



College of Policing

Guidance for the Appointment of Chief Officers

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Guidance for the Appointment of Chief Officers

1. Introduction

- 1.1 This Guidance was commissioned by the Strategic Command Course Professional Reference Group. It was developed under the direction of the Police Advisory Board for England & Wales (PABEW) Sub-Group on Chief Officer Appointments which included representatives of the stakeholder bodies from across policing. It was endorsed by the PABEW. The Guidance is owned and maintained by the College of Policing. It combines legal requirements, Home Office Circular 20/2012 and good practice in appointments.
- 1.2 It describes the principles, processes and responsibilities required for the appointment of Chief Constables (CCs), Deputy Chief Constables (DCCs) and Assistant Chief Constables (ACCs). It also describes the requirements for the appointment of the Commissioner, Deputy Commissioner (DC), Assistant Commissioners (ACs), Deputy Assistant Commissioners (DACs) and Commanders within the Metropolitan Police Service (MPS). The Guidance reflects the intention that those responsible for appointments should use their discretion providing that they act lawfully and consistently with the principles outlined in the Guidance. These principles are the same as those within the Code of Practice for Public Appointments (2012) as published by the Commissioner for Public Appointments.
- 1.3 The guiding principles and processes included within this document do not directly apply to non-Home Office Forces but may be found to be a helpful guide where appropriate.

2. Eligibility/Legal Requirements

- 2.1 Under Schedule 8 to the Police Reform and Social Responsibility Act 2011 (the Act), a Police and Crime Commissioner (PCC) must not appoint a person to be CC unless that person is, or has been, a constable in any part of the United Kingdom.
- 2.2 Part 1 of Annex B of the Secretary of State's determinations, made under Regulation 11 of the Police Regulations 2003 (Home Office Circular 21/2012), specifies that the Senior Police National Assessment Centre (Senior PNAC) and the Strategic Command Course (SCC) 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 Senior PNAC and the SCC which should be requested by those responsible for appointing chief officers in order to verify policing qualifications and experience.
- 2.3 Appointments to chief officer posts are also subject to regulations under Section 50 of the Police Act 1996. These regulations provide the Secretary of State with powers to define specified eligibility requirements for appointment and holding the office of constable and aspects of terms and conditions amongst other provisions. Appointments must be made in keeping with any requirements prescribed under these regulations.
- 2.4 In making appointments, provisions of the Equality Act 2010 and the Data Protection Act 1998 must be complied with (more detail in relation to this can be found under section 8 – Monitoring).

2.5 **Outside London**

2.5.1 Section 38 of the Police Reform and Social Responsibility Act 2011 (the Act) requires the appointment of CCs to be made by PCCs subject to a confirmatory hearing held in accordance with the Police and Crime Panel (PCP) (Precepts and Chief Constable Appointments) Regulations 2012.

2.5.2 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.

2.6 **London**

2.6.1 Sections 42, 43, 45, 46 and 47 of the Act make provision for the appointment of senior MPS officers including Commissioner, DC, AC, DAC and Commander respectively.

2.6.2 This Guidance does not apply to the appointment of the Commissioner and AC of the City of London Police which continues to be governed by the City of London Police Act 1839.

2.6.3 In the context of the MPS, the Mayor of London is the holder of the Mayor's Office for Policing and Crime (MOPAC) (although he or she may delegate the day-to-day discharge of his or her policing and crime functions to a Deputy Mayor for Policing and Crime (DMPC)). The Commissioner is appointed by Royal Warrant based on the recommendation of the Secretary of State. The Secretary of State is required to have regard to any recommendations by the Mayor's Office.

2.6.4 The DC is also appointed by Royal Warrant based on the recommendation of the Secretary of State. The Secretary of State must have regard to any recommendations made by the Commissioner and any representations from the Mayor's Office.

- 2.6.5 ACs, DACs and Commanders are appointed by the Commissioner. Before a person is appointed to any of these posts the Commissioner must consult the Mayor's Office.

3. Principles of Appointment

- 3.1 PCCs and CCs are required to adhere to legal requirements relating to the appointments they make. This section outlines the principles which underpin effective appointments. Those responsible for the selection and appointment of Chief Officers must observe the three principles of **merit**, **fairness** and **openness**. These are outlined below:

3.2 Merit

- 3.2.1 The appointee must be the candidate who best meets the agreed and published requirements of the role. It is also desirable that the successful candidate is chosen from a sufficiently strong and diverse pool of eligible applicants.

