

PFCC Decision Report

Please ensure all sections below are completed

Report reference number: 163 - 19
Classification (e.g. Not protectively marked/restricted):
Title of report: APPOINTMENT OF LEGALLY QUALIFIED CHAIRS
Area of county / stakeholders affected: Countywide
Report by : Darren Horsman
Date of report: 25.10.2019
Enquiries to: Darren.Horsman@Essex.pnn.police.uk

1. Purpose of the report

To gain agreement for the appointment of legally qualified chairs (LQCs)

2. Recommendations

The Police, Fire and Crime Commissioner is required to maintain a list of LQCs to manage and chair misconduct hearings under the Police (Conduct) Regulations 2012 and subsequent legislation. The six Commissioners in the Eastern region maintain a joint list.

It is recommended that the Commissioner agrees the re-appointment of the nine LQCs identified in 4 (a) for a further term of four years from 1 January 2020;

It is also recommended that the Commissioner approves the appointment of those identified in 4 (b) for a four year term on the basis as set out in paragraph 4 (b).

3. Benefits of the proposal

The regional list of LQCs has provided a good quality and consistent level of provision for the successful running of misconduct hearings. This new proposal will provide a slightly larger regional list but also enable the Commissioner to continue to fulfil his statutory responsibility in an efficient way.

4. Background and proposal

With effect from 1 January 2016 Police and Crime Commissioners (PCCs) were required to nominate persons to serve as LQCs 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....”

The LQCs 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.

Whilst the responsibility to appoint the LQCs is an individual one for PCCs, the Eastern Region Offices of PCCs recognised that there were economies of scale to be achieved in undertaking a regional recruitment and appointment exercise. Accordingly the Eastern Region PCCs proceeded to recruit and appoint a panel of 17 LQCs for the Region.

The appointments were made for a four year term with effect from 1 January 2016 with the option at the discretion of the PCCs for the term to be extended for a further four year period.

The first four year period expires on 31 December 2019. Further to this, the size of the Eastern Regional Panel has now, with attrition, reduced to 13 members.

Officers from each of the six Offices of PCCs in the Region have been meeting regularly as the Member Misconduct Oversight Panel (MMOP) to coordinate and operate all aspects of the administration of LQCs and independent members. The MMOP have been planning activity to ensure that sufficient LQCs are available for misconduct panels from 1 January 2020.

At its July 2019 meeting, MMOP considered data which showed that since 1 January 2016 LQCs had sat on 90 cases across the Region as follows:

Essex	46
Hertfordshire	12
Cambridgeshire	11
Bedfordshire	7
Norfolk	7
Suffolk	7
	<hr/>
	90

Feedback from Professional Standards Departments indicated that, owing to the other professional engagements of LQCs, it was not always easy to select and appoint a chair to a misconduct hearing. Noting also the rate of attrition from first appointment, MMOP considered that the Panel size needed to increase from the current figure of 13 to between 20 and 25.

MMOP determined to take an approach whereby it would consider re-appointing existing LQCs for second terms and then, on top of that, launch a recruitment exercise to select and appoint a group of new LQCs in order to reach the 20-25 figure.

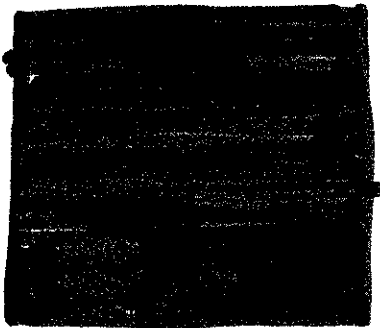
4 (a) RE-APPOINTMENT OF LEGALLY QUALIFIED CHAIRS

During 2018 all current LQCs were advised that in considering re-appointment for the four year period from 1 January 2020 the factors that would be taken into account in deciding whether to extend the current terms of appointment would include amongst other things, number of sittings, number of sittings declined and training attended.

During 2019 LQCs were asked whether they wished to be re-appointed.

In July 2019 MMOP determined that nine of the existing 13 LQCs should be recommended for re-appointment. A table setting out MMOP's considerations on 18 July 2019 is attached as Appendix A.

The nine members recommended for re-appointment are:



** subject to new training being completed or evidence of further sittings outside the Region in view of the limited number of sitting undertaken at that point.*

The terms and conditions on which LQCs are appointed provide:

"Appointments are set initially for four years commencing on 1 January 2016 with a full review of continuing suitability at the end of that time. Subject to that review, a further period of service may be agreed at the discretion of the Eastern Region PCCs for a possible term of a further four years."

The review has identified those LQCs identified above for re-appointment for a further four year term with effect from 1 January 2020.

A formal decision is now required from each PCC and PFCC within the Region to re-appoint the nine members identified above.

4 (b) RECRUITMENT OF FURTHER LEGALLY QUALIFIED CHAIRS

The Job Description, Person Specification, Fees and Expenses and other documents for the LQC role are set out in the application pack at Appendix A.

