

# Cheshire Police and Crime Panel

## Agenda

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**Date:** Friday, 3rd September, 2021  
**Time:** 3.00 pm  
**Venue:** Council Chamber, Municipal Buildings, Earle Street, Crewe  
CW1 2BJ

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Please note that face coverings will be required to be worn, unless exempt, by those entering the venue to attend the meeting. Anyone attending is encouraged to undertake a lateral flow test on the day of the meeting before embarking upon the journey to the venue. The meeting is open to the public but due to the social distancing layout of the meeting room public attendance will be limited.

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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 in the report.

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

#### **1. Apologies**

Members are reminded that, in accordance with governance procedure rule at Part 3 paragraph 2.6, 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.

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**Contact:** Martin Smith, Registration and Civic Services Manager  
**Tel:** 01270 686012  
**E-Mail:** martin.r.smith@cheshireeast.gov.uk

3. **Confirmation Hearing for the appointment of a Chief Executive of the Office of the Police and Crime Commissioner for Cheshire** (Pages 3 - 56)

To consider the report and conduct a confirmation hearing.

4. **Exclusion of the Press and Public**

To consider passing a resolution under Section 100(A)(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information in accordance with paragraph 1 and 2, pursuant to part 1 of Schedule 12(A) of the Act.

5. **Appointment of Chief Executive of the Office of the Police and Crime Commissioner for Cheshire**

To consider the outcome of the Confirmation Hearing.

# Cheshire Police and Crime Panel

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**Date of Meeting:** 03 September 2021

**Report of:** Brian Reed, Head Democratic Services and Governance,  
Cheshire East Council

**Subject:** Confirmation Hearing for the proposed appointment of  
Chief Executive of the Office of the Police and Crime  
Commissioner for Cheshire

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## 1. Report Summary

- 1.1 This report sets out the Panel's responsibility for reviewing and reporting to the Police and Crime Commissioner on his proposed appointment of a Chief Executive of the Office of the Police and Crime Commissioner for Cheshire.

## 2. Recommendation

- 2.1 That the Panel receives this report and conducts a Confirmation Hearing within the statutory framework relating to the proposed appointment.

## 3. Background information

- 3.1 The Police Reform & Social Responsibility Act 2011 specifies that if the Police and Crime Commissioner for a Police area wishes to appoint a Chief Executive for their office, they must provide the Panel with 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; and
  - The terms and conditions on which the candidate is to be appointed.
- 3.2 The Commissioner has notified the Panel that he wishes to appoint Mr Damon Taylor as Chief Executive. A copy of the letter received from the Commissioner is attached as Appendix I. The information detailed in paragraph 3.1 has been provided.
- 3.3 When a Police and Crime Panel is notified of such a proposed appointment it is required, within three weeks, to review the proposed appointment at a

Confirmation Hearing and to then make a report to the Commissioner. The report must include a recommendation as to whether or not the candidate should be appointed. It should be noted that for the position of Chief Executive the Panel has no power of veto. If a recommendation is made that a candidate should not be appointed, the Commissioner may still make the appointment.

- 3.4 A copy of the Local Government Association publication “Police and Crime Panels – Guidance on Confirmation Hearings” is attached for reference as Appendix II.

#### **4. Financial Implications**

- 4.1 There are no specific financial implications to this report.

#### **5. Equality implications**

- 5.1 There are no specific equality implications to this report.

#### **6. Contact information**

<b>Name:</b>	Martin Smith
<b>Designation:</b>	Registration and Civic Services Manager
<b>Local Authority:</b>	Cheshire East Council
<b>Telephone:</b>	07596 064905
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**John Dwyer**

Police & Crime  
Commissioner  
for Cheshire

Mr Evan Morris  
Chair, Police and Crime Panel for Cheshire  
c/o Cheshire East Council  
Westfields  
Middlewich Road  
Sandbach  
CW11 1HZ

**John Dwyer**  
Police & Crime Commissioner  
Cheshire Constabulary Headquarters  
Clemonds Hey  
Oakmere Road  
Winsford  
CW7 2UA

Date: Monday 16 August 2021

Our Ref:  
PCC/20210816

Your Ref:

Tel:  
01606 364000

Email:  
[police.crime.commissioner@cheshire.police.uk](mailto:police.crime.commissioner@cheshire.police.uk)

Dear Mr Morris,

## **PROPOSED APPOINTMENT OF CHIEF EXECUTIVE**

In accordance with Schedule 1 of the Police Reform & Social Responsibility Act 2011, I am writing to inform you, as Chair of the Police & Crime Panel, that I propose to appoint Mr Damon Taylor as Chief Executive of the Office of the Police & Crime Commissioner for Cheshire.

As specified in Schedule 1 of the Act, I set out below the required information for the Panel's consideration, namely:

- (a) the name of the person whom the commissioner is proposing to appoint;*
- (b) the criteria used to assess the suitability of the candidate for appointment;*
- (c) why the candidate satisfies those criteria; and*
- (d) the terms and conditions on which the candidate is to be appointed.*

The proposed appointment follows an open advertisement for the role between 21 July 2021 and 9 August 2021, with a total of three applications received. The role profile, including job description and personal attributes, was used to assess the suitability of the candidates for appointment. For completeness, the role profile is included within the attached Information Pack for the appointment of Chief Executive.

Three candidates (two male and one female) were shortlisted for interview by a panel chaired by myself and including the Head of People Services (Cheshire Constabulary) as professional advisor.