3.3 Fairness

- 3.3.1 The process of assessing candidates' skills and qualities against the agreed and published requirements of the role must be objective, impartial and applied consistently to all candidates.

3.4 Openness

- 3.4.1 Information about the requirements of the role and the appointment process must be available to all prospective candidates. The role should be advertised in a way which ensures that all those who are eligible are likely to see the advert. The aim of the advert should be to attract a strong field of potential candidates.

4. Responsibilities

4.1 There are a number of individuals and groups who have responsibilities relating to the appointment of Chief Officers. Whilst the process of appointment is at the discretion of the individual responsible for the process, there are essential requirements for meeting the principles of merit, fairness and openness and responsibilities outlined in legislation, which must be followed in all cases. These are described in more detail below.

4.2 Appointment of Chief Constables

4.2.1 Police and Crime Commissioner

4.2.1.1 It is for PCCs to decide how they wish to run their appointment process.

4.2.1.2 It is the PCC's role to make the decision about which candidate to appoint, subject to the power of the PCP to veto the first candidate proposed. There are a series of processes which the PCC will need to consider putting in place prior to the decision making stage. Although the PCC may not put all these processes in place personally, he or she should have oversight and hold responsibility for ensuring these are done.

- Undertake appropriate briefing/training in selection and assessment themselves
- Ensure others involved in the appointment process undertake appropriate briefing/training in selection and assessment
- Manage the development of the role profile and appointment criteria, including specifying any competency framework being used
- Develop and place the job advertisement, based on the requirements of the role as outlined further in 5.2.3, 5.2.4 and 5.3

- Ensure a sufficient pool of candidates. If there is only a single candidate, take steps to increase the pool including, if necessary, reviewing the role profile
- Develop an application process including any documents required from the candidate (application form, reports from current PCC or CC)
- Convene an appointments panel (to include at least one independent panel member)
- Provide the appointments panel (including the independent member or members) with a copy of this Guidance to ensure they are familiar with its content
- In collaboration with the appointments panel, assess and shortlist applicants against the agreed appointment criteria (including verifying an applicant's policing experience and qualifications with the College of Policing)
- Develop an assessment process. (This might include interview, presentations, psychometric measures or other types of exercises)
- In collaboration with the appointments panel, assess all shortlisted candidates against the agreed appointment criteria
- Complete a decision making process considering which candidate most closely matches the appointment criteria
- Inform the PCP of the name of the preferred candidate they propose to appoint, the criteria used to assess the suitability of the candidate for the appointment, why the candidate satisfies those criteria and the terms and conditions on which the candidate is to be appointed
- Review the report and recommendation of the PCP
- Make the appointment (if the appointment is not vetoed by the PCP¹ – please see 5.11 for details on the process of veto)
- Inform the PCP of the name of the reserve candidate he or she proposes to appoint should the preferred candidate's appointment be vetoed by the PCP; the criteria used to assess the suitability of the candidate for the appointment, why the candidate satisfies those

¹ Based upon the provisions and practices within The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012.

criteria and the terms and conditions on which the candidate is to be appointed

- Provide feedback, if requested, to candidates
- Ensure the appointments processes are undertaken in accordance with relevant legislation
- Ensure the appointments process is based on the three principles of merit, fairness and openness
- Ensure appropriate monitoring of the appointment process.

4.2.2 **Appointments Panel**

4.2.2.1 The appointments panel should be convened by the PCC before any stage of the appointment process takes place (e.g. sifting of applications).

Consideration may be given to having panel members involved in helping to define the requirements of the role.

4.2.2.2 The purpose of the panel is to challenge and test that the candidate meets the necessary requirements to perform the role. The PCC should select a panel capable of discharging this responsibility. It is the PCC's responsibility to ensure that panel members are diverse and suitably experienced and competent in selection practices.

4.2.2.3 It is desirable to select a panel of approximately five members, however this will be at the discretion of the PCC. All members of the appointments panel must adhere to the principles of merit, fairness and openness. All members should be provided with a copy of this Guidance to ensure they are familiar with its content prior to the appointment process.

4.2.2.4 The role of the appointments panel is to support the PCC in making the appointment by:

- Undertaking appropriate briefing/assessor training
- In collaboration with the PCC, shortlisting applicants against the agreed appointment criteria

- In collaboration with the PCC, assessing all shortlisted candidates against the agreed appointment criteria
- In collaboration with the PCC, considering which candidate(s) most closely meets the appointment criteria.