[NOT PROTECTIVELY MARKED]

The recruitment advert was published via the Judicial Appointments Commission, the Centre for Public Appointments, the Association of Police and Crime Commissioners, Regional PCC / PFCC websites, through circulation to APACE Chief Executives, and existing LQCs nationally through the National Association of Legally Qualified Chairs. The advert was published from 12 August 2019 with a closing date for applications of 8 September 2019.

One hundred and two completed applications were received. Three officer representatives from the Regional OPCCs (Cambridgeshire, Hertfordshire and Suffolk) shortlisted these for interview by considering and discussing the applicants against the essential and desirable criteria set out in the Person Specification (Appendix A). The candidates selected were those that were considered to best meet the criteria.

Thirty two candidates were shortlisted for interview. Two candidates then withdrew their applications. Interviews for the remaining candidates took place on 9, 10, 14 and 16 October 2019 in Chelmsford (in view of its accessibility by train from London). The interview panel comprised Gavin Miles, Deputy Chief Executive, Hertfordshire OPCC; Gwen Faulkner, Assistant HR Director, Cambridgeshire Constabulary; and Christopher Jackson, Chief Executive, Suffolk OPCC.

The interview questions were based on previously used questions to ensure the key qualities and abilities of the candidates could be tested within 30 minutes. In addition the information already contained within the candidates' application forms was also available to assess candidates.

The questions posed were:

Could you please tell us why we are selecting LQCs and what skills and qualities you bring to the role?

As chair, what role do you think the Panel members have? How would you deal with any disagreement? If you were selected what challenges for you personally might this role have?

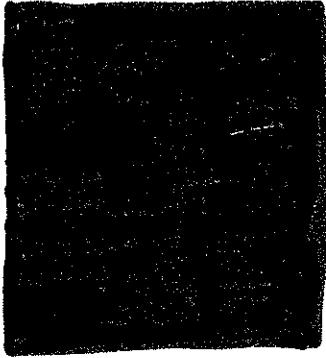
How would you deal with potential conflicts of interest / any concern that became apparent during a hearing?

The Interview Panel marked the interviewees against the Qualities and Abilities contained within the Person Specification (Appendix A).

At the conclusion of the interviews, the interview panel selected 15 candidates for recommendation of appointment. These candidates were those adjudged by the panel to best meet the qualities and abilities required for the role.

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





Of these candidates those marked with LQC by their name are already existing LQCs serving elsewhere than within the Eastern Region.

References for all the recommended candidates have been taken up and have been found to be satisfactory. In accordance with National Police Chiefs' Council policy, no vetting is required.

The Member Misconduct Oversight Panel takes the view that unless there are exceptional circumstances all new candidates should attend training before their period of service as an LQC commences. Whilst some of the new candidates are existing LQCs, the changes to the complaints and misconduct system anticipated to commence from 1 February 2020, and which will impact on the discharge of LQC duties, mean that there will be clear benefit to them being trained before they commence their duties, whether or not they have previously served as LQCs.

A formal decision is now required from each PCC within the Region to appoint the candidates at 4.9 as LQCs for the Eastern Region with effect from 1 January 2020 or the date they complete satisfactory training, whichever is the later. In exceptional circumstances it is proposed that the new candidates may be permitted to commence their duties without completing their training. It is proposed that this issue be left for the Member Misconduct Oversight Panel (on which all Regional Police and Crime Commissioners are represented) to determine on a case by case basis.

Monitoring information from all applicants was gathered and has been collated. The Member Misconduct Oversight Panel will consider the publication of this information in due course. Of the 15 candidates recommended for appointment 9 were men and 6 were women; 5 were from minority groups.

With the appointment of the 15 candidates recommended for appointment, the Eastern Region Panel of LQCs will have a strength of 24 when the re-appointed chairs are added to the newly selected chairs.

5. Alternative options considered and rejected

It was considered whether we shouldn't reappoint any existing LQC and proceed with a totally new list of LQCs. However, given past performance and the need to ensure consistency, it was decided to go for a mix of reappointment and new appointments. This had the added benefit of ensuring a degree of consistency in our regional list of LQCs.

6. Police and Crime Plan

This decision will support the Commissioner in fulfilling a statutory obligation and supports the transparency and scrutiny of the police complaints system which in turn directly impacts public confidence in the police complaints system and policing generally.

7. Police operational implications

All Professional Standards Departments in the region have been engaged by the Member Misconduct Oversight Panel. This decision will support the operational activity of Essex Police.

8. Financial implications

Very limited costs have been incurred by the Region in the recruitment process and have comprised travel and accommodation costs. Whereas travel costs will be borne by each OPCC incurring these costs any accommodation costs incurred in respect of the interviews may be shared by the six OPCCs with reference to net revenue expenditure.

