Title: Appointment of Legally Qualified Chairs for Police Misconduct Hearings

Executive Summary:
As a result of amendments to the Police (Conduct) Regulations 2012, Police and Crime Commissioners ('PCCs') have a statutory responsibility for the nomination of Legally Qualified Chairs to sit on Police Misconduct Hearings from 1 January 2016.

In response to this change in legislation, the Hampshire, Kent, Thames Valley, Surrey and Sussex PCC’s ('the Commissioners') have undertaken a joint recruitment exercise to identify appropriate candidates for nomination.

Following the completion of an open and fair recruitment process this paper requests approval for the nomination of 15 Legally Qualified Chairs to sit on Police Misconduct Panels. All candidates meet the statutory eligibility requirements for appointment and are being recommended based on merit.

Recommendation:
Subject to appropriate checks with relevant regulatory bodies 15 candidates are formally nominated as Legally Qualified Chairs to sit on Police Misconduct Panels based on merit.

Police and Crime Commissioner

I hereby approve the recommendation above.

Signature

Date 25-11-15.
PART 1 – NON-CONFIDENTIAL

1 Purpose of this report

1.1 This report provides recommendations for the nomination of Legally Qualified Chairs to conduct police misconduct hearings. It sets out the information and background on the recruitment process and also confirms that the process was open and fair. Candidates recommended for nomination meet the eligibility criteria and were selected for nomination on merit.

2 Introduction and background

2.1 Following a public consultation led by the Home Secretary in the autumn of 2014, changes are continuing to be made to the police disciplinary system for the purposes of greater transparency and independence. This includes holding police misconduct hearings in public (from May 2015) and replacing Senior Police Officers who currently chair hearings with Legally Qualified Chairs (from January 2016).

2.2 As a result of the legislative changes that required gross misconduct hearings to be chaired by a legally qualified individual, Hampshire, Kent, Thames Valley, Surrey and Sussex PCC’s (the Commissioners’) set up and have undertaken a joint recruitment exercise to identify appropriate candidates for nomination.

2.3 As a result of the recruitment exercise process 15 candidates are being recommended for nomination by the Commissioners to chair police misconduct hearings.

3 Recruitment process overview

3.1 Under amendments made to regulation 25 of the Police (Conduct) Regulations 2012 (by regulation 5 of the Police (Conduct) (Amendment) Regulations 2015) the Commissioners are now responsible for nominating Legally Qualified Chairs, from which the appropriate authority can select the chair for any given misconduct hearing.

3.2 The only statutory requirement for nominations is that a candidate must satisfy the judicial appointment eligibility requirements (on a 5 year basis) as set out in section 50 of the Tribunals, Courts and Enforcement Act 2007.

3.3 Other than the judicial appointment requirement there are currently no statutory requirements or guidance on how nominations should be made. This is, therefore, a matter for the Commissioners who decided to undertake a joint recruitment process for the five areas adopting an open and fair process with nominations being made on merit.

4 The selection process

4.1 The Commissioners’ officers designed a selection process to select eligible and appropriate Legally Qualified Chairs to cover the five areas. This was designed to ensure that the nomination process was based on the principles of merit, fairness and openness.

4.2 To date this has included the following steps:
• Advertisement and application packs being made openly available on both the local websites and the Association of Police and Crime Commissioners website.
• Contacting the relevant local/national bodies, such as the Law Society, to raise awareness and encourage applications.
• Applicants being required to submit applications set against professional competencies based on and adapted from the Judicial Studies Board, Framework of Judicial Abilities and Qualities
• Short-listing based on merit, undertaken by a short listing panel
• Identification of recommended candidates for nomination following assessment and interview by a selection panel

4.3 The following additional steps will be taken before any recommended nomination is accepted:

• The Commissioners to make individual decisions on the nominations in respect of their own areas.
• Pre appointment checks with the appropriate regulatory body (Bar Council and or Solicitor Regulatory Authority) and referees as appropriate.

Role requirement / specification and application form

4.4 A role description and person specification was developed in accordance with Office of the Police and Crime Commissioners’ previous recruitment experience and specifications provided by the Association of Police and Crime Commissioner (‘APCC’). It also included competencies based on and adapted from the Judicial Studies Board, Framework of Judicial Abilities and Qualities.

4.5 The application form was used to obtain evidence that candidates fulfilled the statutory eligibility requirements and part of the devised application form required candidates to complete an assessment against the advertised specification.

Advertising and communication strategy

4.6 An advertising and communication strategy was designed to ensure that the process was open and transparent. A copy of the advert is at Appendix 1.

