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ORIGINATOR: CHIEF EXECUTIVE

DECISION NUMBER: 33-2023

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 to ensure that the Eastern Region Police (Fire) and Crime Commissioners – Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk – have a list of nominations to serve as legally qualified chairs of misconduct panels under the Police (Conduct) Regulations 2012 and any successor legislation.
2. The steps to fulfil this responsibility fall to Police (Fire) and Crime Commissioners and have been pursued on a collaborative basis by the six Offices of the Police (Fire) and Crime Commissioners within the region since 2015.
3. It is proposed that the list of nominations be formed from those re-appointed as legally qualified chairs (LQCs) and from those who have been newly selected to fulfil the role. This paper describes the processes that have been followed and invites appointment decisions to be made in respect of re-appointments and new appointments respectively.

RECOMMENDATION:

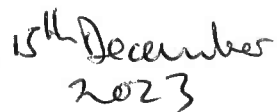
The Police and Crime Commissioner is requested to:

1. Agree to the recommendation that from 1 January 2024 the Ministry of Defence (MOD) Police be included in the list of Commissioners in the Eastern Region who currently maintain a joint list following the relocation of some of their services into the region. This would allow the region to maintain a larger list of LQCs and as a result have a more resilient system in place. Each commissioner would maintain responsibility for the appointment of their own LQCs from the list.
2. Agree to the recommendation of the re-appointment of the 7 LQCs identified in paragraph 3.6 for a further term of two-years from 1 January 2024.
3. Agree to the recommendation of the re-appointment of the 11 LQCs identified in paragraph 3.6 for a further term of six-years from 1 January 2024.
4. Agree to the recommendation of the appointment of those identified in paragraph 4.9 for a five-year term on the basis as set out in paragraph 4.12
5. Agree to the recommendation to appoint all the LQCs referenced within the above recommendations on the terms and conditions set out in Appendix 9, subject to minor insubstantial changes to reflect governance arrangements within the Ministry of Defence police and which would not alter the commitments of the Commissioner.

APPROVAL BY: PCC

The recommendation set out above is agreed.

Signature: 

Date: 

DETAIL OF THE SUBMISSION

1. INTRODUCTION:

- 1.1 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....”

- 1.2 The LQCs sit on misconduct panels with a member of a police force, of at least the rank of superintendent, and an independent panel member.
- 1.3 Whilst the responsibility to appoint the LQCs is an individual one for PCCs, the Eastern Region Offices of PCCs recognised that there were benefits to be achieved in undertaking a regional recruitment and appointment exercise. In particular the creation of a larger more resilient pool of LQCs and economies of scale in the recruitment process.
- 1.4 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 expired on 31 December 2019 and the PCC in Suffolk (See Decision C41-2019), agreed to reappoint eight LQCs and appointed a further 16. This brought the pool of LQCs up to 24 which was considered at the time to be sufficient to meet demand across the six force areas.
- 1.5 The size of the Eastern Regional Panel has now, with attrition, reduced to 18 members with six members not sitting for a variety of reasons including concerns over indemnity.
- 1.6 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 2024.

2. ACTION BY MEMBER MISCONDUCT OVERSIGHT PANEL (MMOP)

- 2.1 At its meetings, MMOP considered data which showed that since 1 January 2016 LQCs had sat on 243 cases across the Region as follows:

County	Jan 2016 – Dec 2019	Feb 2020 – Nov 2023
Essex	46	52
Hertfordshire	12	37
Cambridgeshire	11	15
Bedfordshire	7	19
Norfolk	7	15
Suffolk	7	15
Total	90	153

- 2.2 During 2023 the MMOP group have been approached by the MOD who have asked to join the MMOP and gain access to the LQCs appointed. This has been welcomed as providing the opportunity to maintain a stronger pool of LQCs, share the costs among more police areas and provide an interesting incentive for LQCs to join the Eastern Region Group. It is anticipated that the Ministry of Defence Police will generate 5-6 Misconduct Hearings per year.
- 2.3 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, though no cases had failed to be filled.
- 2.4 The rate of attrition from both the 2016 and 2020 recruitment rounds combined with increases in demand and an uncertain national regulatory situation all led to the MMOP concluding that the list size needed to increase from the current figure of 24 to 31.
- 2.5 The MMOP determined to take an approach whereby it would consider re-appointing existing LQCs for second terms and, where possible a third term then, on top of that, launch a recruitment exercise to select and appoint a group of new LQCs in order to reach the required list size of 31.