All candidates shortlisted for interview were invited to attend an interview on Wednesday 11 August 2021 at Cheshire Constabulary Headquarters. Candidates were asked questions based on the role profile for the Chief Executive and assessed against Level 3 of the Competency & Values Framework. In addition, candidates were also required to complete a ten minute presentation based on the following topic:

*What do you see as the strategic challenges facing the Office of the Police and Crime Commissioner and how will you support the Commissioner in your role to address them?*

Cheshire Constabulary's Head of People Services attended both shortlisting and the interview process to provide professional advice and guidance.

Following the interview process, Mr Taylor was provided a conditional offer, subject to pre-employment checks. I can confirm that all pre-employment checks, including professional and personal references, medical and vetting have been successfully completed.

Mr Taylor is currently employed as Chief Executive at Age UK. He has worked at Chief Executive level for the previous 11 years in roles at Age UK, Citizens Advice, the Office of the Police & Crime Commissioner for Staffordshire and Staffordshire Police Authority. Prior to this, Mr Taylor worked for approximately ten years as the Deputy Chief Executive for Cheshire Police Authority.

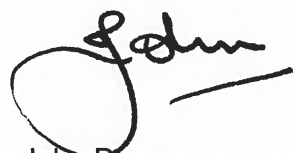
Mr Taylor satisfies all the criteria detailed within the person specification (see enclosed Information Pack for the appointment of Chief Executive) and provided an impressive account of his knowledge and experience for the position of Chief Executive. Furthermore, he demonstrated suitability against all the competency areas which were tested throughout the application, presentation and interview selection process. As such, the appointment panel were unanimous in their assessment and decision to offer the appointment to him.

The appointment of Mr Damon Taylor as Chief Executive will be made on a permanent full-time basis at salary scale SM8 (£87,336 - £95,286) and expenses will be paid in accordance with office policy. The post is politically restricted and police management vetting status has been granted. As with any appointment of new employees to the Office of the Police & Crime Commissioner, the appointment is subject to a period of probation not exceeding six months.

In accordance with Paragraph 11(1) of Schedule 1 of the Police Reform and Social Responsibility Act, I should be grateful if arrangements would be made to hold a confirmation hearing to review my proposed appointment and make a recommendation as to whether Mr Taylor should be appointed as Chief Executive for the Office of the Police & Crime Commissioner for Cheshire.

I look forward to receiving the Police & Crime Panel's report in relation to my proposed appointment of Chief Executive.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Dwyer', with a large circular flourish on the left and a horizontal line extending to the right.

John Dwyer  
Police & Crime Commissioner





# Information Pack for the appointment of Chief Executive Officer

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## Office of the Police & Crime Commissioner



**John Dwyer**  
Police & Crime  
Commissioner  
for Cheshire

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## WELCOME FROM JOHN DWYER, POLICE & CRIME COMMISSIONER

Thank you for your interest in becoming the Chief Executive Officer in the Office of the Police & Crime Commissioner. This information pack is intended to provide a broad overview of the role of Chief Executive Officer and the selection process.

Cheshire Constabulary is a good force with high performing officers, staff and volunteers who are committed to keeping our communities safe. I want to work with the Chief Constable over the next three years to support Cheshire to achieve 'outstanding' approval ratings from Her Majesty's Inspectorate of Constabularies and Fire & Rescue Services (HMICFRS).

The Office of the Police & Crime Commissioner supports me in achieving the objectives set out in the Police & Crime Plan and assists in holding the Chief Constable to account for the delivery of effective and efficient policing services in Cheshire.

I am seeking a Chief Executive Officer who will play a key role in supporting me to ensure the successful delivery of my priorities and my clear vision to make Cheshire Constabulary the best in the country. This role will be critical in ensuring the conditions for our future success, advising me, the Chief Finance Officer and other key partners in relation to developing innovative and robust strategies that shape policing across Cheshire. The role will require close working relationships with senior leaders at a local, regional and national level and will provide day to day support and advice on matters both related and non-related to policing, community safety and the Criminal Justice System.

The Chief Executive Officer will be responsible for the fulfilment of all statutory obligations as defined in Schedule 1, Paragraph 6(1)(a) of the Police Reform & Social Responsibility Act 2011, and to carry out such duties efficiently and effectively, as well as the statutory duties of the Monitoring Officer to the Police & Crime Commissioner, as defined in Schedule 16, paragraph 202(3) of the Police Reform & Social Responsibility Act 2011.

If you are an experienced and qualified management professional with strategic level expertise, and can demonstrate a proven track record of consistent achievement at senior management level within a complex organisation, I would like to hear from you.

Once again, thank you for your interest in the role of Chief Executive Officer and I wish you every success with your application.

**John Dwyer**

Police & Crime Commissioner





## CHESHIRE AT A GLANCE

Cheshire has a population of just over one million people

The policing area of Cheshire covers 919 square miles with a strategic crossroads in the national motorway infrastructure

Cheshire consists of four unitary borough councils: Cheshire East, Cheshire West & Chester, Halton and Warrington

There are 440,000 households in the county with an average of 2.33 people per household

Whilst Cheshire has some highly affluent areas, there are also areas of multiple deprivation with pockets of deprivation in each of the four council areas

The population of Cheshire is predicted to rise by approximately 60,000 in the next fifteen years

The county is home to 53,108 students

The average age of residents is 40.4 years

Cheshire's population is predominantly made up of White British which account for 96.9% of the population.

