

SCHEDULES

SCHEDULE 8

APPOINTMENT, SUSPENSION AND REMOVAL OF SENIOR POLICE OFFICERS

PART 1

APPOINTMENT OF CHIEF CONSTABLES

Introduction

- 1 A police and crime commissioner must comply with this Part of this Schedule in appointing a chief constable under section 38.

No appointment until end of confirmation process

- 2 (1) A police and crime commissioner must not appoint a person to be chief constable unless—
- (a) that person is, or has been, a constable in any part of the United Kingdom, and
 - (b) the end of the confirmation process has been reached.
- (2) The end of the confirmation process is reached—
- (a) in a case where paragraph 7 applies, when the first of the events mentioned in sub-paragraphs (3) and (4) occurs; or
 - (b) in a case where paragraph 8 applies, when the first of the events mentioned in sub-paragraphs (3) and (5) occurs.
- (3) The first event mentioned in sub-paragraphs (2)(a) and (2)(b) is the period of three weeks mentioned in paragraph 4(6) ending without the relevant police and crime panel having given the police and crime commissioner any report on the proposed appointment.
- (4) The second event mentioned in sub-paragraph (2)(a) is the police and crime commissioner notifying the panel under paragraph 7(3) of the decision whether or not to accept the panel's recommendation in relation to the appointment.
- (5) The second event mentioned in sub-paragraph (2)(b) is the end of the confirmation process being reached in accordance with regulations under paragraph 10.

Notification of proposed appointment

- 3 (1) A police and crime commissioner must notify the relevant police and crime panel of each proposed appointment of a chief constable by the commissioner.
- (2) In such a case, the police and crime commissioner must also notify the relevant police and crime panel of the following information—

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- (a) the name of the person whom the commissioner is proposing to appoint (“the candidate”);
- (b) the criteria used to assess the suitability of the candidate for the appointment;
- (c) why the candidate satisfies those criteria; and
- (d) the terms and conditions on which the candidate is to be appointed.

Panel to review and report on proposed appointment

- 4 (1) This paragraph applies if a police and crime panel is notified under paragraph 3 of a proposed appointment of a chief constable.
- (2) The panel must review the proposed appointment.
 - (3) The panel must make a report to the commissioner on the proposed appointment.
 - (4) The report must include a recommendation to the police and crime commissioner as to whether or not the candidate should be appointed.
 - (5) Sub-paragraph (4) does not apply if the panel vetoes the proposed appointment under paragraph 5 (but see paragraph 5(2)).
 - (6) The panel must comply with sub-paragraphs (2) to (4) within the period of three weeks beginning with the day on which the panel receives the notification from the commissioner of the proposed appointment.
 - (7) The panel must publish the report to the commissioner made under this paragraph.
 - (8) It is for the panel to determine the manner in which the recommendation is to be published in accordance with sub-paragraph (7).
 - (9) In calculating the period of three weeks for the purpose of sub-paragraph (6), any relevant post-election period is to be ignored.
 - (10) For that purpose, “relevant post-election period” means the period that—
 - (a) begins with the day of the poll at an ordinary election of a police and crime commissioner under section 50, and
 - (b) ends with the day on which the person elected as police and crime commissioner delivers a declaration of acceptance of office under section 70.

Power to veto proposed appointment

- 5 (1) The police and crime panel may, having reviewed the proposed appointment, veto the appointment of the candidate.
- (2) If the panel vetoes the appointment of the candidate, the report made under paragraph 4 must include a statement that the panel has vetoed it.
 - (3) References in this Schedule to a police and crime panel vetoing the appointment of a candidate are references to the panel making a decision, by the required majority, that the candidate should not be appointed as chief constable.
 - (4) For that purpose, the panel makes that decision by the required majority if at least two-thirds of the persons who are members of the panel at the time when the decision is made vote in favour of making that decision.

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- (5) The power conferred by this paragraph is exercisable in relation to a proposed appointment only during the period of three weeks mentioned in paragraph 4(6).

Confirmation hearings

- 6 (1) A police and crime panel must hold a confirmation hearing—
- (a) before making a report under paragraph 4 to the police and crime commissioner in relation to a proposed appointment of a chief constable, and
 - (b) before making a recommendation under paragraph 4 (where applicable) or vetoing an appointment under paragraph 5 (where applicable).
- (2) For the purposes of this Part a “confirmation hearing” is a meeting of the panel, held in public, at which the candidate is requested to appear for the purpose of answering questions relating to the appointment.
- (3) References in this Part to a person appearing at a meeting of the panel are references to the person—
- (a) attending the meeting in person, or
 - (b) not attending the meeting in person, but participating in the proceedings at the meeting by any means that enable the person to hear, and be heard in, those proceedings as they happen.

Next steps if no veto

- 7 (1) This paragraph applies if the police and crime panel does not veto the appointment of a candidate.
- (2) The police and crime commissioner may accept or reject the panel’s recommendation as to whether or not the candidate should be appointed.
- (3) The police and crime commissioner must notify the panel of the decision whether to accept or reject the recommendation.

Next steps if veto

- 8 (1) This paragraph applies if the police and crime panel vetoes the appointment of a candidate.
- (2) The police and crime commissioner must not appoint that candidate as chief constable.
- (3) Sub-paragraph (2) is subject to regulations under paragraph 10.

Regulations

- 9 (1) The Secretary of State may make regulations about—
- (a) the steps that are required to be taken by paragraphs 3 to 8, and
 - (b) procedures that are to be followed in taking such steps.
- (2) The regulations may, in particular, make provision about the time limits applicable in taking steps or following procedures (if, or to the extent that, this Part of this Schedule does not make such provision).

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- 10 (1) The Secretary of State may make regulations about the appointment of chief constables in cases where paragraph 8 applies in relation to the appointment of a candidate (the “rejected candidate”).
- (2) The regulations may make provision about—
- (a) steps to be taken, and
 - (b) procedures to be followed.
- (3) That includes provision about the time limits applicable in taking steps or following procedures.
- (4) The regulations may make provision about limits on who may be considered for appointment.
- (5) That includes provision about limiting consideration for appointment to some or all of the persons already considered as part of the process by which the rejected candidate was selected for appointment.
- (6) The regulations may confer functions on—
- (a) police and crime commissioners,
 - (b) police and crime panels,
 - (c) the Secretary of State, or
 - (d) any other person.
- (7) That includes functions involving the exercise of a discretion.
- (8) Sub-paragraphs (2) to (7) do not limit the power conferred by sub-paragraph (1).