

**Title and Reference - PCC.197.2015**

**Subject: Approval of Nominations of Legally-Qualified Chairs for Police Misconduct Hearings**

**Date: 18 December 2015**

**Summary**

With effect from 1 January 2016, the Police & Crime Commissioner is required by law to have nominated lawyers to chair Misconduct Hearings in respect of police officers (other than senior officers, in respect of whom other arrangements apply). The law states that such proceedings should from that date be chaired by a person

*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*

In practice therefore, the Force as Appropriate Authority for such officers, will select from a list of lawyers held by the OPCC for that purpose.

The Government issued supporting guidance set out at:

[www.gov.uk/government/publications/circular-0062015-changes-to-home-office-guidance-on-police-misconduct-unsatisfactory-performance-and-attendance-management-procedures](http://www.gov.uk/government/publications/circular-0062015-changes-to-home-office-guidance-on-police-misconduct-unsatisfactory-performance-and-attendance-management-procedures)

The process for appointment to the list was administered by the Cleveland OPCC on behalf of the 7 OPCCs of the North East Region. The region was delighted to receive a large number of applications of a high calibre. A rigorous selection process was undertaken, concluding with panel interviews during the period 2<sup>nd</sup>-8<sup>th</sup> December 2015. It was originally anticipated that appointment of 25 lawyers would meet the needs of the region. The selection process concluded with some 27 lawyers considered suitable for appointment. The recommendation of the Chief Executives is that they all be appointed to the list which will, as a result, be fit for purpose for five years and will contain a broadly even split of lawyers based in locations right across the region as well as from elsewhere in the country.

It is proposed that the 27 lawyers be nominated by the Police & Crime Commissioner (in common with the Police & Crime Commissioners for Northumbria, Durham, North Yorkshire, Humberside, West Yorkshire & South Yorkshire) and that the list be held by the OPCC for the purposes of compliance with Regulation 25 of the Police (Conduct) Regulations 2012.

It is further proposed that the list be effective for five years and that a further

appointment process be organised and held in time for the expiry of those five year terms.

Terms of appointment and fee arrangements are set out at **Appendix A**.

**Appendix B** sets out the costs incurred by the OPCCs in the course of the selection process as well as the anticipated costs of training. These costs will be shared evenly between the OPCCs in due course.

Lawyers appointed to the list will be required to undergo training before they undertake chairmanship. Training has been nationally coordinated via the College of Policing and the Association of Police & Crime Commissioners. It is anticipated that most appointees to the list for this region will attend the session scheduled for 29 January 2016 at Cleveland Police Headquarters.

### **Recommendation**

1. That the persons listed be nominated for a period of five years from 1 January 2016 for the purposes of Regulation 25(4)(a) Police (Conduct) Regulations 2012 as amended; and
2. That the list of persons be held by the Office of the Police & Crime Commissioner for the purposes of individual selections by the Force in accordance with that Regulation.
3. That persons listed be under a continuing duty to declare any conflict of interest (or significant risk of conflict of interest) to the Office of the Police & Crime Commissioner and to the Appropriate Authority, prior to undertaking chairmanship duties.
4. That a further appointment process be organised in such manner as the Chief Executive shall consider suitable, in time for the expiry of the resulting five year terms.

### **Northumbria Police and Crime Commissioner**

I hereby approve the recommendation above.

**Signature**



**Date 18.12.15**

## North Eastern Region Police & Crime Commissioners

Northumbria, Durham, Cleveland, North Yorkshire, South Yorkshire, West Yorkshire and Humberside

### Term of Appointment

We are now seeking applicants to perform this key function on a five year term appointment.

#### Training

Mandatory training on the misconduct regulations will be conducted. [Date to be confirmed]

#### Fees

Full day i.e. sittings of more than 4 hours (excluding meal breaks)

**£350**

Half day i.e. sittings of 4 hours or less (excluding meal breaks)

**£170**

#### Preparation and Report Writing Fees

A fee may be claimed at the rate of **£45.00** 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).

Save in exceptional circumstances authorised by the Chief Executive of the OPCC, the maximum preparation and report writing fee that can be claimed is **£600** for each misconduct hearing.

#### Travelling Expenses and Subsistence

Travelling and subsistence expenses will be payable in accordance with each OPCC's equivalent policy for Independent Members of Misconduct Panels.

Details are available from each OPCC individually.

#### Potential Conflicts of Interest

Details must be given of any business or other interests or any personal connections which, if you are appointed, could be misconstrued or cause embarrassment to any of the North Eastern Region OPCC's.

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 any of the North Eastern Region OPCC's operates. Applicants who are employed by (or under the direction and control of) a Chief Officer of Police are considered by HM Government to be insufficiently independent; and it is considered that although not explicitly set out in the HM Government guidance, it is at least possible that employees of a Police and Crime Commissioner may have a potential conflict of interest.

Any potential conflicts of interest you declare will not of themselves prevent you being shortlisted but may, if appropriate, be explored with you during the Selection Panel process to establish how you would address the issue(s) should you be successful in your application.

HM Government guidance on the nomination process for OPCC lists of Legally Qualified Chairs (including the provisions on independence referred to above) can be viewed [here](#).