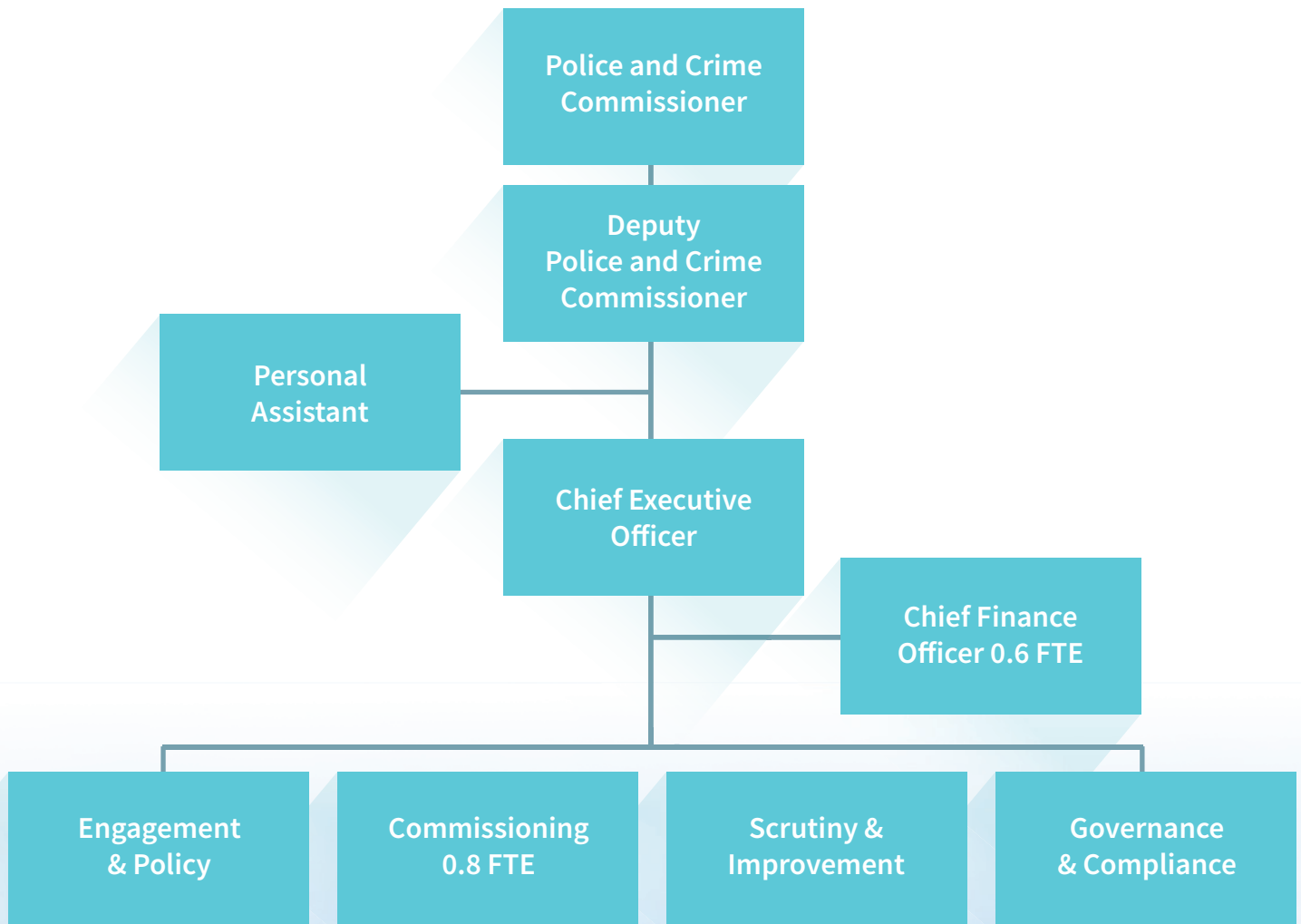
Mixed race is the next highest ethnicity at 1%, with Asian British Indian 0.5%, Asian British Other at 0.4%, Asian British Chinese at 0.3% and Black British at 0.2%

Cheshire covers an area of great diversity, with large rural expanses, areas of extensive heavy industry and a number of urban areas





# OFFICE OF THE POLICE & CRIME COMMISSIONER ORGANISATION CHART



# THE POLICE ACCOUNTABILITY FRAMEWORK

## ROLE PURPOSE OF THE POLICE & CRIME COMMISSIONER

Police & Crime Commissioners are responsible for the totality of policing within their police force area. Public accountability for the delivery and performance of the police service is placed into the hands of the Commissioner on behalf of their electorate. The Commissioner will draw on their mandate to set and shape the strategic objectives of the Constabulary in consultation with the Chief Constable. The Commissioner is accountable to the electorate; the Chief Constable, to the Commissioner.

### The Police & Crime Commissioner's main duties are to:

- hold the Chief Constable to account on behalf of the people of Cheshire;
- secure the effectiveness and efficiency of Cheshire Constabulary;
- setting the budget, allocate assets and funds to the Chief Constable; and set the police council tax precept for the force area;
- set the strategic direction and objectives of the force through the Police and Crime Plan, which must have regard to the Strategic Policing Requirement set by the Home Secretary;
- maintaining the police estate;
- prepare and issue an annual report on delivery against the objectives set within the Police and Crime Plan;
- publish information to enable people to assess the performance of the Commissioner and Chief Constable;
- monitoring and reviewing the outcome of complaints made against officers and staff, whilst having direct responsibility for complaints against the Chief Constable; and
- appointing, and where necessary, dismissing the Chief Constable.

### The Police & Crime Commissioner has wider responsibilities than those relating solely to the police force, including:

- the ability to provide or commission services intended to help victims and witnesses of crime and anti-social behaviour;
- the ability to provide or commission services that will secure, or contribute to securing, crime and disorder reduction;
- the ability to bring together Community Safety Partnerships at the force level;
- a duty to ensure that all collaboration agreements with other Commissioners and forces deliver value for money or enhance the effectiveness of policing capabilities and resilience; and
- a wider responsibility for the enhancement of the delivery of criminal justice in their area.

