

# CHAIR OF POLICE MISCONDUCT PANELS APPOINTMENTS PROCESS





## **1.0 Introduction**

1.1 Following a public consultation led by the Home Secretary in the Autumn of 2014, changes have been made to the police disciplinary system for the purposes of more transparency, independence and justice. From May 2015 Police Misconduct Hearings are now heard in public, and furthermore from the 1<sup>st</sup> January 2016, Legally Qualified Chairs will replace Police Chairs on Police Misconduct Panels held under the Police (Conduct) Regulations 2012.

1.2 Whilst the Chairs of Misconduct Hearings are not judicial appointments, anyone nominated to Chair misconduct hearings by the Local Policing Body (OPCC), must fulfil the judicial appointment eligibility condition as set out in section 50 of the Tribunals, Courts and Enforcement Act, on a 5-year basis.

1.3 The expectation is that anyone selected to Chair Misconduct Hearings will be independent of the Police. The main reason for this change was to ensure that there is a transparency of the Police misconduct and/or complaints system and to provide reassurance to the wider public through upholding the integrity of the Police service.

1.4 Police and Crime Commissioners are legally required to appoint such Chairs, and to achieve economies of scale, the Eastern Region Office of Police and Crime Commissioners (Bedfordshire, Cambridgeshire, Hertfordshire, Essex, Norfolk and Suffolk) agreed to collaborate and run a recruitment exercise to select up to twenty Legally Qualified Chairs to cover hearings in each of the counties.

1.5 Applications were invited from qualified lawyers who could demonstrate integrity, sound judgement, objectivity and a commitment to equality, diversity and inclusion. All applicants were to 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.

1.6 Appointments would be made on an initial four year term to Chair hearings as and when required at a daily rate of £366. Please see Appendix One for full details.

1.7 As part of the recruitment process, the Eastern Region wished to have an Independent person to sit on the Panel to ensure an open, transparent and merit based recruitment process was taken to appoint the successful Chairs of the Police Misconduct Hearings.

## **2.0 Attraction strategy**

2.1 Similar roles had been advertised nationally including MOPAC which was advertised prior to the advert for the Eastern Region. The Eastern region advert followed the MOPAC advert being marketed between the 4th September 2015 to the 25th September 2015 precisely three weeks, to enable an opportunity for suitable candidates to apply.

2.3 The advertisement was placed on each of the six OPCC Eastern Regions websites and the APCC website. These advertisements were linked to the Norfolk OPCC host website where the role requirements and application form could be downloaded for completion.

2.4 In addition the role was advertised in 'The Lawyer' and 'Law Society' both as a quarter page advertisement in their publications and on-line. The Association of Police and Crime Commissioners also hosted a general advertisement and listed the OPCCs that were advertising with links to their respective websites.

2.5 At the closing date for applications on Friday, 25th September 2015, 153 applications had been received. The Shortlisting Panel who were representative of the six OPCCs met on the 8th October and selected twenty five suitably qualified candidates for an interview openly advertised for either the 16th, 22nd or 23rd October, at the Essex OPCC Office in Chelmsford.

### **3.0 Interview and Selection process**

3.1 The Interviewing Panel consisted Gavin Miles, Deputy Chief Executive at Hertfordshire Police and Crime Commissioners Office (also a Solicitor and could offer a professional expertise) Rachel Wilkinson Director of Human Resources from Norfolk and Suffolk Police Constabularies and myself Carolyn Dhanraj who is a College of Policing approved assessor.

3.2 The draft Interview questions were reviewed and amended by myself to ensure the key attributes, qualities and skills could be tested within 30 minutes. I advised that the competency areas of intellectual capacity, report writing and judicial eligibility would have been assessed for short listing purposes, therefore we would be testing at Interview: Personal Qualities and understanding of the new role, Effective Chairing and Authority and Communication skills.

3.3 The questions posed were:

*3.3.1 Could you please tell us why we are selecting Legally Qualified Chairs and what skills and qualities you bring to the role?*

*3.3.2 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?*

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

3.4 It is useful to mention that a time limit of 30 minutes per interview was set due to three days being allocated for interviews. All applicants who fulfilled the criteria were selected for interview; through this the Panel demonstrated fairness and transparency and did not impose a maximum number only to interview.

3.5 Each Interview Panel member had a set template to mark the interview questions independently; each of the three areas were to be scored on a 1-5 rating scale.

3.6 After each candidate had been assessed I verbally gathered each Interview Panel Members' individual scores and the evidence gathered to justify the grades. I ensured the consistency and justification of each score given; referring back to the grade descriptors and the Interview Panel agreed overall scores.

