EXPLANATORY MEMORANDUM TO

THE APPOINTMENT OF CHIEF OFFICERS OF POLICE (OVERSEAS POLICE FORCES) REGULATIONS 2014

2014 No. 2376

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The purpose of this instrument is to permit police and crime commissioners to appoint as a chief constable, or the Home Secretary to recommend for appointment as the Metropolitan Police Commissioner, persons who have served at certain ranks in certain overseas police forces.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 Section 140 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the 2014 Act") amended paragraph 2 of Schedule 8 to, and section 42 of, the Police Reform and Social Responsibility Act 2011 (which provide for the appointment of chief constables and the Metropolitan Police Commissioner). The effect of those amendments is that, in addition to persons who have served as constable in any part of the United Kingdom, a police officer in an approved overseas police force of at least the approved rank is eligible for appointment as chief constable or Commissioner. An approved overseas police force is a police force which is in a country or territory outside the UK designated in regulations by the Secretary of State and is designated in such regulations in relation to that country or territory. The approved rank for an approved overseas police force is the rank designated as the approved rank for that force in the regulations. These regulations designate the relevant countries or territories, police forces and ranks.

4.2 Under the provisions mentioned in the previous paragraph, the College of Policing must recommend to the Secretary of State the matters to be designated and the Secretary of State may only make regulations to give effect to such a recommendation. The College of Policing has recommended the matters to be designated in this instrument and the regulations have been made to give effect to them.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

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

7. Policy background

- ***What is being done and why***

7.1 This instrument permits direct entry at chief constable scheme which was initially recommended in the Independent Review of Police Officer and Staff Remuneration and Conditions: Final Report (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/250812/8325_i.pdf.). This scheme, along with similar schemes aimed at the ranks of inspector and superintendent, is intended to open up police leadership to a diversity of experience in order to bring about cultural change within policing. There was a public consultation on the schemes last year and the College of Policing has responsibility for the design and delivery of them which includes making recommendations on which countries and territories, overseas police forces and ranks should be designated for the purposes of eligibility for appointment as chief constable or Metropolitan Police Commissioner.

7.2 In making its recommendations to the Home Secretary the College took into account the direction set out in the Independent Review of Police Officer and Staff Remuneration and Conditions. With regard to eligible countries, the independent review suggests that these would include those that have a common-law jurisdiction and practice policing by consent. The report specifically mentions Australia, New Zealand, Canada and the United States of America (USA).

7.3 The College also considered established criteria to determine police forces, determine criteria for a 'chief officer equivalent role' and with 'suitable experience' as called for by the independent review and the explanatory notes to the 2014 Act. The criteria were:

1. forces that are not private policing agencies;
2. perform traditional law enforcement functions; and
3. have at least 750 or more sworn personnel – thereby setting a minimum level of equivalent command to be in line with the size of the smallest force in England and Wales, the City of London police.

- ***Consolidation***

7.4 This instrument is the first iteration of these regulations and therefore the issue of consolidation does not arise.

8. Consultation outcome

8.1 On 30 January 2013 the Government launched a consultation to seek views on proposals for direct entry in the police as set out in the Final Report of the Independent Review of Police Officer and Staff Remuneration and Conditions. The Government response was published in October 2013 (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/249824/Direct_entry_consultation_-_governement_response.pdf). The College of Policing also consulted its Board in making its recommendations to the Secretary of State.

9. Guidance

9.1 Given the nature of the amendments made by this instrument, 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 instrument widens the pool of persons from which chief constables or the Metropolitan Police Commissioner can be appointed but do not place an obligation 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 small business.

12. Monitoring & review

12.1 The overseas forces and ranks will be the subject of ongoing attention by the College of Policing and the Home Secretary.

13. Contact

13.1 Claire Curneen at the Home Office Tel: 0207 035 3424 or email: claire.curneen1@homeoffice.gsi.gov.uk for any queries regarding the instrument.