EXPLANATORY MEMORANDUM TO

THE POLICE (CONDUCT AND VETTING ETC.) (AMENDMENT) REGULATIONS 2026

2026 No. 653

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Declaration

2.1 Sarah Jones MP, Minister of Policing and Crime, at the Home Office confirms that this Explanatory Memorandum meets the required standard.

2.2 Paul Regan, Deputy Director for the Police Integrity Unit, at the Home Office confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Poppy Bowes at the Home Office can be contacted by email at the following address with any queries regarding the instrument: Poppy.Bowes@homeoffice.gov.uk. Alternatively, the department can be contacted by telephone: 07826 254 276.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument strengthens police suspension arrangements and introduces mandatory vetting standards for the police. Specifically, where a police officer is alleged to have breached professional standards, it introduces a requirement for the decision maker to consider suspending the officer in certain circumstances, a presumption that the officer should be suspended if arrested or interviewed under caution for certain criminal offences, and either automatic suspension (the officer is automatically suspended by operation of the law) or mandatory suspension (a decision to suspend the officer must be taken) where the officer is charged with certain criminal offences.

4.2 This instrument also places relevant sections of the College of Policing's (the CoP's) Vetting Code of Practice (the Code)[1] into legislation. Police forces will be required to check criminal history during certain vetting assessments, to fully vet officers transferring between forces, and to report any repeated or prolonged deviation from guidance on vetting. This instrument further contains a presumption that police officers should have their vetting clearance withdrawn, and that candidates for appointment to the police should be subject to an automatic disqualification, where specific circumstances apply.

[1] Vetting Code of Practice – www.college.police.uk/guidance/vetting-code-practice

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales.

5. Policy Context

What is being done and why?

5.1 The Government made a manifesto commitment to strengthen both police suspension and vetting standards, promising that "anyone with a history of violence against women and girls will be barred from the service and we will introduce automatic suspensions if officers are investigated for domestic abuse and sexual offences". To support its efforts tackling violence against women and girls (VAWG) and improve standards in policing, this instrument will amend legislation regulating conduct and vetting for police forces.

5.2 Before this instrument, the Police (Conduct) Regulations 2020 ("the Conduct Regulations") afforded considerable discretion in deciding when to consider suspending or to suspend a police officer where there was an issue with their conduct or vetting. This led to concerns, with several reports highlighting that as many as three quarters of police officers and staff accused of domestic abuse or wider VAWG offences had not been suspended [2]. The changes brought about by this instrument to the Conduct Regulations will support a clear and consistent approach across all police forces, to ensure that police officers are not routinely able to continue to police communities whilst under investigation for criminal offences, and especially not where they are arrested, interviewed under caution or charged with VAWG offences, such as domestic abuse or sexual offences.

5.3 First, this instrument introduces a new requirement for decision makers to actively consider suspension within three working days of a police officer coming under investigation for a criminal offence, where an assessment has been made that the alleged conduct, if proven, would amount to gross misconduct.

5.4 In addition, this instrument introduces a presumption of suspension if a police officer is either arrested or interviewed under caution for any criminal offence which forms part of a list of VAWG offences specified within this instrument – including an attempt or conspiracy to commit a listed offence – or which involves domestic abuse within the meaning of the Domestic Abuse Act 2021. Any decision that there are exceptional circumstances to rebut this presumption must be authorised by the relevant chief officer or, in respect of the Metropolitan Police Service, an officer of at least the rank of assistant commissioner.

5.5 Furthermore, this instrument provides that a police officer is automatically suspended - or, in limited cases where automatic suspension is not possible, liable to mandatory suspension - where they are charged with any criminal offence on the list of VAWG offences specified within this instrument, or an offence of attempt or conspiracy to commit a specified offence, or an offence involving domestic abuse.

