

Approved By:Susannah Hancock.....	Classification of Paper: OPEN
Report to PCC	Report reference number PCC/0135/15
Date of Decision 10 DEC 2015 Date of Report 10 December 2015	Area of County/Stakeholders affected WHOLE COUNTY
Title of report: APPOINTMENT OF LEGALLY QUALIFIED CHAIRS	
Report by: Carly Fry, Assistant Director of Performance and Scrutiny	
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SUMMARY:

1. This paper sets out the steps taken to establish a Regional list of nominations to serve as legally qualified chairs of misconduct panels under the Police (Conduct) Regulations 2012 and to be effective from 1 January 2016.
2. The steps to fulfil this responsibility that falls to Police and Crime Commissioners has been undertaken on a collaborative basis by the six offices of Police and Crime Commissioners (OPCCs) within the Region.

RECOMMENDATION:

The Police and Crime Commissioner is requested to:

- Endorse the steps taken in the recruitment and selection process to identify candidates for appointment;
- Appoint the seventeen candidates identified at paragraph 2.9 to the list of nominations of legally qualified chairs for the purposes of regulation 25 of the Police (Conduct) Regulations 2012;
- Approve the appointments on the basis of the arrangements set out in this paper and most particularly as set out in Appendix 1 hereto;

- Approve the day-to-day maintenance of the list of nominations by Cambridgeshire OPCC.

DETAIL OF THE SUBMISSION

1. INTRODUCTION

- 1.1 With effect from 1 January 2016 Police and Crime Commissioners (PCCs) are required to nominate persons to serve as legally qualified chairs of police misconduct panels under the Police (Conduct) Regulations 2012. Regulation 25(4) provides:

“Where the case is referred to a misconduct hearing, that hearing shall be conducted by a panel of three persons appointed by the appropriate authority, comprising (a) a chair selected by the appropriate authority who satisfies the judicial appointment eligibility condition on a 5-year basis and has been nominated by a local policing body for the purposes of these Regulations;...”

- 1.2 This requirement is an element of the Home Secretary's reforms to the police disciplinary system for the purposes of seeing greater transparency and independence.
- 1.3 The legally qualified chairs will sit on misconduct panels with a member of a police force of at least the rank of superintendent and an independent member selected by the appropriate authority. The appropriate authority for these purposes would be the relevant Chief Constable.
- 1.4 PCCs are responsible for appointing legally qualified chairs and thereafter for maintaining and administering the list of chairs. Chairs are not judicial appointments but they must fulfil a judicial eligibility condition as set out in section 50 of the Tribunals, Courts and Enforcement Act 2007, on a 5-year basis i.e. possess a relevant legal qualification for the requisite period.

2. REGIONAL APPROACH TO RECRUITMENT

- 2.1 Whilst the responsibility to appoint the legally qualified chairs is an individual one for PCCs, there was a recognition across the Eastern Region OPCCs that there were economies of scale to be achieved in undertaking a regional recruitment and appointment exercise.
- 2.2 Officers from each of the six OPCCs in the Region – Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk have accordingly conducted a recruitment exercise from August 2015.
- 2.3 The Job Description, Person Specification, Fees and Expenses payable for the legally qualified chair role and other terms of appointment are set out, in the recruitment information attached at Appendix A.
- 2.4 The original intention was to appoint 20 legally qualified chairs based upon projected workflows. The advert for the chairs ran for three weeks and was placed in two legal publications (on line and hard copy) and on the six OPCC websites. The APCC website also hosted a broader advert with sign posting to the Norfolk OPCC website (host website).
- 2.5 153 completed applications were received. Representatives from each of the OPCCs shortlisted those for interview by considering and discussing the applicants against the essential and desirable shortlisting criteria set out in the Person Specification (Appendix A).
- 2.6 25 candidates then progressed through to interviews held on 16, 22 and 23 October. The interview panel comprised Gavin Miles, Deputy Chief Executive – Hertfordshire OPCC, Rachel Wilkinson, Joint Director of HR for Norfolk and Suffolk Constabularies and Carolyn Dhanraj, Independent Member selected from the College of Policing's list of independent members.
- 2.7 The interview panel recommended 18 candidates for appointment. Since that point, one of the candidates has withdrawn from the process.
- 2.8 Carolyn Dhanraj also completed a report upon the recruitment process with a view to demonstrating that the process was open, transparent and merit based. Her report attached as Appendix B concluded:

"I am wholly satisfied that the Eastern Region Office of the Police and Crime Commissioners (Bedfordshire, Cambridgeshire, Hertfordshire, Essex, Norfolk and Suffolk), fulfilled their joint responsibility to ensure the assessment process to select Legally Qualified Chairs for Misconduct Hearings was undertaken in a fair, open and transparent manner. The appointments were based on merit and on the skills, understanding and ability to perform this crucial role."

