

Legally Qualified Chair (LQC)
**Offices of the Police & Crime Commissioners for Northumbria, Durham,
Cleveland, North Yorkshire, Humberside, West Yorkshire and South
Yorkshire**

ROLE DESCRIPTION

Job Title	Legally Qualified Chair (LQC)
Service Unit	Offices of the Police and Crime Commissioners (OPCCs)
Team	OPCCs for North Eastern Region
Responsible to	Independent office; responsibility for list arrangements is that of Chief Executive to each PCC
Salary Range	[See Fee Schedule]

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Job Purpose:

To act as Chair in respect of police misconduct hearings taking place within the North Eastern Region, specifically Northumbria, Durham, Cleveland, North Yorkshire, Humberside, West Yorkshire and South Yorkshire.

The legally qualified chair is appointed to hear cases under Regulation 25 Police Conduct Regulations. This will include reading the papers in advance of any hearing, chairing the proceedings in accordance with the Regulations and the provision of full reasons in writing for the decision reached by the misconduct hearing.

Principal Duties & Responsibilities:

Introduction

Since 2014 several changes have been made to the police disciplinary system for the purposes of more transparency, independence and justice. This included holding police misconduct hearings in public and more recently replacing Chief Police Officers who currently chair hearings with Legally Qualified Chairs.

General Background

A Panel convened to conduct a Misconduct Hearing within the meaning of the Regulations is referred to as a Police Misconduct Panel (PMP) in this role requirement – specific force-by-force naming conventions may apply. A PMP includes a chair selected from a list of persons maintained by The Office of the Police & Crime Commissioner for Northumbria to conduct misconduct hearings for officers other than senior police officers and is governed by the Police (Conduct) Regulations. Northumbria PCC maintains and administers the list of the Chairs; Chairs are then selected on an ad hoc basis to their respective police misconduct panels.

Nature of Cases

The PMP is convened to hear serious cases of alleged misconduct by police officers, usually those cases which are considered to amount to gross misconduct within the meaning of the police discipline system. The maximum sanction at this hearing would be dismissal from the police service without notice.

The PMP will hear misconduct hearings governed by the Police (Conduct) Regulations.

Composition of PMPs for each respective OPCC/Force

The PMP consists of three persons selected by each Force: the Chair, a police officer of the rank of superintendent or above, and an independent member from the list of candidates maintained by OPCCs for the purposes of these Regulations.

Different Panel arrangements apply to cases concerned with alleged misconduct by senior police officers.

Role of Chair

When hearing cases under the Police Conduct Regulations, 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 conclusions of the proceedings. It is a very paper heavy process and so a commitment to writing reports will be essential.

PMP Chairs are required to be able to travel as cases will usually be held across the North Eastern Police Force region (i.e. Northumbria, Durham, Cleveland, North Yorkshire, Humberside, West Yorkshire and South Yorkshire).

Main Activities

The main activities of the Chair of the PMP are as follows:

- Reviewing papers under the Police Conduct Regulations.
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, further to the hearing, deciding outcomes to decide whether the conduct of the officer concerned amounts to

misconduct, gross misconduct or neither, and impose any disciplinary action as appropriate, or in the case of a finding of misconduct take no further action.

- Report writing
 - Fully reasoned reports should be produced to provide the officer in writing of 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). Although the number of cases is inherently difficult to predict, on average there are approximately 85 misconduct case per annum across the Region. The expectation is that these will be dealt with by an aggregate list maintained by Northumbria OPCC.
- Training

Candidates must attend a mandatory training session before being appointed to a PMP as may be specified. There may be additional periodic refresher training requirements and there are anticipated also to be networking events to enable attendees to discuss recent developments and any aspect of their role with their fellow chairs.
- Jurisdiction

The PMP hears cases under the Police Conduct Regulations.

PERSON SPECIFICATION

The information on the table below will be used to ascertain if a candidate meets the required criteria to be selected for interview. Some posts may also require candidates to undertake a pre interview assessment. If required this will be clearly identified in the job advert and supporting paperwork.

	Essential knowledge, skills and experience	Desirable knowledge, skills and experience
Knowledge/ Qualifications	<p>Candidates must satisfy the judicial-appointment eligibility condition on a 5-year basis¹.</p> <p>Knowledge of the police disciplinary legislative framework, case-law and underlying principles.</p> <p>Demonstrable, professional aptitude to acquire the necessary expertise or equivalent experience of a highly regulated disciplinary professional regime.</p>	<p>An understanding and appreciation of the Police Code of Ethics.</p>
Experience	<p>Experience of chairing formal proceedings and the ability to exercise control over such proceedings.</p> <p>Experience of evaluating evidence, or information and making objective, unbiased, thoughtful decisions.</p> <p>Experience of report writing, writing deliberations or case notes.</p> <p>Excellent communication skills.</p>	<p>Able to demonstrate previous committee or judicial work or service on a Board or Council.</p> <p>Experience of court or tribunal environment.</p>
Skills/ Abilities	<ol style="list-style-type: none"> 1. Intellectual Capacity <ul style="list-style-type: none"> • Quickly absorbs and analyses complex information with ease. 2. Personal Qualities <ul style="list-style-type: none"> • Integrity and independence of mind. • Commitment to equality, diversity and inclusion. • Sound judgement. • Decisiveness. • Objectivity. • Learns and develops professionally. 	

¹ As set out in section 50 of the Tribunals, Courts and Enforcement Act 2007 *(please see appendix 1)*

	<ul style="list-style-type: none">• Maintains up to date knowledge of issues relevant to the role. <p>3. An ability to understand and deal fairly</p> <ul style="list-style-type: none">• 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. <p>4. Authority and Communication Skills</p> <ul style="list-style-type: none">• Inspires respect and confidence.• Questions effectively.• Engages constructively in debate and challenges others appropriately.• Excellent presentation skills <p>5. Efficiency</p> <ul style="list-style-type: none">• 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. <p>6. Effective Chairing</p> <ul style="list-style-type: none">• 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 involving all members of the Committee in a facilitative, enabling manner.• Excellent drafting skills, with the ability to produce clear, accurate, well-structured determinations.	
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Other	<p><u>Nationality</u> 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</p> <p><u>Disability</u> If appointed, reasonable adjustments will also be considered to ensure that a disabled judicial appointee can take up and perform in office.</p> <p><u>Health</u> 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, or for Northern Ireland within the Disability Discrimination Act, if appointed, reasonable adjustments will be considered on taking up office and during service.</p>	
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All applicants who identify themselves as having a disability under the Equality Act 2010 and who meet the essential criteria for the post will be guaranteed an interview.

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)[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).