP and the Scottish Ministers' functions in determining certain matters. Regulation 4A(3) allows the temporary promotion of constables to sergeant for the purposes of undertaking the PLDP and specifies the terms of that promotion. This temporary promotion will allow constables to undertake vocational learning at the promoted rank, as they work to gain the PLDP qualification.

8. Regulation 4B sets out that the Chief Constable will hold either of the qualifying diploma or the PLDP at least once in each calendar year. This will provide constables with the assurance that the Police Service of Scotland will have processes in place for constables to gain a qualification for promotion in each calendar year.

9. Regulation 8 makes amendments so that for constables participating in the PLDP, any period of temporary promotion to the rank of sergeant must be taken into account in calculating the period of probation under the regulations.

10. Regulation 9 makes amendments to extend the eligibility to temporary promotion at all ranks up to chief superintendent, to constables who have completed the PLDP.

11. Regulation 10, 11 and 12 make consequential amendments to rectify errors in the named regulations, as highlighted to Scottish Ministers by the Scottish Parliament.

Consultation

12. In accordance with section 54(2) of the 2012 Act, drafts of these instruments were issued for consultation to the range of policing stakeholders listed below, from 26 November 2020 to 10 December 2020.

- Association of Scottish Police Superintendents
- Chief Constable of the Police Service of Scotland
- Scottish Chief Police Officers' Staff Association
- Scottish Police Disability & Carers Association
- Scottish LGBTI Police Association
- Scottish Police Authority
- Scottish Police Federation
- Scottish Police Muslim Association
- Scottish Women's Development Forum
- SEMPER Scotland

13. The Scottish Ministers have taken account of the representations made in preparing these instruments.

Impacts

14. The PLDP will be implemented by the Police Service of Scotland and it has undertaken an Equality and Human Rights Impact Assessment that will continue to monitor the impact of the policy as it is delivered to constables.

15. The Cabinet Secretary for Justice confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Safer Communities Directorate
December 2020