

Police and Crime Panels – Scrutiny of Chief Constable Appointments

This guidance note explains the process for the police and crime panel's (PCP) scrutiny of the police and crime commissioner's (PCC) proposed chief constable appointment; and should be read alongside:

- Schedule 8 of the Police Reform and Social Responsibility Act 2011 ("the Act")
- Part 3 of the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012 ("the Regulations")

A separate guidance note setting out the precept setting process has been published alongside this guidance note.

This guidance does not cover the PCC's appointment process for chief constables but will focus on the role of the PCP in scrutinising the appointment.

Background

Section 38 of the Act provides that the police and crime commissioner is responsible for appointing the chief constable for their police force area.

Schedule 8 of the Act sets out the confirmation process which must be completed before the chief constable can be appointed. The Regulations explain the process to be followed if the police and crime panel (PCP) exercises its power to veto the proposed appointment.

Schedule 8 requires:

- the PCC to notify the PCP of the proposed chief constable appointment;
- the PCC to provide the PCP with specific information in relation to the individual and the appointment;
- the PCP to review the proposed appointment within three weeks
- the PCP to hold a public confirmation hearing to question the candidate;
- the PCP to write a report to the PCC on the proposed appointment, this must include a recommendation as to whether the individual should be appointed and may include exercising the power of veto;
- a decision to veto to be agreed by two-thirds of the PCP members; and
- the PCP's report to be published.

Following a veto **the Regulations** require:

- the PCC to propose another individual for appointment as chief constable;
- the PCC to provide the PCP with specific information in relation to the individual and the appointment;
- the PCP to review the proposed appointment within three weeks
- the PCP to hold a public confirmation hearing to question the candidate;
- the PCP to write a report to the PCC on the proposed appointment, this must include a recommendation as to whether the individual should be appointed; and
- the PCP's report to be published.

PCC to propose a candidate to the PCP

The Act and the Regulations require that when notifying the PCP of a candidate for appointment as chief constable, a PCC must provide the PCP with the following information:

- the name of the proposed candidate;
- the criteria that were used to assess the suitability of the candidate;
- how the candidate has satisfied those criteria; and
- the terms and conditions on which the candidate is to be appointed.

PCP to consider the proposed appointment

The PCP must, within three weeks of receiving a notification, review the proposed appointment. This must include holding a public confirmation hearing and making a report to the PCC on the proposed appointment. The process is the same for an initial candidate and any reserve candidates following a veto, however the PCP's power of veto only applies to the first candidate.

Confirmation hearings

Before making a report to the PCC, the PCP must hold a confirmation hearing.

For the purposes of the Act and the Regulations, a 'confirmation hearing' is a meeting of the PCP, held in public, where the proposed candidate is requested to appear to answer questions from the PCP.

The candidate may appear at the meeting in person or by any means that would enable them to participate (they must be able to hear and be heard) in the proceedings as they happen, e.g. video conference or teleconference.

PCP report to the PCC

The PCP must make a report to the PCC regarding the proposed appointment; this must include a recommendation as to whether the candidate should be appointed, and be completed within three weeks of receiving notification from the PCC.

For the **first candidate** only, the PCP may veto the proposed appointment. Such a veto must be agreed by two-thirds of PCP members (the full membership rather than those present). Where a veto occurs, the report to the PCC must include a statement to that effect.

The report made by the PCP must be published; it is for the PCP to decide the manner in which this is done.

PCC to consider the PCCs report

Where the PCP does not veto the proposed appointment the PCC may accept or reject the PCP's recommendation as to whether the individual should be appointed; in either case the PCC must notify the PCP of their decision.

If the PCP has vetoed the proposed appointment (only to be used for the first candidate), the PCC must not appoint the individual as chief constable. The PCC must then propose another candidate for appointment as chief constable; the PCP must follow the same scrutiny process for this subsequent candidate but will not have the power to veto the appointment.

Process for PCP scrutiny of chief constable appointments