3. RE-APPOINTMENT OF LEGALLY QUALIFIED CHAIRS

- 3.1 During 2023 the MMOP also reviewed and refreshed the Terms and Conditions of appointment of LQC to align them once again with the Police Appeal Tribunal (PAT) Terms and Conditions where appropriate and those set out in the LQC handbook.
- 3.2 This led to updated rates but also an increase in the term of appointment from 4 to 5 years. The LQC terms are aligned to the PAT terms and the LQC handbook to ensure consistency across the country. Following this increase the MMOP group took the view that existing LQCs should be moved to the five-year term and where appropriate this should be extended to a maximum combined term of 10 years.
- 3.3 During 2023 all current LQCs were advised that the region was considering the extension of terms to five years and a combined maximum of ten years. They were also informed that in considering re-appointment the factors that would be taken into account in deciding whether to extend the current term of appointment would include amongst other things, number of sittings, number of sittings declined and training attended.
- 3.4 During 2023 LQCs were asked whether they wished to be re-appointed. Following the responses from LQCs, MMOP determined that 18 of the existing 21 LQCs should be recommended for re-appointment. It should be noted that of the 18 LQCs who indicated they wanted to be reappointed four had chosen not to sit due to the uncertainty over a Home Office provided judicial indemnity and one stated that they were also concerned but agreed to consider each case on its merits.
- 3.5 Following representations from the LQCs it was agreed that MMOP would propose that those LQCs who had not sat for this reason could be reappointed but the overall pool of LQCs would be expanded to reflect this. As such the overall pool of LQCs would expand to 35 with an active pool of 31.
- 3.6 The 18 members recommended for re-appointment are:

Recommendation 2		
<u>LQC</u>	<u>Appointment date</u>	<u>Period of re-appointment</u>
Mr John Bassett (Indemnity Issue)	2016	Until 2026 – 2 years
Mr Colin Chapman (Indemnity Issue)	2016	Until 2026 – 2 years
Mr Trevor Jones	2016	Until 2026 – 2 years
Ms Monica Daley-Campbell	2016	Until 2026 – 2 years
Mr Neil Dalton	2016	Until 2026 – 2 years
Miss Siobhan Goodrich (Indemnity Issue)	2016	Until 2026 – 2 years
Mr Peter Nicholls	2016	Until 2026 – 2 years
Recommendation 3		
<u>LQC</u>	<u>Appointment date</u>	<u>Period of re-appointment</u>
Mr Andrew Clemen	2020	Until 2030 – 6 years
Miss Francesca Del Mese	2020	Until 2030 – 6 years
Mrs Lindsey De Mestre KC	2020	Until 2030 – 6 years
Mr Stephen Gowland	2020	Until 2030 – 6 years
Mr Andrew Hearn	2020	Until 2030 – 6 years
Mr Harry Ireland	2020	Until 2030 – 6 years
Mrs Jane Jones (Indemnity Issue)	2020	Until 2030 – 6 years
Mr James Keeley	2020	Until 2030 – 6 years
Mr Karimulla Khan	2020	Until 2030 – 6 years
Mrs Sharmistha Michaels	2020	Until 2030 – 6 years
Mr David Tyme	2020	Until 2030 – 6 years

- 3.7 The terms and conditions on which LQCs were appointed provide: “Appointments are set initially for four years (This has now been altered to five 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 (now extended to a maximum combined period of 10 years).”
- 3.8 The views of the existing LQCs were sought on the proposed recruitment process and terms and conditions. Views expressed assisted the recruitment process and made some points that were considered and, in some cases, adopted. These included that LQCs who were currently declining to sit should be reappointed notwithstanding. This has been included in the recommendations. A number made the point that there is no need to limit the appointment to 10 years in total. This was considered to have merit, but as the Home Office had only recently reviewed PAT chair terms and conditions and adopted a 10 year limit the LQC terms should be consistent with this. It is easily amended if negotiations with the APCC and LQCs result in a different recommendation. The review has identified those LQCs identified above for re-appointment for a further six- or two-year term with effect from 1 January 2024.
- 3.9 A formal decision is now required from each PCC and PFCC within the Region to re-appoint the members identified above.

4. RECRUITMENT OF FURTHER LEGALLY QUALIFIED CHAIRS

- 4.1 The Job Description, Person Specification, Fees and Expenses and other documents for the LQC role are set out in the application pack at Appendices 1-10.
- 4.2 The recruitment advert was published via the Judicial Appointments Commission, the Law Society Gazette, Counsel magazine, the Black Prosecutors Association, 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.
- 4.3 The advert was published from 16 August 2023 with a closing date for applications of 25 September 2023. Two hundred and thirty-one completed applications were received, an increase from one hundred and two in 2019. Three officer representatives from the Regional OPCCs (Essex, Hertfordshire and Norfolk) shortlisted these for interview by considering and discussing the applicants against the essential and desirable criteria set out in the Person Specification (Appendix 2). The candidates selected were those that were considered to best meet the criteria.
- 4.4 Twenty-eight candidates were shortlisted for interview. Two candidates then withdrew their applications. Interviews for the remaining candidates took place on 7th, 8th, 9th, 13th and 14th of November in Chelmsford (in view of its accessibility by train from London).
- 4.5 The interview panel comprised Christopher Jackson, Chief Executive, Suffolk OPCC, Darren Horsman, Strategic Head of Policy and Public Engagement, PFCC for Essex's office and Pauline McIntosh, Head of People Services - Norfolk & Suffolk HR.
- 4.6 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.
- 4.7 The questions posed were:
 - 4.7.1 *Could you please tell us why we are selecting LQCs and what skills and qualities you bring to the role?*
 - 4.7.2 *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?*
 - 4.7.3 *How would you deal with potential conflicts of interest any concern that became apparent during a hearing?*
- 4.8 The Interview Panel marked the interviewees against the Qualities and Abilities contained within the Person Specification (Appendix 2). At the conclusion of the interviews, the interview panel selected 18 candidates to be recommended for appointment. These candidates were those judged by the panel to best meet the qualities and abilities required for the role. One selected candidate has since withdrawn from the process leaving 17.
- 4.9 The names of the candidates recommended by the interview panel for appointment and remaining in the process are:

Adrian Phillips
Kathryn Saward
Francesca Keen
Gregor McGill
Matthew McNiff
Kamran Choudhry
Stephen Chappell
Morag Rae
Jennifer Ferrario
Sue Sharma
Caroline Sellars
Alexander Wilson
Alesdair King
Graham King
Timothy Bradbury
Christopher Lester
Zeenat Islam

- 4.10 References for all the recommended candidates have been taken up and have been found to be satisfactory. It has also been checked that all candidates are either members of the Law Society, Bar Counsel or alternative professional legal body.
- 4.11 In accordance with National Police Chiefs' Council policy, no vetting is required. The members of MMOP take the view that unless there are exceptional circumstances all new candidates, who have not undertaken training as an LQC for a role elsewhere in the country, should attend training before their period of service as an LQC commences.
- 4.12 A formal decision is now required from each PCC within the Region to reappoint the 18 candidates detailed in para 3.6 as LQCs for the Eastern Region and appoint the 17 candidates listed in para 4.9 with effect from 1 January 2024 or the date they complete satisfactory training, whichever is the later.
- 4.13 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 17 candidates recommended for appointment 11 were men and 6 were women; 5 were from minority groups.
- 4.14 With the appointment of the 17 candidates recommended for appointment, the Eastern Region Panel of LQCs will have a strength of 35, one more than our target, when the re-appointed chairs are added to the newly selected chairs. While slightly over our target number given the short 2-year term of 7 LQCs being reappointed, the trajectory of misconduct hearings across the region combined with the fact that a number of the new applicants were assessed as at the same level it was decided it was preferable to go slightly over target than under.

5. OPTIONS ANALYSIS

- 5.1 It was considered whether MMOP shouldn't reappoint any existing LQCs 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 has the added benefit of ensuring a degree of consistency in the regional list of LQCs.
- 5.2 MMOP also considered not proceeding with an appointment process but staying with the existing list of LQCs given the uncertainty around the role nationally. However, given

feedback from the different areas and concerns about the sustainability of the list combined with negative impact on public confidence if the system does not work well, this option was discounted.

6. CONSULTATION AND ENGAGEMENT

- 6.1 Throughout the process we consulted all of the PSD teams across the six policing areas, we engaged the National Association of Legally Qualified Chairs, the Association of Police and Crime Commissioners as well as the Bar Counsel, Law Society and Judicial Appointments Commission specifically around recruitment.

7. STRATEGIC LINKS

- 7.1 An efficient and effective misconduct system is essential to maintain public confidence and ensure officers and staff have confidence in the independent and fair process. The appointment and re-appointment of these LQCs is a fundamental element in ensuring this process works effectively and as such is of vital strategic importance, and clearly linked to the Commissioner's Police and Crime Plan.

8. POLICE OPERATIONAL IMPLICATIONS

- 8.1 All Professional Standards Departments in the region have been engaged by the Member Misconduct Oversight Panel. This decision will support the operational activity of Suffolk Constabulary.

9. FINANCIAL IMPLICATIONS

- 9.1 Very limited costs have been incurred by the Region in the recruitment process and have comprised of advertisement and venue hire. The total cost of these activities was £4,538.47.
- 9.2 This cost has been split between the seven areas (including the MOD Police) on a Net Revenue Expenditure basis as set out below.

Force	NRE	Share of total	Value
Bedfordshire	139,938,107	9.59%	435.08
Cambridgeshire	177,633,687	12.17%	552.28
Essex	363,687,247	24.91%	1,130.73
Hertfordshire	253,500,595	17.37%	788.16
Norfolk	199,853,993	13.69%	621.36
Suffolk	154,509,957	10.58%	480.38
MoD	170,620,758	11.69%	530.47
Total	1,459,744,344		

- 9.3 Additional costs will necessarily be incurred in respect of training the new LQCs. A regional training event for new and existing LQCs is now being organised in association with the National Association of Legally Qualified Chairs. These training costs will be shared on the basis of net revenue expenditure using the percentages stated above.

10. LEGAL IMPLICATIONS

- 10.1 The appointment and reappointment of LQCs will be based on the terms and conditions attached as Appendix 9, subject to minor insubstantial changes to reflect governance arrangements within the MOD police and which would not alter the commitments of the Commissioner.

11. STAFFING IMPLICATIONS

- 11.1 This decision will establish a refreshed regional panel of 35 LQCs with a sitting strength of 31.

12. EQUALITY, DIVERSITY, AND INCLUSION IMPLICATIONS

- 12.1 Significant effort was taken to encourage applications from a wide range of diverse candidates including contacting the Black Prosecutor's Association, the Law Society and Bar Council to seek support and guidance in reaching a more diverse talent pool. This appears to have resulted in an increase in the diversity of candidates applying and being successful.

