

EXPLANATORY MEMORANDUM TO

The Police Service of Northern Ireland (Promotion) Regulations 2008

2008 No. 477

1. 1.1 This explanatory memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of Her Majesty.

1.2 It has been prepared by the Northern Ireland Office to assist the reader in understanding this statutory rule (SR). It does not form part of the SR.

2. Purpose of the instrument

2.1 This instrument will revoke and replace the Royal Ulster Constabulary (Promotion) Regulations 1995 and will give the Police Service of Northern Ireland promotion procedures better suited to their needs today and remove obsolete references and practices.

2.2 The provisions introduced by this instrument reflect recent developments in promotion practices elsewhere in the UK, and the key recommendations made by HMIC in their 2005 review of promotional career options within the PSNI

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

3.1 None

4. Legislative Context

4.1 These regulations are made by the Secretary of State for Northern Ireland to provide for promotion in the PSNI.

4.2 Subject to annulment in either House, this instrument will come into force on 31 December 2008.

5. Territorial Extent and Application

5.1 This instrument applies to Northern Ireland.

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 Under Section 25 of the Police (Northern Ireland) Act 1998, the Secretary of State may make regulations as to the government, administration and terms and conditions of the Police Service of Northern Ireland. Section 25 (2) (b) of the Act allows regulations to be made which make provision with respect to the qualifications for promotion in the PSNI.

7.2 The current promotion regulations used by the PSNI are the Royal Ulster Constabulary (Promotion) Regulations 1995, which are out of date in a number of respects and are being revoked and replaced. The desired changes to promotion processes cannot be introduced until the legislative basis has been amended.

7.3 Following a detailed review of current policies and processes, as recommended in the HMIC review of promotional career opportunities within the PSNI, the PSNI has been assessing their procedures for promotion to devise appropriate arrangements for promotions to sergeant and inspector which meet current needs and implement relevant developments elsewhere in UK policing. A key change is that there will no longer be annual qualifying examinations for promotion to sergeant and inspector. Instead, each selection process for promotion to those ranks must include a selection examination. Examinations will not be held annually, but when requested by the Chief Constable. From 1 January 2009, a promotion process to those ranks will be called by the Chief Constable only when there is a need for officers at those ranks.

7.4 This instrument sets out mandatory minimum requirements for promotion to sergeant and inspector in the Police Service of Northern Ireland, including the qualifications required to be eligible for promotion (including from GB and Isle of Man police forces), that promotion shall be by selection which will include a selection examination, and the introduction of a new probationary period for newly-promoted inspectors.

7.5 This instrument also sets out mandatory requirements relating to probation, including that officers promoted to the ranks of sergeant and inspector must serve a probationary period of at least one year.

7.6 Regulation 3 and the Schedule, provides important transitional provisions for officers currently undertaking the promotion process as set out in the 1995 regulations. Regulation 3 allows officers who have passed, or will pass, the qualifying examination for promotion to sergeant or inspector under the 1995 Regulations, until 31 December 2010 to be appointed to that rank without undertaking a selection examination. The Schedule provides that officers passing Part I of the qualifying examination may take Part II of the next selection examination without having to pass a separate Part I.

7.7 This instrument provides powers for the Chief Constable to promote an officer temporarily, apart from deputy chief constable to chief constable.

7.8 This instrument also provides separate arrangements for promotion for officers who are participating in the High Potential Development Scheme.

- ***Consolidation***

7.9 No consolidation is required

8. Consultation outcome

8.1 In preparing their draft Service Procedure to implement the proposed revised processes, the Police Service of Northern Ireland consulted with a range of internal parties, including Human Resources, occupational psychologists, employment lawyer, human rights lawyer, and the Police Federation for Northern Ireland and the Superintendents' Association for Northern Ireland. The consultation included detailed discussions at the PSNI working party for Appointments, Promotions and Transfers which also includes representation from Her Majesty's Inspectorate of Constabulary and the National Police Improvement Agency.

8.2 As required by Section 25 (8) of the Police (Northern Ireland) Act 1998 the Secretary of State for Northern Ireland sought views on the draft regulations from the Northern Ireland Policing Board and the Police Association for Northern Ireland, in addition to the Chief Constable, before making these regulations.

8.3 The Board sought and received clarification of any specific role for the Board as a result of these regulations. All parties accept the proposed changes.

9. Guidance

9.1 Nothing further will be provided by the Secretary of State. The PSNI will prepare a policy statement for implementation of these regulations in the PSNI.

10. Impact

10.1 An Impact Assessment has not been prepared for this instrument as no impact on the private or voluntary sector is foreseen.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The Deputy Director of the Police Service of Northern Ireland's Human Resources Department will review the policy document within 12 months of publication. Interim reviews may also be prompted by feedback, challenge or change in legislation. Regulations will be reviewed in line with any comments received from the Police Service of Northern Ireland and developments in policing promotion policies across the United Kingdom.

13. Contact

For further information on these regulations please contact:

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