



Meeting: **Leicester, Leicestershire and Rutland Police and Crime Panel**

Date/Time: **Tuesday, 5 December 2017 at 10.00 am**

Location: **Sparkenhoe Committee Room, County Hall, Glenfield**

Contact: **Euan Walters (Tel: 0116 305 6016)**

Email: **euan.walters@leics.gov.uk**

Membership

Mr. J. T. Orson JP CC (Chairman)

Cllr. John Boyce	Col. Robert Martin OBE, DL
Cllr. Lee Breckon, JP	Cllr. Abdul Osman
Cllr. Ruth Camamile	Cllr. Trevor Pendleton
Mrs. Helen Carter	Cllr. Michael Rickman
Cllr. Stephen Corral	Cllr. David Slater
Cllr. Ratilal Govind	Cllr. Manjula Sood, MBE
Cllr. Malise Graham	Cllr. Alan Walters

**Please note: this meeting will be filmed for live or subsequent broadcast via the Council's web site at www.leicestershire.gov.uk
– Notices will be on display at the meeting explaining the arrangements.**

AGENDA

<u>Item</u>	<u>Report by</u>
1. Urgent Items.	
2. Declarations of interest in respect of items on the agenda.	
3. Confirmatory Hearing for the Post of Chief Executive Officer.	(Pages 3 - 44)

The Police and Crime Commissioner and the Candidate for the post of Chief Executive Officer have been invited to attend this session.



A copy of the Office of the Police and Crime Commissioner's report on the appointment is attached.

A document explaining the process to be followed at the Confirmatory Hearing will be circulated separately.

4. Exclusion of the Press and Public.

The public are likely to be excluded during the following item of business in accordance with Section 100(A) of the Local Government Act 1972:-

Panel Deliberations on the Proposed Appointment of a Chief Executive Officer.

5. Panel Deliberations on the Proposed Appointment of a Chief Executive Officer.

Following the deliberations the Chairman of the Panel will write to the PCC on the next working day, following the Confirmation Hearing, to outline the decision and recommendations of the Panel. The Candidate will also be sent a copy of the letter.

6. Any other items which the Chairman has decided to take as urgent.

POLICE AND CRIME COMMISSIONER FOR LEICESTERSHIRE POLICE & CRIME PANEL – CONFIRMATION HEARING

PAPER MARKED

Report of	POLICE & CRIME COMMISSIONER
Date	TUESDAY 5 DECEMBER 2017 – 10.00 A.M.
Subject	APPOINTMENT OF CHIEF EXECUTIVE OFFICER FOR THE OFFICE OF THE POLICE AND CRIME COMMISSIONER
Author :	EXECUTIVE DIRECTOR

Purpose of Report

1. To provide background information to the Police and Crime Panel on the appointment process leading to the selection of Mr Paul Hindson as the preferred candidate for the role of Chief Executive Officer (CFO) for the Office of the Police and Crime Commissioner (OPCC).

Recommendation

2. The Panel are asked to endorse the appointment of Mr Paul Hindson as the Chief Executive Officer for the OPCC.

Background

3. The Police Reform and Social Responsibility Act 2011, Schedule 1, states that a Police and Crime Commissioner must appoint a person to be the head of the Commissioner's staff, referred to as the Commissioner's Chief Executive. Therefore there is a statutory requirement for this post within the Commissioner's office.
4. The Police and Crime Commissioner must notify the Police and Crime Panel of the proposed appointment of a Chief Executive and must provide the following information:-
 - The name of the person whom the Commissioner is proposing to appoint ('the candidate').
 - The criteria used to assess the suitability of the candidate for the appointment.
 - Why the candidate satisfies those criteria.
 - The terms and conditions on which the candidate is to be appointed.
5. Once notified the Police and Crime Panel must hold a Confirmation Hearing to review the proposed appointment following which the Panel must make a report to the Police and Crime Commissioner on the proposed appointment.
6. The report must include a recommendation to the Police and Crime Commissioner as to whether or not the candidate should be appointed. The Police and Crime Commissioner may accept or reject the Panel's recommendation as to whether or not the candidate

should be appointed. The Commissioner must notify the panel of his decision whether or not to accept or reject the recommendation.

Recruitment Process

7. The role of Chief Executive Officer became vacant in February 2017. At that time the Police and Crime Commissioner considered the person specification and role description for the post of Chief Executive. Some minor amendments were made to the person specification which sets out the skills, knowledge and experience required. The amendments made expanded the criteria for previous work experience to attract a wider breadth of candidates from both the public and private sector. Copies of the person specification and role description are attached at APPENDIX 'A' to the report.
8. The recruitment process itself consisted of three elements to provide an in-depth assessment of each candidate. The three separate parts of the process were as follows:

On line Psychometric Test

An online psychometric test was provided by an external company procured through the Force Human Resources Department. The company specialise in talent measurement and report on each candidate in respect of their relevant competencies for the role. The tests identified each candidate's key competencies following a series of questions relating to vision and strategy, networking, people management, organisational awareness, analysis and judgement and effective communication. Assessments were also made in relation to numerical reasoning, verbal reasoning and inductive-logical thinking.

Community Panel

A community panel was convened to meet with each individual candidate to discuss with them how they would work together with partners, their knowledge and understanding of the importance of diversity and equality to the Commissioner's work and their leadership and management style. Panel members were:-

- Jane Moore, Assistant Director, Education and Early Help, (Leicestershire County Council) - (Chair of the Panel)
- Chris Traill, (Strategic Director for Neighbourhoods and Community Wellbeing, (Charnwood Borough Council)
- Iris Lightfoote, Chief Executive Officer, (The Equality Centre, Leicester)
- Chris Hanrahan, UNISON Branch Secretary
- Daxa Pancholi, Head of Community Safety, (Leicester City Council)
- Chief Superintendent Andy Lee, Leicestershire Police (replaced by Supt Jonny Starbuck for the second process undertaken).

The composite views of the Panel on each candidate were fed back to the interview Panel by the Chair following the conclusion of all the formal interviews. The views of the Panel were taken into account prior to the final decision being made.

Formal Interview

The formal interview panel consisted of Lord Willy Bach, Police and Crime Commissioner, Kirk Master, Deputy Police and Crime Commissioner, Roger Bannister, Deputy Chief Constable, Ali Naylor, Assistant Chief Officer for Human Resources and Lynne Richards, member of the Commissioner's Ethics, Integrity and Complaints Committee.

Recruitment Process

9. A first round recruitment process commenced on 31 March 2017 with interviews being held on 27 July 2017. As no appointment was made at that time a second round process was implemented following exactly the same format at the first process. The second round

commenced on 2 August 2017 with interviews being held on 29 September 2017. A copy of the advertisement for the role is attached at APPENDIX 'B'.

First Round Process

10. The advertisement for the post was placed in the Guardian newspaper, on the Police and Crime Commissioner's website, Jobs Go Public, Indeed, social media including Facebook, Twitter and LinkedIn, through Local Authorities and via the Association of Police and Crime Commissioners for dissemination to OPCC's nationally. A copy of the advertisement is attached at APPENDIX 'B'. In total 17 applications were received and following shortlisting 5 applicants were selected for interview. At the conclusion of the formal interviews, the Commissioner, in discussion with the interview panel, made the decision not to make an appointment to the role of Chief Executive at that time.

Second Round Process

11. A second round recruitment process implemented which followed the same format as previously implemented with the exception that the advertisement was not placed in the Guardian newspaper and a change of membership of the Community Panel with Chief Superintendent Andy Lee being replaced by Supt Jonny Starbuck. Following the conclusion of the formal interviews the decision of the Commissioner, in discussion with the interview panel, was to propose to the Police and Crime Panel that Mr Paul Hindson be the preferred candidate for the role.

How the Successful Candidate Satisfied the Criteria for the Role

12. Candidates were assessed against the criteria set out in the person specification and the role description. In addition to the on-line psychometric tests and the community panel discussions formal interview questions were designed to seek evidence of:-
- political awareness
 - experience and knowledge of managing organisational change and culture
 - examples of improving performance resulting in value for money
 - skills and attributes in leading a team to successfully deliver corporate objectives
 - taking an effective lead in partnership arrangements
 - evidence of using discretion wisely and challenging the status quo
 - demonstrating integrity and transparency of working practices
 - balancing costs, risks and benefits in all decisions and thinking about the wider impact
 - Leading and testing new complex initiatives involving multiple stakeholders.
 - Evidence of inspiring others to deliver challenging goals.
 - Recognising and valuing diversity and challenging intolerance
13. The proposed candidate was selected as a result of successfully completing all aspects of the recruitment process.