13. RISK AND MITIGATIONS

- 13.1 The government is currently considering changes to the role of LQCs with a variety of possibilities appearing in the media. No decision has been made and no clear direction has been communicated. Once a clear direction has been developed alongside a timeline, it will be necessary to consider the impact on the current list of LQCs and whether they can be transferred straight across to this new role, or if a different approach is required. Whatever the outcome the options available to mitigate this situation will be greater if we have a strong current pool of LQCs, so this decision will help mitigate this risk.
- 13.2 There are no risks on the PCC's Risk Registers that are engaged by consideration of this paper nor is there any need to add any new risk, as a consequence of this paper, to the Risk Register.

14. LINKS TO FUTURE PLANS

- 14.1 In 2024 the pool of Independent Panel Members will come to an end requiring a significant recruitment exercise to ensure a new pool is available by 1 June 2024. Plans are in place to deliver this and a further decision report will be provided setting out this process.

15. RECOMMENDATIONS

- 15.1 The Police and Crime Commissioner is requested to:
1. Agree to the recommendation that from 1 January 2024 the Ministry of Defence Police (MOD) be included in the list of Commissioners in the Eastern Region who currently maintain a joint list following the relocation of some of their services into the region. This would allow the region to maintain a larger list of LQCs and as a result have a more resilient system in place. Each commissioner would maintain responsibility for the appointment of their own LQCs from the list.
 2. Agree to the recommendation of the re-appointment of the 7 LQCs identified in paragraph 3.6 for a further term of two-years from 1 January 2024.
 3. Agree to the recommendation of the re-appointment of the 11 LQCs identified in paragraph 3.6 for a further term of six-years from 1 January 2024.
 4. Agree to the recommendation of the appointment of those identified in para 4.9 for a five-year term on the basis as set out in paragraph 4.12.
 5. Agree to the recommendation to appoint all the LQCs referenced within the above recommendations on the terms and conditions set out in Appendix 9, subject to minor

insubstantial changes to reflect governance arrangements within the Ministry of Defence police and which would not alter the commitments of the Commissioner.

16. BACKGROUND PAPERS AND APPENDICES

16.1 The background papers and appendices included within this Decision Paper are listed below.

1. LQC – Job Description
2. LQC – Person Specification
3. LQC – Information for Candidates
4. LQC – Judicial Eligibility Conditions
5. LQC – Eligibility Clauses
6. LQC – Fees and Expenses
7. LQC – GDPR Privacy Notice
8. LQC – Application Form
9. LQC – Terms of Appointment
10. LQC – Police Misconduct Panel Advert

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?	Not applicable
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?	Not applicable
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

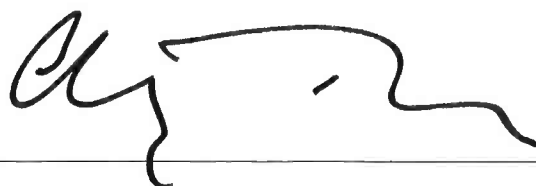
In relation to the above, please ensure that all relevant issues have been highlighted in the 'other implications and risks' section of the submission.

APPROVAL TO SUBMIT TO THE DECISION-MAKER

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: 15 December
2023

OFFICIAL



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 and appoint chairs to panels

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;
- an independent person selected on a fair and transparent basis from a list of candidates maintained by the Police and Crime Commissioners.

ROLE OF CHAIR

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 give 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 (including any age-limit) 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 Tribunal.
- An understanding and appreciation of the Police Code of Ethics.

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 five-year term with the option at the discretion of the PCCs for the term to be extended for a further five-year period.

NUMBERS

The PCCs are seeking to appoint up to a panel strength of 30 chairs for the Eastern Region Panel of Legally Qualified Chairs consisting of existing Panel members being reappointed and up to 10 newly appointed members.

TRAINING

Candidates will be required to be trained before becoming an active member of the Eastern Region Panel. Regional training is currently being organised for Legally Qualified Chairs in January 2024. Prior to this there will be the opportunity to shadow an existing Legally Qualified Chair.

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 and, under the regulations must ensure a misconduct hearing starts not more than 100 days after notice is given.

REVIEW

Where appropriate the Eastern Region PCCs will align to nationally agreed job descriptions and fees. The government has indicated its intention to look at possible changes to the Police Misconduct Panel system. Should this occur, the Eastern Region will align the role and responsibilities of regionally appointed Legally Qualified Chairs to the new system and inform LWCs on the Eastern Region Panel of these changes. We will endeavour to provide as much notice as possible of any significant changes.

QUERIES

Any application queries can be directed to Darren Horsman, Strategic Head of Policy and Public Engagement for Essex PFCC by telephoning 07967 821067 or emailing pfcc@essex.police.uk

APPLICATIONS

Completed applications should be emailed to pfcc@essex.police.uk or posted to Suzanne Humphreys, Essex Police, Fire & Crime Commissioner's Office, Kelvedon Park, London Road, Rivenhall, Essex, CM8 3HB.

The closing date for applications is 25th September 2023.

Interviews will be held in Chelmsford, Essex on 7th and 8th November 2023.

Appointments will commence from the 1st of January 2024. However, all newly appointed Legally Qualified Chairs will need to complete training prior to hearing their first case. The training is currently scheduled for June 2024 so it is anticipated that newly appointed Legally Qualified Chairs will become available to sit from July 2024.



