Early appointment of the Chief Constable

Thank you very much for allowing me to contribute to what I thought was, from our perspective, a very productive session of the Justice Committee on 28 February 2012. I hope it was helpful to you and your Committee. On reflection, there is one particular area upon which I should have placed greater emphasis at Justice Committee, and that is the early appointment of the Chief Constable. I did raise it briefly at the Finance Committee but it is such an important issue that I thought that I should raise it with you in some more detail.

Until now our position has always been that an early appointment is necessary but we recognised, and were sympathetic to, the position held within Scottish Government that the due process was by necessity a lengthy one as a consequence of the parliamentary process and the Public Appointments process, which had to precede the selection and appointment of the Chief Constable.

At this stage we are advised by Scottish Government colleagues that the appointment of the Chief Constable, following the appointment of the first Chair of the new Scottish Police Authority under the Public Appointments process, is likely to occur in December 2012. That would be followed by the selection and appointment of the full Executive Team at Deputy Chief Constable, Assistant Chief Constable and Director level. As you know, agreement has already been reached that 1 April 2013 is the optimum start date for the new service, to provide the fullest opportunity to deliver reform and the savings required in the police budget. This would leave the Chief Constable with a maximum of three months, and the wider Executive Team a small number of weeks, to prepare for the ‘go live’ date. My professional view is that this is too late.

As you know, I am leading on Police Reform which perhaps puts me in a particularly unique position to understand why the reform programme would benefit from the early appointment of a Chief Constable. That said, I also have the unanimous support and endorsement of all other Chief Constables, the Chief Executive of the Scottish Police Services Authority and the Director General of the Scottish Crime and Drug Enforcement Agency in writing to you to provide our collective position on the early appointment of the Chief Constable.

In summary therefore, I would raise the following points in support of that position.

- As currently scheduled, there is insufficient time between December 2012 and 1 April 2013 for the new Chief Constable to be fully prepared to take control of a new organisation and be ready for Day 1.
• These time constraints become even more acute in respect of the appointment of wider Executive Team at Deputy Chief Constable, Assistant Chief Constable and Director level, leaving them only a number of weeks at best to prepare themselves and the organisation for ‘go live’.

• An earlier appointment would allow the Chief Constable and his/her Executive Team to articulate their early vision for policing for the future and to determine the ethos and style of policing which will be key to delivering the type of policing that is sympathetic to the goals of reform.

• This would also ensure that the new Chief Constable and the Executive Team are fully engaged in the reform process and able to take early decisions, or provide early guidance on key issues such as the design of the new service. While progress has already been made, and further progress will be made, under the current arrangements, the new Chief Constable would have the mandate and legitimacy for taking decisions now that will influence the service from now and into the future. Indeed, there may be a risk that decisions may be delayed in the absence of the new Chief Constable.

We do recognise that this proposal for an early appointment is not without risks or difficulties. In particular, we recognise that in the ideal world, the process for appointment of the Chief Constable should include the first Chair/Convenor of the new Scottish Police Authority. We are not operating, however, in an ideal world and it is this very appointment under the Public Appointments process that elongates the identification of the new Chief Constable to December 2012. It is worth highlighting that the existing process throws up many examples of new Conveners or Chairs of Police Authorities who inherit an existing Chief Constable, without compromise to an effective and enduring professional relationship.

Any early appointment must still be based on an open and transparent process and we recognise that there would be a need for a specifically designed process. It is not for the service to determine how that may look but we would be willing to contribute ideas if requested.

The timelines for introducing reform are tight as are the timescales for securing the savings already set within the budget. In our professional view, there is a clear and compelling case that the early appointment of the Chief Constable and the wider Executive Team should be brought forward to ensure that we meet the 1 April 2013 deadline as effectively as possible.

Kevin Smith
Chief Constable, ACPOS President
13 March 2012