Costs will necessarily be incurred in respect of training the new LQCs. A training event for new and existing LQCs as well as independent members is now being organised. These will be shared on the basis of net revenue expenditure.

A similar training event was run in 2018 by the Region where the costs amounted to £6.8k, to cover trainer, venue, refreshments, printing, training attendance fees and travel. Whilst the exact costs of the planned training event are not yet known it is anticipated that they will not exceed £13k in total. The Essex share of these costs will be below £4,000.

9. Legal implications

There are no additional legal implications.

10. Staffing implications

The proposal will establish ~~ed~~ a new regional panel with members staying on this list for four years.

11. Equality and Diversity implications

There are no direct additional Equality and Diversity implications, though efforts were taken to encourage the application from a wide range of diverse candidates including promotion through the Black Prosecutor's Association, the Law Society and Bar Council. This appears to have resulted in an increase in the diversity of candidates applying and being successful.

12. Risks

If this decision is agreed then there are no identified risks.

13. Governance Boards

This decision has been discussed at The Member Misconduct Oversight Panel.

14. Background papers

N/A

Report Approval

The report will be signed off by the OPFCC Chief Executive and Treasurer prior to review and sign off by the PFCC / DPFCC.

Chief Executive / M.O. Sign: [Signature]
Print: P. BENT - THORNTON
Date: 20 DECEMBER 2019

Chief Finance Officer / Treasurer Sign: [Signature]
Print: ASBEN GOUGH
Date: 27/12/19

Publication

Is the report for publication? YES
NO

If 'NO', please give reasons for non-publication (Where relevant, cite the security classification of the document(s). State 'None' if applicable)

.....
N/A

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

Redaction

If the report is for publication, is redaction required:

1. Of Decision Sheet? YES NO 2. Of Appendix? YES NO

If 'YES', please provide details of required redaction:

NAMES IN SECTIONS 4A & 4B TO BE REDACTED

[NOT PROTECTIVELY MARKED]

Date redaction carried out:

Treasurer / Chief Executive Sign Off – for Redactions only

If redaction is required, the Treasurer or Chief Executive is to sign off that redaction has been completed.

Sign:

Print:

Chief Executive/Treasurer

Decision and Final Sign Off

I agree the recommendations to this report:

Sign: Jane Gardner
Print: JANE GARDNER

PFCC/Deputy PFCC

Date signed: 27 December 2019

I do not agree the recommendations to this report because:

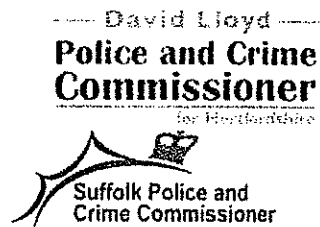
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Sign:

Print:

PFCC/Deputy PFCC

Date signed:



EASTERN REGION POLICE AND CRIME COMMISSIONERS

LEGALLY QUALIFIED CHAIRS OF POLICE MISCONDUCT PANELS

JOB DESCRIPTION

INTRODUCTION

Police Misconduct Panels (PMP) convened in any one of the six police areas that are together the Eastern Region have, from January 2016, included a chair selected from a list of persons appointed by the Police and Crime Commissioners (PCCs) for the six police areas in the Eastern Region. The PMPs conduct misconduct hearings for officers, other than senior police officers, including special constables and are governed by police conduct regulations. PCCs maintain and administer the list of the chairs. Police conduct regulations are currently being redrawn nationally and it is anticipated that new secondary legislation will be introduced in the foreseeable future and which will bring in a number of changes that will impact upon police misconduct hearings and enhance the existing role of Legally Qualified Chairs.

NATURE OF CASES

A PMP hears cases governed by police conduct regulations. The cases comprise allegations of misconduct by police officers. The severest outcome at a hearing would be dismissal from the police service without notice. Cases could include, for example, allegations of criminal acts, serious road traffic matters such as drink/driving or serious breaches of the standards expected of police officers, such as neglect of duty.

COMPOSITION OF PMPs

- A PMP consists of three persons:
- a chair selected on a fair and transparent basis from the list of legally qualified persons maintained by the Police and Crime Commissioners;
 - a police officer of superintendent rank or above;
 - a person selected on a fair and transparent basis from a list of candidates maintained by the Police and Crime Commissioners.

ROLE OF CHAIR

Subject to the anticipated changes to police conduct regulations, a Legally Qualified Chair must in conducting hearings in accordance with police conduct regulations, take appropriate action to ensure the efficient and effective bringing of the misconduct proceedings and that they are conducted in a timely, fair and transparent manner. In order to facilitate this duty the chair must decide whether to conduct a misconduct pre-hearing in order to agree directions and fix a date for the hearing.

Where a chair decides not to conduct a misconduct pre-hearing, they must determine the date, time and duration of the misconduct hearing following consultation with the parties.

The chair must ensure that misconduct hearings take place within a time limit specified in police conduct regulations.