The role of Police & Crime Commissioner continues to develop and as detailed in the Statement from the Home Secretary (dated 16 March 2021) in relation to the findings from the first part of the Review into the role of Police & Crime Commissioners (PCCs), the Government's manifesto committed to strengthening the accountability of Police & Crime Commissioners and expanding their role. The Review concluded more should be done to ensure that all Police & Crime Commissioners adopt best practice and, given the additional recommendations in relation to Fire & Rescue Services, it was acknowledged that there is now a need to improve the resilience and the Home Office will bring forward legislation to mandate that each Police & Crime Commissioner must appoint a Deputy Police & Crime Commissioner.

## ROLE OF THE CHIEF CONSTABLE

The Chief Constable is responsible for maintaining the Queen's Peace and has direction and control over Cheshire Constabulary in accordance with the Police Act 1996, in order to provide Cheshire with an effective and efficient police service and the fulfilment of all the statutory and legal obligations of the office of Chief Constable. The Chief Constable holds office under the Crown, but is appointed by the Police & Crime Commissioner.

The Chief Constable is accountable to the law for the exercise of police powers, and to the Police & Crime Commissioner for the delivery of efficient and effective policing, management of resources and expenditure by the police force. The function of a Chief Constable is to direct and control the police force and its' staff in such a way as is reasonable to assist the Police & Crime Commissioner to exercise their functions.

### **The Chief Constable is responsible to the public and accountable to the Police & Crime Commissioner for the following functions:**

- lead the force in a way that is consistent with the attestation made by all constables on appointment and ensuring that it acts with impartiality;
- appoint the force's senior officers and senior staff in consultation with the Police & Crime Commissioner;
- support the Police & Crime Commissioner in the delivery of the strategy and objectives set out in the Police & Crime Plan;
- assist the Commissioner in planning the force's budget and providing the Police & Crime Commissioner with access to information, officers and staff as required;
- have regard to the Strategic Policing Requirement when exercising their policing activity in respect of their force's national and international policing responsibilities;
- notify and brief the Police & Crime Commissioner of any matter or investigation on which the Commissioner may need to provide public assurance either alone or in company with the Chief Constable;
- being the operational voice of policing in the force area and regularly explaining to the public the operational actions of officers and staff under their command;
- enter into collaboration agreements with other chief constables, other policing bodies and partners that improve the efficiency or effectiveness of policing and with the agreement of their Police & Crime Commissioner;
- remain politically independent of their Police & Crime Commissioner;
- manage all complaints against the force, its officers and staff, below the rank of Chief Constable, and ensuring that the Police & Crime Commissioner is kept abreast of developments of those complaints in a regular, meaningful and timely fashion;
- exercise the power of direction and control in such a way as is reasonable to enable their Commissioner to have access to all necessary information and staff within the force;
- have day to day responsibility for financial management of the force within the framework of the agreed budget allocation and levels of authorisation issued by the Commissioner; and
- in Cheshire, the Chief Constable is the employer of police staff.



## ROLE OF THE POLICE & CRIME PANEL

The Police & Crime Panel is responsible for scrutinising the exercise of a Police & Crime Commissioner's functions (not those of the Chief Constable or Cheshire Constabulary) and also for supporting the Police & Crime Commissioner in undertaking their responsibilities. The Panel has a number of specific duties which include:

- reviewing the Police & Crime Commissioner's proposed council tax precept for policing;
- considering and commenting on the Police & Crime Commissioner's Police & Crime Plan;
- receiving and commenting on the Police & Crime Commissioner's annual report;
- undertaking confirmation hearings for the appointment of the Chief Constable and the Police & Crime Commissioner's Statutory Officers (Chief Executive Officer and Chief Finance Officer);
- an informal role in considering complaints about non-criminal behaviour of the Police & Crime Commissioner.

The Cheshire Police & Crime Panel comprises ten Councillors drawn from the four Borough Councils in Cheshire together with three Independent Members. Additional information is available via the following link: [https://www.cheshireeast.gov.uk/council\\_and\\_democracy/your\\_council/cheshire-police-and-crime-panel.aspx](https://www.cheshireeast.gov.uk/council_and_democracy/your_council/cheshire-police-and-crime-panel.aspx)

## ROLE OF THE CHIEF EXECUTIVE OFFICER

The Chief Executive Officer will undertake the duties in accordance with the Police Reform and Social Responsibility Act 2011; including the statutory roles of the Head of the Paid Service; and the Monitoring Officer as required in the appropriate legislation.

The Chief Executive Officer will work with the Police & Crime Commissioner to deliver the Commissioner's vision, strategy and identified priorities. The Chief Executive Officer also ensures that the Police & Crime Commissioner is fully supported through the effective delivery of a tasking and briefing service, providing all relevant information to ensure that the Police & Crime Commissioner is fully briefed and up to date with any arising issues, activities and high profile incidents.

## ROLE OF THE CHIEF FINANCE OFFICER

The Police & Crime Commissioner must have a Chief Finance Officer who is responsible for ensuring the financial affairs of both the Police & Crime Commissioner and Cheshire Constabulary are properly administered. The Chief Finance Officer has a similar role to the Monitoring Officer in connection with any unlawful or potentially unlawful spending by the Police & Crime Commissioner, or those acting on the Police & Crime Commissioner's behalf; this is known as the Section 151 Officer role. Further information on the role of the Chief Finance Officer can be found within the Financial Management Code of Practice.

# SELECTION PROCESS

## ADVERT

The advert will open on 21st July, closing at 09:00am on the 9th August.

## APPLICATION

Applicants will be required to complete an application form and will need to evidence against the role profile, which includes the scope and, more specifically, qualifications, experience, knowledge, skills and abilities.

