

## **Selection and Appointment of Chief Officers - from 22 November 2012**

1. This Circular outlines the legal requirements and principles for the appointment of Chief Constables (CCs), Deputy Chief Constables (DCCs) and Assistant Chief Constables (ACCs) and equivalent ranks in the Metropolitan Police Service.

### **Legal Requirements**

2. Section 38 of the Police Reform and Social Responsibility Act 2011 requires the selection and appointment of CCs to be made by Police and Crime Commissioners (PCCs).
3. PCCs must adhere to the processes set out in Part I of Schedule 8 to the Police Reform and Social Responsibility Act 2011 when appointing CCs which prescribes that a PCC must not appoint a person to be CC 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.
4. Sections 45, 46 and 47 of the Act make provision for the appointment of senior Metropolitan Police Service officers including Assistant Commissioners (ACs), Deputy Assistant Commissioners (DACs) and Commanders respectively.
5. Sections 42 and 43 of the Act make provision for the appointment of the Commissioner and Deputy Commissioner.
6. Sections 39 and 40 of the Act relate to the appointment of chief officers (DCCs and ACCs) by CCs for forces across England and Wales outside London. The appointment of the Commissioner and Assistant Commissioner of the City of London Police continues to be governed by the City of London Police Act 1839.
7. Part One of Annex B of the Secretary of State's determinations, made under Regulation 11 of the Police Regulations 2003, specifies that the Senior Police National Assessment Centre and the Strategic Command Course must be satisfactorily completed before a person may be substantively appointed to a rank higher than that of Chief Superintendent. The College of Policing holds records of officers who have passed these courses which should be requested by those responsible for appointing chief officers in order to verify policing qualifications and experience.
8. In making appointments PCCs and CCs must comply with the provisions of the Equality Act 2010, and candidates' personal data must be handled in accordance with the Data Protection Act 1998.

### **Fixed Term Appointments**

9. Regulation 11 of the Police Regulations 2003 makes provision for fixed term appointments and extensions for senior officers.

### **Job Advertisement**

10. Part Two of Annex B of the Secretary of State's determinations, made under Regulation 11 of the Police Regulations 2003, specifies that vacancies must be advertised on a public website or some other form of publication which deals with police matters circulating throughout England and Wales, and the closing date for applications must be at least three weeks after the date of the publication of the advertisement.

### **Police and Crime Panel Scrutiny of Appointment**

11. Schedule 8 to the Police Reform and Social Responsibility Act 2011 requires a PCC to notify the Police and Crime Panel (PCP) of a proposed Chief Constable appointment.
12. The PCP must review the proposed appointment within three weeks. This must include holding a public confirmation hearing and making a report to the PCC. The report must include a recommendation as to whether the candidate should be appointed.
13. The PCP has the power to veto, with a two-thirds majority, the proposed appointment. The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012 outline the process to be followed should the PCP veto a proposed chief constable appointment.

### **Complaints**

14. The Elected Local Policing Body (Complaints and Misconduct) Regulations 2012 set out the process for making complaints against PCCs, which can be made by members of the public or candidates involved in appointment processes.

### **Principles of Appointment**

15. Those responsible for the selection and appointment of chief officers must observe the three principles of **merit, fairness and openness**.

### **The Appointment of CCs (police forces outside London)**

16. It is for the PCC to decide how they wish to run their recruitment process and which candidate they wish to appoint. The PCC should involve an independent member during assessment, shortlisting and interviewing of candidates for CC positions.

### **The Appointment of DCCs and ACCs (and ACs, DACs and Commanders in the MPS)**

17. The Commissioner must consult the Mayor's Office for Policing and Crime before appointing an AC, DAC or Commander. The CC must consult the PCC before appointing a person to be DCC or ACC for forces outside London.
18. It is for the CC (and Commissioner) to decide how they wish to run their appointment process and which candidate they wish to appoint. The CC (and Commissioner) should involve an independent member during assessment, shortlisting and interviewing of candidates.

## **The Independent Member**

19. The independent member should be chosen by the PCC/CC/Commissioner, and be someone independent of him / her and the force. The role of the independent member is to ensure the selection and appointment process is conducted fairly and openly, and the successful candidate is selected on merit. The PCC/CC/Commissioner should appoint the independent member through a fair, open and merit based process.
20. The independent panel member should not be a PCC, a member of the PCC's staff, a member of the Police and Crime Panel, a Member of Parliament, a Member of the European Parliament, a local councillor, a serving or retired police officer or member of police staff, a civil servant, a member of the National Assembly for Wales, a member of the Northern Ireland Assembly, a member of the Scottish Government, an employee of Her Majesty's Inspectorate of Constabulary, an employee of the Independent Police Complaints Commission, or an employee of the College of Policing.
21. The types of people suitable for the role of independent panel member might include, but is not limited to, Magistrates, Chief Executives of local authorities, and representatives of community organisations. The independent member may also be drawn from an established pool of accredited independent members or assessors.

## **Further Information**

22. Further information and assistance may be obtained from the College of Policing (Gordon Ryan, 01423 876606).

Home Office  
1 November 2012