Chairs will play the leading role in regulating misconduct proceedings, and will be required to provide written reasons for a PMP's decision.

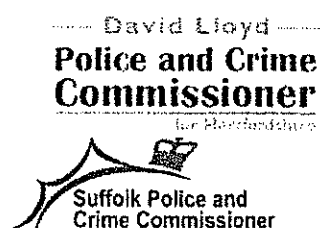
PMP chairs are required to be able to travel within the Eastern Region as this is where cases will usually be held.

MAIN ACTIVITIES

The main activities of the chair of a PMP include:

- Reviewing papers
 - Reading and assimilating misconduct papers.
- Preparing for a hearing
 - Reading and assimilating misconduct papers before any hearing commences, including on occasions studying complex documentary evidence.
 - Ensuring that hearings are conducted in accordance with police conduct regulations.
- Conduct of hearings
 - To ensure the efficient and effective bringing of proceedings and that they are conducted in a timely, fair and transparent manner.
 - To decide whether to conduct a misconduct pre-hearing, in order to agree directions for the hearing and to fix the date for the hearing.
 - Where a chair decides not to conduct a misconduct pre-hearing, to determine the date, time and duration of the misconduct hearing, following consultation with the parties.
 - To ensure the statutory time limits for the conduct of misconduct hearings are observed and complied with.
 - To ensure that parties who are not always represented are able to present their case and have it considered fully and fairly.
 - To make decisions upon reporting restrictions, participation and exclusions from misconduct hearings in accordance with police conduct regulations.

- Determination of misconduct hearing
 - In conjunction with the other PMP members, deciding whether the conduct of the officer concerned amounts to gross misconduct, misconduct or neither, and imposing any disciplinary sanction as appropriate.
- Report writing
 - To supply reports as provided for in police conduct regulations before the end of the 5 working days beginning with the first working day after the conclusion of the misconduct proceedings, to the appropriate authority and officer subject to the proceedings.
 - Following a hearing, the chair will need to ensure that the other PMP members agree that the report accurately records the findings and decisions made by the PMP.
- Time Commitment
 - The length and complexity of cases is variable as is their frequency. No guarantee of case load can be given.



EASTERN REGION POLICE AND CRIME COMMISSIONERS

LEGALLY QUALIFIED CHAIRS OF POLICE MISCONDUCT PANELS

PERSON SPECIFICATION

ESSENTIAL CRITERIA

- Satisfaction of the judicial appointment eligibility condition on a five year basis.
- Experience of chairing meetings and ability to exercise control over proceedings.
- Experience of evaluating evidence, or information and making objective, unbiased, thoughtful decisions.
- Experience of report writing, writing up deliberations, decisions or case notes.
- Excellent communication skills.

DESIRABLE CRITERIA

- Able to demonstrate previous committee or judicial work or service on a Board or Council.

APPLICANTS WILL BE ASSESSED AGAINST THE FOLLOWING QUALITIES AND ABILITIES:

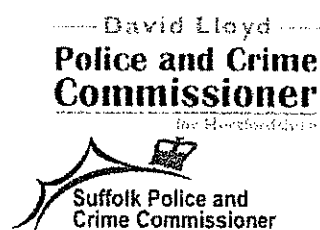
- Intellectual Capacity
 - Quickly absorbs and analyses complex information with ease.
 - Knowledge of the police disciplinary legislative framework, case-law and underlying principles, or the ability to acquire this knowledge.
- Personal Qualities
 - Integrity and independence of mind.
 - Commitment to equality, diversity and inclusion.
 - Sound judgement.
 - Decisiveness.
 - Objectivity.
 - Learns and develops professionally.
 - Maintains up to date knowledge of issues relevant to the role.

- An ability to understand and deal fairly
 - Shows awareness of equality and diversity issues that may arise in policing.
 - Committed to public interest, impartiality and fair treatment.
 - Listens with patience and courtesy.

- Authority and Communication Skills
 - Inspires respect and confidence.
 - Questions effectively.
 - Engages constructively in debate and challenges others appropriately.
 - Excellent oral, written and presentation skills.

- Efficiency
 - Works at speed, including when under pressure.
 - Manages time effectively and produces clear reasoned decisions expeditiously.
 - Works constructively with others.
 - Makes effective use of technology, including computers, video and telephone conferencing.

- Effective Chairing
 - Maintains firm and effective control of hearings.
 - Explains the procedure and any decisions reached clearly and succinctly to all those involved.
 - Maintains authority when challenged.
 - Excellent interpersonal skills and demonstrating a facilitative, inclusive and enabling manner.
 - Excellent drafting skills, with the ability to produce clear, accurate, well-structured determinations.



EASTERN REGION POLICE AND CRIME COMMISSIONERS

LEGALLY QUALIFIED CHAIRS OF POLICE MISCONDUCT PANELS

INFORMATION FOR CANDIDATES

ELIGIBILITY CRITERIA

Candidates must satisfy the judicial appointment eligibility condition on a 5-year basis as set out in Section 50 of the Tribunals, Courts and Enforcement Act 2007 (see Appendix 1). Further eligibility criteria are set out in Appendix 2.