## SHORTLISTING

Shortlisting will be conducted by a panel chaired by the Police & Crime Commissioner and including the Head of People Services (Cheshire Constabulary).

## INTERVIEW AND PRESENTATION

Candidates that have been shortlisted will be invited to attend an interview process.

The interview will be value based and you will be asked questions based on the role profile for Chief Executive Officer and will be assessed against Level 3 of the Competency & Values Framework.

Candidates will also be required to complete a 10 minute presentation based on the following topic:

What do you see as the strategic challenges facing the Office of the Police and Crime Commissioner and how will you support the Commissioner in your role to address them?

## POST PROCESS

The successful candidate will be issued a conditional offer and will undergo pre-employment checks including vetting and referencing which will include attendance. Once all pre-employment checks are successfully passed, a formal offer of appointment will be issued.

Appointment will be subject to successful completion of a medical assessment undertaken by Cheshire Constabulary Occupational Health provider and a Confirmation Hearing in front of the Cheshire Police & Crime Panel.

For candidates that on this occasion have not been successful, they will be offered feedback by a member on the interview panel.





## REASONABLE ADJUSTMENTS AND ACCOMMODATIONS

It is important that you consider at an early stage of the process if you would like to request arrangements that will assist you in completing the selection process. For example, in relation to disability, dyslexia, learning difficulties, pregnancy, religion or belief, injury etc. Any requests for reasonable adjustments will be considered and arranged where possible. This information will be treated with the utmost confidence.

If you require any support or further information please email:

**[senior.recruitment@cheshire.pnn.police.uk](mailto:senior.recruitment@cheshire.pnn.police.uk)** at the earliest opportunity.

## KEY DATES

Date	Process Activity
21 July 21	Recruitment window open
9 August 21 (9am)	Closing date for applications
9 August 21	Shortlisting
11 August 21	Interview and presentation
24 September	Cheshire Police & Crime Panel - Confirmation Hearing
TBC	Agree start date ( <i>subject to Police &amp; Crime Panel recommendations</i> )

Please note that the dates listed above are subject to change.

# JOB DESCRIPTION

## CHIEF EXECUTIVE

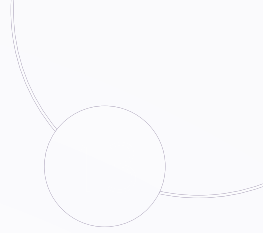
### ROLE PURPOSE

The Chief Executive's role is to support and advise the PCC in delivering his priorities and in undertaking the statutory duties and responsibilities, including as the Head of the Commissioner's staff, as defined in Schedule 1, Paragraph 6(1)(a) of the Police Reform & Social Responsibility Act 2011, and to carry out such duties efficiently and effectively, as well as the statutory duties of the Monitoring Officer to the Commissioner, as defined in Schedule 16, paragraph 202(3) of the Police Reform & Social Responsibility Act 2011.

### MAIN DUTIES & RESPONSIBILITIES

#### Strategy and Resource Planning

- To be the lead strategic advisor to assist the Commissioner in developing a clear and effective long-term vision and strategy, ensuring the effective delivery of the Police & Crime Plan.
- To work closely with the PCC and Chief Constable (collectively and one to one), supporting the PCC in influencing and shaping the leadership and strategic direction for the Constabulary.
- To lead the development and delivery of the Commissioner's activities and operations.
- To lead on the response to national, regional and local developments that have implications for the Commissioner, ensuring they are properly advised of new obligations, opportunities and relevant changes in strategy or policies.
- To be the principal adviser to the Commissioner in the exercise of their statutory powers, responsibilities, rights, duties and conduct, including holding the Chief Constable to account for the delivery of an effective and efficient police service through the development and maintenance of an appropriate governance and scrutiny framework.
- To ensure the establishment, monitoring and effective management of the financial planning, budgetary, resourcing and asset management functions, ensuring compliance with standing orders and propriety in the conduct of the PCC's business including making proper arrangements for tendering procedures and the letting of contracts.



- To act as the OPCC's Head of Paid Service and undertake the management & day-to-day running of the OPCC, ensuring all its functions are carried out to a high standard.
- To provide effective leadership for the organisation, developing a culture which enables the OPCC to constantly improve and innovate to effectively deliver the Commissioner's vision, mission and priorities.
- To provide support to the Commissioner in respect of all aspects of their statutory responsibilities in relation to the Chief Constable, including recruitment, selection, development, termination, appraisal, complaints and discipline.

## Partnership working, commissioning and service delivery

- To develop a positive and strong relationship with the Chief Constable and his staff to ensure an effective and collaborative approach to the work of the OPCC.
- To lead on the establishment and delivery of an effective commissioning framework that delivers the mission and priorities of the Commissioner, supporting victims of crime and vulnerable people.
- To achieve, sustain and develop effective, dynamic and strategic working relationships and collaborative opportunities with all key partners to ensure the effective delivery of the Commissioner's priorities.
- Engage with partners across policing, justice and third sector organisations to develop and support tertiary prevention strategies, ensuring alignment and efficiency in early intervention through to prevention activities.
- To act as lead adviser in relation to external inspection regimes and formulating responses to such reports as required.
- To manage the OPCC's role on the Joint Independent Audit Committee to provide independent assurance on the adequacy of the corporate governance and risk management arrangements in place and the associated control environment, advising according to good governance principles and proper practices.



- To foster and maintain positive and constructive relationships with both internal and external partners and stakeholders at the local, regional and national level, representing the PCC at high level meetings when required.
- To attend the Police and Crime Panel (as required) and ensure the provision of information to the Panel and the public.

