

Accountability and Governance Board

27 January 2026

Agenda Item 3: Operation Parkmill

Note on Retirement or Resignation of a Chief Constable

There has been much said and written about what has been referred to as the ‘allowing’ of the Chief Constable to retire and what is referred to as the ‘sacking’ of the Chief Constable. Unfortunately, what people will have read and heard does not reflect reality or the law. I am sure people agree, that as an elected Police and Crime Commissioner, it is important that I act in accordance with the law. So, I thought it would be helpful for me to summarise the position, that has been set out in law by Parliament.

Firstly, a Police and Crime Commissioner has no power to prevent a Chief Constable from retiring, so it is not within my power to ‘allow’ or not ‘allow’ a Chief Constable to retire.

Secondly, a Police and Crime Commissioner cannot simply ‘sack’ a Chief Constable. A PCC can call upon the Chief Constable to resign or retire. Before doing that, the law requires a PCC to follow a clear process set out in law by Parliament. This process is not a matter of best practice or discretion for PCCs, it is a set of mandatory requirements of legislation, that has been passed by Parliament.

That process can be summarised as follows:

The powers in section 38 of the Police Reform and Social Responsibility Act 2011, are exercisable subject to the provisions of Schedule 8 of that Act and regulation 11a of the Police Regulations 2003.

The PCC must obtain the views of HMIC in writing and must have regard to those views (regulation 11A of the 2003 Regulations).

He must give the Chief Constable a written explanation of the reasons why he is proposing to call for his retirement or resignation (paragraph 13(2) of Schedule 8).

He must notify the relevant Police and Crime Panel he is proposing to call on the Chief Constable to retire or resign and must provide it with a copy of the reasons given to the Chief Constable for proposing so to do (paragraph 13(3)).

He must give the Chief Constable the opportunity to make representations about the proposal (paragraph 13(4)). He must consider those representations and provide them to the Panel (paragraph 13(5)).

If he still proposes to require the Chief Constable to retire or resign after so doing, he must notify the Chief Constable and the Panel that this remains his intention (paragraph 14), providing a written explanation to both, and to HMIC (regulation 11A(2) of the Police Regulations 2003). The Panel so notified must within six weeks make a recommendation to the PCC as to whether or not he should call for the retirement or resignation (paragraph 15(2) and (3)).

Before doing so, the Panel it may consult HMIC and must hold a “scrutiny hearing” at which the PCC and the Chief Constable may make representations (paragraph 15(4) and (9)). The PCC must consider the Panel’s recommendation (paragraph 16(1)(a)).

Only then may the PCC make his final decision to call upon the Chief Constable to resign or retire. The PCC may accept or reject the Panel’s recommendation (paragraph 16(1)(b)) and must notify the Panel of his decision (paragraph 16(2)).

If a PCC does not follow that process, a PCC would be acting unlawfully and any decision would be quashed by the High Court if the Chief Constable challenged it. The Chief Constable would also have been likely to bring an injunction claim in order to remain as the Chief Constable, and my Office would have been liable for his legal costs.

Thirdly, I would encourage people to read the judgment of the High Court, in *The Queen on the Application of David Crompton and Police and Crime Commissioner for South Yorkshire and Her*

Majesty's Inspectorate of Constabulary and South Yorkshire Police and Crime Panel, at Neutral Citation Number: [2017] EWHC 1349 (Admin), which illustrates what happens when PCCs and indeed any elected politicians, do not comply with the law:

[crompton-v-pcc-approved-judgment.pdf](#)

It is worth noting in that case, that the statutory process took 5 months to conclude. There was then a further period of 9 months, before the claim for judicial review was concluded. So, a total of about 14 months in all. Together with the significant adverse financial consequences that followed. People calling for the 'sacking' of the Chief Constable might care to reflect on that, when considering the outcome on the 16 January, that resulted in the retirement of the Chief Constable with immediate effect.

I would also encourage people to read the Independent Review of the departure of the Commissioner of the Metropolitan Police on 10 February 2022, published on 2 September 2022 and carried out by Sir Tom Winsor. That case again illustrates what happens when Mayor's or PCC's and indeed any elected politicians, do not act in accordance with the law.

[Independent review on departure of Metropolitan Police Commissioner published - GOV.UK \(www.gov.uk\)](#)

If Parliament wishes to provide for Chief Constable's to be summarily dismissed on the spot, then Parliament should amend the existing process to enable that to happen. Until then PCC's and Mayors must act in accordance with the law as prescribed by Parliament.