TERMS OF APPOINTMENT

Appointees are sought for a four year term with the option at the discretion of the PCCs for the term to be extended for a further four year period.

NUMBERS

The PCCs are seeking to appoint up to a panel strength of 24 chairs for the Eastern Region Panel of Legally Qualified Chairs.

TRAINING

Candidates will be required to be trained before becoming an active member of the Eastern Region Panel. National training is currently being organised for Legally Qualified Chairs. If that is not delivered the Eastern Region Police and Crime Commissioners will organise a training event for all new chairs appointed to the Eastern Region Panel.

FEES AND EXPENSES

Fees and expenses are set out in the Fee and Expenses Structure document at Appendix 3.

CONFLICTS OF INTEREST

It will be the responsibility of a chair of a PMP to disclose any conflicts of interest that would make it inappropriate for them to handle any case for which they have been selected.

AVAILABILITY

Chairs appointed to the list are expected to make themselves reasonably available if asked to consider a PMP.

REVIEW

It is understood that the job description and fees for the Legally Qualified Chair role are being examined at a national level. The outcome of such work will in due course be considered by the Eastern Region PCCs.

QUERIES

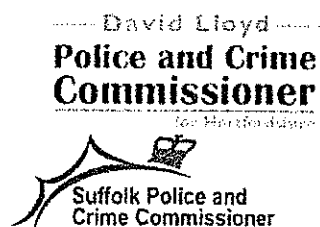
Any application queries can be directed to Christopher Jackson, Chief Executive, Office of the Police and Crime Commissioner for Suffolk by telephoning 01473 782770 or emailing anna.parkinson@suffolk.pnn.police.uk

APPLICATIONS

Completed applications should be emailed to suzanne.humphreys@essex.pnn.police.uk or posted to Suzanne Humphreys, Office of the Police, Fire & Crime Commissioner for Essex, Kelvedon Park, London Road, Essex, CM8 3HB.

The closing date for applications is 8 September 2019.

Interviews will be held in Chelmsford, Essex on 9, 10, 14 or 16 October 2019.



APPENDIX 1

TRIBUNALS, COURTS AND ENFORCEMENT ACT 2007

Sections 50-52:

50 Judicial appointments: "judicial-appointment eligibility condition"

(1) Subsection (2) applies for the purposes of any statutory provision that—

- (a) relates to an office or other position, and
- (b) refers to a person who satisfies the judicial-appointment eligibility condition on an N-year basis (where N is the number stated in the provision).

(2) A person satisfies that condition on an N-year basis if—

- (a) the person has a relevant qualification, and
- (b) the total length of the person's qualifying periods is at least N years.

(3) In subsection (2) "qualifying period", in relation to a person, means a period during which the person—

- (a) has a relevant qualification, and
- (b) gains experience in law (see section 52).

(4) For the purposes of subsections (2) and (3), a person has a relevant qualification if the person—

- (a) is a solicitor or a barrister (but see section 51), or
- (b) holds a qualification that under section 51(1) is a relevant qualification in relation to the office, or other position, concerned.

(5) In this section—

"barrister" means barrister in England and Wales;

"solicitor" means solicitor of the Senior Courts of England and Wales;

"statutory provision" means—

(a) a provision of an Act, or

(b) a provision of subordinate legislation (within the meaning given by section 21(1) of the Interpretation Act 1978 (c. 30)).

(6) Schedule 10, which makes amendments—

for the purpose of substituting references to satisfying the judicial-appointment eligibility condition in place of references to having a qualification mentioned in section 71 of the Courts and Legal Services Act 1990 (c. 41),

for the purpose of reducing qualifying periods for eligibility for appointment to certain judicial offices from ten and seven years to seven and five years respectively, and for connected purposes, has effect.

(7) At any time before the coming into force of section 59(1) of the Constitutional Reform Act 2005 (c. 4) (renaming of Supreme Court), the reference to the Senior Courts in subsection (5) is to be read as a reference to the Supreme Court.

51 “Relevant qualification” in section 50: further provision

(1) The Lord Chancellor may by order provide for a qualification specified in the order to be a relevant qualification for the purposes of section 50(2) and (3) in relation to an office or other position specified in the order.

(2) [F1awarded by a body which, for the purposes of the Legal Services Act 2007, is an approved regulator in relation to the exercise of a right of audience or the conduct of litigation (within the meaning of that Act).]

(3) An order under subsection (1) may, in relation to a qualification specified in the order, include provision as to when a person who holds the qualification is, for the purposes of section 50, to be taken first to have held it.