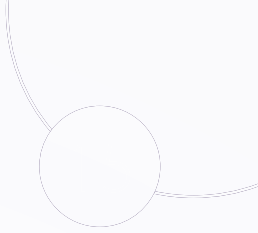
## Engagement and Information Management

*(Including obtaining the views of the public, media relations, research, strategic needs assessments).*

- To lead and oversee internal and external media and communications activities, acting as lead spokesperson for the Commissioner's office, as required.
- To ensure effective community engagement and consultation underpins all planning and development work and that the views of the public actively informs the work of the OPCC.
- To ensure that OPCC undertakes effective strategic needs assessments and appropriate research which demonstrate the understanding of the communities served, enabling effective budget alignment and prioritisation.
- Assist the Commissioner in raising their profile to enhance the accountability of the police service and themselves, ensuring the effective communication of their values, priorities, strategies, achievements and views.

## Scrutiny, Evaluation and Performance

- To ensure that the OPCC is properly resourced at all times to provide an efficient and effective service across the range of its work.
- To develop a strong performance management framework for the organisation, ensuring continuous improvement in the Constabulary and the OPCC.
- Ensure that the appropriate information on the decisions taken by the PCC, together with other information of interest, are communicated and published in the Commissioner's Publication Scheme.
- To brief the Commissioner on issues affecting policing, crime reduction and community safety and ensure an innovative and appropriate policy development.



- To ensure that the performance and development of the OPCC is kept under regular review to ensure the support provided to the Commissioner remains relevant and enables him to effectively fulfil his role.
- To ensure the OPCC has effective and efficient management of complaints against the PCC and the Chief Constable and take ownership of responses as required.
- To ensure the OPCC has appropriate management of contacts to the PCC and OPCC with a focus on pragmatic customer service and identifying vulnerability.
- To undertake other duties up to a level consistent with the principal responsibilities of the job.

This post is subject to an enhanced level of vetting which must be satisfied before appointment.

This post has been identified as politically restricted.

Post holder will be provided with equipment in order to work remotely away from HQ as required.

Post holder must hold a full UK driving licence and have access to own vehicle for business use.

For the post holders level of responsibility ensure that all; arrangements, activities, equipment, supervision and staff health, welfare and training are complied with as fully detailed in the Health and Safety Policy.

It is the responsibility of all staff to promote equality, diversity and Human Rights in working practices including developing and maintaining positive working relationships, ensuring that colleagues are treated fairly, contributing to developing equality of opportunity in working practices and challenging inappropriate conduct. Staff should treat everyone with fairness and impartiality, whilst recognising differences in needs, perspectives, backgrounds and cultures.

Notwithstanding the details in this job description, the job holder may be required to undertake other duties up to a level consistent with the principal responsibilities of the job.



# PERSONAL ATTRIBUTES

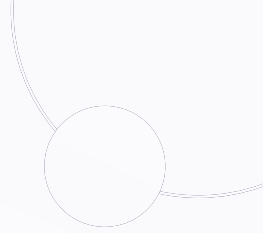
## QUALIFICATIONS

Must be educated to degree level. Higher degree qualification in management or similar discipline would be desirable.

## EXPERIENCE

- Substantial experience operating at a strategic level, implementing priorities to achieve positive outcomes.
- Proven track record of consistent achievement at senior management level within a complex organisation, with ability to evidence leadership through a programme of continuous improvement.
- Substantial experience working with senior officials, politicians and high-level stakeholders to deliver collaborative working.
- Significant experience acting as an organisation's key spokesperson with the media, public and key stakeholders.
- Significant experience of effective working within the democratic process and evidence of a clear understanding of the legal, financial and political workings of a policing governance body.
- Substantial experience of budget setting, securing efficiency savings and constantly working to achieve efficiencies whilst retaining a good level of service.
- Significant experience working in partnership with other organisations, particularly in the third sector and community to achieve the positive outcomes.
- Significant experience of a commissioning and grant making environment.





## SKILLS & KNOWLEDGE

- A demonstrable understanding of the relationship between the Chief Constable and the PCC.
- Ability to think and act strategically.
- An ability to motivate staff and manage an open and transparent work environment where all staff feel comfortable and are able to give of their best.
- Strong analytical thinking and problem-solving skills. Able to analyse and present solutions to complex issues and communicate such solutions with staff and stakeholders internally and externally.
- A good knowledge of service provision for vulnerable people and victims.
- Good social and political acumen.
- Ability to build strong and positive relationships with key personnel and stakeholder organisations.
- Ability to work with highly confidential information.
- Resilience and the ability to work under pressure to tight timescales.