4.2.2.5 Members of the appointments panel may include, but are not limited to, PCCs from other areas, professionals from the College of Policing, senior individuals from the private sector, members of community groups or executive selection specialists.

4.2.3 **Independent Members**

4.2.3.1 At least one of the appointments panel members should be an independent member². The PCC should appoint the independent member through a fair, open and merit based process. They may be drawn from an established pool of accredited independent members or assessors (e.g. lists of accredited members/assessors held by the College of Policing or Office of the Commissioner for Public Appointments).

4.2.3.2 The types of people suitable for the role of independent panel member might also include, but are not limited to, magistrates, chief executives of local authorities, and representatives of community organisations.

4.2.3.3 The independent panel member should not be a PCC, a member of the PCC staff, a member of the Police and Crime Panel, a Member of Parliament or Member of European Parliament, local councillor, serving or retired police officer or member of police staff, civil servant, member of the National Assembly for Wales, Northern Ireland Assembly or the Scottish Government, HMIC staff, IPCC commissioner/staff, or College of Policing staff.

² The HO Circular 20/2012 specifies the inclusion of an independent member as part of the appointments panel.

4.2.3.4 Although the Home Office Circular specifies certain roles that are not eligible to be an independent member, this does not preclude those within these roles being part of the appointments process and/or the wider appointments panel in other roles. This involvement would be at the discretion of the PCC.

4.2.3.5 The role of the independent member is to ensure the appointment process is conducted in line with the principles of merit, fairness and openness, and the successful candidate is selected on merit. This role requires them to:

- Be suitably experienced and competent in assessment and selection practices
- Undertake appropriate briefing/assessor training
- In collaboration with the PCC and other panel members, shortlist applicants against the agreed appointment criteria
- In collaboration with the PCC and other panel members, assess all shortlisted candidates against the agreed appointment criteria
- In collaboration with the PCC and other panel members consider which candidate(s) most closely meets the appointment criteria
- Produce a written report on the appointment process. This is to be submitted to the PCP at the same time as the name of the preferred appointee. This report should expressly and explicitly address the appointment principles of merit, fairness and openness, and the extent to which the panel were able to fulfil their purpose (e.g. to challenge and test that the candidate meets the necessary requirements to perform the role).

4.2.3.6 If there is more than one independent member they should seek to agree a single report for submission to the PCP.

4.2.4 **Policing Advisor**

4.2.4.1 There is no requirement for an individual with professional policing knowledge to act either as a member of the appointments panel or in an advisory capacity during any stage of the appointment process. However should a PCC choose to include such an individual in the process, the role of the Policing Advisor is to provide the PCC with professional advice at an appropriate level from a policing perspective. Responsibilities may include one or more of the following in an advisory capacity to be determined by the PCC responsible for the appointment process:

- Provide professional policing advice in the development and design of the appointment process including role profile contents, assessment contents and assessment criteria where required
- Provide professional policing advice on how well each candidate's experience and skills fit with the policing-specific requirements of the role during shortlisting
- To play an active role (where required) as part of the appointments panel in reviewing the documented procedures and related assessment material, conducting interviews/assessment exercises and making an independent assessment of the candidate's performance against the required criteria
- Provide professional policing advice on how well each candidate's experience and skills fit with the policing-specific requirements of the role during the appointment process
- To support the PCC during their decision making process prior to an appointment being made.

4.2.4.2 The Policing Advisor may be drawn from an established pool of accredited individuals. Further advice is available from the College of Policing.

4.2.5 **Chief Executive of the PCC Office**

4.2.5.1 The role of the Chief Executive is to support the PCC in undertaking his or her responsibilities. In supporting the PCC in the appointments process the Chief Executive should fulfil the following responsibilities:

- Ensure the principles of merit, fairness and openness are adhered to throughout the design and delivery of the appointment process
- Advise and assist the PCC throughout the appointment process
- Ensure that the appointment process is properly conducted and in line with responsibilities and requirements outlined in legislation
- Ensure appropriate monitoring of the appointment process.

4.2.6 **Applicants**

4.2.6.1 The role of the applicant is to comply with the requirements of the appointments process. They should be expected to fulfil the following:

- Complete and submit a written application in accordance with published deadlines
- Provide and ensure that all information requested as part of the appointment process is accurate and complete (e.g. reports by existing PCC/CC)
- Attend the appointment assessment(s)
- Successful candidates will be required to participate in the confirmation hearing held by the PCP (see 5.10.4 and 5.10.5 for more detail).

