


**EXPLANATORY MEMORANDUM TO THE NATIONAL POLICE SERVICE  
(RECRUITMENT AND APPOINTMENT) REGULATIONS, 2015**

<b>PART I</b>	
Name of the Statutory Instrument	National Police Service Commission (Recruitment and Appointment) Regulations, 2015
Name of the Parent Act	National Police Service Commission Act, 2011 (NPSC Act)
Enacted Pursuant to	Section 28 of the NPSC Act
Name of the Ministry/Department	National Police Service Commission
Gazetted on	27 <sup>th</sup> February 2015
Tabled on	6 <sup>th</sup> March 2015
<b>PART II</b>	
1. Purpose of the Statutory Instrument	To provide for the principles, criteria and procedure of recruitment and appointment into the National Police Service
2. Legislative Context	<p>2.1 The Constitution of 2010 established the National Police Service Commission with the mandate to recruit and appoint persons to hold or act in offices in the Service, among other functions. The Constitution also established the National Police Service, to comprise both the Kenya Police Service and the Administration Police Service</p> <p>2.2 The promulgation of the new Constitution repealed the Police Act and Administration Police Act which previously provided for the procedures of the recruitment of police into the two Services.</p> <p>2.3 The Kenya Police Force Standing Orders provided for the criteria for recruitment into the Kenya Police.</p> <p>2.4 The NPSC Act provides that the NPSC may make regulations for better carrying out of the provisions of the Act and in particular to provide for (at section 28 a. and f.) appointments, promotions and recruitment.</p> <p>2.5 The criteria and procedure for recruitment and appointments into the National Police Service therefore needs to be laid down in law to provide transparent and objective processes.</p>

<p>3. Policy Background</p>	<p>3.1. What is being done and why</p> <p>Following the political violence that engulfed Kenya after the disputed December 2007 General Election, international mediation and the disputing parties identified agenda items to resolve the long-standing issues that had caused the crisis.</p> <p>Agenda item 4 comprised the need to undertake constitutional, legal and institutional reforms. The Police were identified as an institution in need of reforms.</p> <p>To further capture the extent of reforms needed, the Government appointed the National Taskforce on Police Reforms, chaired by Mr. Justice (Rtd.) Philip Ransley.</p> <p>Regarding Recruitment into the Police Service, the Taskforce identified the following major issues to be addressed on police reforms which started on the Recruitment and Appointment of officers into the Service:</p> <ul style="list-style-type: none"> <li>▶ Academic qualifications: needed to be pegged at C plain to professionalize the Service</li> <li>▶ Physical attributes: height and weight specifications needed to be abolished, due to the abuse occasioned by non-uniform criteria.</li> <li>▶ Facilities: were not up to standard for recruits and modern training</li> <li>▶ Process: the one-day event of recruitment was an avenue for corruption and abuse. Hence recommended a three-stage procedure.</li> <li>▶ Benchmarking: the need to benchmark with the recruitment processes in Botswana, UK and Sweden</li> </ul>						
	<p>3.2 Consolidation</p> <p>In line with its mandate the NPSC has looked at the policy proposals in the recommendations of the Ransley report and drafted the regulations taking the recommendations into consideration.</p> <table border="1" data-bbox="555 1630 1501 1868"> <thead> <tr> <th data-bbox="555 1630 1034 1664">RANSLEY RECOMMENDATIONS</th> <th data-bbox="1034 1630 1501 1664">REGULATIONS</th> </tr> </thead> <tbody> <tr> <td data-bbox="555 1664 1034 1765">Academic qualifications: need to professionalize the Service</td> <td data-bbox="1034 1664 1501 1765">Possess a minimum grade as determined by the NPSC from time to time</td> </tr> <tr> <td data-bbox="555 1765 1034 1868">Physical attributes: height and weight specifications</td> <td data-bbox="1034 1765 1501 1868">Removed the height and weight requirements; but physical fitness is checked at second phase.</td> </tr> </tbody> </table>	RANSLEY RECOMMENDATIONS	REGULATIONS	Academic qualifications: need to professionalize the Service	Possess a minimum grade as determined by the NPSC from time to time	Physical attributes: height and weight specifications	Removed the height and weight requirements; but physical fitness is checked at second phase.
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	<p>Benchmarking :</p> <p>Proposals have been made to adopt the processes in Botswana, UK and Sweden</p>	<p>The regulations have adopted most attributes of the processes in Botswana, i.e. 3 month process (regulation 18)</p>				
	<p>Process: the one day process was prone to abuse, corruption, nepotism etc</p>	<p>The recruitment process shall have the following phases:</p> <ul style="list-style-type: none"> <li>- The application and short-listing phase</li> <li>- The assessment of physical fitness, aptitude, medical examination and verification of documents phase</li> <li>- The training phase</li> <li>- The appointment stage</li> </ul>				
<p>4. Consultation Outcome</p>	<p>4.1 Implementation of the recommendations of the Ransley report was initiated through the Police Reforms Implementation Committee (PRIC) chaired by Mr. Titus Naikuni. The PRIC developed guidelines to guide the recruitment of police in 2011 and 2012.</p> <p>4.2 The Commission developed these regulations through a Regulations Committee that comprised of staff of the NPSC and officers of the NPS chaired by a Commissioner of the NPSC.</p> <p>4.3 The Commission conducted recruitment of police officers in July 2014 using the revised guidelines for recruitment, which were a revised version of the PRIC guidelines. The recruitment exercise revealed gaps which informed the need to further revise the draft regulations.</p> <p>4.4 The Regulations are also drawn from the Guidelines developed by PRIC.</p> <p>4.5 The Commission has held 4 consultations on these Regulations so far:</p>					
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		<p>The members of the Service provided input regarding the need to keep the qualifications for recruitment under the Commission's determination from time to time; to allow for the setting of various grades depending on the persons being targeted to join the Service at a particular recruitment</p>
	<p>ii) With civil society stakeholders</p>	<p>The members of the civil society expressed their views regarding the need to have a transparent recruitment process where members of the public would know specifically what is entailed in the exercise. This has been incorporated through the regulations.</p> <p>Stakeholders expressed congratulations to the NPSC for developing comprehensive regulations to guide the recruitment process.</p>
<p>5. Guidance</p>	<p>5.1 The NPSC is guided by requirements of Article 10, 232 and 246 of the Constitution and by section 10 of the NPSC Act.</p> <p>5.2 The Regulations provide the procedure for recruitment and appointment into the National Police Service, taking into account the need to mainstream gender, regional and ethnic balance into the National Police Service</p> <p>5.3 The Commission is also guided by Chapter 6 of the Constitution on the need to entrench integrity in processes such as the recruitment process, which will in turn enhance professionalism and anti-corruption in the Service.</p>	
<p>6. Impact</p>	<p>6.1 Impact on Fundamental Rights and freedoms</p> <p>The Recruitment and Appointment regulations provide information to members of the public and any person willing to join the police service, fulfilling the Right to Information. (Article 35)</p> <p>The regulations impact on the right to equality and freedom from discrimination in that they provide equal opportunity to Kenyans to join the Service upon meeting the established criteria. (Article 27)</p>	