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).



STANDARD ELIGIBILITY CLAUSES FOR LEGALLY QUALIFIED CHAIRS	
AGE	
There is no upper or lower age limit for candidates for this post apart from any statutory retirement age for judicial appointments.	
LOCATION	
Candidates are expected to be able to work across the region.	
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; • Qualified lawyers employed by any Constabulary, Police Force or local policing body in England and Wales 	
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.	



FEE AND EXPENSES STRUCTURE FOR LEGALLY QUALIFIED CHAIRS

FEES

- Full day **£511.56**
- Half day **£255.50**

The fees and allowances are determined by the Police and Crime Commissioners with guidance from the Home Office. The appointment is non-salaried and is not pensionable. The Chair receives a fee for each day. Sittings of less than 4 hours accrue a half-day fee. Sittings of over 4 hours (excluding meal breaks) accrue a day fee.

A day fee may be claimed where the sitting is less than 4 hours, but the total sitting and travel time is over 7 hours.

Long sitting fee:

Where a hearing runs late, but not into a further day, then a long sitting allowance may be claimed. The long sitting allowance may be claimed where the length of a sitting exceeds 7 hours (excluding meal breaks). The allowance payable is 1/6 of the normal daily rate for each hour, or part thereof, in excess of 7 hours.

Cancellations:

If a hearing is cancelled more than 2 weeks before the scheduled date, no payment of fees will be made, apart from for preparatory work already undertaken.

If a hearing is cancelled between 7 and 14 days prior to the scheduled hearing date a half day's fee will be paid for each of the scheduled days up to a total of five half days fees.

If a hearing is cancelled less than 7 days before the scheduled date daily fees will be paid for each scheduled day up to 5 days.

PREPARATION AND REPORT WRITING FEES

A fee may be claimed at the rate of £85 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 misconduct hearing takes place, (except that a fee may be claimed even in these circumstances if the sitting fee is paid at the half-day rate).

The maximum preparation and report writing fees that may be claimed are £1,050 for each hearing.

TRAINING FEE

A fee of £255.50 may be claimed for attending training as may be approved by the Eastern Region Police and Crime Commissioners.

TRAVELLING EXPENSES

Chairs will be paid their travelling expenses between residence and place of duty. Any necessary travel to a sitting may be undertaken by standard class train travel. If claiming reimbursement of rail fares a receipt or the rail ticket must be provided with the claim.

Travel by car may be claimed at HMRC approved rate which is currently 45 pence per mile for the first 10,000 miles and 25 pence per mile after.

Incidental travelling expenses e.g. car parking, bus or 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.

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 up to £100 per night where supported by receipts for accommodation plus a flat rate allowance which need not be evidenced of £26 per night to cover incidental costs such as meals, travel to the hearing location and parking.

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 LQC 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 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.

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.

Where these rates cause particular difficulty in a case, for example because of short notice listing or move of location, contact the relevant OPCC to see if alternative arrangements can be approved.

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.

MISCELLANEOUS EXPENSES

The cost of postage necessarily incurred in conducting the business of the hearing will be reimbursed on provision of receipts. Recorded delivery should be used to safeguard confidentiality.

COMPLETION OF CLAIM FORMS

Blank claim forms are available from the Professional Standards Office of the Constabulary arranging the misconduct hearing. 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 Darren Horsman, Strategic Head of Policy and Public Engagement for Essex PFCC by telephoning 07967 821067 or emailing pfcc@essex.police.uk



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, out of necessity, they 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.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.police.uk Web: www.cambridgeshire-pcc.gov.uk
Police, Fire and Crime Commissioner for Essex Kelvedon Park London Road Rivenhall Essex CM8 3HB	Tel: 01245 291600 Email: pfcc@essex.police.uk Web: www.essex.pfcc.police.uk
Police and Crime Commissioner for Hertfordshire 13 Vaughan Road Harpenden Hertfordshire AL5 4GZ	Tel: 01707 806100 Email: commissioner@herts-pcc.gov.uk Web: www.hertscommissioner.org
Police and Crime Commissioner for Norfolk Building 7, Jubilee House Falconers Chase Wymondham NR18 0WW	Tel: 01953 424455 Email: opccn@norfolk.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.police.uk Web: www.suffolk-pcc.gov.uk



EASTERN REGION POLICE AND CRIME COMMISSIONERS

**APPLICATION FORM FOR THE POSITION OF
LEGALLY QUALIFIED CHAIR**

This application form is divided into 4 sections. Please read each page carefully and make sure you answer every question that is relevant to you. You can continue any answer on separate sheets if you wish, but must clearly mark each sheet with your name and the part of the form that it relates to.

You are asked to return the completed form to:

Suzanne Humphreys suzanne.humphreys@essex.police.uk

Or by post to:

Suzanne Humphreys, Police, Fire & Crime Commissioner's Office, Kelvedon Park, London Road, Rivenhall, Essex, CM8 3HB

The closing date for the application is 25 September 2023.

SECTION ONE: PERSONAL DETAILS

TITLE

FIRST NAME

SURNAME

HOME ADDRESS

CONTACT NUMBER

MOBILE NUMBER

EMAIL ADDRESS

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.