Proposed Candidate

14. The process concluded that the candidate now recommended to the Panel, Mr Paul Hindson, was the most suitable for the role of Chief Executive Officer. Mr Hindson has vast previous experience of working with the Ministry of Justice, the Home Office and the Probation Service. He is a Director of a private company that supports initiatives to drive transformation, develop innovation, improve quality and enhance community engagement. This work has included liaising with Police and Crime Commissioners and the Association of Police and Crime Commissioners to assist in their influence over the Transforming Rehabilitation contract. Previous to this Mr Hindson undertook the role of Managing Director of Justice Working Links for 2 years being responsible for the delivery of all justice services nationally and for the transformation of existing justice services in Community Rehabilitation Companies across Wales and the South West of England in line with the

contractual requirement of the Ministry of Justice. Prior to this Mr Hindson held the position of Director of Community Solutions Interserve being responsible for the development of community based justice services. Other roles previously undertaken by Mr Hindson include Regional Manager for Probation Services – East Midlands, Lead for development of offender management service specifications for the Ministry of Justice, Head of Offender Management and Assistant Chief Officer for Leicestershire and Rutland Probation Area.

15. Mr Hindson submitted an application that demonstrated the breadth of experience against the criteria in the person specification and the role description. He was proposed as the preferred candidate by the Community Panel and his performance in the psychometric tests and at interview resulted in him being judged as the most suitable candidate for the role.

Terms and Conditions of Appointment

16. The Chief Executive post is a 'chief officer' grade on a spot salary of £75,000 per annum. The post is full time and is a permanent appointment as opposed to a contractual arrangement, as such, this appointment will attract other emoluments such as pension contributions and annual leave based on standard terms in line with any entitlements built up in previous public sector roles. Business travel costs by personal car will be reimbursed at the casual user rate. This post does not benefit from a provided vehicle. The terms and conditions for the role at attached at APPENDIX 'C'.

Conclusion

17. The role of the Chief Executive Officer within the OPCC is a critical one. This is not only in terms of strategic leadership but also of leading a team to deliver the Police and Crime Plan and to engage with key partners to achieve that aim.
18. Through a rigorous recruitment process Mr Hindson has proved himself to be exceptionally qualified and experienced and has demonstrated that he would be a good fit for the OPCC team. From a strong field of applicants, with a wide range of backgrounds, Mr Hindson stood out as being an excellent candidate whose skills and experience will be key to strategically leading the OPCC and supporting the Commissioner and delivering his aims and objectives.

Implications

Financial	There are no direct financial implications of this report, which does, however, set out the financial consequences of the appointment being proposed - £75,000 per annum plus on costs.
Legal	It is a legal requirement that the OPCC has a CEO.
Equality Implications	Equality and diversity considerations were applied throughout the recruitment process. All candidates were able to request reasonable adjustments. The approach has allowed the OPCC to meet their equality duties, of eliminating discrimination, harassment and victimisation, advancing equality of opportunity and fostering good relations.

Equality monitoring data from both rounds

<u>First Round</u>		<u>Second Round</u>			
Male	8	Male	5	Sikh	1
Female	4	Female	4	Hindu	1
White British	10	White British	6	Christian	3
White Irish	1	Indian	2	Age:	
Indian	1	Disabled	0	30-39	1

Not Stated	5	Non religious	3	40-49	5
Christian	3			50-59	3
Sikh	1				
Non religious	4				
Age:					
30-39	1				
40-49	5				
50-59	3				

Risks and Impact Not recruiting a suitably qualified CEO would present a significant risk to the OPCC. The appointment recommended in this report will overcome that risk and will equip the OPCC to manage strategic direction, planning and performance risks.

Link to Police and Crime Plan The postholder will set the strategic direction to deliver the Police and Crime Plan.

List of Appendices

Appendix A – job description and person specification.

Appendix B – job advertisement.

Appendix C – terms and conditions.

Background Papers

Police Reform and Social Responsibility Act 2011.

PCC file PCC/13/F

APPENDIX 'A'**PERSON SPECIFICATION**

Area:	Office of Police & Crime Commissioner	Job Title:	Chief Executive Monitoring Officer	Weekly Hours:	37
Section:	OPCC	Scale:	£75,000 p.a. Spot salary	Version:	1
Post No:	PC018	Status:	Permanent	Version Date:	8/3/17

Please describe in your covering letter, with example(s) how you feel you meet each of the numbered essential criteria, and where possible the desirable criteria, below.

<u>Criteria</u>	<u>Essential</u>	<u>Desirable</u>
<i>Justifiable as necessary for safe and effective performance of the job.</i>	<i>A clear definition of the necessary criteria.</i>	<i>Where available, elements that contribute to improved / immediate performance in the job.</i>
Education:	1. To hold a degree or equivalent in a subject relevant to the role.	1. To hold a postgraduate qualification e.g. MBA, MSc or equivalent
Work Experience:	2. To evidence previous operational experience working at Chief Officer level. 3. Detailed understanding of legislative frameworks, corporate governance and undertaking statutory responsibilities. 4. Proven track record of managing change successfully and delivering improved performance and value for money. 5. Proven experience of building effective relationships with a wide range of individuals, stakeholders and partner agencies. 6. Record of translating long-term strategic ambitions into action plans and the implementation of those plans. 7. Evidence of leading equalities and diversity compliance.	2. To have an understanding of current issues within policing in England and Wales. 3. To have knowledge and expertise across the policy environment in which the Commissioner operates.

Personal / Interpersonal Skills, Aptitudes:	<ul style="list-style-type: none"> 8. Strong leadership and interpersonal skills gained in a senior management role. 9. Ability to think independently, strategically and flexibly, taking a long-term perspective. 10. Ability to assimilate complex information quickly, weigh up alternatives and make sound, timely decisions. 11. Proactive commitment to fairness and diversity and to high standards of professional conduct. 12. High standards of ethical behaviour, probity, integrity, honesty and responsibility 13. Highly developed and proven political awareness and sensitivity. 14. Highly developed skills in persuasion, influence, negotiation, management and communication. 	
Special Skills:	<ul style="list-style-type: none"> 15. Understanding of managing a department within a strict legislative framework. 16. Demonstrate experience of managing reputational risk within a political environment. 17. Have a proven track record of taking collaborative approach to achieving priorities and objectives to a successful conclusion. 	



**POLICE & CRIME
COMMISSIONER
for Leicestershire**

Prevention | Partnership | Protection

ROLE DESCRIPTION

Job title:	Chief Executive & Monitoring Officer
Post no:	PC018
Scale:	£75,000 (spot salary) Chief Officer Grade
Hours	37 per week Due to the nature of the role, the post holder will be required to be flexible in the hours worked and their availability. It is expected that a small proportion of duties will take place during evenings and at weekends for which no additional recompense is provided.
Location	Leicestershire Police Headquarters, Enderby, Leicestershire
Reports to:	Police & Crime Commissioner (PCC)
Responsible for:	Executive Director, Finance Director, Communications and Partnerships Manager
Contacts:	<p>Internal: Police and Crime Commissioner, Deputy Police and Crime Commissioner, Advisers to the Commissioner, Finance Director to the PCC, all staff of the Office of PCC, Senior staff members and officers of the Leicestershire Police</p> <p>External: Members of the Police and Crime Panel, Senior officers of Leicester City Council, Leicestershire County Council and Rutland County Council. Senior politicians and officers of District and Borough Councils within the Force area. Members of Parliament, Senior officers of other Police Forces, Senior officers of Police and Crime Commissioners both regionally and locally, APCC, NPCC, College of Policing, Home Office, CPS, Ministry of Justice, HMIC, IPCC, Local Government Association, Health bodies, Probation Service, Voluntary Sector, News media, Members of the public, Stakeholders/partners/service providers.</p>
Purpose of the role	To discharge the statutory defined duties of the Chief Executive Officer of the Police and Crime Commissioner as set out by the Police Reform and Social Responsibility Act 2011; including being the head of paid service and exercising the role of Monitoring Officer and ensuring an efficient and effective office of the PCC.