	<p>The recruitment of police constables will target the youth and give consideration to minorities and marginalized groups who are a special group identified in the Bill of rights, part 3 on special application of rights. (Article 55 and 56)</p> <p>The regulations will also impact on national cohesion and integration in Kenya through ensuring recruitment procedures result in equal opportunities for Kenyans across the country.</p> <p><b>6.2 Impact on the Private Sector</b></p> <p>The end result of the regulations is an improved National Police Service, which will lead to improved security and a safe environment for investors.</p> <p>This will lead to more investment, more employment opportunities and hence a reduction in crime rates.</p> <p><b>6.3 Impact on the Public Sector</b></p> <p>The recruitment regulations will have financial and human resource implications on public funds. The process of short-listing and the actual recruitment will require the remuneration of personnel to conduct the same.</p> <p>There will be need to establish and adopt quotas for recruitment to guide the process to ensure the diversity of the Kenyan people is reflected in the Service.</p> <p>Recruitment of police officers will result in provision of gainful employment to Kenyans.</p> <p>Recruitment will provide for an increase in numbers of officers in the Service therefore providing security to the public and further safeguard democratic gains including providing a safe environment during elections and other processes.</p> <p><b>6.4</b> This instrument provides administrative guidelines on the recruitment process.</p>
<p><b>7. Monitoring and Review</b></p>	<p>The Commission will be responsible for the entire recruitment process, including when the recruitment is delegated to the Inspector General.</p> <p>The Recruitment and appointment regulations provide for an audit of the recruitment process, and the development of a recruitment report. Because the second stage of the recruitment is carried out by recruitment panels, the panels are expected to make key returns to the Commission for purposes of an audit of the process.</p>

8. Contact

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