3.7 To demonstrate a fair and transparent process, based on merit, the Panel agreed that a benchmark of 25 points out of a possible 45 would be placed, and any candidate scoring below this would not be appointable.

3.8 After three days of interviews, 23 face to face, 2 via telephone conference, the Panel agreed to recommend 18 Legally Qualified Chairs to the Police and Crime Commissioners to hold on their approved list. The Panel felt the selected Legally Qualified Chairs fulfilled the personal qualities and skill set required of this new role. The Panel unanimously agreed that the selected Chairs would offer a breadth of experience that the different Chief Constables could select from to Chair the Misconduct Hearings from January 2016.

3.9 The 25 (twenty-five) shortlisted candidates consisted of as near an even number of women and men; 3 (three) were from visible minority groups. Of those interviewed and selected, there were 10 (ten) men, 8 (eight) women and of which 2 (two) were from visible minority ethnic groups. I am unaware of the other equality factors, such as disability, as this was not made known to the Panel and was not discussed at any point.

3.10 The successfully selected Legally Qualified Chairs are, in alphabetical order:

JOHN BASSETT  
ANGELA BLACK  
COLIN CHAPMAN  
STEPHEN CHAPPELL  
HAZEL CLARK  
MAURICE COHEN  
MONICA DALEY-CAMPBELL  
NEIL DALTON  
STEVEN EVANS

SIOBHAN GOODRICH  
HANNAH GRAVES  
GRAHAM HUMBY  
KAREN BOOTH  
TREVOR JONES  
SARAH MOORE  
PETER NICHOLLS  
JAMES TUNBRIDGE  
ALEXANDRA WARD

#### **4.0 Conclusion**

4.1 I am wholly satisfied that the Eastern Region Office of 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 ability to perform this crucial role.

**Carolyn Dhanraj MBE JP BPS**

College of Policing Independent Member

## CHAIR OF POLICE MISCONDUCT PANELS

### JOB DESCRIPTION

#### **Role of Chair**

When hearing cases under the Police (Conduct) Regulations 2012 (as amended by the Police (Conduct) (Amendment) Regulations 2015), the chair will be expected to have read the papers in advance, and will be required to provide full reasons in writing for the Police Misconduct Panel's decision before the end of 5 working days after the day of the conclusion of the proceedings. A commitment to writing reports will be essential.

Police Misconduct Panel 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 Police Misconduct Panel 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.
- Making pre-hearing decisions on whether witnesses are permitted to be called to give evidence at the hearing and whether to require notice of the hearing.

#### **Conduct of Hearings**

- To ensure that parties who are not always represented are able to present their case and have it considered fully and fairly.
- To ensure that hearings are conducted efficiently and effectively in a manner compatible with the interests of natural justice.
- A misconduct hearing shall be held in public, subject to the Chair determining otherwise, in accordance with the Regulations.

#### **Determination of misconduct hearing**

- In conjunction with the other Police Misconduct Panel 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**

- Fully reasoned reports should be produced to provide the officer in writing with the outcome of the misconduct meeting/hearing. This will be done as soon as practicable and in any case before the end of 5 working days beginning with the first working day after the conclusion of the misconduct proceedings.
- Following a hearing, the chair will need to ensure that the other Police Misconduct Panel members agree that the report accurately records the findings and decisions made by the Police Misconduct Panel.

#### **Time Commitment**

- Misconduct cases are triggered by the officer receiving notice of misconduct proceedings (regulation 21). The occurrence of cases is unpredictable in nature

as is their length. The PCCs are seeking to appoint up to 20 chairs in anticipation that a chair would deal with 3-4 cases per annum (although it should be noted however that no guarantee of case load can be given and volumes may vary).

## **PERSON SPECIFICATION**

The competencies required for the role of Chair are:

### **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:

### **1. 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.

### **2. 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.

### **3. 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.

### **4. Authority and Communication Skills**

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

### **5. 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

### **6. 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.

## **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 20 chairs.

### **Training**

Candidates must attend the mandatory training before being appointed;  
There will also be an induction training session.

### **Fees and Expenses**

Fees and expenses are set out in the Fee and Expenses Structure document at Appendix 3. Fees will not differ whether or not the Chair is a QC.

### **Conflicts of Interest**

It will be the responsibility of a chair of a Police Misconduct Panel 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 Police Misconduct Panel.

**Successful candidates will be required to undergo a security vetting process before an appointment can be made.**