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ORIGINATOR: CHIEF EXECUTIVE

DECISION NUMBER: 50-2015

REASON FOR SUBMISSION: FOR DECISION

SUBMITTED TO: POLICE AND CRIME COMMISSIONER

SUBJECT: APPOINTMENT OF LEGALLY QUALIFIED CHAIRS

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.

APPROVAL BY: PCC

The recommendation set out above is agreed.

Signature *Tina Parnmore*

Date *1/12/2015*

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."

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

John Bassett
Angela Black
Colin Chapman
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

- 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.

3. FINANICAL IMPLICATIONS

- 3.1 The direct costs that have been incurred by the Region and which have been divided evenly between the 6 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 charring 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.

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?	Yes
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).

Chief Executive

I am satisfied that relevant advice has been taken into account in the preparation of the report and that this is an appropriate request to be submitted to the PCC.

Signature: 

Date

1 December 2015

**EASTERN REGION POLICE & CRIME COMMISSIONERS
(BEDFORDSHIRE, CAMBRIDGESHIRE, ESSEX, HERTFORDSHIRE,
NORFOLK & SUFFOLK)**

CHAIR OF POLICE MISCONDUCT PANELS

JOB DESCRIPTION

Introduction

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. This includes holding police misconduct hearings concerning non-senior officers in public (from May 2015) and replacing chief police officers who currently chair hearings with legally qualified chairs (from January 2016).

General Background

Police misconduct panels convened in any one of the six police areas that are together the Eastern Region will, from January 2016, include a chair selected from a list of persons appointed by the Police and Crime Commissioners for the six police areas in the Eastern Region (PCCs). The panels will conduct misconduct hearings for officers, other than senior police officers, including special constables and are governed by the Police (Conduct) Regulations 2012 (as amended). The PCCs will maintain and administer the list of the chairs. Chairs are selected on an ad hoc basis by the Chief Constables to their respective police misconduct panels (PMPs).

Nature of Cases

A PMP will hear cases governed by the Police (Conduct) Regulations 2012 (amended by Police (Conduct) (Amendment) Regulations 2015). The cases will comprise allegations of misconduct by police officers. The maximum 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 selected by a chief officer of police: the chair, a police officer of the rank of superintendent or above, and an independent member from the list of candidates maintained by PCCs for the purposes of the Regulations.

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 PMP'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.

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.
 - 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 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**
 - 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 PMP members agree that the report accurately records the findings and decisions made by the PMP.
- **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 to a PMP. 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 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.

Applications

Completed applications should be emailed to OPCCN@norfolk.pnn.police.uk or posted to:

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

Key Dates

The closing date for applications is Friday 25 September 2015.

Interviews will be held in Chelmsford on 16, 22 and 23 October 2015.

Training dates are currently being arranged.

The Induction dates are currently being arranged.

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

Appendix 1

Tribunals, Courts and Enforcement Act 2007

Section 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) [F1 awarded 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 [F4 section 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

STANDARD ELIGIBILITY CLAUSES FOR LEGALLY QUALIFIED CHAIR

Age

There is no upper or lower age limit for candidates for this post apart from any statutory retirement age for judicial appointments.

Nationality

Candidates will need to fulfil one of the following nationality requirements:

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 in office.

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.

Appendix 3

FEE AND EXPENSES STRUCTURE

FEES

Full day i.e. sittings of more than 4 hours (excluding meal breaks)	£366
Half day i.e. sittings of 4 hours or less (excluding meal breaks)	£181
The "fees" rates may be claimed only for sitting on a misconduct panel.	

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 hearing takes place, (except that a fee may be claimed even in these circumstances if the hearing fee is paid at the half-day rate).

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

TRAINING FEE

A fee of £100 may be claimed for attending the initial training course and induction session (i.e. one fee to cover both the course and session).

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;
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Incidental travelling expenses e.g. 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 for payment of travelling time to members.

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 hotel costs plus all meals and incidental expenses for a period of 24 hours from the time of departure from home.

The rate payable is **£96.00**.

This rate has been made up as follows:-

Actual receipted bed and breakfast expenditure up to a limit of **£70.00**.

Plus a flat rate allowance of **£26.00**. This allowance is intended to cover dinner, lunch and local travel (for example between your hotel and the place of the hearing) and also to cover miscellaneous personal expenses. **No additional amount is payable.**

Members 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 for 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 <u>more than</u> 5 hours and less than 10 hours	£4.25
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Absence of <u>more than</u> 10 hours	£9.30
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This is a flat rate allowance which 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.

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 1st 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.