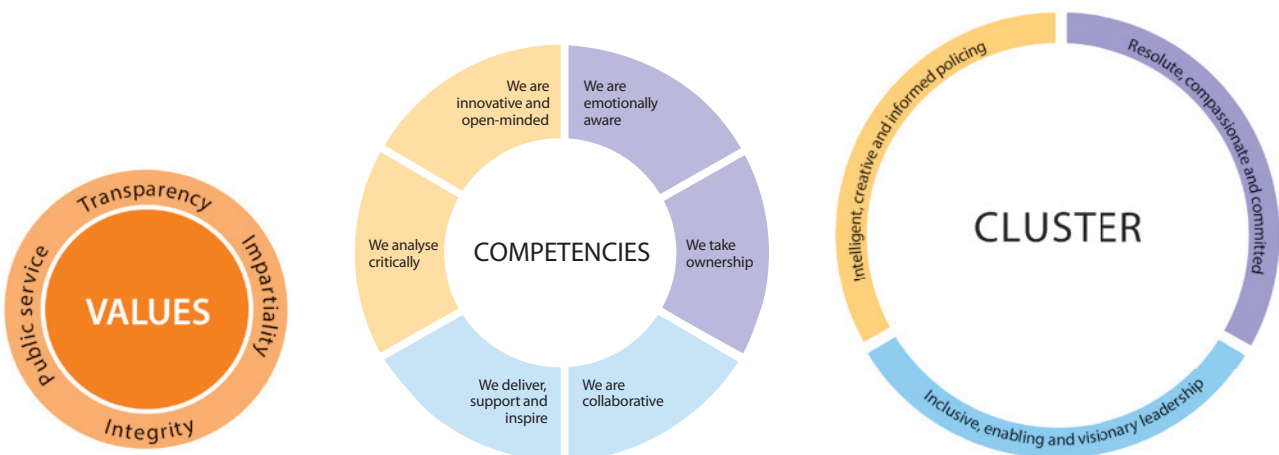
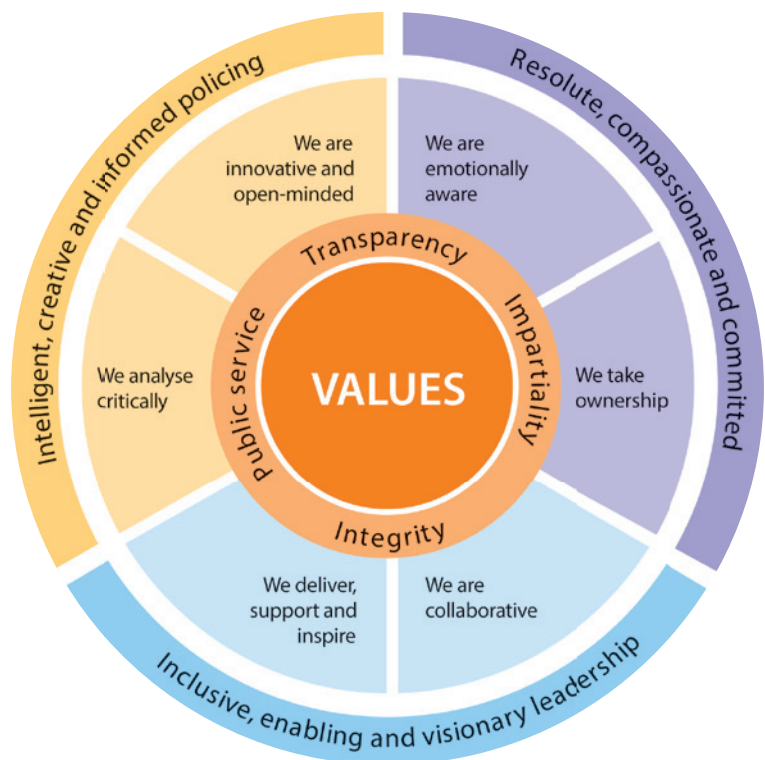


## COMPETENCY AND VALUES FRAMEWORK

The Competency and Values Framework (CVF) aims to support all police staff professionals, now and into the future. It sets out nationally recognised behaviours and values, which will provide a consistent foundation for a range of local and national processes.

This framework will ensure that there are clear expectations of everyone working in policing which in turn will lead to standards being raised for the benefit and safety of the public.

- The framework has **six competencies** that are clustered into three groups.
- Under each competency are three levels that show what behaviours will look like in practice.
- All of the competencies are underpinned by **four values** that should support everything we do as a police service.



## CVF BEHAVIOURS

### LEVELS REQUIRED FOR THE ROLE

Cluster	Competency	Level
Resolute, compassionate and committed	We are emotionally aware We take ownership	3
Inclusive, enabling and visionary leadership	We are collaborative We deliver, support and inspire	3
Intelligent, creative and informed policing	We analyse critically We are innovative and open-minded	3

Please see the CVF over-leaf for more detail or online at [www.college.police.uk/What-we-do/Development/competency-and-values-framework](http://www.college.police.uk/What-we-do/Development/competency-and-values-framework)



## BENEFITS

The Office of the Police & Crime Commissioner is proud to offer a benefits package that provides a range of opportunities and options for all. Some of these are detailed below, although further information can be obtained by emailing [senior.recruitment@cheshire.pnn.police.uk](mailto:senior.recruitment@cheshire.pnn.police.uk).

### SALARY

**£87,336 - £95,286**

### LEAVE

Annual leave is currently 32 days per annum which is based on April - March and increases at 10 years' service. Bank holidays are additional to contracted leave.

Additional to this there are various other types of leave available.

### PENSIONS

All new starters within the Office of the Police & Crime Commissioner are automatically enrolled into the local government pension scheme.

### OTHER

- Agile working
- Flexitime scheme
- Occupational health provider at Cheshire Police Headquarters
- Occupational sick pay
- Sports and Social Club with the option of opting into the lottery
- On site gym facilities
- Salary sacrifice schemes such as cycle to work scheme
- Blue Light Card discount



















