

# **POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011**

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## **EXPLANATORY NOTES**

### **OVERVIEW**

#### **Part 1- Police Reform**

##### **Police Forces in Areas with Elected Local Policing Bodies**

###### ***Section 34: Engagement with local people***

162. **Section 34** requires a chief officer to make arrangements for engaging with people in each neighbourhood in the police area, in order to obtain their views about crime and disorder and provide information about policing. These arrangements should include regular community beat meetings and other forms of engagement which allows all groups in an area to give their views on policing and hold their local police to account. Information could include statistical or other information relating to policing, crime and disorder.
163. **Subsection (3)** requires the arrangements to include provision for neighbourhood beat meetings.

###### ***Section 35: Value for money***

164. **Section 35** requires the chief constable to secure good value for money in exercising his functions, and ensure that his police officers and staff do the same.

###### ***Section 36: Information for elected local policing bodies***

165. **Section 36** requires a chief constable or the Commissioner of Police of the Metropolis to provide information on policing matters to the police and crime commissioner or the Mayor's Office for Policing and Crime (as the case may be) when required to do so.

###### ***Section 37: Appointment of persons not employed by chief officers of police***

166. **Section 37** makes similar provision in relation to chief constables and the Commissioner of Police of the Metropolis to that made in section 16 in relation to police and crime commissioners and the Mayor's Office for Policing and Crime, in other words provision allowing the appointment of a person to a post within the police force whether or not the person is already employed by the chief constable or the Commissioner of Police of the Metropolis (as the case may be).

###### ***Section 38: Appointment, suspension and removal of chief constables***

167. **Section 38** provides for the police and crime commissioner to appoint or suspend the chief constable of a police force. The police and crime commissioner may also call upon the chief constable to resign or retire and, if so, the chief constable must resign or retire.

168. *Subsection (5)* introduces Schedule 8.

***Schedule 8: Appointment, suspension and removal of senior police officers***

169. The Schedule makes provision for the scrutiny by police and crime panels of appointments, suspensions and removals of chief constables by police and crime commissioners, and for certain procedural requirements to be complied with by chief constables in suspending or removing deputy chief constables or assistant chief constables.

170. **Part 1** deals with the appointment of chief constables. It restricts eligibility for appointment to persons who hold or have held the office of constable. It sets out a process by which the police and crime panel must consider a proposed appointment at a confirmation hearing and make a recommendation as to whether the candidate is to be appointed. It gives the panel a power of veto over a proposed appointment, provided that two thirds of the total membership of the panel agrees. It also gives the Secretary of State powers to make regulations governing the procedure for the panel's scrutiny of appointments, and the procedure to follow if a proposed appointment is vetoed, to deal with any deadlock and ensure an appointment is eventually made.

171. **Part 2** deals with the suspension and removal of chief constables. It requires a police and crime commissioner to notify the police and crime panel if he suspends the chief constable. In relation to removals, it requires the police and crime commissioner to give the chief constable a written explanation of the grounds for wishing to remove him, and allows the chief constable to make written representations which the police and crime commissioner must consider. The police and crime commissioner must also inform the police and crime panel of the proposed removal, and the panel must consider the matter at a hearing. The chief constable has the right to attend and make representations at the hearing. The panel may also consult the chief inspector of constabulary. The panel must make a recommendation to the police and crime commissioner in relation to the proposed removal, which the commissioner must consider.

172. **Part 3** deals with the suspension and removal of deputy chief constables and assistant chief constables. It requires a chief constable to notify the police and crime commissioner if they suspend one of these officers. If the chief constable wishes to remove one of these officers they are required to consult with the police and crime commissioner and provide the officer concerned with a written explanation of the reasons for removal. The officer must be given the opportunity to make representations, which the chief constable must consider before making a final decision.

***Section 39: Deputy chief constables***

173. **Section 39** provides for a police force to have one or more deputy chief constables appointed by the chief constable after consultation with the police and crime commissioner. The chief constable may suspend or remove a deputy chief constable, subject to the procedural requirements in Schedule 8.