5.6 This instrument also clarifies that there is a duty on the decision maker to suspend the officer where the investigation of the officer's case under the Conduct Regulations

[2] Remove the Rot – https://refuge.org.uk/news/rremove-the-rot-refuge-investigation-uncovers-magnitude-of-police-forces-failure-to-tackle-violent-misogyny-by-police-officers-and-staff/

would be prejudiced if the officer were not suspended, or where it is otherwise in the public interest that the officer be suspended. A similar amendment is made to the Police (Vetting) Regulations 2025 (the Vetting Regulations).[3]

5.7 Additional amendments are made to the Vetting Regulations. All core vetting standards have previously been set out in the Code, which was introduced in 2017 and last updated in 2023. Under section 39A of the Police Act 1996 chief officers in England and Wales are required to have due regard to the Code, which sets out the expectations of chief officers in relation to vetting. The Code is supported by the CoP's Authorised Professional Practice (APP), which provides detailed information on national vetting standards that should be applied by police forces in England and Wales, supporting the consistent application of vetting procedures.[4]

5.8 However, the Code and the APP are not legislation, though, as noted above, chief officers must have due regard to the Code. The Government has therefore sought to strengthen the vetting process by placing vetting standards into legislation. This instrument will supersede the Code in part; the Code will remain applicable to police staff, as this instrument only applies to police candidates and serving officers, together with special constables. The APP will also remain in place, assisting force vetting units in carrying out the vetting process for both police officers and staff.

5.9 This instrument sets out the standards of police vetting to which those involved in the vetting process must adhere. It does this by placing relevant sections of the Code into legislation, as well as by implementing new measures.

5.10 This instrument introduces a requirement for police candidates to hold vetting clearance in order to be appointed to a police force; for the vetting authority (that is, the authority responsible for making decisions related to the vetting of officers or police candidates for a particular police force, which is usually the chief officer or, where the individual being vetted is a chief officer or acting chief officer, is the Local Policing Body) to carry out relevant checks to assess a police candidate's suitability to hold vetting clearance; and sets out circumstances where a police candidate is disqualified from appointment to a police force and is unsuitable to hold vetting clearance. These circumstances include where the candidate in question has been convicted of a criminal offence resulting in a custodial sentence, has been subject to the notification requirements for registered sex offenders, or has been cautioned or convicted for an offence which is deemed to involve domestic abuse or forms part of a list of VAWG offences specified within this instrument (including an offence of attempt or conspiracy to commit a specified offence). A police candidate must notify the vetting authority if there is a change in their circumstances which may reasonably affect their suitability to hold vetting clearance. Failure to disclose this information may impact the candidate's vetting clearance.

5.11 Separately, this instrument sets out the requirements on the vetting authority when granting (with or without conditions), declining or revoking vetting clearance, including a duty to provide a police candidate or police officer with detailed reasons for certain decisions. It also provides for a right of appeal where the grounds of appeal are met.

5.12 In respect of serving police officers, this instrument makes provision regarding the review and renewal of vetting clearance, for example by specifying that police

[3] The Police (Vetting) Regulations 2025 – www.legislation.gov.uk/uksi/2025/502/contents/made
[4] Vetting Authorised Professional Practice – https://assets.college.police.uk/s3fs-public/2024-12/Vetting-authorised-professional-practice.pdf

officers may have their vetting clearance reviewed or renewed at any time. Notwithstanding this, renewals must be initiated on or before the date specified by the vetting authority when they granted vetting clearance, unless there is good reason to postpone it. The term 'renewal' is defined as a further grant of vetting clearance rather than an extension of the existing vetting clearance. This instrument does not make provision for circumstances where an officer refuses to complete a vetting application form as part of a renewal, as it is taken that in these circumstances the chief officer may issue a lawful order to complete the application which, in accordance with regulation 20 of the Police Regulations 2003, the officer must carry out.

5.13 There is a requirement under this instrument that the vetting authority must carry out a criminal history check in certain circumstances, such as when there is an indication that a police officer may no longer be suitable to hold vetting clearance and the vetting authority is accordingly required to carry out a vetting severity assessment. There is also a requirement under this instrument that police officers who are transferring from one force to another must generally be subject to a vetting application assessment, which includes a criminal history check, by the vetting authority of the force to which they are seeking to transfer.

5.14 The instrument sets out that, unless exceptional circumstances apply, an officer is unsuitable to hold vetting clearance if they have been convicted of a criminal offence resulting in a custodial sentence, have been subject to the notification requirements for registered sex offenders, or have been cautioned or convicted for an offence which is deemed to involve domestic abuse or forms part of a list of VAWG offences specified within the Regulations (including an offence of attempt or conspiracy to commit a specified offence). Officers are also unsuitable to hold vetting clearance if they have any other caution or conviction, unless there are particular circumstances which justify the officer being regarded as suitable to hold vetting clearance. Unless successfully rebutted, the officer's vetting clearance will be withdrawn or declined.