<p>Key Accountabilities</p>	<ol style="list-style-type: none"> 1. Carry out duties of Chief Executive Officer and Monitoring Officer and act as Head of Paid Staff appointed under the Police and Social Reform Act 2011. 2. To undertake the role of Monitoring Officer and notify designated officers/bodies of any illegality or maladministration in relation to the business of the Police and crime Commissioner. 3. In conjunction with the OPCC's Section 151 officer ensure propriety in the conduct of the PCC's business including appropriate governance arrangements for contracts and tendering processes, the management of strategic risk and information management. 4. Ensure PCC's compliance with the Code of Conduct and maintenance of appropriate standards 5. Ensure provision of appropriate and timely advice and briefings to the PCC. 6. To provide leadership, strategic direction, and support to the Police and Crime Commissioner in his/her statutory duty to secure an efficient and effective police service for Leicester, Leicestershire and Rutland. 7. Provide clear and visible leadership to the Office of PCC including staff development and training and work directly to the Commissioner in relation to personal objectives and development. 8. Develop and maintain external relationships at a senior executive and political level with partners, organisations and stakeholders. 9. To oversee arrangements for the appointment of Chief Constable including terms and conditions and matters relating to complaints and discipline. 10. Be the Data Controller for the OPCC. 11. Ensure the organisation fully meets its statutory and other obligations including the maintenance of formal records and processes.
<p>Strategic Accountabilities</p>	<ol style="list-style-type: none"> 12. Develop and maintain effective relationships with the Chief Constable, other members of the Command Team and the Force in general, to ensure that the PCC's statutory duties are met. 13. To engage with a wide range of stakeholders to ensure the delivery of the Police and Crime Plan and community safety programmes that meet the objectives of all partners. 14. To distill and disseminate relevant information and advice to the PCC to enable him/her to challenge, where appropriate, the Force's strategic performance. 15. To be the strategic lead for partnership working. 16. To support the PCC in ensuring that policing in Leicestershire is accountable to local people through the development and implementation of effective communication, consultation and community engagement strategies and plans. 17. Ensure the provision of an effective, co-ordinated public relations service to enhance public understanding and awareness of the role and responsibilities of the PCC. 18. To support the PCC to increase his/her influence and profile locally, regionally and nationally. 19. To establish effective working relationships at a local, regional and national level.

	<ol style="list-style-type: none"> 20. To advise the PCC and be the strategic lead for regional collaboration ensuring appropriate governance is applied. 21. To continue to strive for continuous improvement regarding efficiency and effectiveness of the Office of Police and Crime Commissioner. 22. Support the efficient and effective delivery of the Police and Crime Plan together with any associated delivery plans, including the business plans for the work of the office. 23. To develop a strong and effective relationship with the Police and Crime Panel and service its requirements to enable it to properly discharge its statutory functions. 24. Develop and maintain mechanisms for commissioning services from external organisations to meet emerging needs. 25. Ensure proper and adequate independent legal advice is obtained where appropriate. 26. Ensure that the Office of Police and Crime Commissioner performs its equalities and diversity duties and responsibilities.
Administration:	<ol style="list-style-type: none"> 27. Ensure that the PCC operates effective corporate governance and business arrangements, regularly reviewing systems and structures to deliver continuous improvement. 28. Ensure that the OPCC staffing structure, processes and procedures are reviewed and designed to facilitate the provision of effective and high quality administration services.
General	<ol style="list-style-type: none"> 29. Actively promote equality of opportunity, proactively work towards eliminating discrimination and promote good relations between all groups of people. 30. Undertake such other duties commensurate with the post as may be required for the safe and effective performance of the job. 31. This role description should develop along with the changing demands of policing reflected in the PCC's objectives and priorities. 32. Be flexible in terms of working location and be prepared to, when required, work and travel nationally to fulfil the duties of this role.
Political Restrictions	<ul style="list-style-type: none"> • This post has been identified as being politically restricted under the Local Government and Housing Act 1989 as amended by the Local Democracy, Economic, Development and Construction Act 2009. Further guidance regarding these restrictions is contained in the Police Staff Council Terms and Conditions of Service, Section 3, 8.1, Politically Restricted Posts, accessible on the intranet, HR Website. • The post holder's freedom to act is prescribed by the appropriate statutes and regulations by which the Office of Police and Crime Commissioner is bound.

Contract Type: Permanent

Date of last Job Evaluation Exercise: N/A

Training Requirements: To be discussed with successful applicant on appointment.

PDR Activities and Behaviours:

Car User:

Yes / No	Allowance {per mile / day etc}:	45p per mile
Yes / No	Authority to £ Value:	
Yes / No	Total Number & Level:	17

Budgetary Management:

People Management:

Post Funding Method:

Owner/source of Funding:

IT Systems Required:

Skills Required:

Health tests required:

Risk Assessment:

Job Evaluation:

Security Check Level:
(~~strikethrough~~ checks NOT required)

RV, SC, EV1, DV, NPPV1, NPPV2, NPPV3

Additional Information:

ADVERTISEMENT

Chief Executive and Monitoring Officer

£75,000 p.a.

Leicestershire's Police and Crime Commissioner, Lord Willy Bach, is seeking to recruit a Chief Executive to work with him to ensure delivery of his vision, strategies and identified priorities. The Chief Executive is also the Monitoring Officer with responsibilities for the legal decisions of the Commissioner.

You will be a strategic thinker and guide the Office of the Police and Crime Commissioner in developing a clear and effective long-term vision and strategy. Engaging with both internal and external partners and stakeholders, you will develop and implement effective engagement with all sections of the community.

Reporting to the Commissioner, you will contribute to the effective delivery of the Police and Crime Plan and be accountable for service delivery at local, regional and national level. You will have a track record of success at a strategic level in one or more organisations and have evidence of working within a legislative or compliance framework.

The ability to travel around the county, to fulfil the duties of the post, is essential.

If you are an excellent staff leader and have a desire to succeed in challenging times, with the ability to form good working relationships please view the attached link for details of how to apply.

Closing Date for applications:




Interview Date:

Application pack: <http://www.leics.pcc.police.uk/Home.aspx>

**OFFICE OF THE POLICE AND CRIME COMMISSIONER
FOR LEICESTERSHIRE**

CONTRACT OF EMPLOYMENT

KEY TO SYMBOLS:

-  Full Policy Documents/information available for inspection on the Force Intranet or via Area/Departmental HR Officer.
-  Documents to sign and return
-  Reference literature enclosed.

HOURS OF DUTY

Your hours of work will be 37 per week. The normal core hours of duty are 8.30 am to 5.00 pm Monday to Thursday, 8.30 am to 4.30 pm Friday, with one hour for lunch. These standard hours may be varied in agreement with your line manager.

Due to the nature of the post some additional and out of hours working may be necessary to satisfactorily accomplish the requirements of the role, for which you will receive no additional remuneration.

CONFIRMATION HEARING

You will need to attend the Police and Crime Panel for a confirmation hearing, to confirm your appointment to the post.

SALARY

Your salary on appointment will be a spot salary of £75,000 per annum.

METHOD OF PAYMENT

Your salary will be paid monthly by credit transfer to a Bank or Building Society. Payment will usually be made on the penultimate working day of each month.

INCREMENTAL PROGRESSION

If applicable, annual increments will normally be payable on the 1st of April each year until the maximum of the salary scale is reached. Where employment commences between 1 October and 31 March (inclusive), the first salary increment is normally payable following six months service. Thereafter the 1st April will apply. Therefore you may be awarded your first increment on (date).

Progression through your salary scale may be delayed as a result of unsatisfactory performance.

MOBILITY & FLEXIBILITY CLAUSE

Your principal place of work is notified in your offer of employment letter. The organisation's mobility and flexibility clause may require you to move location, change duties or hours of work if reasonable to do so, either at your place of work or to / at any other establishment.




PERFORMANCE REVIEW

The organisation operates a Performance Review system, which you will be required to participate in.


STANDARDS OF PROFESSIONAL BEHAVIOUR (encompassing Conduct)

Public confidence in the police service depends on police staff demonstrating the highest level of personal and professional standards of behaviour at all times. The standards of professional behaviour are as set out in the enclosed document and these reflect the expectations that the police service and the public have of you.