4.2.7 **Police and Crime Panel**

4.2.7.1 The PCP's role is to review and scrutinise decisions of the PCC as set out in the Police Reform and Social Responsibility Act 2011 Chapter 5. In line with this responsibility they have specific responsibilities within the appointment process as set out in Schedule 8 to the Act.

4.2.7.2 The PCP is required to consider recommendations made by the PCC in terms of the appointment. The PCP should satisfy itself that the process was properly conducted and adhered to the principles of merit, openness and fairness and that the preferred candidate meets the requirements of the role by:

- Considering the report submitted by the independent member
- Reviewing the PCC's proposed appointment
- Holding a public confirmation meeting
- Making a report to the PCC on the proposed appointment, including a recommendation as to whether or not the candidate should be appointed. This must be done within three weeks of being notified of the proposed appointment. The PCP must publish this report.

4.2.7.3 The PCP can veto the appointment if agreed by at least two thirds of the PCP members within three weeks of being notified of the proposed appointment (see process guidance on the process of vetoing appointments in 5.11).

4.3 **Appointment of DCCs, ACCs, ACs, DACs, or Commanders**

4.3.1 **The Role of Chief Constable/Commissioner**

4.3.1.1 It is for CCs to decide how they wish to run their appointment process. Appointments must be made in accordance with Regulation 11 of the Police Regulations 2003 and the relevant parts of the Police Reform and Social Responsibility Act 2011.

4.3.1.2 It is the CC's role to make the decision about which candidate to appoint. However in line with the Act, the CC must consult with the PCC in relation to the appointments of DCCs/ACCs for forces outside London. The CC must consult the PCC on any proposed increase in numbers of DCCs or ACCs and may wish to consult on any decrease. Before appointing a DCC, ACC, AC,

DAC or Commander the CC or Commissioner is required to consult the PCC or Mayor's Office respectively.

4.3.1.3 There are a series of processes which the CC will need to consider putting in place prior to the decision making stage. Although the CC may not put all these processes in place personally, he or she should have oversight and hold responsibility for ensuring these are done.

- Consult with the PCC in relation to whether an appointment is required and/or any proposed increase in numbers of DCCs or ACCs – for forces outside London
- Undertake appropriate briefing/training in selection and assessment
- Ensure others involved in the appointment process undertake appropriate briefing/training in appointment and assessment
- Manage the development of the role profile and appointment criteria, including specifying any competency framework being used
- Develop and place the job advertisement, based on the role profile as outlined further in 5.2.3, 5.2.4 and 5.3.
- Ensure a sufficient pool of candidates. If there is only a single candidate take steps to increase the pool including, if necessary, reviewing the role profile
- Develop an application process including any documents required from the candidate (application form, reports from current CC)
- Convene an appointments panel (to include at least one independent panel member)
- Provide the appointments panel (including the independent member or members) with a copy of this Guidance to ensure they are familiar with its content
- In collaboration with the appointments panel, assess and shortlist applicants against the agreed appointment criteria (including verifying an applicant's policing experience and qualifications with the College of Policing)
- Develop an assessment process and appropriate exercises (this might include interview, presentations, psychometric measures, exercises etc)

- In collaboration with the appointments panel, assess shortlisted candidates against the agreed appointment criteria
- Complete a decision making process considering which candidate most closely matches the requirements of the role
- Consult the PCC on the intended appointment
- Make the appointment
- Provide feedback, if requested, to candidates
- Ensure the appointments processes are undertaken in accordance with relevant legislation
- Ensure the appointments process is based on the three principles of merit, fairness and openness
- Ensure appropriate monitoring of the appointment process.

4.3.2 **Appointments Panel**

4.3.2.1 The appointments panel should be convened by the CC before any stage of the appointment process takes place (e.g. sifting of applications). Consideration may be given to having panel members involved in helping to define the requirements of the role.

4.3.2.2 The purpose of the panel is to challenge and test that the candidate meets the necessary requirements to perform the role. The CC should select a panel capable of discharging this responsibility. It is the CC's responsibility to ensure that panel members are diverse and suitably experienced and competent in assessment and selection practices.

4.3.2.3 It is desirable to select a panel of approximately five members, however this will be at the discretion of the CC. All members of the appointments panel must adhere to the principles of merit, fairness and openness. All members should be provided with a copy of this Guidance to ensure they are familiar with its content prior to the appointment process.

