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# Cheshire Police and Crime Panel Agenda

Date: Wednesday 8th January 2020

Time: 2.30 pm

Venue: The Council Chamber, Warrington Town Hall

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

#### PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

#### Apologies

Members are reminded that, in accordance with governance procedure rule 2.7, Panel Members, or their constituent authority, may nominate substitute members of the Panel in the event that the appointed representative(s) is/are unable to attend the meeting. Advance notice of substitution should be given to the host authority wherever possible. Members are encouraged wherever possible to secure the attendance of a substitute if they are unable to be present.

# 2. Code of Conduct - Declaration of Interests. Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Members are reminded of their responsibility to declare any disclosable pecuniary or non-pecuniary interest which they have in any item of business on the agenda no later than when the item is reached.

**Contact**: Martin Smith, Registration and Civic Services Manager

**Tel:** 01270 686012

**E-Mail:** martin.r.smith@cheshireeast.gov.uk

#### 3. **Public Participation**

To receive questions from members of the public in accordance with governance procedure rule 14. A total period of 15 minutes will be allocated for members of the public to speak at Panel meetings. Each member of the public shall be limited to a period of up to 5 minutes speaking.

Members of the public may speak on any matter relating to the work of the Panel. During public speaking time, members of the public may ask questions of the Panel and the Chairman, in responding to the question, may answer the question, may decline to do so, may agree to reply at a later date or may refer the question to an appropriate person or body.

Questions will be asked and answered without discussion. In order for officers to undertake any background research, members of the public who wish to ask a question at a Panel meeting should submit the question at least a day before the meeting.

Members of the public are able to put questions direct to Cheshire's Police and Crime Panel via social media platform Twitter.

The Cheshire Police and Crime Panels' Twitter account @CheshirePCP

#### 4. **Minutes of Previous Meeting** (Pages 5 - 10)

To approve the minutes of the meeting held on 20 September 2019.

#### 5. Complaints Sub Committee

To confirm the membership and date of first meeting.

# 6. Eighth National Conference for Chairs, Members and Support Officers of Police and Crime Panels and Police, Fire and Crime Panels

To receive a report on the Eighth National Conference for Chairs, Members and Support Officers of Police and Crime Panels and Police, Fire and Crime Panels.

Advance notice that the 2020 Conference will be held on 23/24 November 2020.

#### 7. Strategic Review of Policing (Pages 11 - 14)

To receive an update from the Chairman.

# 3.30 pm THE POLICE AND CRIME COMMISSIONER WILL BE IN ATTENDANCE FOR THE FOLLOWING PART OF THE MEETING

#### 8. Police Policy in relation to support provided to Remembrance Day Events

To receive a verbal update.

#### 9. Overview and Scrutiny of the Police and Crime Commissioner

#### 10. **Scrutiny Items** (Pages 15 - 34)

To receive, note and inform any future scrutiny or work programme items.

Documents for the Scrutiny meetings held on 18 September and 13 November 2019 attached.

#### 11. Work Programme (Pages 35 - 36)

To consider the Work Programme.

#### 12. **Date of Next Meeting**

Friday 7 February 2020 at 10.00 am at Wyvern House, Winsford.



Minutes of a meeting of the **Cheshire Police and Crime Panel** held on Friday, 20th September, 2019 at Council Chamber, Wyvern House, The Drumber, Winsford CW7 1AH

#### **PRESENT**

Councillors:

Cheshire East Councillors JP Findlow, M Warren and

A Critchley

Cheshire West & Chester Councillor M Delaney, A Dawson and

T Blackmore

Halton Councillors N Plumpton Walsh and

D Thompson (Vice Chairman)

Warrington Councillor J Davidson

**Independent Co-optees** Mrs S Hardwick and Mr E Morris (Chairman)

Officers Ms S Antrobus and Mr M Smith, Secretariat

**Cheshire East Council** 

#### 20 APOLOGIES

Apologies were received from Councillor Robert Bisset, who was substituted by Councillor Tom Blackmore, Councillor Brian Maher and Mr Bob Fousert.

# 21 CODE OF CONDUCT - DECLARATION OF INTERESTS. RELEVANT AUTHORITIES (DISCLOSABLE PECUNIARY INTERESTS) REGULATIONS 2012

There were no declarations of interest.