A breach of these standards may damage confidence in the police service and could lead to disciplinary action, which in serious cases may result in dismissal.

Copies of the Police Staff Council Standards of Professional Behaviour and Disciplinary procedure are enclosed with this contract and you are asked to read these documents carefully and sign to acknowledge receipt.   

DISCIPLINARY PROCEDURE



Leicestershire Police has a formal procedure for dealing with matters of discipline, which the OPCC has adopted. Should employees be dissatisfied with the outcome of any disciplinary action, there is an internal appeals procedure, details of which are available within the "Disciplinary Policy" on the Force Intranet. 

SECURITY / CONFIDENTIALITY OF INFORMATION / USE OF FORCE IT SYSTEMS

You should not share any information relating to your work unless required by law or expressly authorised to do so.

All information on police computers is only to be used when it is required for police work. If information is used for any other reason, this is a criminal offence under the Data Protection Act 1998, and the Computer Misuse Act 1990.

To make sure that the Force computer systems are not infected by a computer virus, you are not allowed to load software onto Force computers or use a Force disk on any other computer outside the Force, this includes home computers, school/college computers etc.


In addition to criminal charges being brought, failure to comply with the above may result in disciplinary action and potential dismissal.  

WHAT TO DO IF YOU ARE ILL OR INJURED & OCCUPATIONAL SICK PAY


You have a responsibility to attend work during the times of duty (as advised by your Line Manager/Departmental Head). Sickness absence has a major impact on the organisation's ability to deliver public services efficiently and effectively and is therefore monitored closely. However, the OPCC recognises that individuals may, from time to time, have reasonable and legitimate reasons for being absent from work.

During sickness absence, you may be eligible to receive occupational sick pay based on length of service and in accordance with the sickness scheme contained within the Police Staff Council Pay and Conditions of Service Handbook.

To qualify, you must have complied with the requirements on notification of sickness absence and the provision of medical certificates as per the Forces procedures.

Information regarding how to report sick and your entitlement to sick pay is contained in your joiners pack. 

MATERNITY/PATERNITY & ADOPTION RIGHTS

You may be entitled to receive paid leave in relation to maternity, paternity and adoption. The provisions relating to any entitlement are contained in the documents referred to in the General Conditions Paragraph below and in relevant employment legislation. 

MEDICAL EXAMINATION & SUBSTANCE MISUSE TESTING

You shall at the expense of the Force submit on request to a medical examination by a medical practitioner nominated by the Force (usually the Force Medical Officer), and where the medical practitioner is not the Force Medical Officer, shall authorise the medical practitioner to disclose the results of your examination to a professional member of the Police's Occupational Health Department. The qualified members of the Occupational Health Department can notify the relevant management within the Police of any health issue(s) professionally brought to their attention which might impair your ability in fulfilling your duties.

In addition to the above, the organisation reserves the right to ask you to participate in substance misuse testing. Refusal to comply with such a request may result in action being taken in accordance with relevant procedure.

CHANGE IN PERSONAL CIRCUMSTANCES

You should be aware that Leicestershire Police, on behalf of the OPCC, carries out security checks on all personnel prior to appointments being offered. In addition to this, you **MUST** inform of any changes in your personal circumstances, i.e. marriage, birth of children, change of name, address or co-habitee. Such changes may result in a further security check being completed.

Leicestershire Police reserves the right to periodically review all personnel for security purposes and may therefore carry out further checks without written consent.

Where the result of a security check is not compatible with working for the Force or the OPCC, further action will be taken which may result in employment being terminated.

PERSONAL DATA



Personal data supplied by you to the organisation will be managed in accordance with the data protection act and used to compile your personnel record.

USE OF MOBILE PHONES

The use of mobile phones for personal purposes is discouraged other than in emergency situations.


PENSION

For pensionable posts the provisions of the Local Government Pension Scheme Regulations apply. If you wish to join the Occupational Pension Scheme, please complete and return the enclosed form. (You have been given a booklet that outlines your Pension Options). If you do not wish to join the Occupational Pension Scheme it is important that you complete the form indicating this, and return it immediately to ensure that contributions do not commence.

Contributions will be automatically deducted from salary effective from date of appointment unless you opt out of the scheme.  

PERIOD OF CONTINUOUS EMPLOYMENT

Your continuous service will be from the date of commencement of employment with the OPCC for Leicestershire. However;

- a) For the purposes of entitlements regarding annual leave, occupational sickness pay, paternity leave, parental leave, adoption leave and the occupational maternity scheme, continuous service will include continuous previous employment with a Police Authority, Scottish Joint Board or NCS, NCIS, SOCA, CENTREX (or predecessor), PSNI (or predecessor), a non-home office force, also the metropolitan police.
- b) For the purposes of calculating redundancy pay, previous continuous employment with an organisation (s) covered by the Redundancy Payment (Local Government) (Modification) Orders will be included in calculating entitlement to redundancy pay. 

ANNUAL LEAVE

Your entitlement to annual leave will be in accordance with the scheme of conditions in accordance with the National Police Staff Council. It is a requirement to obtain consent from your line manager prior to booking annual leave.

The annual leave year begins on 1 April and finishes on 31 March. The number of day's paid annual leave per annum is dependent upon the salary grade (pro-rata for part-time employees or job share).


On commencement of appointment your entitlement is 27 days rising to 32 days on the fifth anniversary of your appointment.

All annual leave entitlements will be calculated on a pro rata basis for those appointed mid way through an annual leave year or attaining 5 years service mid way through an annual leave year.

In addition you have 8 statutory public holidays (pro rata for part-time employees/job share).


You will be paid for normal working hours on public holidays providing your contract is in existence the day before the holiday.

When a person resigns from the service, all holiday entitlements should be taken prior to the last day of service.

If a member of staff has already taken paid holiday to which they are not entitled on the basis of service during the holiday year, any excess holiday paid for will be deducted from the final salary. If this is insufficient to cover the full amount, they will be asked to make other arrangements to pay. 


REPRESENTATION

You have the right to join (or not join) a Trade Union and to take part in its activities. Leicestershire Police recognises the Trade Unions UNISON and GMB. Literature about both UNISON and GMB is enclosed and full details of the Trade Union(s) representing the appropriate negotiating body are available on the Force Intranet.


The Management and Trade Union have formal mechanisms in place to negotiate collective agreements which once achieved affect the working arrangements / contractual rights of all police staff. Details of all relevant collective agreements can be found on the Force Intranet. 

HEALTH AND SAFETY


Your attention is drawn to Leicestershire Police and OPCC's policy on Health and Safety at Work. Copies of this policy statement are on display on the notice boards at work places and if you wish to report any matter connected with health or safety, you should raise it with your Manager.

The Health and Safety at Work Act 1974 makes provisions for securing the health, safety and welfare of persons at work and protecting others against risks to health and safety in connection with the activities of persons at work. All staff have a duty, under Section 7 of the Act, to comply with all Health and Safety provisions and to comply with all Force Health and Safety policies and procedures. 


NO SMOKING POLICY

The OPCC and Leicestershire Police prohibits smoking either on OPCC property or in vehicles during working hours. 

GRIEVANCE PROCEDURE

Leicestershire Police has a formal Grievance procedure. Full details may be obtained on the Force Intranet. 


EQUAL OPPORTUNITIES

Leicestershire Police is an Equal Opportunities Employer. Should you have issue(s) relating to this, details of Equal Opportunities Advisers are published on the Force Intranet, offering a confidential advice service. 


OTHER EMPLOYMENT

You must seek authority prior to undertaking a business interest or any secondary employment.

You must also notify your line manager in writing where a member of your family either possesses a pecuniary interest or makes an application relating to licenced premises within the counties of Leicestershire and Rutland.

Where approval is granted for you to undertake a business interest or secondary employment, the Force reserves the right to withdraw this at any time. 

GENERAL CONDITIONS

Your entitlement to enhanced payment for working unsocial or irregular hours, shift working and allied pay arrangements, holidays, holiday pay, sickness and injury pay and all other details of the appointment will be in accordance with the National Conditions of Service for Police Staff and as supplemented by the Leicestershire Police's Police Staff Local Conditions of Service Handbook. Any future changes will be entered in these documents or otherwise recorded for reference. Copies of these documents will be available for inspection. 