4.3.2.4 The role of the appointments panel is to support the CC in making the appointment by:

- Undertaking appropriate briefing/assessor training
- In collaboration with the CC, shortlisting applicants against the agreed appointment criteria
- In collaboration with the CC, assessing all shortlisted candidates against the agreed appointment criteria
- In collaboration with the CC considering which candidate(s) most closely meets the appointment criteria.

4.3.2.5 Members of the appointments panel may include, but are not limited to, the PCC, officers or staff of suitable rank/level from the appointing or other forces, professionals from the College of Policing, senior individuals from the private sector, members of community groups or executive selection specialists.

4.3.2.6 CCs or the MPS Commissioner may also consider the inclusion of Policing Advisors where the role contains areas of policing with which they are less familiar.

4.3.3 **Independent Members**

4.3.3.1 At least one of the appointments panel members should be an independent member. Principles governing the selection of an independent member and restrictions on appointment outlined in 4.2.3 also apply in this context.

4.3.3.2 The role of the independent panel member outlined in 4.2.3 also applies here³. However, whereas in 4.2.3 the independent member produces a report for consideration by the PCP here they would submit this to the PCC

³ Please note that the role of an independent panel member makes it inappropriate for certain specified people/roles to operate in this capacity (see 4.2.3.3). However, those excluded from the role of independent member may be involved as panel members just not within the independent member role (see 4.2.2.5).

at the same time as the CC consults the PCC about the proposed appointee. This report should expressly and explicitly address the appointment principles of merit, fairness and openness, and the extent to which the panel were able to fulfil their purpose (e.g. to challenge and test that the candidate meets the necessary requirements to perform the role).

4.3.4 **Applicants**

4.3.4.1 The role of the applicant is as outlined at 4.2.6.

5. Appointments Process Steps

5.1 **Planning**

5.1.1 Potential vacancies should be identified by the individual responsible for the appointment as early as possible to enable proper planning. If a vacancy is identified the key requirements for the role should be established.

5.1.2 **Appointments made by the PCC**

5.1.2.1 At a suitably early stage the PCC should liaise with the Chair of the PCP to put in place arrangements for the PCP and public confirmation hearing in order to maximise availability and minimise delay. There is a requirement to have at least one week between calling and holding a public meeting.

5.1.3 **Appointments made by the CC or Commissioner**

5.1.3.1 The CC or Commissioner should arrange a meeting with the PCC or MOPAC as applicable in order to consult them on the intended appointment.

5.2 **Development of Role Profile**

5.2.1 This is one of the most important elements of the appointment process. It is the document against which assessments of candidates will be made, and which applicants will base their evidence of suitability upon.

5.2.2 The role profile should set out the key deliverables of the job, along with the skills and any competencies identified as required to perform effectively in post.

5.2.3 **Key Deliverables**

5.2.3.1 Key deliverables should reflect the PCC's priorities and how these are embedded within the force's operational priorities. It should be clear what the post holder will be responsible for delivering.

5.2.4 **Key Skills**

5.2.4.1 The skills required to perform the key deliverables should be clearly specified. It is desirable that these are based upon the three Leadership Domains of Executive Policing, Professional Policing and Business Policing.

5.2.4.2 It is the PCC/CC's decision as to which skills should be included, but these should relate clearly to the key deliverables and demands of the role.

5.2.4.3 In addition to skills this section may contain competencies which describe the underpinning behavioural approach or personal qualities required to perform the role. It is desirable that these are based upon national competency frameworks (i.e. Personal Qualities from the Policing Professional Framework).

5.2.4.4 Further advice, including information about the Policing Professional Framework and Leadership Domains, can be obtained from the College of Policing.

5.3 **Job Advert**

5.3.1 The job advertisement must be based on the role profile and include any other information potential applicants will need to know before making the decision to apply.

5.3.2 The role profile should cover:

- Purpose of the post – linked to priorities and force plans
- Key deliverables
- Key skills
- Eligibility
- Length of fixed term appointment
- Full details of salary and benefits
- Details of the location of the post
- Full details of the appointments process including timings for the appointment process and confirmation hearing.

5.3.3 The vacancy must be advertised for at least three weeks and must be advertised through a public website or some other form of publication that deals with policing matters.

5.3.4 Guidance to applicants should be provided, giving details of any skills/competencies required and any special rules or expectations relating to the application e.g. any documents or reports they must supply and the deadline for submitting an application.

5.4 **Convene Appointments Panel**

5.4.1 The appointments panel (including the independent panel member or members) should be convened as early as possible to allow time for appropriate training or briefing. It is advisable that the appointments panel and PCC/CC meet at least once to discuss the process prior to the start of the shortlisting stage. The panel should fully understand the process of assessment and the criteria against which assessments will be made.