#### 22 PUBLIC PARTICIPATION

Mr Robert Selby spoke to the meeting raising concerns over the way in which the Police and Crime Commissioner had managed a complaint of bullying that he had made.

#### 23 MINUTES OF PREVIOUS MEETINGS

The Panel considered the minutes of the two previous meetings.

Councillor Paul Findlow sought clarification over the position in relation to the Complaints Sub Committee which had been established some months previously. Suzanne Antrobus briefed the meeting over the legal support that the Sub Committee would receive; noting that she was leaving the employment of Cheshire East Council shortly, but confirming that the host authority's newly appointed Head of Legal was aware of the need to provide legal support to the Sub Committee.

The Panel noted the need to confirm arrangements for the diversity training that had been agreed at the meeting held on 5<sup>th</sup> July. An invitation to the training would be extended to the Panel's Secretariat and to the Commissioner and his Office.

#### **RESOLVED:**

That the minutes of the meetings held on 14<sup>th</sup> June 2019 and 5<sup>th</sup> July 2019 be approved as a correct record.

# 24 POWERS OF THE PANEL IN RELATION TO THE SUSPENSION / REMOVAL OF THE CHIEF CONSTABLE

Consideration was given to the report, which has been request by Panel members at the meeting held on 14 June 2019. Clarification was provided over the legal position in relation to the Panel's powers in relation to the suspension / removal of the Chief Constable.

#### **RESOLVED:**

That the report be received.

#### 25 PRESENTATION OF SCRUTINY AGENDAS AND PAPERS

At the meeting on 14<sup>th</sup> June 2019 the Panel had discussed how best it review the issues discussed at the Commissioner's Scrutiny Meetings. The Secretariat was asked to develop a suggested way forward which would be employed at future meeting.

#### **RESOLVED:**

That Panel papers would in future include a copy of the agenda of the Commissioner's Scrutiny Board meetings, together with a short summary of item or items discussed at the Scrutiny meeting and a link to the papers on the Commissioner's website.

#### 26 VISIT TO ESSEX POLICE, FIRE AND CRIME PANEL

The Chairman explaining that he had held discussions with the Chair of the National Association of Police and Crime Panels, who was a member of the Essex Panel. He had invited representatives from Cheshire to visit a future meeting of the Essex Panel. Councillor Andrew Dawson noted that Panels across the country worked in different ways and that the style that had been adopted in Cheshire was more adversarial than that of many Panels. Mrs Sally Hardwick noted that she had visited the Merseyside Panel, which operated in a relatively informal manner. Councillor Dave Thompson informed the Panel that reading the minutes of others Panels could be a helpful exercise.

#### **RESOLVED:**

That a representative of each political group, together with the Chair and a representative of the Secretariat visit a future meeting of the Essex Police, Fire and Crime Panel.

#### 27 POLICE AND CRIME COMMISSIONER DRAFT ANNUAL REPORT

The Chairman welcomed the Commissioner to the meeting.

The Commissioner introduced his draft annual report for the 2018/19 municipal year. He noted that the report could not include everything that he and his office had done during the year. In introducing the report, he noted that 80 percent of it covered the four main priorities that had been included in the Policing Plan and which had been subject to public consultation.

Councillor Andrew Dawson expressed surprise that issues such as the suspension of the former Chief Constable and the recruitment case that had resulted in an adverse ruling by an Employment Tribunal had not featured in the draft report. The Commissioner indicated that the issue with the previous Chief Constable had commenced during 2017/18 and had received a considerable amount of publicity and media attention. With reference to the Employment Tribunal case he noted that he would, very shortly be publishing the minutes of the Scrutiny meeting that had reviewed this issue in considerable detail. A number of Panel members had been at the meeting.

Councillor Paul Findlow asked the Commissioner about delays in response times when members of the public contacted the Constabulary using the 101 phone number. The Commissioner noted that the operation of the 101 system was an operational issue, but that he had raised this with the Chief Constable. He understood that in the summer of 2018 there had been a range of issues which had contributed to delays with the service. The situation had subsequently improved. He hoped that the introduction of "single, on-line home", a new web based system, would increase the number of ways in which the public could contact the Police, this was likely to decrease demand for contact via the 101 number. Mr Evan Morris asked the Commissioner whether there was a Performance Indicator relating to the answering of 101 calls. The Commissioner indicated that there was.