(4) Where—

(a) a qualification is specified under subsection (1),

(b) the qualification is one awarded by a body such as is mentioned in subsection [F2(2)], and

(c) [F3, for the purposes of the Legal Services Act 2007, the body—

(i) is not an approved regulator in relation to the exercise of a right of audience (within the meaning of that Act), and

(ii) is not an approved regulator in relation to the conduct of litigation (within the meaning of that Act).]

the provision under subsection (1) specifying the qualification ceases to have effect, subject

to any provision made under [F4section 46 of the Legal Services Act 2007

(transitional etc. provision in consequence of cancellation of designation as approved regulator)].

(5) For the purposes of section 50 and this section, a person shall be taken first to become a solicitor when the person's name is entered on the roll kept under section 6 of the Solicitors Act 1974 (c. 47) (Law Society to keep list of all solicitors) for the first time after the person's admission as a solicitor.

(6) For the purposes of section 50 and this section, a person shall be taken first to become a barrister—

(a) when the person completes pupillage in connection with becoming a barrister, or

(b) in the case of a person not required to undertake pupillage in connection with becoming a barrister, when the person is called to the Bar of England and Wales.

(7) For the purposes of section 50—

(a) a barrister,

(b) a solicitor, or

(c) a person who holds a qualification specified under subsection (1),

shall be taken not to have a relevant qualification at times when, as a result of disciplinary proceedings, he is prevented from practising as a barrister or (as the case may be) as a solicitor or as a holder of the specified qualification.

(8) The Lord Chancellor may by order make provision supplementing or amending subsections (5) to (7).

(9) Before making an order under subsection (1) or (8), the Lord Chancellor must consult—

(a) the Lord Chief Justice of England and Wales, and

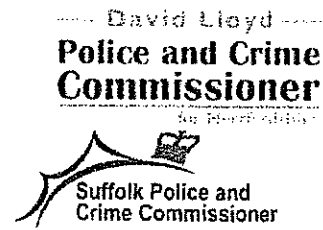
(b) the Judicial Appointments Commission.

- (10) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005 (c. 4)) to exercise his function under subsection (9)(a).
- (11) In this section—
“barrister” means barrister in England and Wales;
“solicitor” means solicitor of the Senior Courts of England and Wales.
- (12) Power to make an order under this section is exercisable by statutory instrument.
- (13) An order under this section may make different provision for different purposes.
- (14) No order may be made under this section unless a draft of the statutory instrument containing it (whether alone or with other provision) has been laid before, and approved by a resolution of, each House of Parliament.
- (15) At any time before the coming into force of section 59(1) of the Constitutional Reform Act 2005 (renaming of Supreme Court), the reference to the Senior Courts in subsection (11) is to be read as a reference to the Supreme Court.

52 Meaning of “gain experience in law” in section 50

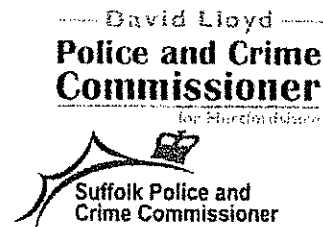
- (1) This section applies for the purposes of section 50.
- (2) A person gains experience in law during a period if the period is one during which the person is engaged in law-related activities.
- (3) For the purposes of subsection (2), a person’s engagement in law-related activities during a period is to be disregarded if the engagement is negligible in terms of the amount of time engaged.
- (4) For the purposes of this section, each of the following is a “law-related activity”—
(a) the carrying-out of judicial functions of any court or tribunal;

- (b) acting as an arbitrator;
 - (c) practice or employment as a lawyer;
 - (d) advising (whether or not in the course of practice or employment as a lawyer) on the application of the law;
 - (e) assisting (whether or not in the course of such practice) persons involved in proceedings for the resolution of issues arising under the law;
 - (f) acting (whether or not in the course of such practice) as mediator in connection with attempts to resolve issues that are, or if not resolved could be, the subject of proceedings;
 - (g) drafting (whether or not in the course of such practice) documents intended to affect persons' rights or obligations;
 - (h) teaching or researching law;
 - (i) any activity that, in the relevant decision-maker's opinion, is of a broadly similar nature to an activity within any of paragraphs (a) to (h).
- (5) For the purposes of this section, an activity mentioned in subsection (4) is a "law-related activity" whether it—
- (a) is done on a full-time or part-time basis;
 - (b) is or is not done for remuneration;
 - (c) is done in the United Kingdom or elsewhere.
- (6) In subsection (4)(i) "the relevant decision-maker", in relation to determining whether a person satisfies the judicial-appointment eligibility condition on an N-year basis in a particular case, means—
- (a) where the condition applies in respect of appointment by Her Majesty to an office or other position, the person whose function it is to recommend the exercise of Her Majesty's function of making appointments to that office or position;
 - (b) where the condition applies in respect of appointment, by any person other than Her Majesty, to an office or other position, that person.
- (7) In subsection (6) "appointment", in relation to an office or position, includes any form of selection for that office or position (whether called appointment or selection, or not).