5.5 **Conduct Training/Briefing of Appointments Panel**

5.5.1 It may be appropriate to conduct a briefing to familiarise members of the appointments panel with the components of the process and refresh their knowledge of relevant procedures and legislation (e.g. equality legislation) and effective appointment practices.

5.5.2 If any members of the appointments panel are new to assessing it is recommended that training in assessor skills is provided.

5.5.3 A copy of this Guidance should be provided to all panel members to ensure they are aware of their responsibilities and the principles covered within this Guidance.

5.6 **Applications**

5.6.1 Candidates should apply using the form or other written application required by the PCC/CC's office, demonstrating how they meet the criteria for the role. To enable accurate assessment, candidates should be encouraged to provide information that is specific and focussed on their actions; what they did and what the outcomes were.

5.7 **Shortlisting**

- 5.7.1 The appointments panel, led by the PCC/CC, should review the applications against the pre-defined criteria and identify a suitable number of candidates to take forward to interview/assessment.
- 5.7.2 PCCs/CCs should approach the College of Policing to verify that applicants have attended and passed Senior PNAC and the SCC and any other national courses relevant to role eligibility requirements.
- 5.7.3 The appointments panel should use an appropriate rating scale to award grades to candidates for each of the components or skills they are being assessed against.
- 5.7.4 Applicants who are not shortlisted should be informed as soon as possible, and provided with feedback on request about where they did and did not meet the requirements of the role and any development needs arising from their application.

5.8 **Conduct Assessments/Interviews**

- 5.8.1 Interviews are a widely used selection method and are often supplemented with other techniques such as requiring the candidates to deliver a role specific presentation, or to conduct simulated role specific tasks that allow assessors to observe candidates dealing with role related situations.
- 5.8.2 An information pack to prospective applicants should provide full details of the appointments process including dates and any assessments/exercises that candidates will be required to undertake. This should also contain all assessment criteria.
- 5.8.3 The assessment/exercises need to be carefully constructed in order to derive the maximum benefit from them. This may require professional

advice to be sought. All assessments should be made against the criteria set out in the advert and role profile, and no new criteria should be added without informing the candidates in advance.

5.8.4 The panel members should use the agreed rating scales to award grades for performance in relation to the exercises and/or any competencies/criteria measured.

5.9 **Professional Selection Advice**

5.9.1 The PCC/CC may wish to engage professional support or advice from an individual or organisation with expertise in selection and assessment. Such an individual or organisation could provide support in:

- Development of the role profile
- Development of appropriate application/sifting process, assessment exercises, interviews or techniques, in line with best practice and legal requirements
- Briefing/training panel members in assessing skills
- Assistance in managing/delivering the appointment process.

5.9.2 If professional advice is sought this should be done as early in the process as possible, ideally as soon as a vacancy is identified.

5.10 **Appointment and Confirmation of Chief Constables**

5.10.1 In line with Schedule 8 to the Police Reform and Social Responsibility Act 2011, the PCC should identify the candidate who most closely meets the requirements of the role, incorporating the recommendations of the appointments panel members.

5.10.2 The PCC must notify the relevant PCP of the following information:

- The name of the person whom the PCC is proposing to appoint (“the preferred candidate”)
- The criteria used to assess the suitability of the candidate for the appointment
- Why the candidate satisfies those criteria
- The terms and conditions on which the preferred candidate is to be appointed.

5.10.3 In the event of a veto on the preferred candidate, the PCC must notify the PCP of the following information:

- The name of the person whom the PCC is proposing would be the reserve appointee (“the reserve candidate”)
- The criteria used to assess the suitability of the candidate for the appointment
- Why the reserve candidate satisfies those criteria
- The terms and conditions on which the reserve candidate would be appointed.

5.10.4 Once the PCC has notified the PCP of the candidate they are proposing to appoint, the PCP must review the proposed appointment and hold a confirmation hearing. A confirmation hearing is a meeting of the PCP, held in public, at which the candidate is requested to appear for the purpose of answering questions relating to the appointment.

5.10.5 The candidate does not need to attend in person, but can participate in the proceedings by any means that enable the person to hear, and be heard in, those proceedings as they happen.

5.10.6 After the confirmation hearing the PCP must make a report to the PCC on the proposed appointment which includes a recommendation as to whether

or not the candidate should be appointed. This report must be submitted to the PCC within the period of three weeks beginning with the day on which the PCP receives the notification from the PCC of the proposed appointment. The PCP is required to publish its report.