PERIODS OF NOTICE

Whilst a notice period of one week applies during any probationary period, the Local Conditions of appointment state that the following minimum periods of notice shall apply on both sides, in your case this is **three months**.

The period of notice to be given to an employee by the employer increases with length of service, in accordance with the Employment Rights' Act 1996.

The OPCC for Leicestershire reserves the right to pay an employee in lieu of notice.

I understand and accept the terms and conditions contained herein.

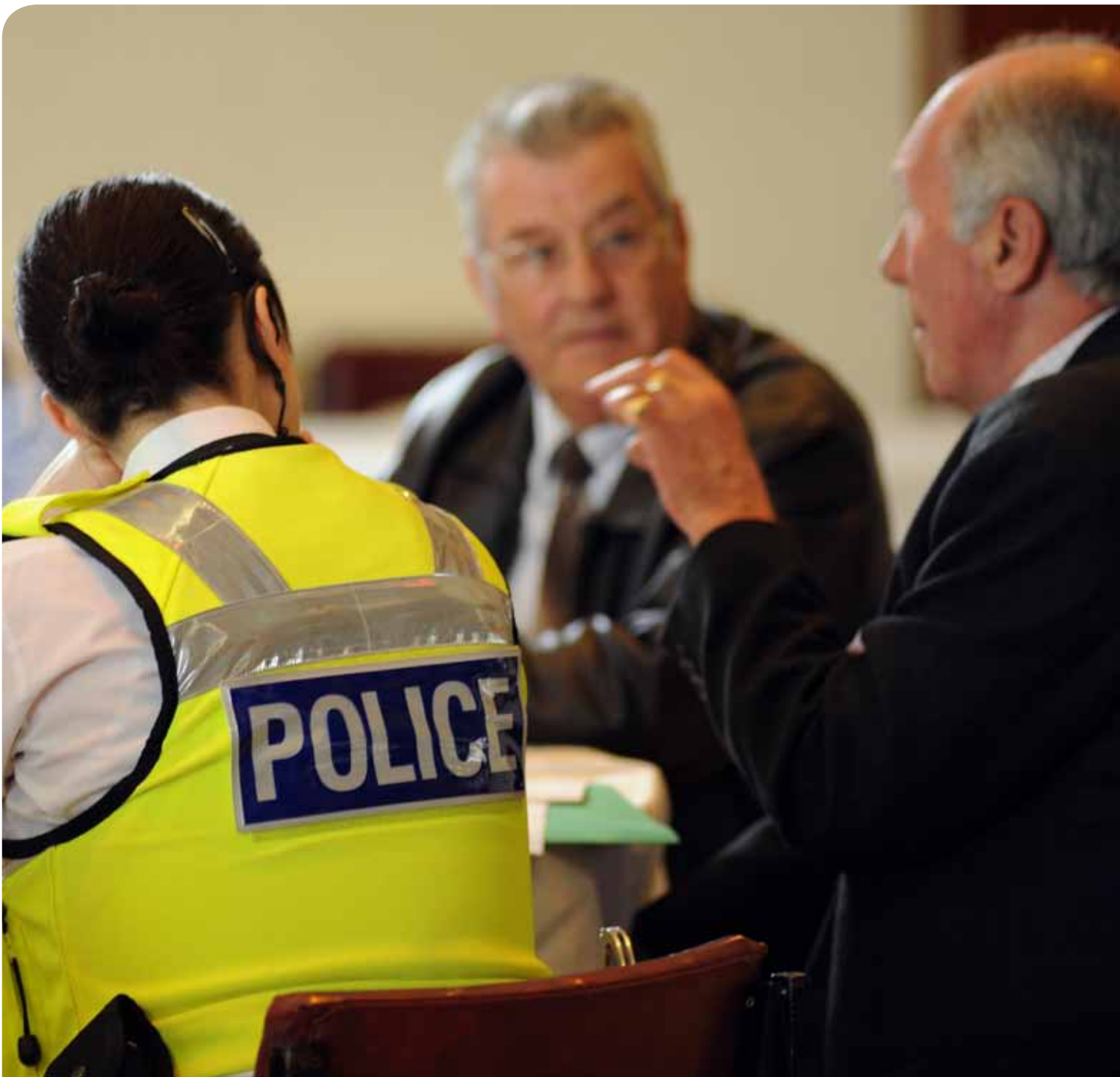
Signed..... Date.....

(Signature must be in black ink)

This page is intentionally left blank

Police and crime panels

Guidance on confirmation hearings



This guidance has been prepared by the Centre for Public Scrutiny and the Local Government Association. Every attempt has been made to provide a fair picture of the current state of the law, to present an accurate and comprehensive assessment of our recommended interpretation of the provisions of the Police Reform and Social Responsibility Act 2011 as it applies to police and crime panels, and to suggest ways of working to ensure that panels can be effective, and their work proportionate, relevant and timely. However:

- This guidance should not be relied upon as giving legal advice, and it will be for monitoring officers in individual authorities to come to their own decisions, working with councillors, to decide on the right approach.
- This guidance should not be interpreted as setting out the view of the Home Office, and the recommendations, suggestions and advice given should not be interpreted as being endorsed or approved by the Home Office. The views expressed in the guidance are those solely of the Centre for Public Scrutiny and the Local Government Association.

Contents

Introduction	4
Background	4
Key issues	4
Drawing comparisons	6
Experience of hearings elsewhere	6
Lessons learned	7
The legislation – initial considerations	8
Scope	8
Schedule 1	8
Schedule 8	9
Existing staff	9
Professional competence and personal independence	10
Planning and preparation	11
Receiving notification from the PCC	11
Notifying the candidate	11
Briefing and pre-meeting	12
The hearing itself	14
The decision-making process	16
Meeting the role profile requirements	16
Minimum standards	17
Making recommendations (on Schedule 1 and Schedule 8 appointments)	18
Recommending approval	18
Recommending refusal	19
The veto (for Schedule 8 appointments only)	20
Use of the power of veto	20
Process for the veto	20

Introduction

Background

From November 2012, structural reforms in policing in England and Wales will result in the abolition of police authorities and the creation of new arrangements for accountability. The Police Reform and Social Responsibility Act¹ creates the post of elected police and crime commissioner (PCC) for each force area, who will be responsible for holding the chief constable to account. The PCC themselves will be scrutinised by a police and crime panel (referred to in this guidance as the panel) made up of local councillors from the force area, and some co-optees. More details on the general role of the panel can be found in the companion guidance to this publication produced by LGA/CfPS in October 2011².

Under the Act³, a principal role for the new panels will be to conduct hearings for certain senior staff including the chief constable, before they are confirmed in their posts. There is little precedent for this activity in the context of local government, with the most prominent UK examples of such hearings being in the House of Commons, and the London Assembly. Even there, they are a relatively recent phenomenon.

Under the Act, a Part 2 panel operates as a local government joint committee, led by a host authority. Under Part 3, the Secretary of State reserves the right to run a panel directly where local agreement on its operation cannot be reached. All Welsh panels will be Part 3 panels. Support for the operation of Part 3 panels will be provided by the Home Office. However, it is not anticipated that there will be any material difference between Part 2 and Part 3 panels in their operation of confirmation hearings.

Key issues

Confirmation hearings will need to be handled in a different way to other evidence-gathering sessions. They will however need to operate within the requirement, in employment law, for a particular degree of fairness. They will be an important element of an appointment process that will need to focus closely on an individual's capabilities and expertise, but will need to be carried out so as to ensure that justified scrutiny of these attributes does not descend into unwarranted intrusion or lines of questioning that might be unfair or unreasonable.

¹ Referred to in this guidance as 'the Act'

² www.cfps.org.uk/publications?item=7002&offset=0%20

³ Schedules 1 and 8

Confirmation hearings will need to complement, rather than duplicate, the other internal systems for appointing staff. There is no point in a panel confirmation hearing being simply a restaging of a previous interview panel.

Lines of questioning will therefore need to be carefully designed, and used to get the maximum value out of the process – for the panel, candidate and for the local community.