***Section 40: Assistant chief constables***

174. **Section 40** makes similar provision in respect of assistant chief constables to that made in respect of deputy chief constables in section 39. The only difference is that a chief constable intending to increase the number of deputy chief constable posts must consult with the police and crime commissioner, but there is no such requirement in relation to assistant chief constable posts.

***Section 41: Power of deputy to exercise functions of chief constable***

175. **Section 41** makes provision for deputy chief constables and assistant chief constables to carry out the duties of the chief constable when certain conditions are met. The police and crime commissioner will have the same power to suspend or remove a deputy

chief constable or assistant chief constable who is carrying out the duties of the chief constable as the commissioner has in relation to the chief constable.

***Section 42: Appointment of Commissioner of Police of the Metropolis***

176. **Section 42** provides for the appointment of the Commissioner of Police of the Metropolis. Eligibility for appointment is restricted to persons who hold or have held the office of constable. The Commissioner is appointed by Her Majesty upon recommendation by the Secretary of State. In making this recommendation, the Secretary of State must have regard to any recommendations made by the Mayor's Office for Policing and Crime.

***Section 43: Deputy Commissioner of Police of the Metropolis***

177. **Section 43** relates to the appointment of the Deputy Commissioner of Police of the Metropolis. The Deputy Commissioner of Police of the Metropolis is appointed by Her Majesty upon recommendation by the Secretary of State. In making this recommendation, the Secretary of State must have regard to any recommendations made by the Commissioner of Police of the Metropolis and any representations from the Mayor's Office for Policing and Crime.

***Section 44: Functions of Deputy Commissioner of Police of the Metropolis***

178. **Section 44** provides for the Deputy Commissioner to stand in for Commissioner of Police of the Metropolis. The consent of the Secretary of State is required if the Deputy Commissioner is to do so for a period exceeding three months.

***Section 45: Assistant Commissioners of Police of the Metropolis***

179. **Section 45** provides for the metropolitan police force to have Assistant Commissioners, appointed by the Commissioner of Police of the Metropolis after consulting with the Mayor's Office for Policing and Crime. An Assistant Commissioner may exercise the functions of the Commissioner, with the Commissioner's consent. The Mayor's Office for Policing and Crime has the same power to suspend or remove an Assistant Commissioner who is exercising the functions of the Commissioner as the Office has in relation to the Commissioner or Deputy Commissioner (see section 48).

***Section 46: Deputy Assistant Commissioners of Police of the Metropolis***

180. **Section 46** makes provision for the appointment by the Commissioner of Police of the Metropolis of Deputy Assistant Commissioners, after consultation with the Mayor's Office for Policing and Crime.

***Section 47: Commanders***

181. **Section 47** makes provision for the appointment by the Commissioner of Police of the Metropolis of Commanders, after consultation with the Mayor's Office for Policing and Crime.

***Section 48: Suspension and removal of Commissioner and Deputy Commissioner***

182. **Section 48** allows the Mayor's Office for Policing and Crime to suspend from duty the Commissioner or Deputy Commissioner. This section also allows them to call upon the Commissioner or Deputy Commissioner to resign or retire. The Mayor's Office for Policing and Crime may only do so with the approval of the Secretary of State, and after giving the officer a written explanation and an opportunity to make written representations, which it must consider.

***Section 49: Suspension and removal of other senior metropolitan police officers***

183. **Section 49** allows the Commissioner of Police of the Metropolis to suspend from duty other senior metropolitan police officers, below the rank of Deputy Commissioner, in consultation with the Mayor's Office for Policing and Crime. This section also allows the Commissioner to call upon them to resign or retire, in consultation with the Mayor's Office and the Commissioner is required to provide the officer concerned with a written explanation of the reasons for the proposed removal. The officer must be given the opportunity to make representations, which the Commissioner must consider before making his final decision.