5.10.7 The PCP may, having reviewed the proposed appointment, veto the appointment of the preferred candidate.

5.11 **Veto of Appointment of Chief Constable**

5.11.1 In order to veto the appointment, at least two thirds of the persons who are members of the PCP at the time the decision is made must vote to veto the appointment. The power of veto only applies during the period of three weeks beginning with the day on which the PCP receives the notification from the PCC of the proposed appointment.

5.11.2 If the PCP vetoes the appointment their report must include a statement that the appointment has been vetoed and the PCC must not appoint the candidate. If the PCP does not veto the appointment the PCC may accept or reject the panel's recommendation as to whether or not the candidate should be appointed.

5.11.3 The PCC must notify the PCP of the decision to accept or reject their recommendation. The PCC may then make an offer of appointment subject to any further checks (e.g. conduct/medical/vetting).

5.11.4 In the event of a veto being exercised the PCP must undertake a further confirmation hearing to consider the PCC's proposed reserve candidate. The same process for considering this candidate and reporting to the PCC applies in these instances. The subsequent report produced by the PCP should include a recommendation as to whether or not the candidate should be appointed. The PCP is required to publish its report. These requirements are set out within The Police and Crime Panels (Precepts and

Chief Constables Appointments) Regulations 2012 Part 3 Regulations 9 and 10.

5.11.5 The PCP power to veto a candidate only applies to one particular appointment process. Therefore, should the same candidate apply again for a subsequent position, this would be a fresh appointment process and, if the PCC put forward the same candidate again, the PCP would have to deploy their veto again, if that was their decision.

5.11.6 Once the appointment and confirmation is finalised the details should be publicised by the PCC.

5.12 **Appointment of other Chief Officers**

5.12.1 The CC should identify the candidate who most closely meets the requirements of the role, incorporating the recommendations of the appointments panel members.

5.12.2 In line with the Police Reform and Social Responsibility Act 2011, the CC should consult with the PCC regarding the proposed appointment.

5.13 **Post Appointment**

5.13.1 Once an appointment has been made to any chief officer role, the PCC or CC, as appropriate, should provide data as specified by the College of Policing for monitoring purposes (details of what is required will be made available in due course). This data will be used in relation to the monitoring of the national workforce profile of Chief Officers.

6. Temporary and Acting Appointments

6.1 Section 41 of the Police Reform and Social Responsibility Act 2011 outlines the power of a deputy to exercise the functions of a CC on a temporary basis.

7. Extensions

7.1 Commissioners, Deputy Commissioners, CCs and DCCs are subject to fixed term appointments. The duration of these initial appointments is for the PCC/MOPAC to determine as part of the appointments process subject to a five year maximum.

7.2 An extension is subject to Regulation 11 of the Police Regulations 2003.

8. Monitoring

8.1 The Equality Act 2010

8.1.1 Those involved in the appointment of Chief Officers must ensure that they comply with provisions of the Equality Act 2010. The Act prohibits discrimination, harassment and other unlawful conduct because of protected characteristics which are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

- 8.1.2 The Equality Act sets out the different ways in which it is unlawful to treat someone, such as direct and indirect discrimination, harassment, victimisation and failing to make a reasonable adjustment for a disabled person.
- 8.1.3 A key measure in the Equality Act 2010 is the public-sector Equality Duty, which came into force on 5 April 2011 and places a legal duty on public authorities to take account of the need to eliminate unlawful discrimination, harassment and victimisation as well as to promote equal opportunities and encourage good relations between persons who share a relevant protected characteristic and those who do not. The Police Reform and Social Responsibility Act 2011 amends the Equality Act to make the public-sector equality duty apply to PCCs and the MOPAC.
- 8.1.4 The Equality Duty has three aims. It requires public bodies to have ***due regard*** to the need to:
- **Eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act
 - **Advance equality of opportunity** between people who share a protected characteristic and people who do not share it
 - **Foster good relations** between people who share a protected characteristic and people who do not share it.
- 8.1.5 In order to adhere to the aims of the Equality Duty, PCCs/CCs must ensure:
- That they are aware of the requirements of the Equality Duty. Compliance with the Equality Duty involves a conscious approach
 - Compliance with the Equality Duty before and at the time of the appointments process including the final decision making process. A public body cannot satisfy the Equality Duty by justifying a decision after it has been taken

- Consideration of the three aims of the Equality Duty must form an integral part of the decision-making process and must be applied with rigour
- That they have sufficient information to give proper consideration to the Equality Duty
- Responsibility for ensuring that any third parties involved in the appointment process are capable of complying with the Equality Duty, and that they do so in practice. It is a duty that cannot be delegated
- There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how appointment decisions were reached will help PCCs/CCs demonstrate that they considered the aims of the Equality Duty.

