# EXPLANATORY MEMORANDUM TO

# THE POLICE (AMENDMENT) REGULATIONS 2013

## 2013 No. 2793

**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 This instrument amends the Police Regulations 2003 to implement recommendations 3, 16, 17 and 18 of the Independent Review of Police Officer and Staff Remuneration and Conditions: Final Report (Cm 8325-I). It inserts provisions about additional qualifications for appointment to a police force, about the position of officers who leave a police force and later re-join, and about the secondment of police officers.

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

3.1 None.

## 4. Legislative Context

4.1 The Police Regulations 2003 ("the 2003 Regulations") make provision about the terms and conditions of service of police officers in England and Wales. Regulation 10 sets out the qualifications for appointment to a police force. The 2003 Regulations do not currently make any provision in relation to officers who re-join the police, or secondments of serving officer.

## 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 amends the 2003 Regulations to implement recommendations 3, 16, 17 and 18 of the Independent Review of Police Officer and Staff Remuneration and Conditions: Final Report. These recommendations have been agreed by the Police Advisory Board for England and Wales.

7.2 Recommendation 3 is implemented by amending regulation 10 of the 2003 Regulations so as to allow the Secretary of State to determine additional qualifications required for appointment to a police force. The qualifications to be specified in this way are a Level 3 academic qualification or equivalent, a policing qualification, or prior service as a police community support officer or Special Constable, or in some other capacity that the chief officer considers relevant. The amended regulation gives chief officers a choice as to which of the qualifications specified by the Secretary of State should apply to applicants for entry to their force. This gives chief officers the ability to determine the skills and capabilities that are most needed locally, based on their understanding of the local labour market and what is most needed in their force. It offers candidates a number of avenues for entry to the police.

7.3 Recommendation 16 is implemented by a new regulation 13A. This gives the Secretary of State the power to determine the circumstances in which, and terms on which, an officer can undertake a secondment outside the police. The determination will specify that secondments must have the approval of the chief officer, and may not last longer than five years. The objective of a secondment is that an officer will return to a force with new knowledge, skills and experience, to the benefit of both the officer and the force. Beyond a five year period an officer's policing knowledge, skills and experience will degrade and become outdated.

7.4 Recommendations 17 and 18 are implemented by a new regulation 10B. This applies to an officer returning to a force, having previously served in a force in the last five years and who had satisfactorily completed probationary service in the rank of constable. Such officers are subject to a probationary period of six months, and return in the rank they last held. Officers returning after a period of more than five years will only be allowed to return in their former rank if the chief officer considers that there are exceptional circumstances.

7.5 At present, an officer who leaves and wishes to return must go through the full recruitment process and be subject to a full two year probation period. This is unattractive and unnecessarily inflexible both for the force and the individual. As with secondments, there is a limitation on the time an officer can be out of the police and still retain the up-to-date knowledge, skills and experience that would justify suspending the usual probation and promotion requirements.

- ***Consolidation***

7.6 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 A draft of these Regulations has been supplied to the Police Advisory Board for England and Wales and changes have been made to the draft as a result of points raised by the Police Advisory Board.

## 9. Guidance

9.1 The Regulations are intended to be self-explanatory to the lay reader, and no guidance will be issued.

## 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. Regulation 10 provides additional entry avenues to candidates wishing to join the police. Secondments outside the police are limited to five years, and flexibility is improved for returning officers.

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 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 attention by the Home Office.

## 13. Contact

13.1 Al Lama at the Home Office Tel: 020 7035 1798 or email: al.lama@homeoffice.gsi.gov.uk for any queries regarding the instrument.