

Legislative Supplement No. 32)

LEGAL NOTICE NO. 88

THE NATIONAL POLICE SERVICE COMMISSION ACT

(No. 30 of 2011)

IN EXERCISE of the powers conferred by section 28 of the National Police Service Commission Act, the National Police Service Commission makes the following Regulations:—

**THE NATIONAL POLICE SERVICE COMMISSION
(PROMOTIONS) REGULATIONS, 2015**

PART I—PRELIMINARY

1. These Regulations may be cited as the National Police Service Commission (Promotions) Regulations, 2015.

Citation.

2. In these Regulations, unless the context otherwise requires—

Interpretation.

“acting capacity” means temporary conferment upon a member of the Service, the power to perform duties of an office other than the office the member is substantively appointed to hold, while the member continues to hold the substantive appointment;

“affirmative action” has the same meaning assigned to it under Article 260 of the Constitution and includes any measure designed to overcome or ameliorate an inequity or the systemic denial or infringement of a right or fundamental freedom;

“merit” with reference to a person who is a candidate for a position within the National Police Service means that the person—

- (a) has abilities, aptitude, skills, knowledge, experience and personal qualities relevant to the carrying out of the duties in question;
- (b) in the case of promotions, that the officer, has performed satisfactorily in the previous post;
- (c) has the required educational qualifications;
- (d) has potential for further development;
- (e) has integrity in accordance with Chapter Six of the Constitution; and
- (f) meets the criteria as may be set out in the announcement or advertisement regarding the position in question;

“officer” has the same meaning as assigned to it under section 2 of the National Police Service Act, 2011;

“review” means an assessment of any matter relating to promotion, for purposes of establishing whether a promotion has been conducted in accordance with these Regulations.

3. (1) The Commission shall determine all promotions within the National Police Service in the manner provided for under these Regulations.

Guiding principles.

(2) All promotions in the National Police Service shall be based on merit.

(3) Subject to compliance with the prescribed procedures for appointment, the Commission or other appointing authority shall not be required to consider more than one person in order for an appointment to be deemed to have been made on the basis of merit.

(4) Subject to established policies on affirmative action, all officers of the National Police Service shall be accorded equal opportunities for promotion.

4. (1) Promotion of an officer of the rank of or above the rank of a Superintendent shall be carried out directly by the Commission and shall not be delegated to the Inspector-General.

Delegation to the Inspector-General.

(2) Promotion of an officer below the rank of a Superintendent, may be delegated to the Inspector-General in accordance with section 10 (2) of the National Police Service Commission Act.

No.30 of 2011.

(3) A delegation to the Inspector-General under paragraph (2) shall—

- (a) be in writing;
- (b) be subject to the conditions as may, from time to time, be imposed by the Commission; and
- (c) not divest the Commission of the responsibility concerning the exercise of its powers or the performance of the duty delegated.

(4) Where promotions are delegated to the Inspector-General, the—

- (a) promotions may be commenced after a written notification of the commencement of the process to the Commission;
- (b) Inspector-General shall be held accountable for the process to the Commission and shall be bound by the policies, Guidelines, Regulations or Directives formulated or prescribed by the Commission;
- (c) Inspector-General shall within thirty days of the promotion, report to the Commission in writing concerning any promotion undertaken pursuant to the delegated authority; and
- (d) Commission may review or revoke the promotions, where the Commission finds any failure in the adherence to the Guidelines or Regulations on promotions.

5. The basis of all promotions shall be in accordance with the standards relating to the job descriptions and specifications for all civilian and uniformed police positions as approved by the Commission.

Adherence to standards on promotions.

6. It shall be a disciplinary offence for an officer to solicit, offer money or other reward in order to get or give a promotion in the National Police Service.

Offence on soliciting for promotions.

7. (1) Promotions shall be determined—

Determination of promotions.

(a) by the existence of an appropriate vacancy;

(b) on an officer satisfying the criteria for promotion; or

(c) on an officer successfully undergoing a promotional course or training.

(2) In determining promotions, an officer's disciplinary record shall be taken into consideration.

(3) An officer who is found guilty of a disciplinary offence may not be considered for promotion until after the lapse of six months from the date of the disciplinary offence.

8. (1) The Commission or, as the case may be, the Inspector-General, shall in so far as succession management is concerned, promote an officer in anticipation of the concerned position falling vacant and not after the vacancy has already occurred.

Succession Management.

(2) Where a police officer is promoted, the officer shall within thirty days from the date of the promotion, be released from the officer's previous rank and station where applicable to take up the promotion.

(3) The Commission may determine, through the Scheme of Service for members of the National Police Service, the term which an officer may hold a certain rank.

9. (1) In order to assess whether an officer qualifies for a promotion there shall be regular, mandatory performance appraisals in order to establish a reliable track record of an individual member of the National Police Service.

Performance Management

(2) Performance management consists of such steps as the Commission may determine and publish so that this is brought to the attention of all officers.

10. (1) The Inspector-General shall through the Service Standing Orders establish boards to be known as Service Promotion Boards to advise the Commission on issues relating to promotions.

Promotion Boards.

(2) The Service Promotion Boards specified under paragraph (1) shall comprise a member of the human resources department.

(3) The Commission shall issue guidelines on the procedure of the promotional boards.

11. (1) The Commission or the Inspector-General may advertise certain vacancies as determined by the Commission that may result to promotion of officers within the Service in line with these regulations.

Applying for a position that entails a promotion.

(2) A member of the Service may apply for a position in the Service that entails a promotion from his or her current position.

(3) The Commission shall keep a record of every proceeding regarding the promotion of an officer.

12. (1) The Commission may establish other human resources development mechanisms and processes to be known as horizontal career development.

Alternative avenues
for career
development.

(2) Horizontal career development may include a non-promotion reward scheme, where a member of the service is offered higher financial incentives and other career development opportunities and rewards irrespective of whether the member is promoted or not.

13. (1) Promotion shall commence on a written confirmation by the Commission, however the officer may take an office or position in an acting capacity until he or she is confirmed into the rank.

Actual promotion.

(2) The fact of undergoing a promotional training does not, in itself, automatically entitle a person to a promotion but such training shall be considered alongside other requirements for the position in which promotion is desired.

14. (1) A member of the Service may appeal to the Commission against a promotion, delay or failure to promote, or demotion of an officer, to the Commission.

Appeals.

(2) An appeal shall be in writing and shall be made within thirty days, of the decision appealed against.

(3) The Commission may accept an appeal out of time when there is good reason to do so or where compelling warrant it.

(4) The Commission may deal with an appeal by way of written submission by the member or through oral hearing of the parties.

(5) The Commission shall establish a panel to hear a case, the composition of which shall depend on the issue being raised on appeal and the rank of the person involved.

(6) The appeal panel shall consist of—

(a) a Commissioner to chair the panel;

(b) an officer from the same Service as the officer appealing, designated by the Inspector-General in consultation with the respective Deputy Inspector-General or Director of the Directorate of Criminal Investigations;

(c) a human resource officer from the Service of the concerned officer; and

(d) any other officer who possesses the knowledge and skills that are found necessary for the functions of the panel.

(7) The panel shall consider the appeal within twenty one days and make recommendations to the Commission for the Commission's consideration and final decision.

(8) The decision and reasons for the decision shall be submitted to the officer by the Commission, through the Inspector-General within fourteen days of the receipt of the panel's recommendations.

Made on the 7th May, 2015.

JOHNSTON KAVULUDI,
Chairperson,
National Police Service Commission.