5.15 Furthermore, the instrument makes an amendment to the service of notification by post set out in regulation 11 of the Vetting Regulations, to correct an error reported by the Joint Committee on Statutory Instruments (JCSI).[5] It also makes an equivalent amendment to the Conduct Regulations, the Police (Complaints and Misconduct) Regulations 2020 ("the Complaints Regulations") and the Police (Performance) Regulations 2020.

5.16 Lastly, the instrument makes consequential amendments to the Complaints Regulations with regards to automatic suspension.

What was the previous policy, how is this different?

5.17 The Conduct Regulations did not previously specify any circumstances in which a decision maker should consider suspending a police officer subject to a conduct concern, and nor did it impose any obligation to suspend the officer in particular circumstances. This led to an inconsistent approach between forces, and concerns being raised about the number of police officers who were not suspended despite being subject to criminal investigations for (in particular) domestic abuse or sexual offences.

5.18 This instrument places obligations on forces to consider suspension within a specified period in cases where the officer is the subject of a criminal investigation and it has been assessed that the conduct, if proved, would amount to gross misconduct. In

[5] JCSI twenty-seventh Report of Session 2024-25 - https://publications.parliament.uk/pa/jt5901/jtselect/jtstatin/137/report.html

addition, police officers are now subject to a presumption of suspension if arrested or interviewed under caution for certain criminal offences, and automatic or mandatory suspension at the point of charge of certain criminal offences.

5.19 In April 2025, the Secretary of State made the Vetting Regulations. The Vetting Regulations focused on the withdrawal of police vetting clearance, introducing a requirement for police officers to hold and maintain vetting clearance and enabling dismissal where they fail to do so. The Vetting Regulations also introduced procedures for assessing cases where an officer's suitability to hold vetting clearance is called into question. This instrument amends the Vetting Regulations by introducing new measures setting out the vetting standards that decision makers must meet.

5.20 Police vetting standards have historically been set out in the Code. This instrument places key elements of those standards into legislation, including requirements for police officers to be subject to a full 're-vet' on transfer between forces, and a rebuttable presumption that individuals with a conviction or caution will not be suitable to hold vetting clearance.

6. Legislative and Legal Context

How has the law changed?

6.1 Amendments have been made to the Police Regulations 2003, Police (Complaints and Misconduct) Regulations 2020, Police (Conduct) Regulations 2020, Police (Performance) Regulations 2020 and Police (Vetting) Regulations 2025 to give effect to these changes.

Why was this approach taken to change the law?

6.2 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 This instrument has not been subject to a public consultation. The changes it makes were Government manifesto commitments and have been developed through engagement with the policing sector and other relevant bodies.

7.2 Changes to police suspension and police vetting standards have involved engagement with the policing sector, as well as engagement with the Centre for Women's Justice, Domestic Abuse Commissioner and Refuge.

7.3 In accordance with section 63(3)(a) of the Police Act 1996, the Secretary of State supplied a draft copy of this instrument to the Police Advisory Board for England and Wales (PABEW). Comments made by members of that Board have been taken into account and drafting changes have been made as a result of those comments.

7.4 Additionally, Home Office officials consulted the Information Commissioner's Office ("ICO") regarding the amendments being made to the Vetting Regulations, as required under Article 36(4) of the General Data Protection Regulation. The ICO confirmed that it did not wish to provide any further input on the amendments.

8. Applicable Guidance

8.1 The Home Office will be updating its statutory guidance (Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and

Integrity in Policing) to reflect the changes to the suspension regime.[6] This guidance is a lengthy document to which amendments are needed to reflect a number of changes being made or that have recently been made in the police integrity space. To ensure clarity for the sector with regards to these changes, and avoid duplicative publications, the Guidance is being published in the coming months, ensuring all updates to the system are included. A draft copy of the updated guidance has been supplied to the PABEW, and comments on the proposed changes will be taken into account before the final updated guidance is issued. The changes to police suspension arrangements are vital in supporting the Government's effort to tackle VAWG, and it is key that this instrument is laid as soon as possible in order to boost public confidence in the police and enact changes to the system which have been in progress since last year.

