POLICY NOTE

THE POLICE SERVICE OF SCOTLAND (PROMOTION) REGULATIONS 2013

SSI 2013/39

1. The above instrument was made in exercise of the powers conferred by sections 48 and 125(1) of the Police and Fire Reform (Scotland) Act 2012 ("the 2012 Act"). The instrument is subject to negative procedure.

Policy Objectives

2. The 2012 Act, which received Royal Assent on 7 August 2012, changes the policing landscape in Scotland. It brings together the current eight forces, the Scottish Police Services Authority and the Scottish Crime and Drug Enforcement Agency into a single Police Service of Scotland from 1 April 2013.

3. The main policy objective of these Regulations is to set out the qualification process and procedure for promotion in the Police Service of Scotland, whilst ensuring that those police constables eligible for promotion before 1 April 2013 are still eligible for promotion after transferring to the new Police Service. They revoke the Police (Promotion) (Scotland) Regulations 1996 ("the 1996 Regulations"), and the enactments that have since amended them.

4. These Regulations set out the qualification process and procedure for promotion from the rank of constable up to chief superintendent. Qualifications for appointment to the senior officer ranks are set out in the Police Service of Scotland Regulations 2013.

5. The Regulations provide that the Police Diploma in Police Service Leadership and Management ("the Diploma") is the required qualification for promotion in the Police Service of Scotland. However, Schedule 2 to the Regulations ensures that constables with a previous qualification for promotion (gained prior to 1 April 2013) are treated as if they had obtained the Diploma so as to qualify for promotion in the Police Service of Scotland.

6. Some of the key policies delivered through the regulations are described below:-

7. Regulation 5 sets out that the qualification for promotion is not an entitlement, but allows an officer to enter a selection process for promotion from one rank to another.

8. Regulation 6 continues the policy from the 1996 Regulations to set a probation period for those promoted to the rank of sergeant. This enables the chief constable to measure the performance of such officers and to demote them, during the probation period, if they are not likely to perform satisfactorily as a sergeant. This provision is deemed necessary as the rank of sergeant is the first rank to test an officer's management skills and abilities.

9. Regulation 7 allows officers to be promoted on a temporary basis if they have obtained (or, by virtue of Schedule 2, are taken to have obtained) the Diploma. This allows officers to gain valuable experience at the higher rank.

10. Regulation 8 sets out that constables selected to participate in an accelerated promotion scheme can be temporarily promoted to the rank of sergeant if they have obtained (or, by virtue of Schedule 2, are taken to have obtained) the Diploma or, alternatively, have passed a previous qualifying examination. This allows the chief constable to give the selected officers the responsibilities of the rank of sergeant, enabling their performance at the higher rank to be measured within the Accelerated Promotion Programme.

11. Regulation 9 recognises the qualifications for promotion in certain other UK police forces. It ensures that officers, who prior to joining the Police Service of Scotland have passed an examination or course which would qualify them for promotion in any of the police forces listed in regulation 9(2), are taken to be eligible for promotion in the Police Service of Scotland.

12. Schedule 2 makes transitional provisions to ensure that officers who have obtained a qualification for promotion before 1 April 2013 are treated as eligible for promotion in the Police Service of Scotland. It also ensures that any period of probation, served before 1 April 2013 in the rank of constable in a Scottish police force, is regarded as probation served in the Police Service of Scotland for the purpose of determining eligibility to take the Diploma course, and that any period of probation served before that date in the rank of sergeant under the regulation 4(1) of the 1996 Regulations is regarded as probation served in that rank in the Police Service of Scotland for the purposes of regulation 6(1) of these Regulations. Schedule 2 further provides that any application made, place obtained and course held in relation to the Diploma provided for under the 1996 Regulations, continues to have effect as if it were made, obtained or held in relation to the Diploma provided for under these Regulations. It also ensures that promotions made in accordance with the 1996 Regulations, before 1 April 2013, continue to have effect after that date.

Consultation

13. To comply with the requirements of section 54(2) of the 2012 Act, the Scottish Ministers have consulted and shared a draft of the Regulations with the persons mentioned in section 54(2)(a)(i) to (vi) of that Act and have considered any representations made.

14. A public consultation took place from 14 December 2012 to 11 January 2013 and key stakeholders have been involved in a ‘reference group’ to discuss any significant policy changes to the regulations.

15. A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website, it includes:

- Association of Chief Police Officers in Scotland (ACPOS)

- Association of Scottish Police Superintendents (ASPS)
- British Transport Police
- Her Majesty's Inspector of Constabulary for Scotland (HMICS)
- Police Complaints Commissioner for Scotland (PCCS)
- Police Negotiating Board
- Police Service of Scotland
- Scottish Chief Police Officers' Staff Association (SCPOSA)
- Scottish Police Authorities Conveners Forum (SPACF)
- Scottish Police Authority (SPA)
- Scottish Police Federation
- Scottish Women's Development Forum

Impact Assessment

16. A Business Regulatory Impact Assessment (BRIA) was carried out for the Police and Fire Reform (Scotland) Bill, which became the Act. No BRIA is therefore required for these regulations. An Equality Impact Assessment was carried out for the suite of workforce regulations.

Scottish Government
Safer Communities Directorate
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