Please confirm your nationality in the box below:

SECTION TWO: PERSONAL QUALITIES AND EXPERIENCE

Please see the accompanying Information Pack for details of the experience and competencies required for these positions. Please use this section to describe the experience and skills you would bring, including in particular:

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.

Please use examples to back up your description. Your application will be assessed by not only what you have achieved but how you have achieved it.

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:

SECTION THREE: RELEVANT EXPERIENCE

Please include details of both your career history (if applicable) and other relevant experience. This might include employment, voluntary experience, involvement in the community, committee experience, caring responsibilities and should include any public appointments held.

Dates From and To	Details (including positions held and nature of work)	Name/Address of Employer or Organisation

QUALIFICATIONS

Please list relevant educational, professional, or vocational qualifications:

APPOINTMENTS CURRENTLY HELD

Body	Period of Appointment	Government Department if applicable

OTHER INFORMATION

If there is any other general information you would like to include about your past experience, personal qualities, and skills, please do so here:

CRIMINAL CONVICTIONS

Have you ever been convicted or found guilty of an offence (not including motoring offences) by any court in the UK or abroad, or by any court martial? Please mark an "x" in the relevant box below:

YES

NO

If you have answered yes, please give details below:

POTENTIAL CONFLICTS OF INTEREST

Please give details of any business or other interests or any personal connections which, if you are appointed, could be misconstrued or cause embarrassment to the Police and Crime Commissioners for the Eastern Region (the PCCs). These could include financial interests or share ownership, membership of societies, activities associations or employment of a partner or friend in the particular field in which the PCCs operate. Additionally, applications will not be accepted from candidates who are under the direction and control of a chief officer of police, either as a member of police staff or as a member of a police force or a special constable.

Any potential conflicts of interest detailed here will not prevent you going forward to interview but may, if appropriate, be explored with you during your interview to establish how you would address the issue(s) should you be successful in your application.

REFERENCES	
<p>Please give the details of two people who may be asked to act as referees for you, either in the boxes below or on an attached sheet. They will be expected to have authoritative and personal knowledge of your achievements. The referees will be approached only if are successful at interview.</p>	
Reference One	
Name	
Address	
Telephone	
Email	
Reference Two	
Name	
Address	
Telephone	
Email	

DECLARATION	
<p>I declare that the information given on this application is complete and correct to the best of my knowledge. I have also read the information pack and can confirm that I am eligible to be considered for appointment to this body. I also certify that I will immediately inform the PCCs of any changes in circumstances that affect the answers I have given.</p>	
Signed:	
Date:	

SECTION FOUR: APPOINTMENTS MONITORING FORM

The Police and Crime Commissioners are firmly committed to promoting equality of opportunity for all local people and communities, irrespective of gender, ethnic origin, disability, religious belief, sexual orientation, age or any other factor. We therefore ask you to complete this questionnaire to enable us to monitor the effectiveness and fairness of our policy and processes. This information is for statistical monitoring purposes only. **It will not form part of the selection process.**

Age

- ☐ <25
- ☐ 26-40
- ☐ 41-55
- ☐ >55

Gender

- ☐ Male
- ☐ Female
- ☐ 41-55
- ☐ >55

Gender Identity (optional)

If you identify as transsexual or transgender (in that you have effected a permanent change of gender identity) or as intersex, please state which group you identify with

- ☐ Transsexual
- ☐ Transgender
- ☐ Intersex

Sexual Orientation

- ☐ Bisexual
- ☐ Gay or lesbian
- ☐ Heterosexual
- ☐ Prefer not to say

Disability

- ☐ Yes
- ☐ No

Under the Disability Discrimination Act 1995 and Disability Discrimination Act (Amendment) 2005, a person is disabled if they have (or have recovered from) a physical or mental impairment (including learning disabilities) which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities such as those involving mobility, manual dexterity, physical co-ordination, speech, hearing, eyesight or communication, or a permanent condition which is controlled by medication, eg diabetes or epilepsy. Individuals with HIV, cancer or multiple sclerosis are automatically treated as disabled.

Current working hours

- ☐ Part-time
☐ Full-time

Ethnic Origin

White

- ☐ British
☐ Irish
☐ Any other White background

Mixed

- ☐ White and Black Caribbean
☐ White and Black African
☐ White and Asian
☐ Any other Mixed background

Asian or Asian British

- ☐ Indian
☐ Pakistani
☐ Bangladeshi
☐ Any other Asian background

Black or Black British

- ☐ Caribbean
☐ African
☐ Any other Black background
☐ Any other Mixed background

Chinese or other ethnic group

- ☐ Chinese
☐ Any other background

Please specify:

Religious belief or faith

- ☐ Buddhist
☐ Christian
☐ State Denomination if you wish:

- ☐ Hindu
☐ Jewish
☐ Muslim
☐ Sikh
☐ None
☐ Any other religious belief or faith

Please specify:

- ☐ Prefer not to say

POLITICAL ACTIVITY QUESTION

This question is asked as it enables the monitoring of political activity of candidates for an appointment in so far as it is already in the public domain. Neither activity nor affiliation is a criterion for appointment. If you are successful, the information provided may be published with the announcement of your appointment.