This guidance will examine in detail the steps that local authorities, and the panels they support, should take in preparing for confirmation hearings and in carrying them out. There are clear pitfalls that careful planning can avoid, but inevitably there will be occasions where quick thinking, tact and diplomacy will be required from all involved in these hearings, to ensure that they are genuinely useful.

We suggest that PCCs and panels in individual force areas review this guidance and seek to incorporate it as part of any wider protocol that will govern their relationship. This would include, for example:

- timescales (supplementing and complementing existing provisions on timescales in Schedules 1 and 8)
- mutual expectations about the detail of information which will be provided on candidates and their background
- mutual expectations about the conduct of the hearings themselves.

Reaching agreement on these issues as soon as possible following the election of the PCC will minimise the risk of delay or misunderstandings when the first Schedule 1 or Schedule 8 appointment is scrutinised. The panel should have the systems in place ready to carry out its duties from November 2012.

Drawing comparisons

Experience of hearings elsewhere

UK examples of confirmation hearings can be drawn from the House of Commons, where they have operated since 2008, and from processes established in relation to the London Assembly, which has a role in confirming certain mayoral appointments.

In the USA, a number of local areas run confirmation hearings for police officials, especially where they are appointed by an elected commissioner or chief of police.

Research elsewhere has explored these confirmation hearings and a discussion of their strengths and weaknesses goes beyond the scope of this guidance; however, we have sought to recognise the experience in the US and other jurisdictions in this document.

In the UK, confirmation hearings (or ‘pre-appointment hearings’⁴) were initially proposed by government as part of the 2007 Governance of Britain Green Paper.

A process of negotiation between the government and the Commons Liaison Committee⁵ led to the adoption of a process in 2008 that focused on the professional competence and personal independence of candidates, covering a range of public appointments. The Liaison Committee produced a process for hearings which has been adopted and followed by all select committees and, since 2008, significant numbers have been carried out.

In 2010, the Constitution Unit carried out a review of confirmation hearings that had been held to date⁶. It highlighted some concerns about the operation of such procedures but overall concluded that the aim of increasing transparency in appointments had been achieved.

On the point of the exercise of a veto (not an option open to Select Committees) it has been suggested that this might deter candidates from applying. This is a risk we will consider and suggest a way to mitigate, through panels carefully restricting their use of the veto, which we discuss in more detail below.

⁴ Schedules 1 and 8 of the Act make clear that the confirmation hearing process is a pre-appointment, rather than a post-appointment, process.

⁵ Maer L, ‘Parliamentary involvement in public appointments’ (House of Commons Library Paper SN/PC/4387), <http://www.parliament.uk/documents/commons/lib/research/briefings/snpc-04387.pdf>

⁶ Waller, P and Chalmers M, “An evaluation of pre-appointment scrutiny hearings” (UCL Constitution Unit, 2010), <http://www.ucl.ac.uk/constitution-unit/research/consultancy/consultancy-projects/PASreport>

Lessons learned

There are several lessons that can be learned from the experiences in the UK Parliament, in the USA and at the London Assembly:

- Confirmation hearings need to be rigorously and carefully planned by the panels carrying them out – but this does not mean hearings are a bureaucratic, ‘tick box’ exercise.
- Candidates need to know what to expect and panels should keep to a relatively narrow set of questions which relate directly to professional competence and personal independence – but this does not mean hearings are not challenging.
- Both the veto (where legal), and the recommendation not to appoint, should be used very rarely, based on the principle that candidates will have already been subject to an internal recruitment process – but this does not mean that hearings are simply a rubber stamp.
- Hearings should take place quickly, with minimal time taken between notification of the appointment, the hearing and reports and recommendations being made to the PCC – but this does not mean the process should be rushed.
- Candidates should be treated with courtesy and respect, not just at hearings themselves, but also in correspondence or public statements relating to recommendations made by the panel (this is particularly important if there is a decision taken to veto) – but this does not mean that panels should not be transparent about their findings.

The legislation – initial considerations

Scope

Scrutiny of senior appointments by the police and crime panel is determined in Schedules 1 and 8 of the Act. These Schedules provide information on what the panel must do, in holding a confirmation hearing.

The rest of this guidance provides details on how these obligations could be interpreted, and how confirmation hearings could be used to add value to local policing. Throughout the guidance we have used the word ‘should’ to put forward how we would suggest that panels should plan their work. There is however no legal obligation on any panel to follow our recommendations.

Schedule 1

Schedule 1 covers the appointment of the PCC’s chief executive, chief finance officer and any deputy police and crime commissioners⁷. It states that the PCC must notify the panel of such a ‘proposed senior appointment’⁸, providing the name of the candidate, the criteria used to assess his or her suitability, why the candidate satisfies those criteria, and the terms and conditions on which the candidate is to be appointed⁹.

Once this notification has occurred, the panel must review the senior appointment¹⁰, and make a report on it to the PCC¹¹, which must include a recommendation as to whether or not the candidate should be appointed¹².

This must all happen within a period of three weeks, beginning on the day that the panel receives the notification from the PCC¹³. Under Schedule 6 to the Act, confirmation hearings carried out under Schedule 1 are ‘special functions’ of the panel, and so may not be discharged by a sub-committee.

A confirmation hearing must be held before the report is submitted to the PCC. This is defined as ‘a meeting of the panel, held in public, at which the candidate is requested to appear for the purpose of answering questions relating to the appointment’¹⁴.

In response to the panel’s report, the PCC must then notify the panel whether they will accept or reject the recommendation¹⁵. There is no duty for the PCC to give reasons for their decision.

⁷ Paragraph 9(1) of Schedule 1

⁸ Paragraph 9(2) of Schedule 1

⁹ This will include the candidate’s salary

¹⁰ Paragraph 10(2) of Schedule 1

¹¹ Paragraph 10(3) of Schedule 1

¹² Paragraph 10(4) of Schedule 1

¹³ Paragraph 10(5) of Schedule 1

¹⁴ Paragraph 11(2) of Schedule 1

¹⁵ Paragraph 12(1) and (2) of Schedule 1

Schedule 8

Schedule 8 covers the appointment of the chief constable. Most of the provisions are identical to those in Schedule 1. There are two crucial differences:

- The panel has a veto¹⁶ over the appointment of the chief constable. The panel may recommend that the PCC does not make the appointment¹⁷, but in the event of a veto then the candidate must not be appointed¹⁸. What happens once the veto has been exercised will be subject to regulations¹⁹, which are likely to go into this matter in more detail. The procedure suggested at the end of this document for the exercise of the veto has been designed so that it should fit with the regulations once they are published.
- Although the panel is obliged to conduct a confirmation hearing for the chief constable and then report its recommendations to the PCC, if a report is not made following a period of three weeks, then the PCC can go ahead and appoint²⁰.

It should also be noted that the panel cannot delegate its scrutiny of the appointment of the chief constable to a sub-committee, as it is a 'special function' of the panel under Paragraph 27 of Schedule 6.

In this guidance, we will refer to appointments of the chief constable as **Schedule 8 appointments**. All other appointments subject to a confirmation hearing under the Act will be referred to as **Schedule 1 appointments**.

¹⁶ Under the Act, the panel may veto such an appointment with a two-thirds majority

¹⁷ Regulation 4(4) of Schedule 8

¹⁸ Paragraph 8 of Schedule 8

¹⁹ Paragraph 9 and 10 of Schedule 8 (Regulations to be issued)

²⁰ Paragraphs 2(3) and 6(1) of Schedule 8

Existing staff

Some staff may be transferred, via TUPE, from police authorities to the PCC's secretariat. Even if under normal circumstances such transfers would be subject to a hearing, this would not be necessary during the November 2012 transition phase when the PCC's secretariat is first being established. However, the appointment by the PCC of a deputy will require a confirmation hearing to be held.

Professional competence and personal independence

We recommend that confirmation hearings focus on issues of **professional competence and personal independence**. These are the standards that have been adopted in the House of Commons and have been identified by MPs as providing them with the focus necessary to carry out effective confirmation hearings.

Minimum standards should be seen as applying to particular attributes; ie there should be minimum standards below which it would not be appropriate to appoint under any circumstances. Above this bar, the panel might have concerns but the candidate will be 'appointable' subject to the discretion of the PCC. We comment on minimum standards in more detail in the section on the exercise of the veto.

