

EXPLANATORY MEMORANDUM TO
THE POLICE (AMENDMENT) REGULATIONS 2016

2016 No. 798

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Home Office and is laid before Parliament.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

- 2.1 The purpose of this instrument is to amend the Police Regulations 2003 (“the 2003 Regulations”) in order to:
- permit individuals to join police forces at the rank of inspector as part of the Direct Entry (Inspector) Programme;
 - correct a minor technical error caused by changes made in S.I. 2015/455 to regulation 46.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 The Committee reported S.I. 2015/455 in its fourth report of 2015/16 on the grounds that it was defectively drafted in one respect because it inserted a sub-paragraph (into regulation 46 of the 2003 Regulations) that was structured in a way that did not appear to fit syntactically with the opening words of the paragraph. The Department acknowledged this error in its memorandum to the Committee dated 28 July 2015, and undertook to remedy it at the next opportunity. This instrument corrects that error.
- 3.2 The free issue procedure has not been applied in this case, despite the fact that a previous minor and technical error is being corrected. This is because the correcting provision forms a small part of a wider instrument making significant other changes to the 2003 Regulations such that the Department considers that the other changes form the main purpose of the instrument. The Department therefore considers that it would be disproportionate in these particular circumstances to apply the free issue procedure. In addition, as both the correcting provision and other provisions relate to police terms and conditions, the Department considers that the target audience for both the correcting provision and other provisions in the instrument are the same.

Other matters of interest to the House of Commons

- 3.3 This entire instrument applies only to England and Wales.
- 3.4 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

- 4.1 The 2003 Regulations make provision about the terms and conditions of service of police officers in England and Wales. Regulation 10 makes provision about the qualifications required for appointment to a police force. Regulation 12 provides for probationary period for police officers. Regulation 13 sets out when a probationer may be discharged. Regulation 46 makes provision for making and consulting on determinations made under the 2003 Regulations.

5. Extent and Territorial Application

- 5.1 This extent of this instrument is England and Wales.
5.2 The territorial application of this instrument is England and Wales.

6. European Convention on Human Rights

- 6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

Direct entry

- 7.1 This instrument amends the 2003 Regulations to implement a new direct entry scheme at the rank of inspector which was recommended in the College of Policing's Review of Police Leadership. The scheme is intended to open up police leadership to a diversity of experience in order to bring about cultural change within policing.
- 7.2 These amendments will ensure that those participating in the schemes will pass the assessment centre approved by the College of Policing to start the scheme and be subject to a probationary period as determined by the Secretary of State. Such probationers will be subject to discharge in the probationary period in the same way as other probationary officers (if he or she is not fitted, physically or mentally, to perform the duties of his office, or that he or she is not likely to become an efficient or well conducted inspector).

Determinations

- 7.3 Amendments to regulation 46 correct a minor technical error in that regulation inserted by SI 2015/455.

Consolidation

- 7.4 These regulations make limited amendments to the 2003 Regulations. This is not regarded as a suitable opportunity to consolidate these and other amendments that have been made to the 2003 Regulations.

8. Consultation outcome

- 8.1 The provisions of these Regulations which amend regulations 3, 10, 12 and 13 have been approved by the College of Policing as required by section 50(2ZC) of the Police Act 1996.

8.2 The provisions of these Regulations which amend regulation 46 have been the subject of consultation, in accordance with Section 63(3) of that Act, with the Police Advisory Board for England and Wales.

9. Guidance

9.1 Given the nature of the amendments made by these instruments, it is not considered necessary to issue any guidance.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is a minimal impact on the public sector. The instruments provide additional entry avenues to candidates wishing to join the police but do not place an obligation of police forces to recruit in this way.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

12.1 The 2003 Regulations make extensive provision about the terms and conditions of service of police officers in England and Wales, and the effective operation of the Regulations is the subject of ongoing monitoring and review by the Home Office.

13. Contact

13.1 The following officials at the Home Office will be able to answer queries regarding the instrument:

In relation to direct entry:

Claire Curneen telephone: 020 7035 3424 / claire.curneen1@homeoffice.gsi.gov.uk

In relation to regulation 46:

Mayuri Pandya telephone: 0207 035 1831 / mayuri.pandya1@homeoffice.gsi.gov.uk.