Please indicate which of the following activities you have undertaken during the past five years by ticking the appropriate box and by providing details of your involvement. Name the party or body for which you have been active. If you have been or are an Independent or have sought or obtained office as a representative of a particular interest group, you should state this. You should tick all relevant categories.

1	Obtained office as a Local Councillor, MP, MEP etc.	
	Stood as a candidate for one of the above offices	
	Spoken on behalf of a party or candidate	
2	Acted as a political agent	
	Held office such as Chair, Treasurer or Secretary of a local branch of a party	
	Canvassed on behalf of a party or helped at election	
	Undertaken an political activity which you consider relevant	
3	Made a recordable donation to a political party ¹	
4	None of the above activities apply	

Name of Party of which activity undertaken and details of involvement:	
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¹ The Political Parties, Elections and Referendums Act 2000 requires the Electoral Commission to publish a register of recordable donations (donations from an individual totalling more than £5000 in any calendar year, or more than £1000 if made to a subsidiary accounting unit such as a constituency association, local branch, women's or youth organisation). These provisions became effective from 16 February 2001.

HOW DID YOU HEAR ABOUT THIS POSITION	

DECLARATION	
<p>I confirm the information I have given is, to the best of my knowledge and belief, true and complete. I confirm that I understand the purpose of the form and the reasons for the collection of my personal data and that I agree to my personal data being used as stated.</p>	
Signed:	
Date:	



EASTERN REGION POLICE AND CRIME COMMISSIONERS (BEDFORDSHIRE, CAMBRIDGESHIRE,
ESSEX, HERTFORDSHIRE, NORFOLK AND SUFFOLK) AND THE SECRETARY OF STATE FOR MINISTRY
OF DEFENCE POLICE
CHAIRS OF POLICE MISCONDUCT PANELS

TERMS OF APPOINTMENT

TERMS OF APPOINTMENT TO POLICE MISCONDUCT PANEL

1. The Eastern Region Police and Crime Commissioners (ERPCCs) and the Secretary of State/delegated representative have acted together to appoint persons as Chairs for Police Misconduct Panels ("Chair(s)"), as required under The Police (Conduct) Regulations 2020 (the "Regulations").
2. The Job Description, Person Specification, Fees and Expenses payable for the Chair are attached.
3. Appointments are set initially for five years commencing on the 1st January 2024 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 ERPCCs and the Secretary of State for a possible term of a further five years.
4. Chairs are selected to sit on a cab rank basis. All parties have agreed to work together to carry out this function so one office holds the list and seeks appointments on behalf of all the ERPCCs and the Secretary of State.
5. Chairs are expected to serve on Panels convened in any of the Eastern Region police areas.
6. Chairs must consider their availability to prepare for and attend hearings before a firm commitment is made to take on a case including the ability to meet the regulatory requirement for cases to start not more than 100 days after notice is given.
7. Once appointed to a case a Chair must take appropriate action to ensure the efficient and effective bringing of the proceedings and that they are conducted in a timely, fair and transparent manner as well as ensuring that other relevant statutory requirements are discharged.
8. Any matters mentioned in these Terms of Appointment requiring the attention of the Chief Executive or the Ministry of Defence Police (MDP) Chair of Police Committee, should be referred in the first instance to the Chief Executive of the Hertfordshire OPCC which is responsible for maintaining the list of Chairs on a day-to-day basis. The Chief Executive will then refer the matter to either all the ERPCC's Chief Executives and the MDP Chair of Police Committee, or the relevant Chief Executive/Chair of Police Committee for the force area where the misconduct case has arisen.
9. The independence and impartiality of a Chair is a fundamental requirement of the Misconduct Panel process. Ongoing independence is essential, and Chairs must immediately inform the Chief Executive (as above) if there is any change in their circumstances that may affect their eligibility to continue as a Chair.

Exclusions:

- Serving Police Officers;
 - Serving Police staff;
 - Serving Special Constables.
 - Cease to meet the judicial appointment eligibility condition on a five-year basis
10. In order to maintain confidence in the process, the ERPCCs and the Secretary of State will not normally appoint someone with unspent criminal convictions (with the exception of fixed penalties). Each case will be considered on its merits. Chairs must immediately notify the Chief Executive (as above) if they are reported for, or arrested for, or charged with a criminal offence.

