



Cambridgeshire  
Police & Crime  
Commissioner

**To:** Business Coordination Board

**From:** Chief Executive

**Date:** 16 December 2015

## APPOINTMENT OF LEGALLY QUALIFIED CHAIRS FOR POLICE MISCONDUCT HEARINGS

### 1. Purpose

1.1 The purpose of this report is to provide the Business Coordination Board (“the Board”) with the details of the Police and Crime Commissioner’s (“the Commissioner”) recruitment process to appoint Legally Qualified Chairs (LQCs) to serve on Police Misconduct Panels.

### 2. Recommendation

2.1 The Board is recommended to:

- Endorse the steps taken in the recruitment and selection process to identify candidates for appointment as LQCs;
- Approve the appointment of the 17 candidates identified at paragraph 5.6 as LQCs;
- Approve the day-to-day maintenance of the list of nominations by Cambridgeshire Office of the Police and Crime Commissioner (OPCC).

2.2 The Commissioner is asked to sign a Decision Notice to appoint the 17 LQCs.

### 3. Background

3.1 As part of the Home Secretary’s reforms of the police disciplinary system, new powers were introduced in March 2015 relating to the police misconduct hearings. The overall purpose of The Police (Conduct) Regulations 2012 (amended by Police (Conduct)

(Amendment) Regulations 2015<sup>1</sup> (“the Regulations”) is to bring more transparency, independence and justice to the disciplinary system.

- 3.2 The Regulations, amongst other provisions, brought into effect that where a police officer<sup>2</sup> had been served with a requisite notice on or after the 1st May 2015 that their case would be referred to a hearing, that hearing would be held in public (unless there are particular circumstances of the case outweigh the public interest in holding the hearing in public). In respect of such hearings, the Regulations further provide that from the 1st January 2016 these hearings would be conducted by a LQCs, a member of a police force of at least the rank of superintendent and an independent member selected by the appropriate authority.
- 3.3 Under the Regulations, Police and Crime Commissioners are responsible for appointing LQCs and thereafter for maintaining and administering the list of the LQCs.
- 3.4 Chairs are not judicial appointments but must fulfil a judicial appointment eligibility condition as set out in section 50 of the Tribunals, Courts and Enforcement Act, on a 5-year basis i.e possess a relevant legal qualification for the requisite period.

#### **4. Recruitment Approach**

- 4.1 Whilst it was for individual Commissioners to appoint the LQCs, there was a recognition across the Eastern Region<sup>3</sup> that there were economies of scale to be achieved in undertaking a regional recruitment exercise to appoint a pool of LQCs for the region.
- 4.2 Representatives from each of the six regional Offices of the Police and Crime Commissioners (OPCC) began working together on the recruitment exercise in early August 2015. OPCC representatives, working with their respective Professional Standards Department, had undertaken some projection modelling on the number of LQCs likely to be required for the regional pool. Taken together, it was agreed that 20 LQCs would be a sufficient number for the Eastern Region based on an initial four year appointment term.
- 4.3 In addition, it was agreed that all costs involved in the recruitment would be split equally between the six Commissioners. There was also agreement as to the fees and expenses paid to the LQCs, that being in accordance with Home Office guidance<sup>4</sup>, of being lower than, but not exceeding the fee rate specified for Police Appeals Tribunal chairs, these being:
- £366 for a full sitting of more than 4 hours (excluding meal breaks);
  - £181 for a half day sitting of four hours or less (excluding meal breaks);
  - £52.50 may be claimed for each hour spent in preparatory or report writing.

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<sup>1</sup> S.I. 2015/626

[http://www.legislation.gov.uk/ukxi/2015/626/pdfs/ukxi\\_20150626\\_en.pdf](http://www.legislation.gov.uk/ukxi/2015/626/pdfs/ukxi_20150626_en.pdf)

<sup>2</sup> other than senior police officers

<sup>3</sup> Norfolk, Suffolk, Cambridgeshire, Bedfordshire, Essex, Hertfordshire

<sup>4</sup> <https://www.gov.uk/government/publications/circular-0062015-changes-to-home-office-guidance-on-police-misconduct-unsatisfactory-performance-and-attendance-management-procedures>

4.4 Regular telephone conferences between the OPCC representatives were held to ensure delivery against the tasks and timescales in the project plan, collective decisions made regarding actions and the monitoring of the associated budget.

## 5. Recruitment exercise

5.1 The LQC Job Description and Person Specification are set out at Appendix 1. The advert for the LQCs ran for three weeks and was placed in two legal publications (on-line and hard copy) and on the six OPCC websites. The Association of Police and Crime Commissioner's website also hosted a broader advert with signposting to the Norfolk OPCC website (host website).

5.2 153 application forms 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. This resulted in agreement of the 25 candidates to be invited to interview, for the pool of 20.

5.3 Interviews took place over three days on the 16<sup>th</sup>, 22<sup>nd</sup> and 23<sup>rd</sup> October 2015. The Interview Panel consisted of Gavin Miles, Deputy Chief Executive, Hertfordshire OPCC (Chair); Rachel Wilkinson, the Joint Director of Human Resources for Norfolk and Suffolk Constabularies; and Carolyn Dhanraj, Independent Member.

5.4 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 1 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."*

5.5 The Interview Panel recommended 18 candidates for appointment. Since that point one of the candidates has withdrawn from the process.

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

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

- 5.7 References for all the recorded candidates have been taken up and have been found to be satisfactory.
- 5.8 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 LQCs was not necessary.
- 5.9 LQCs must attend mandatory training before being appointed to a Police Misconduct Panel. Training has been organised nationally by the College of Policing, with the majority of appointees receiving training in November, and the remainder early in the New Year.
- 5.10 The final anticipated recruitment and training costs are in the region of £17,000, which will be divided equally between the six OPCCs at around £2,800 each. It is for the individual police forces to pay the LQCs fees and expenses.

## 6. Maintenance of list of Legally Qualified Chairs

- 6.1 The list of Independent Members for Police Misconduct Panels is currently maintained for the Region by the Cambridgeshire OPCC. The new list of LQCs 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 LQCs also.

## 7. Recommendation

- 7.1 The Board is recommended to:
- Endorse the steps taken in the recruitment and selection process to identify candidates for appointment as LQCs;
  - Approve the appointment of the 17 candidates identified at paragraph 5.6 as LQCs;
  - Approve the day-to-day maintenance of the list of nominations by Cambridgeshire OPCC.
- 7.2 The Commissioner is asked to sign a Decision Notice to appoint the 17 LQCs.

## BIBLIOGRAPHY

<b>Source Documents</b>	<p>The Police (Conduct) Regulations 2012 (amended by Police (Conduct) (Amendment) Regulations 2015</p> <p><a href="http://www.legislation.gov.uk/uksi/2015/626/pdfs/uksi_20150626_en.pdf">http://www.legislation.gov.uk/uksi/2015/626/pdfs/uksi_20150626_en.pdf</a></p>
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	<p>Home Office Guidance on Misconduct and Special Case Hearings Held in Public, Recruitment of Legally-Qualified Chairs and Orders to restrict or prohibit compensation payments to senior officers</p> <p><a href="https://www.gov.uk/government/publications/circular-0062015-changes-to-home-office-guidance-on-police-misconduct-unsatisfactory-performance-and-attendance-management-procedures">https://www.gov.uk/government/publications/circular-0062015-changes-to-home-office-guidance-on-police-misconduct-unsatisfactory-performance-and-attendance-management-procedures</a></p>
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