8.2 **The Data Protection Act 1998**

8.2.1 It is important that the individual responsible for the appointment process is familiar with their responsibilities in relation to the Data Protection Act (DPA) 1998. The DPA 1998 regulates how and when information about candidates and employees may be obtained, held and disclosed. Information covered by the DPA includes computerised records, health records and manual records. The DPA states that information is:

- To be processed fairly and lawfully
- To be adequate for the purpose (i.e. to make a fair appointment decision)
- To be relevant and not excessive
- To be accurate
- Not kept any longer than is necessary.

8.2.2 Candidates who have records kept with their details are entitled to formal access to those records as well as the reasons why they are being used. In relation to the appointment process, this refers to all notes taken during the

process, either in relation to candidates' verbatim comments or notes on appointment decisions.

9. Support

- 9.1 The College of Policing will be providing an appointments toolkit which can be used at the discretion of PCCs and CCs in supporting appointments processes.
- 9.2 For any comments or queries on the contents of this Guidance or for any support with your appointment process please contact the College of Policing:

Gordon Ryan

College of Policing
Yew Tree Lane
Pannal Ash
Harrogate
HG2 9JZ

01423 876606

07866 592759

contactus@college.pnn.police.uk

Please mark emails for the attention of Gordon Ryan

Glossary of Terms

AC	Assistant Commissioner (Metropolitan Police Service)
ACC	Assistant Chief Constable
CC	Chief Constable
College of Policing	The professional body for policing responsible for defining the standards within policing.
DAC	Deputy Assistant Commissioner (Metropolitan Police Service)
DC	Deputy Commissioner
DCC	Deputy Chief Constable
DMPC	Deputy Mayor for Policing and Crime
DPA	Data Protection Act
HMIC	Her Majesty's Inspectorate of Constabulary
IPCC	Independent Police Complaints Commission
Leadership Domains	Part of the Leadership Strategy for Policing, the Police Leadership Domains identify three areas of skills; Professional Policing Skills; Executive Policing Skills and Business Policing Skills.
MOPAC	Mayor's Office for Policing and Crime
MPS	Metropolitan Police Service
PCC	Police and Crime Commissioner
PCP	Police and Crime Panel
PPF Personal Qualities	Policing Professional Framework (PPF) is a competency framework designed to help police officers and staff determine competence. The Personal Qualities within the PPF provide defined behaviours for police officer and staff roles.
SCC	Strategic Command Course
Senior PNAC	The Senior Police National Assessment Centre
The Act	The Police Reform and Social Responsibility Act 2011

Useful Links

Data Protection Act 1998

<http://www.legislation.gov.uk/ukpga/1998/29/contents>

Equality Act 2010

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

Home Office Circular 20/2012 - Selection and appointment of chief officers - from 22 November 2012

<http://www.homeoffice.gov.uk/about-us/corporate-publications-strategy/home-office-circulars/circulars-2012/020-2012/>

Home Office Circular 21/2012 - Determinations under Police Regulations 2003 - appointment of senior officers

<http://www.homeoffice.gov.uk/about-us/corporate-publications-strategy/home-office-circulars/circulars-2012/021-2012/>

Home Office Circular 22/2012 - The Police (Amendment No. 4) Regulations 2012 - Winsor Review Part 1 (part-time working, public holidays, replacement allowance) and senior officer appointments

<http://www.homeoffice.gov.uk/about-us/corporate-publications-strategy/home-office-circulars/circulars-2012/022-2012/>

Police and Crime Panel Precept and Chief Constable Appointments Regulation 2012 (HOC 22/2012)

<http://www.legislation.gov.uk/uksi/2012/2271/contents/made>

Police Regulations 2003

<http://www.legislation.gov.uk/uksi/2003/527/contents/made>

Police Regulations 2003 – Regulation 11 Part 1 Annex B Determinations (Home Office Circular 21/2012)

<http://www.homeoffice.gov.uk/about-us/corporate-publications-strategy/home-office-circulars/circulars-2012/021-2012/>

Section 50 Police Act 1996

<http://www.legislation.gov.uk/ukpga/1996/16/contents>