Councillor Dave Thompson complimented the Commissioner on the draft report, but asked if it would be possible to have more information relating to individual Council areas. The Commissioner indicated that he would review how information was presented in documents such as the Annual Report, but stressed that his whole ethos for Policing was that it should be about localities and local communities.

Mr Evan Morris highlighted an issue in relation to priorities contained within the Police and Crime Plan and the need for the Plan to be intelligence based and produced in cooperation with the Police and Crime Panel. Referring specifically to the pan Cheshire Community Safety Strategic Needs Assessment, last published in 2015/16, he stressed the need for an updated plan to be commissioned and available for any incoming Police Crime Commissioner in May 2020. The Commissioner stressed that he was always listening and learning and that he always welcomed the views of others, but added that there were limits to what could be produced using collaboration and coproduction. Mr Morris referred to the way in which other Panels operated and the Cheshire Panel's forthcoming visit to Essex, to which the Commissioner and / or a member of his team was very welcome to attend.

In conclusion the Commissioner commented that he remained committed to local policing. Mr Evan Morris noted that the model of local policing adopted in Cheshire would not be possible without co-operation from a wide range of partner organisations, the Commissioner echoed these comments.

The Commissioner invited the Panel to join with him in thinking about the long-term future of policing of Cheshire.

# 28 OVERVIEW AND SCRUTINY OF THE POLICE AND CRIME COMMISSIONER

Councillor Dave Thompson asked the Commissioner for any information he had on the extra staffing resources that Cheshire could expect following the Prime Minister's recent announcement. The Commissioner noted that work was being co-ordinated nationally through the College of Policing, but there was not yet firm information as to how many additional Officers Cheshire might expect. He indicated that at a national level the number of additional officers that the Prime Minister had announced would not take the overall police establishment to the level it had been in 2010. He did express concern that the additional funding announced did not include issues such as police cars, pensions and equipment.

Councillor Paul Findlow warmly welcomed the announcement of additional Police Officers, but also raised the issue of Police productivity, asking what steps the Commissioner was taking in this area. The Commissioner stressed his concerns that there was no national plan for the introduction of additional Officers. In his view the Prime Minister's proposals were inadequately funded, ill thought through and incomplete.

Councillor Dave Thompson sought clarification from the Commissioner on the approach that the Chief Constable was taking in relation to the use of "Section 60 stop and search powers" (Section 60 of the Criminal Justice and Public Order Act 1994). The Commissioner indicated that he had spoken to the Chief Constable in some detail on this important issue, where Government policy, at least in the short term, had changed. The Commissioner indicated that the Chief Constable had assured him that the new powers would be used sparingly. They had recently been employed in Crewe following an incident involving knife crime. In that case he was satisfied that the application of the new powers had been proportionate and part of a wider strategy. Councillor Thompson referred to research undertaken by the College of Policing which questioned the benefit of additional stop and search powers.

Councillor Norman Plumpton Walsh referred to the allocation across Cheshire of additional funding for youth work targeting county lines crime. This funding had resulted from a successful sub regional bid made by the four Cheshire local authorities. The allocation of the grant was based on population rather than need, which had, in his view, disadvantaged Halton. The Commissioner noted that his resources were normally allocated on need. He criticised the approach which required organisations to bid for funding, whilst core funding had been very significantly reduced. Councillor Dave Thompson noted that allocation of resources should be based on need, rather than population.

Councillor Andrew Dawson asked the Commissioner how much discretion he had over redressing unfair allocations of resources. The Commissioner responded by saying that the situation varied from case to case, but that as a general principle resources were allocated on need.

Councillor Jan Davidson expressed concern at media reports over the number of sex offenders who could not be traced. The Commissioner asked her to provide him with further information, when this was available he indicated that he would take the issue up with the Chief Constable.

Mrs Sally Hardwick sought clarification over the work of the Youth Commission and the Commission's representation at any events on youth crime. She expressed concerns over the best way of engaging with hard to reach young people. The Commissioner thanked Mrs Hardwick for her engagement with the Youth Commission and congratulated the Youth Commission for the work that they had undertaken, which had led to a number of positive changes.