8.2 The Home Office will be updating its statutory guidance (Home Office Guidance on Withdrawal of Police Vetting Clearance: Statutory Guidance on the police vetting withdrawal and dismissal process) to reflect changes in vetting.[7] This guidance is a lengthy document, the development of which will benefit from meaningful engagement with the policing sector. Given other pressures on the sector, such as the ongoing changes to the conduct regime and wider system reform, we will develop the guidance in slightly slower time over the coming months, ensuring key stakeholders are appropriately engaged and can provide comprehensive input. A copy of the updated guidance will be supplied to PABEW, and feedback and comments on the proposed changes will be taken into account when finalising the guidance. The new measures on police vetting standards are vital in ensuring confidence and consistency in the police vetting system, and so it is vital that this instrument is laid as soon as possible to improve standards and confidence in policing, support the Government's effort to tackle VAWG, and enact changes in the system which have been in progress since last year.

8.3 The statutory guidance documents will be published on gov.uk. In the interim, Home Office officials will continue to engage with key stakeholders to help policing acclimatise to the changes made by this instrument. The Government will also support other bodies, including the Independent Office for Police Conduct and CoP with their comprehensive accompanying guidance documents.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument as we consider there to be no, or no significant, impact on businesses as the instrument maintains the existing regulatory system governing police discipline and vetting. However, an Economic Note has been prepared and published alongside this instrument.

9.2 The overall NPSV is positive in all scenarios because the estimated time-saving benefit is larger than the initial familiarisation costs. It is estimated to be between £1.4 million to £5.1 million, with a central estimate of £2.9 million (PV)

[6] Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and Integrity in Policing – www.gov.uk/government/publications/policing-professional-standards-performance-and-integrity

[7] Withdrawal of police vetting clearance – www.gov.uk/government/publications/withdrawal-of-police-vetting-clearance

9.3 The only monetised cost is that of familiarisation with relevant guidance on the new regulations, incurred in year one only. Total familiarisation costs are estimated to lie in a range of £5,100 to £90,300 with a central estimate of £34,600. Non-monetised costs for suspension arrangements are the additional administrative costs, and for vetting amendments are increased vetting costs.

9.4 The only monetised benefit is from the time savings from increasing the maximum time between reviewing suspension conditions from 4 weeks to 12 weeks. Across the 10-year appraisal period, the benefit of increasing the maximum time between routine reviews is estimated to lie in the range of £1.4 million and £5.2 million, with a central estimate of £2.9 million (PV). Non-monetised benefits include improved public confidence and improved effectiveness and reliability of police.

9.5 The main analytical risk is that administrative costs from additional suspensions and vetting failures could not be quantified, due to high uncertainty over how many officers would be impacted. This means that the additional administrative costs resulting from the legislation may be larger than anticipated, leading to a lower NPSV.

Impact on businesses, charities, and voluntary bodies

9.6 There is no, or no significant, impact on business, charities or voluntary bodies as the instrument relates to the maintenance of the existing regulatory system governing police discipline and vetting.

9.7 The legislation does not impact small or micro businesses.

9.8 There is no significant impact on the public sector because this instrument amends existing regulatory processes limited to policing. Whilst the changes may disqualify more potential policing candidates from joining policing and potentially reduce the recruitment pool, this is outweighed by the risk of potentially unsuitable individuals being allowed to join policing. The number of individuals who are suspended may also increase, but this does not exceed the risk of individuals under investigation or charged for relevant VAWG offences remaining on active duty. The changes may also see a small increase in the number of officer dismissals in the short-term, but it is anticipated that the volume of cases will taper off to a consistent level in the long-term.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this instrument is that the Home Office will keep the operation of this instrument under review, including through the publication of annual statistics on police misconduct. In relation to vetting, the Home Office will keep the operation of this instrument under review including through the publication of annual statistics which will be developed in conjunction with policing.

10.2 The instrument does not include a statutory review clause.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 Regulation 19 of this SI corrects an error in SI 2025/502 regarding the service of notification by post (regulation 11), which was reported by the JCSI in its twenty-seventh report of session 2024/25. It also makes equivalent amendment to the

Conduct Regulations, the Police (Complaints and Misconduct) Regulations 2020 and the Police (Performance) Regulations 2020.

12. European Convention on Human Rights

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

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023.