4.7 The vacancy was published, advertised and promoted as follows:

• Adverts were placed on each of the Commissioners’ respective websites including links to download application information packs and forms
• The positions were advertised on the APCC website with hyperlinks to the Commissioners’ websites
• It was advertised by the Judicial Appointment Commission
• The Bar Council sent the advert to all members via its email publication ‘Bar talks’
• The Law Society and local Law Society groups were provided with a copy of the advert and requested to circulate the opportunity to all members

4.8 The advert first went live on 25 August 2015 with a deadline for applications to be submitted by Midday on 21 September 2015. The information pack included anticipated interview dates for successful candidates at the short-listing stage.
4.9 Applications packs were made available on request and also made available for electronic download from all of the Commissioners’ websites. Potential candidates could access a full application pack anonymously through the Commissioners’ websites. Although open download meant the Commissioners were unable to track the number of interested or potential candidates, this increased accessibility and openness to any potential candidates who wanted to consider applying and meant they could do so without any commitment or record of interest being made.

4.10 A copy of the information pack and a blank application form is available at Appendix 2 and 3 respectively.

4.11 All applications were required to be returned to the Office of the Police and Crime Commissioner (OPCC) for Hampshire who took responsibility for the administration of applications received and notification of interviews to successful candidates at the short listing stage. Jacob Rickett, the Governance Manager of the OPCC for Thames Valley, was named as a specific contact for any questions received regarding the selection process. This was done to ensure consistency of approach and that any potential candidate was provided with the same information.

4.12 An overwhelming response was received to the adverts. Only applications received in time or delayed due to genuine technical reasons were accepted. 192 applications received were put forward for consideration at the short listing stage. All applications received and considered were acknowledged. A number of further enquiries were received after the closing date had expired seeking to apply for the position, but advice was issued that no further applications would be accepted.

*Short listing*

4.13 The Shortlisting panel comprised an officer from each of the offices of the Commissioners. This included the following members:

- Mary Clarke, Senior Governance Manager, OPCC for Sussex
- Laura Steward, Head of Standards and Regulation, OPCC for Kent
- Richard Andrews, Executive Advisor, OPCC for Hampshire and the Isle of Wight
- Sam Meyer, Policy Officer, OPCC for Surrey
- Jacob Rickett, Governance Manager, OPCC for Thames Valley

4.14 Short-listing was undertaken on 23 September 2015.

4.15 The panel confirmed that the candidate met the eligibility criteria and assessed applications against the advertised Personal Specification and Qualities and Abilities. Evidence was drawn from candidates’ career profiles and the competency self-assessment. A copy of the short listing criteria applied is at Appendix 4.

4.16 The number and quality of candidates was very high. Applications included wide ranging experience including various judicial appointments and experience of the police misconduct regulations. Applications were therefore strictly assessed in line with the Personal Specification to produce a shortlist. 27 candidates were shortlisted and invited to interview. Due to the number of applications received and the high number of exceptional applications received, two more interviews dates were scheduled in addition to those originally advertised.
Selection/Interview Panel

4.17 The interview panel comprised the following members:

- Mark Streater, Chief Executive, OPCC for Sussex
- Richard Andrews, Executive Advisor, OPCC for Hampshire and the Isle of Wight
- Jacob Rickett, Governance Manager, OPCC for Thames Valley

4.18 Candidates were asked to give a 10 minute presentation, following a 1 hour preparation period. The presentation question was not made available before the interview day. The presentation was followed by an interview which addressed issues raised in the presentation before exploring wider topics related to the advertised Personal Specification and Qualities and Abilities.

4.19 For the presentation candidates were asked to assume the role of Chair of a Police Misconduct hearing and deliver an oral decision. A candidate information pack provided the basic information and resources for candidates to assess and use to issue a decision.

4.20 A copy of the presentation candidate information pack and interview questions are available at Appendix 5 and 6 respectively.

4.21 Panel members were provided with individual copies of the presentation and interview assessment forms and independently assessed the candidates before discussing the candidates' presentation and answers and applying scores.

4.22 Four interview days in total were held. Two candidates withdrew from the process and 25 candidates were interviewed. Following the interview process scores were collated and discussed. Based on the assessment of the presentation and question scores, 15 candidates are being recommended for nomination as Legally Qualified Chairs to sit on police Misconduct hearings.

4.23 Applicants were asked within the application forms to nominate which of the five areas they were applying for and could apply to sit in one or more areas. Out of the 15 candidates recommended for appointment the areas applied for is broken down as follows:

- 12 nominated candidates will be available to sit in Hampshire
- 12 nominated candidates will be available to sit in Kent
- 13 nominated candidates will be available to sit in Surrey
- 13 nominated candidates will be available to sit in Sussex
- 13 nominated candidates will be available to sit in Thames Valley

4.24 The number of Legally Qualified Chairs to recommend for nomination has been challenging, with the predicted number of hearings likely to increase due to changes to officer resignation requirements. Sufficient numbers are required to ensure a Legally Qualified Chair is available to meet hearing demands without over subscribing the list to ensure sufficient opportunity and experience is provided to nominated candidates. The proposed number of nominations should provide a sensible balance to meet hearing demand without spreading work too thinly to prevent knowledge and experience being acquired. Hearing demand will be kept under review and further
recommendations made if additional nominations are required once the transition to legally qualified chairs has been implemented.