Mrs Hardwick asked for an update on which model for handling complaints the Commissioner would be adopting, noting that he had offered to hold a workshop on the issue. The Commissioner indicated that he was still committed to holding a workshop, but noted that there had been delays at the national level in introducing the necessary Regulations.

Councillor Norman Plumpton Walsh, referring to his time a professional, qualified youth worker, echoed the comments made by Mrs Hardwick. He extended an invitation for young people to participate in some way with the work of the Police and Crime Panel. The Chairman welcomed such an invitation.

Councillor Andrew Dawson, referring to Mr Andrew Selby (who had exercised his right to speak at the meeting – item 3 above) asked the Commissioner if he was still investigating the complaint made by Mr Selby. The Commissioner indicated that any comment by him could possibly be prejudicial as the Panel could become involved in the issue at a later stage. Ms Suzanne Antrobus, clarified that it would not be inappropriate for the Commissioner to comment on the process followed in relation to the complaint. The Commissioner reiterated that he thought it would not be appropriate for him to comment.

Mrs Sally Hardwick sought clarification from the Commissioner on how the Constabulary dealt with accusations of rape. She noted that reported cases were down, but this was possibly due to a change in the methodology for recording allegations. She was concerned that the published statistics indicated that there was a large increase in cases where the alleged perpetrator was known, but no further action taken. She also commented that rates of rape appeared to be particularly high in Halton. The Commissioner responded that full and comprehensive records were now been kept. It was an issue that he discussed on a regular basis with the Chief Constable, suggesting that this could be an issue that was discussed with the Panel in detail at an informal meeting.

#### **29 SCRUTINY ITEMS**

The Panel noted the agenda of the Commissioner's Scrutiny meeting held on 4<sup>th</sup> September 2019.

#### 30 WORK PROGRAMME

The work programme was noted.

#### 31 DATE OF NEXT MEETING

The next regular meeting of the Cheshire Police and Crime Panel was confirmed as being held on Friday 22 November at 2 pm at Warrington Town Hall.

# Cheshire Police and Crime Panel submission to the second call for evidence by the Police Foundation Review of Policing by Sir Micheal Barber January 2020

Police and Crime Panel's were formed following the implementation of the The Police Reform and Social Responsibility Act 2011. This also saw the election of Cheshire's first Police and Crime Commissioner (PCC) The Cheshire PCCs responsibility is: "to ensure the police respond to local priorities and are directly accountable to the public." The PCC sets the strategic direction and aims of the police force and has responsibility for delivering community safety and reducing crime and delivering value for money. The PCC also has a statutory responsibility to appoint a Chief Constable as well as for their removal. The Act also provided for the establishment of the Cheshire Crime Panel who have a dual scrutiny and support role in respect of the PCC and have some powers of veto on budgets and on the appointment of a Chief Constable.

The statutory Policing Protocol sets out how the Cheshire PCCs, Chief Constables and Police and Crime Panels functions will be exercised in relation to each other It makes clear that all parties will abide by the Seven Principles of Public Life – Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.

In seeking to build a constructive and effective relationship with the Cheshire PCC we wish to influence a review of the legislation and the governance model. The Cheshire Crime Panel supports the serious concerns raised by the Home Affairs Select Committee in May 2013 and by the House of Lords Committee on Standards in Public Life (2015). These highlighted the barriers faced by police and crime panels in their scrutiny role. These included lack of support, inadequate resources and absence of timely, accessible information.

The Cheshire Panel notes that they were a late addition to the legislation by then policing minister Nick Herbert who agreed to the introduction of Police and Crime Panels (PCP) following pressure from the Liberal Democrats, coalition partners with the Tories. His view was that PCPs should be 'light touch' in their approach to PCC scrutiny. It is the Cheshire Crime Panel view that resulting rushed legislation has proved to be ambiguous.

In respect of the Cheshire PCC, there is no formal central guidance available that sets out the desired skills and relevant background or experience required. The role of the PCC in Cheshire is highly responsible and if not effectively delivered and managed can lead to a lack of confidence in policing, community resilience and cohesion. The view of the Cheshire Panel is those who drafted the legislation leading to the governance model were of the view that local democracy was the overriding consideration. When in reality it has left the Cheshire Panel with questionable powers and resources to deliver effective scrutiny and support to the PCC.