Professional competence relates to a candidate's ability to carry out the role. This should be apparent from a comparison of the candidate's CV and the role profile, and from the answers to questions which relate to (for example) issues around professional judgment and insight which might be asked as part of the confirmation hearing process.

Personal independence relates to the need for a candidate to act in a manner that is operationally independent of the PCC (although see below on how this will apply to deputy commissioners).

This will be particularly important for Schedule 8 candidates, but for Schedule 1 candidates the panel will still need to assure themselves that the candidate will have the ability to advise the PCC effectively, and to understand the need to respond constructively in situations when they might be held to account by the panel.

Planning and preparation

Receiving notification from the PCC

When the PCC notifies the panel of a proposed senior appointment, the panel will need information relating to the candidate in order to carry out the hearing properly.

Notification from the PCC should therefore be accompanied by some form of background information (to minimise the risk that time will be wasted chasing this information up through other means). This should usually be the same information that the PCC has had access to during the rest of the appointment process. Under the Act the panel **must** be provided with the following information:

- the names of the person whom the PCC is proposing to appoint
- the criteria used to assess the suitability of the candidate for the appointment
- why the candidate satisfies those criteria
- the terms and conditions on which the candidate is to be appointed.

The PCC might provide other information about the candidate, for example background information (such as a CV) or a personal statement.

This information would be used to allow the panel to draw together questions around whether the candidate could evidence both **professional competence and personal**

independence. It is unlikely that the panel would be able to, or would wish to, carry out its own research on the candidate within the three week timescale because:

- resource constraints would make this level of research unfeasible
- this raises the prospect of questions being asked on issues which do not relate to professional competence and personal independence.

The issue of additional information is covered in the section on pre-meetings below.

Given that notification triggers a hearing within three weeks, the first task for the panel on receiving the notification will be to set a date for a meeting. This meeting should not be used for any other business (ie if there is already a panel business meeting scheduled for that period, the appointment meeting should be held separately).

Notifying the candidate

Following the PCC's notification to the panel, and the scheduling of the hearing, the chair of the panel should write to the candidate, advising them of the date of the meeting and notifying them of the principles of professional competence and personal independence on which they propose to evaluate the candidate.

This should refer to the relevant provisions in legislation.

This letter should advise that the information provided by the candidate (see above) would need to be put on public deposit in the same manner as a standard report going to the panel.

If it has been agreed that the candidate's references will be provided to the panel, the PCC will need to advise the relevant referees that the references they submit will be put on public deposit to assist the panel in the performance of its duties.

Briefing and pre-meeting

Steps should be taken to arrange a pre-meeting for the panel to go through some of the key issues and possible questions. The pre-meeting should not be held immediately before the confirmation hearing itself, to allow sufficient time for any unexpected issues, or gaps in information provided, to be addressed.

The information provided alongside the notification by the PCC should be used by the chair of the panel and the lead officer supporting the panel to draw together a list of potential issues for the panel to discuss at a pre-meeting. This could highlight possible question topics and themes, highlight background information on which members might wish to focus and remind members of the process taken at the meeting itself.

The pre-meeting is the most important element of the preparations for the confirmation process, because it is here that members of the panel will decide on the scope and thrust of their questioning.

This meeting should be held in private, and members of the panel should be assisted by the monitoring officer and a senior HR representative from the host authority to provide specialist and technical advice, along with whichever officer is responsible for providing support to the panel (ie a scrutiny officer).

People serving on panels may already have some experience of councillor-level appointment panels, for example to fill senior management posts. However, confirmation hearings are different in several crucial ways, which require them to be managed even more carefully. The panel will need to bear these factors in mind at the pre-meeting:

- confirmation hearings will be held in public, and Schedule 8 appointments (those of the chief constable) in particular are likely to be high profile
- the appointment is being made to an external body, not the councils represented on the panel
- hearings are an integral, but independent, part of the appointments process.

The focus of questioning will, therefore, need to rest on the professional competence of the candidate and their personal independence. Questioning will need to rely on the documents provided to support the panel's deliberations.

Where members of the panel propose to consider additional information relating to the candidate, not provided by the PCC but available elsewhere, this should be considered by the monitoring officer and the HR representative to ensure that the process will be fair, and that it will help the panel assess competence and independence.

This will be of particular importance for Schedule 8 appointments, where there may be a fair amount of information in the public domain relating to the candidate on which the panel might like to draw, but care will be needed in researching and analysing this information.

Within the two broad themes of competence and independence the panel might wish to focus on particular areas. These should be discerned with reference to the role profile, and the police and crime plan, which will allow the panel to understand the regular duties that the postholder will be expected to undertake, and the key policies that they will have to implement.

Broad questioning themes should be developed, such as evidence that the candidate has:

- an understanding of the various stakeholders that would need to be involved and engaged with (and in what way, with what outcome) in the development and delivery of a major strategy (professional competence)
- a pragmatic understanding of the separation of the PCC from operational responsibility (personal independence).

Personal independence is likely to be a nuanced issue in relation to the PCC's deputy. These are likely to be political appointments, and as such a lower standard of independence might be expected, reflecting the fact that these deputies have been appointed to provide political support, and to directly assist the PCC in driving his or her particular vision and priorities.

However, the panel in these cases, will still need to be assured that the deputy recognises the separation of political and operational responsibilities.

Members of the panel should consider, at the pre-meeting, the kind of evidence they would want to adduce to demonstrate under each theme that the minimum standards for the post had been met.

Under each of these themes individual questions should be drawn out, and assigned to relevant members of the panel. It may be necessary for the panel member asking questions at the meeting to ask supplementary questions, to 'tease out' the response to an answer. The chair of the panel will, under these circumstances, need to monitor closely such supplementary questions, and their responses, to be assured that they are relevant. The chair should receive senior officer support at the meeting.

Inappropriate questions are considered below.

The hearing itself

The hearing will be a relatively focused opportunity to explore key issues relating to professional competence and personal independence.

As we have made clear it should not be treated as a chance for the panel to explore the candidate's views on various areas of the PCC's policies, national policy issues, or their plans once they assume the post, except insofar as those questions might relate directly to professional competence and personal independence.

Confirmation hearings should therefore be relatively short and focused. Members will have agreed questions, and questioning themes, at the pre-meeting and these should be kept to (other than to ask necessary supplementary questions – see above).

In broad terms, the meeting should be framed so as to allow the panel to make an informed decision about the candidate. In the next section the decision-making process is looked at in more detail but, fundamentally, it comprises two linked steps:

- Does the person meet the criteria set out in the role profile for the post?
 - Do they have the professional competence to carry out the role?
 - Do they have the personal independence to carry out the role? (although see comments elsewhere in this guidance on political appointments)
- Should, consequently, the panel recommend that the candidate should not be appointed or use its power of veto?

The chair should open the meeting by welcoming the candidate, and others present, and outlining for the benefit of the candidate the key themes that the panel hopes to explore. The chair should explain the process for approval, refusal or veto of appointments and allow the candidate to ask any procedural questions that he or she might have before the questioning gets under way.

The chair should be aware – notwithstanding the pre-meeting – of the risk that inappropriate questions might be asked. An inappropriate question is one that does not relate to the professional competence or personal independence of the candidate. Some questions that may appear to the questioner to relate to one or both of these issues might still be inappropriate. Some examples might be questions:

- relating to the personal political (or other) views of the candidate – eg whether the candidate agrees or disagrees with the police and crime plan, and so on
- seeking to substantively hold to account the candidate for decisions made in a previous role, unless they are phrased in such a way that directly relates to (for example) learning lessons from past experience

- on what the candidate will do, substantively, once in the post (ie questions relating to operational strategy)
- which are hypothetical and designed to obtain the candidate's views on a position of local controversy.

This is not an exhaustive list. The panel's senior HR adviser will be able to further advise the panel and the chair as to appropriate, and inappropriate, questions in this context.

The panel should also be able to use its own considered judgment on this matter, and does not have to take the officer advice it is given.

At all times the candidate should be treated fairly and politely. The panel should avoid getting into debate and discussion with the candidate on any issue, remembering that it has a task to perform and a limited amount of time to do it.

Members of the panel should refrain from making general statements about any issue, other than the short opening and closing statements referred to above.

At the end of the session the candidate should be given the opportunity to clarify any answers that he or she has given in the course of the hearing, and ask any questions of the panel, for example about the next steps or the decision-making process.