5 Terms and conditions on which the nominates candidates are to be appointed

5.1 Subject to approval by the Commissioners and appropriate checks the proposed nominations will be appointed for a period of 4 years.

5.2 Fees will be fixed at a daily sitting rate of £366.

5.3 Preparation time and report writing will either be the subject of a fixed fee agreed for a specific case or will be paid at £52.50 per hour, up to a maximum limit of £750. This limit may be extended in exceptional circumstances if agreed in writing with the relevant instructing Commissioners in advance.

5.4 These fixed fee rates will apply to all successful candidates and will not differ depending on qualification or experience. For example, they will not differ whether a Barrister or Solicitor, they are not dependent on Post-Qualification Experience (PQE) or Call or whether the Chair is a QC or not.

5.5 Reasonable expenses will be reimbursed. Travel expenses will be reimbursed for standard fares only and areas may also restrict travel expenses to local travel claims only.

6 Financial comment

6.1 The Commissioners’ respective finance officers will ensure appropriate budgetary provisions are provided for fees of Legally Qualified Chairs Police Misconduct Hearings. In relation to any specific training requirements, arrangements will be made to offer training to all nominated Legally Qualified Chairs. Subject to prior agreement the five Commissioners, whenever possible, will seek to split costs of necessary training of the nominated candidates.

7 Legal comments

7.1 The statutory requirement for appointment is contained in regulation 25 of the Police (Conduct) Regulations 2012 (as amended by regulation 5 of the Police (Conduct) (Amendment) Regulations 2015).

7.2 The only statutory requirement for nominations is that a candidate must satisfy the judicial appointment eligibility requirements (on a 5 year basis) as set out in section 50 of the Tribunals, Courts and Enforcement Act 2007.

7.3 The recruitment process has included checks on candidates’ eligibility to ensure compliance.

7.4 Respective Commissioners’ officers have taken responsibility for identified aspects of the recruitment process to ensure accountability and that the candidates’ personal data has been and will be handled in accordance with the Data Protection Act 1998.
8  Equality comments

8.1 In making nominations the Commissioners must comply with the provisions of the Equality Act 2010.

8.2 The recruitment process was designed and conducted in accordance with the requirements of the Equality Act 2010. For example, reasonable adjustments were offered to candidates at application and interview stages.

9  Recommendation

9.1 Following an open and fair recruitment process it is recommended that 15 candidates based on merit are nominated as Legally Qualified Chairs to sit on Police Misconduct Panels.

Public access to information
Information in this form is subject to the Freedom of Information Act 2000 (FOIA) and other legislation. Part 1 of this form will be made available on the website as soon as practicable after approval. Any facts and advice that should not be automatically available on request should not be included in Part 1 but instead on a separate Part 2 form. Deferment of publication is only applicable where release would compromise the implementation of the decision being approved.

Is the publication of this form to be deferred? NO
Is there a Part 2 Form? YES

<table>
<thead>
<tr>
<th>Name &amp; Role</th>
<th>Officer</th>
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<tbody>
<tr>
<td>Head of Unit</td>
<td>Jacob Rickett</td>
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<tr>
<td>Following an open and fair recruitment process it is recommended that 15 candidates (details in Part 2) of this report are nominated to sit as Legally Qualified Chairs based on merit.</td>
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<thead>
<tr>
<th>Legal Advice</th>
<th>Jacob Rickett</th>
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<td>The nominated candidates meet the statutory eligibility requirements of the Police (Conduct) Regulations 2012.</td>
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<tr>
<th>Financial Advice</th>
<th>Ian Thompson</th>
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<td>Appropriate budgets will be established within the OPCC to pay for legally qualified chairs to sit on Police Misconduct Panels</td>
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<tr>
<th>Equalities &amp; Diversity</th>
<th>Jacob Rickett</th>
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<tr>
<td>The recruitment process complied with the Equality Duty and the Equality Act 2010 and would be capable of meeting Equality and Diversity requirements to the satisfaction of the Commissioners.</td>
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STATUTORY CHIEF OFFICERS' APPROVAL

We have been consulted about the proposal and confirm that financial and legal advice have been taken into account in the preparation of this report.

We are satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner.

Chief Executive

Date 19/11/2015

Chief Finance Officer

Date 19/11/15