Cheshire sadly has been through some well publicised challenges around the suspension and subsequent tribunal of the Chief Constable. The Police and Crime Panel invested considerable time, effort and resources in ensuring effective scrutiny in the role of the PCC and the OPCC in Cheshire throughout the process of the Chief Constables suspension, investigation and subsequent tribunal. The Cheshire Panel note that: The Police Reform and Social Responsibility Act 2011 details several statutory functions, which are aimed at providing checks and balances. Section 28(6) of the Act requires the Panel to 'review or 'scrutinise' the PCC in the exercise of his/her statutory functions including, for example,

#### Page 12

the dismissal of a Chief Constable. However, the PCC is not bound by the Panel's decisions. Rather, the legislation states simply that PCCs 'must have regard for' the reports of the Panel. Consequently, the Panel relies solely on its powers of persuasion, which is insufficient for its scrutiny role. Section 28(2) of the Act requires Panels to be supportive of their PCCs in the effective exercise of their functions. The Cheshire Panel and supporting secretariat through the local authority produced a comprehensive report into the conduct of the PCC and OPCC making recommendations and highlighting lessons learned. The level of legal support required to work with members of the Panel in the formulation of the report created an overspend which far exceeded the annual financial grant the Panel receive from the Home Office. The subsequent report was forwarded to the Home Secretary, the College of Policing and HMICFRSs. This case had a significant impact on the wellbeing of many individuals in Cheshire Police. The Cheshire Panel remain of the view that if the Panel were mandated to have been actively involved as a critical friend with the case at a far earlier stage, many of the highly negative outcomes and very significant financial cost could have been avoided. This could and should have been the case but would require a change in legislation and guidance to PCPs. It is therefore disappointing that we have had no response to the report from any of the agencies listed above. The full report including the recommendations is attached as an appendices to this document.

The Cheshire Panel have a public responsibility to scrutinise the Commissioner which is clearly not understood by all in our communities. As such we seek to establish a far broader understanding with our communities and stakeholders. The Panel is seeking to raise its profile through social media, inclusion in the PCC Annual Report and fostering already excellent working relationships with the media. Our aim in doing this is to propagate a broader understanding with our communities of the role of the PCP as a partner in making Cheshire safer. Much more needs to be done at a national level to articulate the importance of PCPs roles.

The Cheshire Panel support the highly credible report findings into the need for clarity in the role of PCP. This was identified as a major issue in the Report of the Committee on Standards in Public Life ("Tone from the Top", 2015), which drew attention to the debate about the meanings of scrutiny and accountability. The fact remains that the current legislation and guidance perpetuate the belief that many PCCs can argue that they are accountable only to the public and not to PCPs, the final arbiter being the ballot box. We are actively seeking to work with the Cheshire Commissioner to share his future programmes of work with Cheshire Panel members. We believe much friction could be avoided in this way. We recommend a formal requirement placed on PCCs to publish their planning programmes so that members should be engaged at a far earlier stage.

The issue of inadequate funding in Cheshire has long been acknowledged as a problem . Home Office calculations are based on the original expectation that the panels would require a single full-time scrutiny officer, and that they would meet only four times a year. It is now clear that the current funding does not reflect the workload of the Cheshire Panel. We have met at least eight times a year including informal meetings with the PCC and Chief Constable and training days. Such is the commitment in Cheshire the Chairman and Independent Members also attend all of the scrutiny meetings, between the Commissioner and the Chief Constable. The Cheshire Panel has out of necessity been subsidised informally by its host Authority to help with legal, finance and HR advice, as well as policy and administrative support. In the long term the current funding levels are insufficient for our growing and essential workload. The necessary and ongoing proactive scrutiny and support by the Cheshire Panel into the activities of their commissioner, is almost certainly unsustainable under the current funding arrangements.

#### Page 13

The 2011 Act requires that the Cheshire Panel's membership must broadly reflect the geographical and political make up across the police force area. This can result in the majority of Panel members having the same political affiliation as the PCC they are scrutinising. Whilst the Cheshire Panel are committed to be apolitical the legislation needs amending to ensure a balance of experience and expertise of Independent members and political affiliations.

