

SOUTH YORKSHIRE POLICE AND CRIME PANEL

1.	Meeting:	South Yorkshire Police and Crime Panel
2.	Date:	Thursday 9th June 2016
3.	Title:	Procedure to be followed in respect of the Commissioners Proposal to call for the Chief Constable's retirement or resignation
4.	Directorate:	Finance and Customer Services

5. Summary

To inform the Panel of the procedure to be followed following the Chief Constable's suspension, concerning the Commissioner's proposal to call for the Chief Constable's retirement or resignation under Section 38 of the Police Reform and Social Responsibility Act 2011.

6. Recommendations

That the Panel notes the procedures to be followed as set out below.

7. Proposals and Details

7.1 Following the Police and Crime Commissioner's (PCC's) decision to suspend Chief Constable David Crompton on 27 April 2016 under Section 38 of the Police Reform and Social Responsibility Act 2011, there is now a statutory process to follow before a final decision is made by the PCC as to whether he is going to call on Mr Crompton to retire or resign. In compliance with the statutory procedure, the panel was notified of the suspension of the Chief Constable by the Commissioner by e-mail to the Chair of the panel on the 28th April 2016.

7.2 The statutory process commences when the PCC makes a proposal to call for the retirement or resignation of the Chief Constable. The PCC may not take a final decision on the proposal until the steps set out below have been taken.

7.3 The PCC must obtain the views of the Chief Inspector of Constabulary ("the Chief Inspector") on the proposal. The Chief Inspector provides his views in writing, and the PCC must take those views into account.

7.4 The PCC then provides the Chief Constable (a) with a written explanation of his reasons for proposing to call for the Chief Constable's retirement or resignation; and (b) a copy of the views provided by the Chief Inspector. The Chief Constable then has the opportunity to respond in writing.

7.5 The PCC must then decide, taking into account the written representations made by the Chief Constable, whether or not to pursue the proposal to call for the retirement or resignation of the Chief Constable.

7.6 If the PCC decides to continue, he must then notify the Police and Crime Panel (“the Panel”) of his intention, and ask the Panel for its recommendation on the proposal.

7.7 The Panel is provided with (a) the PCC’s written reasons for his proposal; (b) the written representations made by the Chief Constable; and (c) the written views provided by the Chief Inspector. The Panel may consult the Chief Inspector. The Panel must hold a scrutiny hearing. This is a private hearing which both the PCC and the Chief Constable are entitled to attend.

7.8 After the scrutiny hearing the Panel informs the PCC of its recommendation, and publishes that recommendation.

7.9 The PCC must consider the Panel’s recommendation, and he must notify the Panel whether or not he accepts its recommendation.

7.10 The PCC then takes the final decision whether to call for the retirement or resignation of the Chief Constable. If the PCC does call for the retirement or resignation, the Chief Constable must act in accordance with the PCC’s decision.

8. Finance

None

9. Risks and Uncertainties

This report sets out the appropriate procedure to be followed by the Commissioner and the involvement of the Panel following the suspension of the Chief Constable. There is a risk if the appropriate procedures are not followed, public trust in the Police and its leadership could be eroded.

10. Background Papers and Consultation

Files and correspondence held by the Legal Adviser.

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