## Contact

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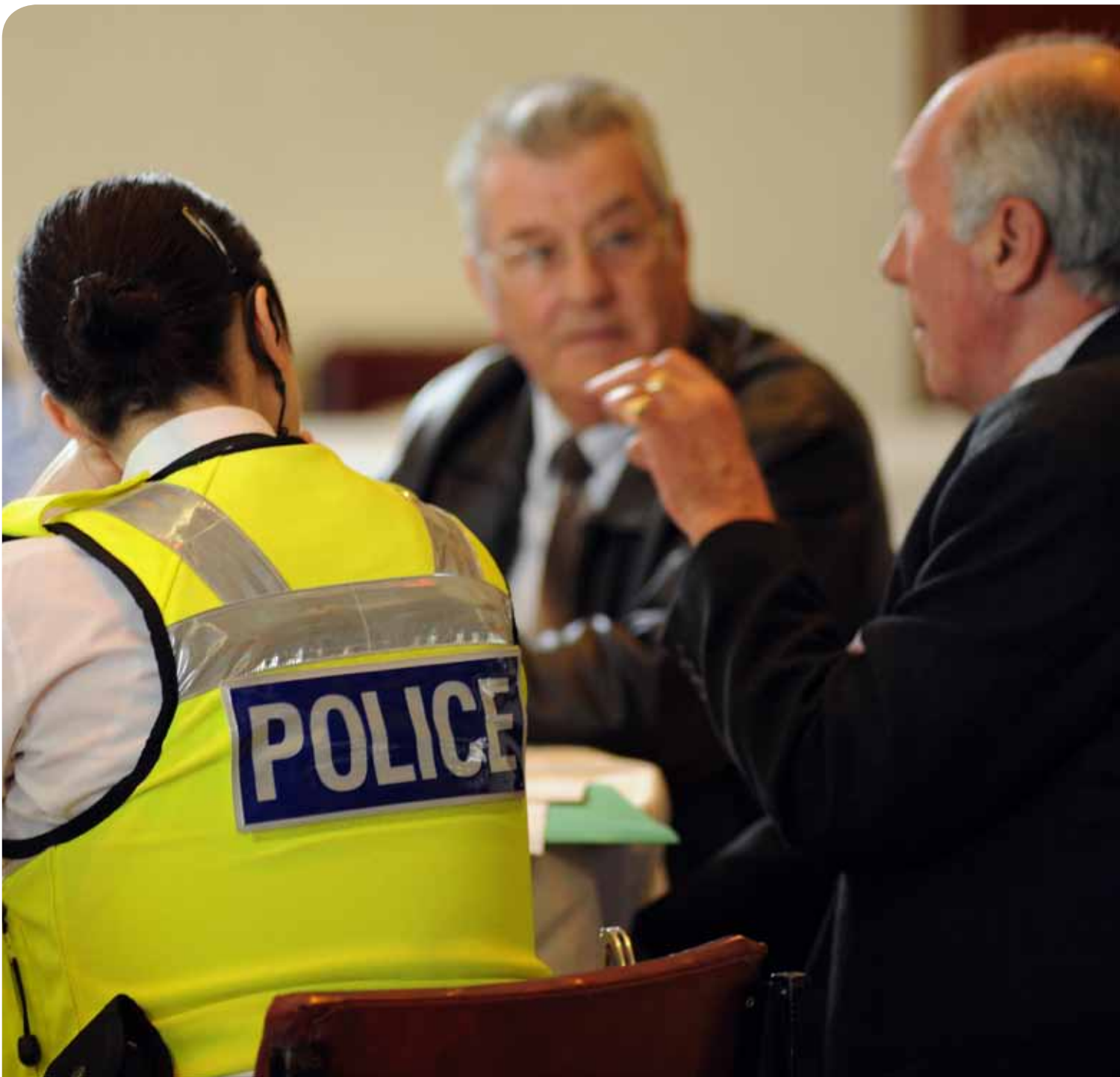
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**John Dwyer**  
Police & Crime  
Commissioner  
for Cheshire

# 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.



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# 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 Act<sup>1</sup> 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 2011<sup>2</sup>.

Under the Act<sup>3</sup>, 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.

<sup>1</sup> Referred to in this guidance as 'the Act'

<sup>2</sup> [www.cfps.org.uk/publications?item=7002&offset=0%20](http://www.cfps.org.uk/publications?item=7002&offset=0%20)

<sup>3</sup> 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’<sup>4</sup>) 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 Committee<sup>5</sup> 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 date<sup>6</sup>. 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.

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

<sup>5</sup> 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>

<sup>6</sup> 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 commissioners<sup>7</sup>. It states that the PCC must notify the panel of such a ‘proposed senior appointment’<sup>8</sup>, 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 appointed<sup>9</sup>.

Once this notification has occurred, the panel must review the senior appointment<sup>10</sup>, and make a report on it to the PCC<sup>11</sup>, which must include a recommendation as to whether or not the candidate should be appointed<sup>12</sup>.

This must all happen within a period of three weeks, beginning on the day that the panel receives the notification from the PCC<sup>13</sup>.

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’<sup>14</sup>.

In response to the panel’s report, the PCC must then notify the panel whether they will accept or reject the recommendation<sup>15</sup>. There is no duty for the PCC to give reasons for their decision.

<sup>7</sup> Paragraph 9(1) of Schedule 1

<sup>8</sup> Paragraph 9(2) of Schedule 1

<sup>9</sup> This will include the candidate’s salary

<sup>10</sup> Paragraph 10(2) of Schedule 1

<sup>11</sup> Paragraph 10(3) of Schedule 1

<sup>12</sup> Paragraph 10(4) of Schedule 1

<sup>13</sup> Paragraph 10(5) of Schedule 1

<sup>14</sup> Paragraph 11(2) of Schedule 1

<sup>15</sup> 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 veto<sup>16</sup> over the appointment of the chief constable. The panel may recommend that the PCC does not make the appointment<sup>17</sup>, but in the event of a veto then the candidate must not be appointed<sup>18</sup>. What happens once the veto has been exercised will be subject to regulations<sup>19</sup>, 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 appoint<sup>20</sup>.

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**.

## 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.

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

<sup>17</sup> Regulation 4(4) of Schedule 8

<sup>18</sup> Paragraph 8 of Schedule 8

<sup>19</sup> Paragraph 9 and 10 of Schedule 8 (Regulations to be issued)

<sup>20</sup> Paragraphs 2(3) and 6(1) of Schedule 8

# 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 carefully<sup>21</sup>.

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.

<sup>21</sup> 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.



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