The Cheshire Panel are of the view that members would benefit from training similar to that provided through a national pack including an interactive CD which OFSTED provides to all school governors. Or an eLearning induction module which could be produced by the LGA where members could engage and improve knowledge and awareness of their role as a members tasked to effectively give oversight and scrutiny of policing. It is essential for Panel members to understand the landscape of policing and the criminal justice system in order to be effective in holding the PCC to account.

#### Conclusion

Our view is a full review of the current model is required, so that the powers of panels acting as an important element in having oversight of and developing effective policing through scrutinising the PCC, can be properly assessed. This ultimately requires fresh legislation and an amended governance model.

The democratic accountability of the PCC must not negate oversight of those who hold public office. The Cheshire community needs to have confidence in the Cheshire Panel's role to scrutinise and assess the Commissioner's performance and they need to know the Commissioner can be called to account with effective scrutiny and appropriate checks and balances, which do not currently exist.

Accountability needs to be assessed and published between elections by demonstrable compliance with standards of conduct, propriety and performance. It should be tested and verified by the Cheshire's Panel's independent scrutiny, with failure addressed with appropriate and timely sanctions.

In Cheshire the Panel seeks to develop new arrangements. These consistently look to adopt new relationships and ways of working, with relatively little guidance and support from central Government. We empathise with the Cheshire PCC and indeed wish to support and assist in the challenges of balancing the development of the Police and Crime Plans and the publics perception of crime and their aspirations. Not an easy task!

The Cheshire Panel commit and endeavour to develop ways of working and improve relationships that makes Cheshire safer and its Policing more effective and efficient. We believe the time is right for a critical review of current legislation with revisions and amendments to remove ambiguity and develop a more cohesive approach to oversight and the delivery of safer communities. The legislation which created PCPs was, arguably, deliberately opaque. This has led to confusion in the perception and delivery of their role. We believe in the need to consistently work with the PCC as a critical colleague. Without reform this could continue to lead to a void in which both panels and PCCs interpretation of their respective roles will include varying perceptions of support and scrutiny.

Evan Morris MBE MCIPR Chairman Cheshire Police and Crime Panel

#### Scrutiny Board - 18th September 2019

https://cheshire-pcc.gov.uk/media/199714/20190918-agenda.pdf

The agenda for the meeting is attached.

The 11 page presentation published in advance of the meeting is attached.





## **SCRUTINY BOARD - RECRUITMENT**

Date: Wednesday 18 September 2019

Time: 3pm

Venue: CR7, Cheshire Constabulary Headquarters, Clemonds Hey, Winsford, CW7 2UA

#### **AGENDA**

Item	Subject	Lead
1	INTRODUCTION AND CONTEXT SETTING	Police & Crime Commissioner
2	PRESENTATION FROM CHESHIRE CONSTABULARY	Chief Constable
3	SCRUTINY OF THE CHIEF CONSTABLE	Police & Crime Commissioner
4	CLOSING REMARKS & NEXT STEPS	Police & Crime Commissioner

For further information about this Agenda, please contact Matt Walton on 01606 364000





# OPCC SCRUTINY MEETING EMPLOYMENT TRIBUNAL – RECRUITMENT PROCESS 2017/18 OVERVIEW OF PROCESS AND FINDINGS

**18<sup>TH</sup> SEPTEMBER 2019** 

# Introduction



- Employment tribunal ruled against the Constabulary on the grounds of sexual orientation, race and sex
- The case related to the 2017/18 police officer recruitment process
- For the first time measures were applied to the final stages of the process leading to a pass/fail outcome rather than the scoring mechanism previously used.
- All candidates who passed the interview process were treated on equal merit.
- This intake was oversubscribed and a number of criteria were applied
- Candidates who met one or more of these criteria were offered places first
- The tribunal found that the Constabulary had discriminated and had unlawfully treated candidates with protected characteristics more favourable, and did not consider that the candidates who passed interview could all have been of equal merit

## **Interview Process**



#### 2017/18 process incorporating the application of s159.

Candidates are interviewed and responses marked according to the quality of the response. They are marked by a descriptive indicator (a range of 5 descriptions) and banded into "negative" and "positive" responses. This is an approach that is nationally recognised and used on the Police NOW recruitment process for example. Candidates then obtain an overall "pass" or "fail". All candidates who "pass" are eligible for selection.