11. The ERPCCs and the Secretary of State may also consider it to be inappropriate if there is perceived conflict of interest through relationships (e.g., family, or close friends) with a Police and Crime Commissioner or officer of any of the ERPCCs or the MDP, or a police officer or member of police staff or special constable. Chairs are required to declare any such relationships at any time during their term of appointment. Chairs must immediately notify the Chief Executive of any subsequent relationships that may give rise to a perceived conflict of interest with their role as Chair.
12. Whilst there will be no formal appraisal of their performance in the role of Chair, ERPCCs and the Secretary of State will consider any concerns received relating to a Chair's performance and discuss these with the Chair.
13. Any concerns about a Chair or their performance and/or conduct will be discussed by the ERPCC Chief Executives and the MDP Chair of Police Committee. Should the matter remain unresolved the procedures for considering removal would be invoked.
14. Misconduct may include such matters as a conviction for a criminal offence or abusing the position as Chair by failing to act in accordance with the agreed Job Description/Person Specification.
15. A Chair's appointment may be suspended at any time by the ERPCC Chief Executives and the MDP Chair of Police Committee upon receiving a report of misconduct or poor performance.
16. The ERPCC Chief Executives and the MDP Chair of Police Committee may terminate the appointment of a Chair having considered a report of misconduct or poor performance providing that before a decision to terminate or not is taken an opportunity is given to the Chair in question to make oral and/or written representations. The Chair will be notified of the grounds on which removal is being considered in advance of their being given the opportunity to make representations. An appeal lies from this decision to the ERPCCs and the Secretary of State.
17. Similarly, the ERPCCs and the Secretary of State will welcome feedback from Chairs on their experiences including any concerns. Any feedback should in the first instance be referred to the Chief Executive of the Hertfordshire OPCC.
18. Chairs who have not previously served as a legally qualified chair in police misconduct cases will not be able to sit on a Panel until they have completed training to the satisfaction of the ERPCCs and the Secretary of State. Refresher training will be provided as deemed necessary.
19. Chairs and Panel Members are data controllers for the purposes of the Data Protection Act 2018 and the General Data Protection Regulation 2018. They will therefore need to ensure compliance with the data protection principles when receiving and handling personal data and special category data in connection with their role. In particular, data must be kept securely and confidentially, and for no longer than necessary.
20. In the absence of any other applicable indemnity or insurance, in respect of misconduct panels to which you are appointed the Police and Crime Commissioner and the Secretary of State for the area of the force concerned agrees to indemnify you as the Legally Qualified Chair ("LQC") in respect of any liabilities arising (including reasonable costs as agreed with you in connection with responding to or engaging with any legal proceedings or matters arising from the discharge of your functions as an LQC for anything done or

omitted to be done by you in the discharge of those functions unless, having received representations or submissions by or on your behalf, you are proved in a court of law or other tribunal with appropriate jurisdiction to have acted in bad faith. Furthermore, in the event of your being held to have any liability for anything done or omitted to be done by another member of the Panel of which you are part, the appointing PCC and the MDP agrees to indemnify you in full in respect of any such liability.

In addition and/or for the avoidance of doubt, it is confirmed that this indemnity includes, but is not limited to, any costs you may incur:

- In seeking legal advice in relation to the receipt of a witness summons/order or an application therefor;
- In relation to the preparation of any representations and/or witness statements in relation to an application for a witness summons/order and/or in relation to an application to set aside the issuing of a witness summons/order;
- In relation to securing legal representation at any hearing of an application for a witness summons/order and/or the hearing of any application to set aside the issuing of a witness summons/order;
- In relation to the costs (including costs of legal representation) of participating in any appeal and/or application for judicial review (and any appeal therefrom) arising as a consequence of your being in receipt of an application for a witness summons/order or an application therefor; and
- In relation to attending a hearing or hearings, including the time spent thereat.

However, save where the issue/matter needs to be addressed by you immediately, no costs to which this indemnity applies should be incurred by you before you have notified the Chief Executive of the appointing PCC or the MDP Chair of Police Committee of the nature and extent of the issue/matter giving rise to a claim under it.

21. In this document, the following definitions/explanation apply:

Definitions

- (1) “the appointing Police and Crime Commissioner (PCC)” means the PCC for the police area from where the panel hearing arises.

I accept the terms and conditions outlined above

Signed by Chair:

Print Name:

Dated:

Signed on behalf of the Eastern Region Police and Crime Commissioners and the Secretary of State

Signed:

Print Name:

Dated:

Updated 11 December 2023

Police Misconduct Panel – Legally Qualified Chairs

The Police and Crime Commissioners for the Eastern Region are seeking to recruit up to 10 **Legally Qualified Chairs (LQCs)** to hear police misconduct hearings from across the region. The successful candidates will preside over hearings involving officers from Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk Constabularies.

Misconduct Hearing Panels involve serious misconduct cases and are an important aspect of the disciplinary rules that govern the police, helping to ensure public trust and confidence is maintained.

Applications are sought from qualified lawyers who can demonstrate integrity and independence of mind, commitment to equality, diversity and inclusion, sound judgement and an objective approach to the issues presented. Successful candidates will be part of a list of 25-30 LQCs who will be selected to sit on hearings across the region. These hearings can last a few days and it is expected that members of the panel will have sufficient availability to undertake this work. Training is provided and attendance is expected from LQCs.

To apply you must satisfy the judicial appointment eligibility condition on a five-year basis as set out in section 50 of the Tribunals, Courts and Enforcement Act 2007.

If you would like to discuss the role please contact Darren Horsman at the Police, Fire and Crime Commissioner's Office for Essex on 07967 821067 or pfcc@essex.police.uk.

Interviews are scheduled to take place on the 7th and 8th of November at the Civic Centre in Chelmsford, though some flexibility on dates may be possible. The deadline for applications is midnight Monday the 25th of September.

We are proud to be committed to equal opportunities and welcome qualified applications. To download an application pack please click **here**. Completed application packs should be sent to pfcc@essex.police.uk.