APPENDIX 2

<u>STANDARD ELIGIBILITY CLAUSES FOR LEGALLY QUALIFIED CHAIRS</u>	
AGE	
	There is no upper or lower age limit for candidates for this post apart from any statutory retirement age for judicial appointments.
NATIONALITY	
	<p>Candidates will need to fulfil one of the following nationality requirements:</p> <ul style="list-style-type: none"> • Be a citizen of the United Kingdom; • Be a citizen of the Republic of Ireland; • Be a citizen of a commonwealth country; or • Hold dual nationality, one of which falls in one of the above categories.
DISABILITY	
	If appointed, reasonable adjustments will also be considered to ensure that a disabled judicial appointee can take up and perform the role.
HEALTH	
	Candidates must be capable of fulfilling the particular judicial office they have applied for. If a health condition constitutes a disability within the meaning of the Equality Act 2010, reasonable adjustments will be considered on an appointee taking up office and during service.
EXCLUSIONS	
	<ul style="list-style-type: none"> • Serving police officers; • Serving police staff; • Serving Special Constables.
CRIMINAL CONVICTIONS	
	The Eastern Region Police and Crime Commissioners will not normally appoint someone with unspent criminal convictions (with the exception of fixed penalties). Each case will be considered on its merits.



APPENDIX 3

FEE AND EXPENSES STRUCTURE FOR LEGALLY QUALIFIED CHAIRS

FEES

- Full day ie sittings of more than 4 hours (excluding meal breaks) **£366**
- Half day ie sittings of 4 hours or less (excluding meal breaks) **£181**

The "fees" rates may be claimed only for sitting on a misconduct panel, hearing or a misconduct pre-hearing.

PREPARATION AND REPORT WRITING FEES

A fee may be claimed at the rate of **£52.50** for each hour necessarily spent in preparatory work or report writing. This fee, may, however only be claimed where it is necessary for the work to be undertaken on a day other than the day on which the PCR proceeding takes place, (except that a fee may be claimed even in these circumstances if the PCR proceeding fee is paid at the half-day rate).

The maximum preparation and report writing fees that may be claimed are **£750** for each PCR proceeding.

TRAINING FEE

A fee of **£100** may be claimed for attending training as may be approved by the Eastern Region Police and Crime Commissioners.

TRAVELLING EXPENSES

Chairs may be paid their travelling expenses between residence and place of duty. Any necessary travel to a panel sitting may be undertaken by standard class train travel. If claiming reimbursement of rail fares you must either provide a receipt or enter on the claim the rail ticket and date and place of issue.

Travel by car may be claimed at Her Majesty's Revenue and Customs (HMRC) approved rates as follows:

- Up to 10,000 miles irrespective of engine capacity **45 pence per mile.**

Incidental travelling expenses eg bus/tube fares, may also be claimed. Taxi fares may be reimbursed only in the following circumstances: for journeys for which there is no other suitable method of public transport, or where heavy luggage has to be transported to or from the place of departure or arrival. A receipt for travel by taxi must be provided and full reasons must be given in writing and included or attached to the

claim form. Full details of each step of the journey should be shown. Travelling allowances are designed to meet expenses incurred and are in no sense a form of remuneration. Please note that no liability can be accepted in the event of any accident, damage, injury or death.

There is no provision of payment of travelling time.

NIGHT SUBSISTENCE

A night subsistence allowance may be claimed if you are absent from your normal place of residence for a period of 24 hours or more and necessarily incur expenditure on accommodation, meals and incidental travel (see above) which is additional to what would have been incurred at home. This allowance is therefore intended to cover the hotels costs plus all meals and incidental expenses for a period of 24 hours from the time of departure from home.

The rate payable is £96.

This rate has been made up as follows:

- Actual receipted bed and breakfast expenditure up to a limit of £70.
- Plus a flat rate allowance of £26. This allowance is intended to cover dinner, lunch and local travel (for example between your hotel and the place of the PCR proceeding) and also to cover miscellaneous personal expenses. No additional amount is payable.

Chairs who stay free of charge with friends or relatives may claim the flat rate allowance of £26 to cover dinner, lunch and local travel.

All claims must be vouched by a receipt for the cost of bed and breakfast which should be attached to your claim form. If they are not, only the flat rate allowance of £26 will be payable.

DAY SUBSISTENCE

Where an overnight stay is not necessary, an allowance may be claimed for the necessary costs spent on meals (day subsistence). The allowance is based on the period during which the member is absent from home. The rates are:

- Absence of more than 5 hours and less than 10 hours £4.25
- Absence of more than 10 hours £9.30

This is a flat rate allowance that may be claimed whether the cost of meals was more, or less, than the actual amount of expenditure. It is not necessary for receipts to be provided. The allowance should not, of course, be claimed if a meal is provided free of charge.