In this process, if there are 100 places and 100 "pass" candidates then they will all be offered a position. If there are 100 places and 130 "pass" candidates then this is where the application of s159 became applicable (it was not applied at any earlier stage of the process).

Candidates were then looked at in accordance with various categories:-

- Principle 1 Candidates who PASS the interview assessment who identify a protected characteristic for example female, BAME, LGBT.
- Principle 2 Candidates who PASS the interview assessment who speak English as a second language.
- Principle 3 -Candidates who PASS the interview assessment who are employed by Cheshire Constabulary as a Special Constable, PCSO, FCC or member of Police Staff.

In the event of a "tie break" remaining then then remaining candidates were offered in priority based on their SEARCH assessment score.

# **Chronology of Events - August to Sept 2017**



- 8<sup>th</sup> August 2017: Decision made at People and Programme Board to implement positive action into the recruitment process for 2017/2018
- August 2017: Internal and External Communications released referencing the forthcoming recruitment processes opening in September 2017
- 31<sup>st</sup> August 2017: Seminar for prospective candidates held
  - The seminar included references to the use and importance of positive action
- 4<sup>th</sup> September 2017: Application Window Opened and application pack released internally and externally
  - N.B. This pack did not contain the details surrounding application of Positive Action principles
- 11<sup>th</sup> September 2017: Two live Q&A Sessions were held to allow candidates opportunities to answer questions
- 17th September 2017: Closure of the application window
  - 675 applications received throughout process

# **Chronology of Events – Sept to Dec 2017**



- 29<sup>th</sup> September 2017: Shortlisting of application results. Candidates issued with assessment centre pack
- 8<sup>th</sup> October 2017: Workshop in support of the assessment centre to provide further information on the expectations
- 23<sup>rd</sup> October to 5<sup>th</sup> November 2017: Assessment Centres
- 6<sup>th</sup> to 13<sup>th</sup> November 2017: Interviews Held
  - 192 invited for interview
  - 182 attended
- 11<sup>th</sup> December 2017: Offers of employment made to candidates
  - Some candidates remained on hold until later intakes up until Spring 2018 following the budget setting process

# Page 24

# **Chronology of Events 2018 - 2019**



- 6<sup>th</sup> April 2018: Employment Tribunal Claim Lodged
- 10<sup>th</sup> to 14<sup>th</sup> December 2018: Employment Tribunal Hearing
- 14th February 2019: Employment Tribunal Judgement Handed

# The Constabulary's Current Position



- The Constabulary accepts the findings of the tribunal
- The processes were put in place with the best of intentions and the expected standards for recruits were not reduced
- It has reflected on its interpretation of the Act and looked at its entire recruitment practice
- The interview process now follows the College of Policing scoring guidelines and no longer based on a pass or fail
- Positive action is now applied where there is a tie break situation and two candidates are of equal merit and score the same at interview
- The Constabulary commissioned an independent review into its recruitment processes

# The Recruitment Review – Terms of Reference



The overall objective is to provide an independent assessment of the **recruitment**, **selection** and **promotion** processes (for police officers and staff) operating in Cheshire Constabulary, to ensure they are in line with the College of Policing standards of practice, equality legislation and current industry best practice.

# The Recruitment Review - Conclusion



In summary, as required by the Terms of Reference, the review confirms that the recruitment, selection and promotion processes (for police officers and staff) operating in Cheshire Constabulary are in line with the College of Policing standards of practice, equality legislation and current industry best practice.

# The Recruitment Review - Recommendations



- 1. Publish the outcome of the review
- 2. Continue to review & evaluate
- 3. Peer Review of Positive Action initiatives
- 4. Review devolved recruitment
- 5. Licence to practice
- 6. Ongoing review of FCC Recruitment

- 7. QA processes & rationale communicated
- 8. QA process to involved operational staff
- 9. Clarify the stakeholder panel
- 10. Speed up feedback processes
- 11. Investigate the use of technology
- 12. Review relationships with Staff Associations & Unison

# The Recruitment Review – Next Steps



- Action plan
- Review
- Governance & Reporting of progress

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#### Scrutiny Board - 13th November 2019

https://www.cheshire-pcc.gov.uk/SysSiteAssets/media/downloads/what-i-do/holding-the-chief-constable-to-account/scrutiny-board/docs-19-20/13-nov-report.pdf

The agenda for the meeting is attached.