The decision-making process

Immediately following the confirmation hearing, the panel should go into closed session to decide on its recommendations. Whilst the Local Government Act 1972 Schedule 12A would normally apply to the panel's operation at this point, the Home Office suggests that panels are joint committees under the Police Reform and Social Responsibility Act rather than the Local Government Act 1972. The Home Office will shortly issue Regulations to clarify how parts of the 1972 Act will apply to panels. The monitoring officer and a senior HR professional should be present to provide advice to the panel on its deliberations.

Meeting the role profile requirements

The following questions follow on from the issues mentioned in the section above. They are indicative only, suggesting the kind of issues that the panel would most need to be able to evaluate in order to come to a judgment on the suitability of the candidate.

Depending on the role, and the role profile, different questions could be asked specific to the candidate's forthcoming responsibilities, for example:

- Whether the panel feels that the candidate has the professional competence to exercise the role, as set out in the role profile
 - Do they have the ability and insight to work across multiple different agencies to achieve the PCC's priorities, and wider priorities for the area?
 - Do they have the ability to respond, credibly and proportionately, to pressures such as the need to make short-term responses to unexpected requirements?
 - Do they have the ability to translate strategic objectives into operational change on the ground?
- Whether the panel feels that the candidate has the personal independence to exercise the role, as set out in the role profile
 - Do they have the ability to advise the PCC, but to resist any attempt at improper influence?
 - Do they have the ability and confidence to take personal responsibility for relevant successes and failures?

Minimum standards

In an earlier section we made reference to 'minimum standards' of professional competence and personal independence. Members should be familiar with the required minimum standards in the role profile and should use these to make an assessment as to whether the candidate fulfils those standards.

Where a candidate does not meet these standards it should be self-evident, and this will be suggestive of a significant failure in the appointments process undertaken by the PCC.

Under these circumstances (and only these circumstances) it may be appropriate to use the veto, if the candidate is a Schedule 8 appointment.

Where a candidate meets these standards, but there is still a cause for concern about his or her suitability, it may be appropriate to outline these concerns in the panel's response to the PCC.

Where a Schedule 1 candidate does not, in the panel's view, meet the minimum requirements for the post, providing advice to the PCC in the form of a letter is the only option open to the panel. For these situations for Schedule 8 candidates, making a recommendation provides an alternative to use of the veto.

Making recommendations on Schedule 1 and Schedule 8 appointments

Under the Act the panel may recommend to the PCC that the appointment be made, or that it not be made. A recommendation that an appointment is not made is not the same as a veto, and the PCC can, if he or she chooses, ignore such a recommendation.

The only example of a pre-appointment hearing in the Commons leading to a recommendation not to appoint was that of the proposed children's commissioner. In this section, we will draw lessons from that experience and examine how a process for recommending approval, and rejection, might work in practice.

It is important to appreciate that any negative determination by the panel could have an undesirable effect on the candidate's career options. It is suggested therefore that the affected candidate should ideally have at least a few days to consider their position and ask any further questions they may have about the process before information is released to the press and general public.

To achieve this, it is suggested that a five working day period should elapse between the hearing and the release of information about ANY recommendation from the panel whether positive or otherwise.

An understanding about this arrangement would need to be discussed and agreed with the PCC and their staff who might otherwise release information about appointments separately from the panel.

Delaying any announcement about favourable panel recommendations and associated appointment announcements would be necessary to avoid unfavourable recommendations becoming automatically associated with a delay. This would in effect create the same outcome for unfavourable recommendations as if the information had been released straight away.

Although the five day period is suggested in order to ensure fairness to the candidate, it is recognised that there may be some circumstances where their best interest would be served by a quicker release of information. In all cases, a consistent approach to the release of information would need to be discussed and agreed with the PCC and their staff.

Recommending approval

This will be straightforward. The Act requires that recommendations to appoint should be communicated to the PCC in writing. This should happen immediately following the making of the decision (ie the next working day).

The candidate should be copied into the communication. It is suggested however that the PCC should be asked not to make the result of the appointment public until five days has elapsed following the date of the hearing for the reasons explained above.

Similarly the panel should wait five working days before it releases any information about its recommendations. In any event the panel should also ensure that the PCC has received and acknowledged the panel's recommendations before making its recommendations public.

Recommending refusal

This will involve more work. Refusal should only be recommended rarely, under the circumstances identified in the section on the decision-making process.

Where refusal is recommended, on the next working day the PCC should be notified of the refusal in writing. Appended to the refusal should be a summary of the principal reasons for that refusal.

Both should be treated as separate documents so that the letter recommending refusal can later be formally published without risking a breach of the Data Protection Act.

The next four working days will be available to all parties – including the candidate – to consider their next moves before the recommendation is made public. The reason why we suggest that no information be disseminated publicly until after this time is to ensure that the process is fair to the candidate as explained above.

There are three likely scenarios that might follow a refusal recommendation by the panel:

- The PCC continues with the appointment. If this happens the recommendation to refuse would be published after five working days, along with a summary as to why the recommendation was made. The PCC should make a response at the same time as the publication of the recommendation, focusing on why he/she felt that the candidate did in fact meet the minimum standards for the post.
- The candidate decides to withdraw. If this happens the recommendation to refuse would be published after five working days along with the relevant summary, but no further information would be published from either side.
- The PCC decides not to appoint. If this happens, the recommendation to refuse, and the summary, would be published alongside a statement by the PCC setting out a timetable and process to make a new appointment.

At each point the candidate will need to liaise with the PCC. The panel should not attempt to liaise with the candidate either directly, or through the host authority's monitoring officer or leading HR officer.

The panel may wish to recommend refusal, rather than exercising the veto, in the case of a Schedule 8 appointment.

This might be considered when the panel feels that the candidate essentially meets the minimum standards, but has shortcomings that mean it would be inappropriate to appoint. It is envisaged that the veto would only be used in exceptional situations.

The veto (for Schedule 8 appointments only)

Use of the power of veto

In an earlier section we considered the effect that the veto might have on potential candidates for the role of chief constable. Research carried out by the Constitution Unit in 2010 concluded that the introduction of a veto into the existing system of select committee pre-appointment hearings might well act to dissuade candidates from coming forward.

It should be recognised that the PCC's power to appoint – subject to the confirmation hearings process – has been provided by the Government to allow the PCC to appoint the person thought most appropriate. This will be a corporate decision, led by the PCC as an individual, but backed up through their secretariat, whose HR functions and internal appointment procedures will provide a 'due diligence' check on the candidate's suitability. The veto should only be exercised where it is clear to the panel that there has been a significant failure of those 'due diligence' checks, to the extent that the candidate is not appointable. This is, rightly, a very high bar.

Systems and processes will therefore need to be designed to ensure that the veto is used extremely rarely. It should be used only where the panel feels that the candidate fails to make the minimum standards for the post.

Process for the veto

A possible process for the veto is set out below. In designing arrangements for the use of the veto, the content of any relevant Home Office Regulations should also be considered carefully²¹.

Where the veto is exercised on a Schedule 8 appointment, the PCC must not appoint. The veto should be notified to the PCC on the next working day following the hearing. The PCC will be responsible for notifying the candidate.

It is suggested that after five working days the panel will publish its veto and the PCC, alongside this information, will publish information setting out the steps that will be taken to make another appointment. As we have suggested for recommendations of refusal of appointments, the five day period following the hearing can be used by the relevant parties to consider their responses. If however the candidate's interests would be better served by a quicker release of information, this can be discussed and agreed with the PCC.

²¹ At the time of writing this guidance, the content of pending Home Office Regulations covering the use of the veto has not been finally determined. Early drafts of the Regulations indicate that the panel will not be able to veto the PCC's second choice of candidate if the panel has already used its veto on the previous candidate.

The exercise of the veto (or a recommendation for refusal) should act as the impetus to a discussion between the panel and PCC about how HR processes within the PCC's secretariat might be reviewed.



Local Government Association

Local Government House
Smith Square
London SW1P 3HZ

Telephone 020 7664 3000

Fax 020 7664 3030

Email info@local.gov.uk

www.local.gov.uk

© Local Government Association, August 2012

For a copy in Braille, larger print or audio,
please contact us on 020 7664 3000.
We consider requests on an individual basis.