

Agenda item 4

Police and Crime Panel Confirmation Hearing

6 January 2016

Covering Report: Proposed Appointment of Chief Constable

Summary

1. The Panel will undertake its statutory duty to hold a public confirmation hearing meeting to review and make a report to the Police and Crime Commissioner (PCC) on the proposed appointment of the Chief Constable (CC).

Focus of the agenda item

2. This information has been provided to answer the following key questions:
 - a) What is required of the Panel under the legislation, and the Home Office guidance?
 - b) What information has been provided to the Panel?
 - c) How will the Confirmation Hearing be conducted?
 - d) In what manner will the Panel's report to the PCC be published?

Focus areas identified by Panel members at a workshop on 2 Dec 2015 include:

- e) How did the recruitment process mediate the risk that there could be conflict between the role of the CC and his/her responsibility for operational matters and the role of the PCC in terms of strategic and financial management?
 - f) What changes to the Chief Constable Terms and Conditions have been made since the previous appointment in 2013?
 - g) The candidate's experience of how they would work with someone with whom they might not be in full agreement
3. The following people will be attending the meeting to answer questions relating to this information:
 - The Candidate proposed for appointment by the PCC;
 - Tim Passmore, Police & Crime Commissioner (PCC) for Suffolk;
 - Christopher Jackson, Chief Executive of the Office of the PCC.

Recommendations

4. The Panel is recommended to:
 - a) Make a recommendation to the PCC as to whether or not the candidate should be appointed;
 - b) Delegate to the Panel Chairman, preparation of a written report to the PCC, within four working days following the Confirmation Hearing, summarising the Panel's discussions during the hearing; and
 - c) Publish the Panel's report to the PCC, and the PCC's response, when received, on the relevant part of the County Council website.

Background

5. The procedural steps that must be followed are set out in Schedule 8 to the Police Reform and Social Responsibility Act 2011 (the Act) and Part 3 of the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012, including the information which the PCC should provide to the Panel.
6. The Regulations explain the process to be followed if the Panel exercises its power to veto the proposed appointment; the power of veto requires a two thirds majority of the current membership of the Panel.
7. The Panel must make a report to the PCC regarding the proposed appointment; this must include a recommendation as to whether the candidate should be appointed, and be completed within three weeks of receiving notification from the PCC of the proposed appointment.
8. The following information addresses the key questions posed in paragraph 2.

What is required of the Panel under the legislation, and the Home Office guidance?

9. The PCC must notify the Police and Crime Panel of the proposed appointment of a Chief Constable by the PCC. The PCC will provide the Panel with the following information:
 - a) the name of the person whom the PCC is proposing to appoint;
 - b) the criteria used to assess the suitability of the candidate for the appointment;
 - c) why the candidate satisfies those criteria; and
 - d) the terms and conditions on which the candidate is to be appointed.
10. The Panel is required to review the proposed appointment and hold a confirmation hearing. The procedural steps that must be followed are set out in Schedule 8 to the Act and the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012.
11. Schedule 8 requires:
 - a) the Panel to review the proposed appointment within three weeks;
 - b) the Panel to hold a public confirmation hearing to question the candidate;
 - c) the Panel to write a report to the PCC on the proposed appointment, this must include a recommendation as to whether the individual should be appointed and may include exercising the power of veto;

- d) a decision to veto to be agreed by two-thirds of the Panel members; and
 - e) the Panel's report to be published.
12. Following a veto the Regulations require:
- a) the PCC to propose another individual for appointment as Chief Constable, and to provide the Panel with information in relation to the individual and the appointment;
 - b) the Panel, within three weeks, to review the proposed appointment, hold a public confirmation hearing to question the candidate, and to write and publish a report to the PCC on the proposed appointment, including a recommendation as to whether the individual should be appointed
 - c) The Panel does not have a further right of veto.

What information has been provided to the Panel?

13. The PCC's Decision report is attached as Evidence Set 1. This notifies the Panel of the name of the person that the PCC is proposing to appoint, the criteria used, why the candidate satisfies the criteria, and the terms and conditions for the appointment.
14. The PCC's Appointment Panel included an independent assessor, drawn from a list of accredited independent members/assessors held by the College of Policing. Her role was to ensure the appointment process is conducted in line with the principles of merit, fairness and openness and that the successful candidate is selected on merit. The independent assessor's written report on the appointment process is attached as Evidence Set 2.
15. The Home Office has issued guidance on the scrutiny of Chief Constable Appointments. This is attached as Evidence Set 3.
16. Background information is available online, referenced below.

How will the Confirmation Hearing be conducted?

17. There is no prescribed form of questions that the Panel may, or may not, choose to ask the candidate, or the PCC, in order that the Panel can fulfil its responsibility to make a recommendation and report to the PCC on the proposed appointment, and whether the individual should be appointed.
18. It is anticipated that questions will be asked by the Panel,
- of the PCC, in relation to the process followed by the PCC in making the appointment;
 - of the candidate, in relation to the role and how they will deliver it.
19. As the proceedings will be conducted in public, the participants will be mindful that the matters and information discussed in the Confirmation Hearing will be published, unless specific circumstances arise that require otherwise.
20. The candidate may appear at the meeting in person or by any means that would enable them to participate (they must be able to hear and be heard) in the proceedings as they happen, e.g. video conference or teleconference. In this instance, it is expected that the candidate will participate in person.

In what manner will the Panel's report to the PCC be published?

21. It is recommended that the Panel delegate to the Panel Chairman, to prepare a written report to the PCC, within four working days following the Confirmation Hearing, summarising the Panel's discussions during the hearing, and also to publish this report on the County Council website. The subsequent response from the PCC to the Panel's report will also be published on the same website.

Supporting Information

22. The following evidence is provided in support of this item:
- Evidence Set 1 – Proposed Appointment of Chief Constable, PCC's Decision Report 51-2015, 22 Dec 2015:
 - Decision by PCC
 - Appendix A - Role profile
 - Appendix B - Particulars and Terms of Appointment
 - Appendix C - Suitability of candidate for appointment

 - Evidence Set 2 – Assessment and selection for post of Chief Constable, Independent Member's Report, December 2015

 - Evidence Set 3 – Home Office Guidance on Scrutiny of Chief Constable Appointments. This is also available online at:
<http://www.homeoffice.gov.uk/publications/police/pcc/pcp-chief-constable-scrutiny>

Background Information (For reference; not attached)

- Schedule 8 of the Police Reform and Social Responsibility Act 2011_("the Act")
<http://www.legislation.gov.uk/ukpga/2011/13/contents>

- Part 3 of the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012 ("the Regulations")
<http://www.legislation.gov.uk/uksi/2012/2271/contents/made>

- The Panel's previous Chief Constable Confirmation Hearing, in February 2013,
[Outcomes of Consideration of the Proposed Appointment of Chief Constable](#)

Contact Details

Police and Crime Panel Support Office, Suffolk County Council Committee Services,
Telephone: 01473 265119, email: committee.services@suffolk.gov.uk