The agenda and background papers run to 120 pages.

Items discussed included:

Constabulary Action Plan on Hunting

Detailed information is provided in the supporting paperwork, covering:

- Leadership and Accountability;
- Engagement and communication;
- Learning and Development;
- Quality of investigations; and
- Operational response to incidents.
- Presentation by the Chief Constable on Adults at Risk
- Prevention of crime and anti social behaviour.
- Presentation by the Chief Constable Serious and organised crime
- Crime Prevention Plan Performance Report

Detailed performance information is provided in the supporting paperwork

• Volunteer schemes – annual reports

Four separate reports are provided:

- Independent Custody Visiting Scheme for Cheshire;
- Cheshire and North Wales Police Dog Welfare Scheme;
- Call Management Audit Scheme for Cheshire; and
- > Front Desk Audit Scheme for Cheshire.
- People and HR annual report

The supporting paperwork includes information on sickness absence and diversity and inclusion.

## Page 32

• Complaints, conduct matters, employment tribunals and grievances, quarterly report.

A range of detailed information is provided in the report.



### **SCRUTINY BOARD**

Date: Wednesday 13 November 2019

Time: 10.00am

Venue: CR7, Cheshire Constabulary Headquarters, Clemonds Hey, Winsford, CW7 2UA

#### **AGENDA**

#### Part 1 - Public Items

- 1 NOTES OF THE 04 SEPTEMBER 2019 SCRUTINY BOARD
- 2 TRANSCRIPT OF THE 18 SEPTEMBER 2019 SCRUTINY BOARD
- 3 CHESHIRE CONSTABULARY ACTION PLAN HUNTING
- 4 PRESENTATION FROM THE CHIEF CONSTABLE: ADULT AT RISK
- 5 THEMATIC: PREVENT CRIME AND ANTI-SOCIAL BEHAVIOUR
- 6 PRESENTATION FROM THE CHIEF CONSTABLE: SERIOUS & ORGANISED CRIME (COUNTY LINES / MAJOR INVESTIGATION TEAM)
- 7 POLICE & CRIME PLAN: PERFORMANCE REPORT
- 8 VOLUNTEER SCHEMES: ANNUAL REPORTS
- 9 PEOPLE & HR: PERFORMANCE REPORT
- 10 COMPLAINTS, CONDUCT MATTERS, EMPLOYMENT TRIBUNALS AND GRIEVANCES: QUARTERLY REPORT

#### Part 2 - Private Items

The following matters will be considered in private as they involve the likely disclosure of exempt information as defined in the Freedom of Information Act 2000 and in accordance with the section indicated below:-

Item Section

Scrutiny Board Action Log (31) Law Enforcement

Conduct Matters/IOPC Referrals (40) Personal Information

- 11 SCRUTINY BOARD ACTION LOG
- 12 CONDUCT MATTERS/IOPC REFERRALS

For further information about this Agenda, please contact Matt Walton on 01606 364000



#### Cheshire Police and Crime Panel – Work Programme 2019/20









8 January 2020 (rearranged meeting)  Warrington Town Hall	<ul> <li>Formal Meeting of the Police and Crime Panel</li> <li>Questions for the Police and Crime Commissioner;</li> <li>Scrutiny Items – Management and Scrutiny Board notes;</li> <li>Complaints Sub Committee</li> <li>Work Programme</li> </ul>	
13 <sup>th</sup> January 2020	Possible visit to Essex Police, Fire and Crime Panel	
29 <sup>th</sup> January 2020 Police HQ Winsford, 2.00pm top 4.00pm	Informal Meeting with the Police and Crime Panel (Budget briefing)	
7 <sup>th</sup> February 2020	Formal Meeting of the Police and Crime Panel	
Wyvern House, Winsford	<ul> <li>Questions for the Police and Crime Commissioner;</li> <li>Police Precept 2020/21</li> <li>Scrutiny Items – Management and Scrutiny Board notes;</li> <li>Work Programme</li> </ul>	

Outstanding: Diversities and equality training

