

EXECUTIVE NOTE

The Police (Minimum Age for Appointment) (Scotland) Regulations 2006 SSI/2006/552

The above instrument is to be made in exercise of the powers conferred by sections 26 and 27 of the Police (Scotland) Act 1967. The instrument is subject to the negative resolution procedure.

Policy Objectives

The purpose of the instrument is to amend the Police (Scotland) Regulations 2004 (SSI 2004/257) and the Police Cadets (Scotland) Regulations 1968 (SI 1968/208).

The amendments cover two interlinked parts of the specified regulations. Changes are being made in light of the Employment Equality (Age) Regulations 2006 that came into force on 1 October 2006, in relation to age discrimination. The Regulations were laid before the UK Parliament in accordance with Paragraph 2 of Schedule 2 of the European Communities Act 1972. Broadly speaking, the Employment Equality Regulations make it unlawful to discriminate on grounds of age in employment unless it can be shown to be a proportionate means of achieving a legitimate aim.

In consequence of the new age discrimination regulations implementing the EU obligations we reviewed the regulations, for the police service, that contain age criteria. The Police (Scotland) Regulations 2004 specify a minimum age of appointment of 18 years and 6 months. In line with this provision, the Police Cadets (Scotland) Regulations 1968 state that the Chief Constable must be satisfied that the prospective Cadet is likely, on attaining the age of 18 years 6 months, to be able to satisfy the qualifications for appointment to a police force in the rank of constable.

We have considered the present minimum age for appointment for Police Officers against the background of the EU directive and have concluded that a minimum recruitment age of 18 years and 6 months could be thought to be potentially discriminatory. However, there are several objectively justifiable reasons to maintain a minimum age of appointment for police officers and for this to be set at 18 years.

Police Officers regularly work in exceptionally difficult and stressful environments. Chief Officers have a duty of care to their staff and need to ensure that young people below the age of 18 are not exposed to situations which may be beyond their physical or psychological capacity. Young people should not be involved in work where there is a risk of danger which, it may be reasonably assumed, cannot be recognised or avoided by them due to the insufficient attention to safety or lack of experience. Young people also need to be protected from risk to their health and safety as a consequence of their lack of experience, or absence of awareness of existing or potential risks, or the fact that they have not fully matured.

In carrying out their functions and exercising authority, Police Officers must also maintain the confidence of the public. Any perception that Police Officers lack authority, or that there are situations in which Police Officers are unable to recognise potential risks, could have serious consequences for public safety and could damage public confidence.

Consultation

The draft regulations were published for public consultation through the Scottish Executive consultation web site and were issued to members of the Police Advisory Board for Scotland. Respondents were all in agreement with the amendments and the Scottish Police Forces were strongly in favour of the changes. The forces did point out that some internal recruitment changes would be required to take account of the new recruitment ages but that they did not foresee these causing any major problems.

Financial effects

The instrument has no financial effects on the Scottish Executive's program expenditure.

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