Day subsistence allowances will not be paid concurrently with night subsistence allowances. However, a Chair who necessarily stays overnight for the purposes of a PCR proceeding may attract a day subsistence allowance when he is absent from home for more than 5 hours or more than 10 hours after a complete period of 24 hours attracting night subsistence allowance has expired.

The sole purpose of subsistence allowances is the reimbursement of extra expenditure necessarily incurred and they are in no sense a payment of services.

MISCELLANEOUS EXPENSES

The cost of telephoned calls etc necessarily incurred eg arranging accommodation may be claimed.

VAT

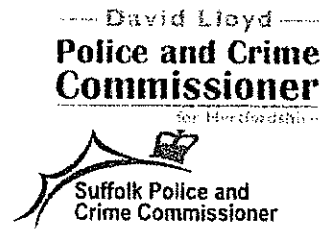
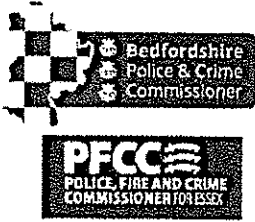
VAT may be claimed by those members registered for the purposes of VAT. In these cases the VAT registration should be shown.

COMPLETION OF CLAIM FORMS

Blank claim forms are available from the Professional Standards Office of the Constabulary arranging the PCR proceedings. Completed claims should be returned to that office.

It would be helpful if Chairs could clearly separate on the claim forms the actual times spent on travel and on a sitting.

If you have any queries about these expenses, please contact the Office of the Police and Crime Commissioner for Cambridgeshire, tel: 0300 333 3456.



EASTERN REGION POLICE AND CRIME COMMISSIONERS

EU GENERAL DATA PROTECTION REGULATION (GDPR) PRIVACY NOTICE

APPLICATIONS FOR APPOINTMENT

The Police and Crime Commissioners (PCCs) for Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk are data controllers for the purposes of the GDPR. In the discharge of their statutory functions they of necessity collect personal data from data subjects.

The PCCs in pursuance of their statutory functions appoint legally qualified chairs. In order to make these appointments they require access to the personal data of applicants. The data collected in the application process will be used to make an appointment decision. In the case of unsuccessful applicants the data will be retained and disposed of in accordance with the time period specified in the PCCs' respective GDPR Policies. Where an applicant is successful the applicant's data will be retained and disposed of, again in accordance with the time periods in the respective GDPR policies. Personal data obtained from the successful applicant will be used to facilitate the successful delivery of the appointment. It will be shared with the police forces for the PCCs' police areas in order to deliver where appropriate the functions relating to service delivery, payroll, and such other necessary functions.

Your personal data will only be reasonably used to enable the discharge of statutory functions. The PCCs have adopted GDPR Policies which set out their approach to handling personal data. They are available through the PCCs' websites or alternatively copies may be requested by contacting the individual PCCs directly.

A data subject has the following rights under the GDPR:

- The right of access to their personal data;
- The right to require a controller to rectify errors in their personal data;
- The right to require a controller to delete their personal data if the continued processing of those data is not justified;
- The right to restrict the controller in the processing of their personal data;
- The right to transfer their personal data between controllers where appropriate;
- The right to object to the processing of their data in certain circumstances;
- The right not to be evaluated on the basis of automated processing.

These rights are explored in more detail in the PCCs' GDPR Policies.

The contact details for the PCCs are:

Police and Crime Commissioner for Bedfordshire
Bedfordshire Police Headquarters
Woburn Road
Kempston
Bedford MK43 9AX

Tel: 01234 842208
Email: pcc@bedfordshire.pnn.police.uk
Web: www.bedfordshire.pcc.police.uk

Police and Crime Commissioner for Cambridgeshire
Hinchingsbrooke Park
Huntingdon
Cambridgeshire PW29 6NP

Tel: 0300 333 3456
Email: cambs-pcc@cambs.pnn.police.uk
Web: www.cambridgeshire-pcc.gov.uk

Police, Fire and Crime Commissioner for Essex
Kelvedon Park
London Road
Rivenhall
Witham
Essex CM8 3HB

Tel: 01245 291600
Email: pfcc@essex.pnn.police.uk
Web: www.essex.pfcc.police.uk

Police and Crime Commissioner for Hertfordshire
Harpenden Police Station
15 Vaughan Road
Harpenden
Hertfordshire AL5 4GZ

Tel: 01707 806100
Email: commissioner@herts.pcc.pnn.gov.uk
Web: www.hertscommissioner.org

Police and Crime Commissioner for Norfolk
Building 8, Jubilee House
Falconers Chase
Wymondham NR18 0WW

Tel: 01953 424455
Email: opccn@norfolk.pnn.police.uk
Web: www.norfolk-pcc.gov.uk

Police and Crime Commissioner for Suffolk
Police Headquarters
Martlesham Heath
Ipswich
Suffolk IP5 3QS

Tel: 01473 782773
Email: spcc@suffolk.pnn.police.uk
Web: www.suffolk-pcc.gov.uk