EXPLANATORY MEMORANDUM TO

THE POLICE (PROMOTION) (AMENDMENT) REGULATIONS 2006

2006 No. 1442

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

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

2. Description

2.1 This Instrument corrects a defect in the Police Promotion (Amendment) Regulations 2005 (S.I.2005/178) identified in the Committee's 12th Report of the 2004-5 session. (See also Policy background below).

2.2 The JCSI complained of a lack of clarity in the meaning of the words "in that year" in new sub-paragraphs (1A) and (3A) of paragraph 5 of Schedule 1 to the Police Promotion Regulations 1996, as inserted by regulation 5(7) and (9) of SI 2005/178. They considered that as a matter of ordinary English the words "in that year" must refer to a previous reference to a year. Yet there was no reference to a year in new sub-paragraphs (1A) and (3A). If they were to mean anything at all, they had to (as the Home Office contended) refer to the year in which the events mentioned in those sub-paragraphs occurred. But their effect would then be to limit the period of eligibility to take Part I of the relevant examination to the remainder of that year.

2.3 The Home Office explained that the policy intention was simply to require constables to have completed the requisite service or achieved substantive promotion to sergeant to be eligible to take the examination for promotion to the next rank. The JCSI felt it was thus apparent that the words "in that year" in sub-paragraph (1A) as well as in sub-paragraph (3A) were unnecessary and confusing and should not have been included. Whilst those words in the context of sub-paragraphs (1) and (3) clearly related back to the year already mentioned, they were redundant in sub-paragraphs (1A) and (3A). The Committee accordingly reported regulation 5 for defective drafting.

2.4 The defect is remedied by the attached Regulations.

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

3.1 This Instrument corrects a defect in the Police Promotion (Amendment) Regulations 2005 (S.I.2005/178) identified in the Committee's 12th Report of the 2004-5 session. (See also Policy background below).

4. Legislative Background

4.1 The instrument is made under Section 50 of the Police Act 1996.

4.2 Last year a Statutory Instrument was made to facilitate the promotion trials explained below under policy background; (Police Promotion (Amendment) Regulations 2005 S.I.2005/178 refers).

4.3 A minor drafting error has been identified in S.I.2005/178 and this Instrument is being made to correct that minor drafting defect.

5. Extent

5.1 This instrument applies to 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

7.1 The current process of qualifying for promotion to the ranks of Sergeant and Inspector, involves a nationally administered two part Objective Structured Performance Related Examination (OSPRE).

7.2 Following a review led by the Police Human Resources Unit into the current OSPRE system in 2004, ministers approved trials of an alternative approach to promotion to the ranks of Sergeant and Inspector.

7.3 The trial ran initially until December 2005 in order to encompass sufficient OSPRE part I and part II exam cycles for both ranks, and to make comparisons between the trial and the existing OSPRE process, with a view to making recommendations to ministers on the best approach.

7.4 The ongoing trial involves a period of Work Based Assessment (WBA), as an alternative to OSPRE part II whilst temporarily promoted to the higher rank, followed by substantive promotion on successful completion of the assessment.

7.5 Last year a Statutory Instrument was made to facilitate the promotion trials explained above (Police Promotion (Amendment) Regulations 2005 S.I.2005/178 refers). A minor drafting error has been identified in S.I.2005/178 as recorded in the Committee's 12th Report of the 2004-5 session. This Instrument is being made to correct that minor drafting defect.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

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Pezo Mwondela can answer any queries regarding the instrument.