[NOT PROTECTIVELY MARKED]

- 2.9 The names of the candidates recommended by the interview panel for appointment and remaining in the process are:

John Bassett	Siobhan Goodrich	Alexandra Ward
Angela Black	Hannah Graves	
Colin Chapman	Graham Humby	
Hazel Clark	Karen Booth	
Maurice Cohen	Trevor Jones	
Monica Daley-Campbell	Sarah Moore	
Neil Dalton	Peter Nicholls	
Steven Evans	James Tunbridge	

- 2.10 References for all the recorded candidates have been taken up and have been found to be satisfactory.
- 2.11 Following consideration of guidance issued by the National Police Chiefs' Council (NPCC) and following consideration by Regional Chief Constables that they were content to accept that advice, officers from the six OPCCs in the Region determined upon accepting the NPCC advice, that vetting of the legally qualified chairs was not necessary.
- 2.12 It has been stipulated in the recruitment material (see Appendix 1) that candidates must attend the mandatory training before being appointed to a police misconduct panel. Training has been organised nationally by the College of Policing. The Region is now taking steps to have the candidates participate in the various national training events organised by the College.
- 2.13 A formal decision is now required from each PCC within the Region to appoint the candidates as legally qualified chairs to the Eastern Region list of chairs for the purposes of Regulation 25 of the Police (Conduct) Regulations 2012, subject to their satisfactory completion of the national training.
- 2.14 The list of independent members of misconduct panels is currently maintained for the Region by the Cambridgeshire OPCC. The new list of legally qualified chairs will need to be maintained on a day-to-day basis. It has been agreed by the Regional OPCCs that the most sensible and practical arrangement would be for Cambridgeshire OPCC to maintain the new list of legally qualified chairs also.

[NOT PROTECTIVELY MARKED]

3. FINANCIAL IMPLICATIONS

- 3.1 The direct costs that have been incurred by the Region and which have been divided evenly between the six OPCCs are as follows:

Advertising	£7k
Independent Member	£1k

The anticipated cost of training the chairs is:

Attendance fees @ £350 each	£6k
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Attendance fees + Travel	£3k
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- 3.2 Divided equally between the six OPCCs the cost to each OPCC is under £3k.
- 3.3 The fees and expenses payable to chairs for carrying out chairing duties are set out in Appendix 1. It is for each OPCC to arrange with their Constabulary as to how and from which budgets to meet these fees.

4. RISK AND OTHER IMPLICATIONS

- 4.1 There are no risks on the PCC's Risk Register that are engaged by consideration of this paper nor is there any need to add a new risk, as a consequence of this paper, to the Risk Register.

5. RECOMMENDATIONS

- 5.1 The Police and Crime Commissioner is requested to:
- Endorse the steps taken in the recruitment and selection process to identify candidates for appointment;
 - Appoint the seventeen candidates identified at paragraph 2.9 to the list of nominations of legally qualified chairs for the purposes of regulation 25 of the Police (Conduct) Regulations 2012;
 - Approve the appointments on the basis of the arrangements set out in this paper and most particularly as set out in Appendix A hereto;
 - Approve the day-to-day maintenance of the list of nominations by Cambridgeshire OPCC.

[NOT PROTECTIVELY MARKED]

ORIGINATOR CHECKLIST (MUST BE COMPLETED)	PLEASE STATE 'YES' OR 'NO'
Has legal advice been sought on this submission?	Yes
Has the PCC's Chief Finance Officer been consulted?	N/A
Have equality, diversity and human rights implications been considered including equality analysis, as appropriate?	Yes
Have human resource implications been considered?	Yes
Is the recommendation consistent with the objectives in the Police and Crime Plan?	Yes
Has consultation been undertaken with people or agencies likely to be affected by the recommendation?	Yes
Has communications advice been sought on areas of likely media interest and how they might be managed?	Yes
Have all relevant ethical factors been taken into consideration in developing this submission?	Yes

In relation to the above, please ensure that all relevant issues have been highlighted in the 'other implications and risks' section of the submission.

APPROVAL TO SUBMIT TO THE DECISION-MAKER (this approval is required only for submissions to the PCC).

Report Approval

The report will be signed off by the Chief Executive and CFO and the PCC Solicitor where legal implications arise.

[NOT PROTECTIVELY MARKED]

[NOT PROTECTIVELY MARKED]

Chief Executive/M.O

[Handwritten signature]

Chief Financial Officer

[Handwritten signature]

PCC Legal Advisor

..... (As necessary)

Decision

PCC

I agree the recommendations to this report

[Handwritten signature: Ash]

PCC

I do not agree the recommendations to this report because

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PCC

Publication

Reasons for non-publication (*state 'None' if applicable*)

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Signed/Print name

Report for publication YES

[NOT PROTECTIVELY MARKED]

[NOT PROTECTIVELY MARKED]

NO

If the report is not for publication, the Chief Executive will decide if and how the public can be informed of the decision.

[NOT PROTECTIVELY MARKED]