

POLICING AND CRIME ACT 2009

EXPLANATORY NOTES

TERRITORIAL EXTENT AND APPLICATION

Part 1 – Police Reform

Appointments of senior officers

Section 2 Police Senior Appointments Panel

29. *Section 2* inserts new sections 53B, 53C and 53D into the Police Act 1996. New section 53B establishes a statutory Police Senior Appointments Panel (the Panel). (Previously, there was a senior appointments panel which existed on a non-statutory basis with the primary role of advising the Secretary of State about the appointment of senior officers.)
30. The Panel will be constituted in accordance with arrangements made by the Secretary of State. Under these arrangements, the Panel will consist of a chair and members appointed by the Secretary of State as well as representative members nominated by the Secretary of State, the Association of Police Authorities and the Association of Chief Police Officers. These arrangements also include provisions about the proceedings of the Panel and the issuing of annual (or other) reports.
31. The Secretary of State may make staff available to the Panel, pay fees to the independent members appointed by the Secretary of State and defray expenses incurred by the Panel.
32. New section 53C sets out the functions of the Panel. The Panel will advise the Secretary of State on any matter on which it is consulted by the Secretary of State in connection with senior officer appointments, on consents to deputy chief constables and assistant chief constables fulfilling the role of the chief constable for a period exceeding three months, and on consents for the second most senior officer in the City of London police to act as Commissioner for a particular period.
33. The Panel will advise the Secretary of State and police authorities about matters relating to succession planning. New section 53C(2) gives the Panel the function of advising about ways to increase the pool of potential candidates for senior officer appointments, and the training and development needs of such potential candidates.
34. The Secretary of State may refer a report made by Her Majesty's Inspectors of Constabulary to the Panel, and following such a referral the panel will provide advice to the Secretary of State and police authorities on any matters it thinks appropriate in connection with the training and development needs of senior officers, and other matters relating to senior officers.
35. Under new section 53D, the Secretary of State has the power to confer additional functions on the Panel by order. Such an order may, in particular, confer advisory or other functions on the Panel in connection with the appointment of senior officers. Before making an order the Secretary of State must consult the Panel.

*These notes refer to the Policing and Crime Act 2009
(c.26) which received Royal Assent on 12 November 2009*

36. Subsection (2) amends section 54 of the Police Act 1996 by omitting subsection (3A). This omission removes the ability of the Secretary of State to delegate certain functions relating to senior officer appointments to the Chief Inspector of Constabulary.
37. Subsection (3) amends the Race Relations Act 1976 so that the Panel is listed in Schedule 1A to that Act as subject to the general statutory duty. Therefore, in exercising its functions, the Panel must have due regard to the need to eliminate unlawful racial discrimination, and to promote equality of opportunity and good relations between persons of different racial groups.
38. Subsection (4) amends the Freedom of Information Act 2000, so that the Panel is listed in Schedule 1 to that Act. The Panel will therefore be a “public authority” for the purposes of that Act.

Section 3 Regulations about senior officers

39. **Section 3** enables regulations under section 50 of the Police Act 1996 to make provision for payments to be made to senior officers who cease to serve before the end of their fixed term appointment. It also enables such regulations to make provision with respect to steps to be taken in connection with the appointment of senior officers, for example by enabling the establishment of co-ordinated recruitment rounds for such officers.

Section 4 Metropolitan police force appointments

40. Previously, appointments to the ranks of Assistant Commissioner, Deputy Assistant Commissioner and Commander in the Metropolitan police were made by the police authority and the Commissioner had no role in these appointments. Section 4 amends the relevant provisions of the Police Act 1996 to give the Commissioner a formal role in these appointments which mirrors that of the Chief Constable in the appointment of Deputy Chief Constable and Assistant Chief Constable in forces outside London. Before making such an appointment, the police authority will be required to consult the Commissioner.