

**APPOINTMENT OF LEGALLY QUALIFIED CHAIRS TO SERVE
ON POLICE GROSS MISCONDUCT PANELS**



Serving Hampshire
Isle of Wight
Portsmouth
Southampton



**Sussex
Police & Crime
Commissioner**

Office of the Police and Crime
Commissioner for Surrey



APPLICANT INFORMATION PACK

DEADLINE FOR APPLICATIONS:

Sunday 29th September 2019

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1. Introduction

Hampshire, Kent, Thames Valley, Surrey and Sussex Police and Crime Commissioners ('the Commissioners') are jointly recruiting individuals to be appointed to a panel of legally qualified chairs to conduct police gross misconduct hearings.

From January 2016, it was decided (following a public consultation led by the Home Secretary in 2014) that police misconduct hearings would no longer be chaired by Chief Police Officers, and that they would be replaced by legally qualified chairs.

Candidates can apply for any or all five of the policing areas and will be asked to specify which areas they wish to be appointed in their applications. Each Commissioner's Office will maintain a list of those chairs successfully appointed.

This pack contains the information that you need about the vacancies. It describes the selection process that will be applied with relevant dates.

Before you can be considered for appointment, there are eligibility requirements that you must meet. These are set out at in section 3.1 and 3.2 below.

1.1 Background

Following significant reforms in both 2008 and 2012, the Home Office introduced a range of reforms from 2015 onwards which included the requirement to have Legally Qualified Chairs for gross misconduct hearings.

Information and guidance about police misconduct is available below. The 2019 Regulations are available on the Commissioners' websites. Please note that at the time of this document being produced all matters are in draft.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/732466/Home Office Guidance on Police Misconduct.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/732466/Home_Office_Guidance_on_Police_Misconduct.pdf)

<https://www.college.police.uk/What-we-do/Ethics/integrity-and-transparency/Pages/Guidance-on-outcomes.aspx>

1.2 Overview of the panel role

The panel consists of three persons: the Chair, a police officer of the rank of superintendent or above, and an independent member from the list of candidates maintained by the Police and Crime Commissioner's Office.

The panel will hear cases governed by the new Police Conduct Regulations and Police (Conduct) Regulations 2012 (amended by Police (Conduct) (Amendment) Regulations 2015) or any relevant statutory modification or re-enactment thereof.

Panels will be convened to hear allegations of serious cases of misconduct by police officers. The maximum outcome at a hearing would be dismissal from the police service without notice. Cases would include for example, allegations of criminal acts, serious road traffic matters such as drink/driving or serious breaches of the standards expected of police officers such as neglect of duty or matters relating to integrity or abuse of position. The panel could also be

convened to consider the final stages of action under performance regulations, where police officers can be dismissed for unsatisfactory performance or attendance.

The activities of a panel are conducted both in public and in private. They will decide cases by finding facts based on the evidence presented, applying the relevant law to them and giving a reasoned judgment. The Chair and the panel may also be responsible for providing directions regarding procedural matters before and or at the hearing.

2. Role of the Chair

The full details of the Chair's role can be found in section 11.33 of the Home Office Guidance. This has been expanded under the 2019 Regulations, and requires a more active role from the LQC.

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

- Reviewing papers
- Preparing for a hearing, including setting the time, date and duration
- Reading papers before any hearing commences, including on occasions studying complex documentary evidence.
- Arranging and holding a pre hearing where appropriate, to receive representations and to make necessary determinations
- Making pre-hearing decisions on whether witnesses are permitted to be called to give evidence at the hearing and, in some cases, whether to require notice of the hearing.
- Provide directions on whether any part of a hearing should be held in private in accordance with the Regulations.
- Provide directions on publication and advertisement of the hearing in accordance with the Regulations.

Conduct of Hearings

- To ensure that hearings are conducted in accordance with the relevant laws and regulations.
- Whether to impose any restrictions or conditions in relation to attendance or the hearing being held in public
- To ensure that parties who are not represented are able to present their case and have it considered fully and fairly.
- To ensure that hearings are conducted efficiently and effectively in a manner compatible with the interests of natural justice.

- To ensure the hearing takes place in a professional manner, maintaining control over the case at all stages and ensuring that confidence in the process is upheld in the eyes of the public.

- **Determination of misconduct hearing**

In conjunction with the other Panel members, further to the hearing, to decide whether the conduct of the officer concerned amounts to misconduct, gross misconduct or neither, and impose any disciplinary action as appropriate and in accordance with the relevant regulations. The panel must consider and have due regard to “Guidance on outcomes in police misconduct proceedings” issued by the College of Policing pursuant to section 87 of the Police Act 1996, as referenced above.

- **Report writing**

The Chair will ensure that clear, concise and reasoned reports will be produced and supplied to the relevant parties at the conclusion of the misconduct hearing. This will contain:

- a) the findings of the misconduct hearing (i.e. whether the conduct amounted to misconduct, gross misconduct or neither),
- b) the reasons for those findings,
- c) any disciplinary action imposed and the reasons why that disciplinary action was made,
- d) any direction that the matter be dealt with under the Reflective Practice Review Process,
- e) notice of the right to appeal to the Police Appeals Tribunal and the person to whom the appeal should be sent when there is a finding of misconduct or gross misconduct. This will be done as soon as practicable and in any case before the end of 5 working days beginning with the first working day after the conclusion of the misconduct proceedings.

Following a hearing, the Chair will need to ensure that the other members agree that the report accurately records the findings and decisions made by the panel.

- **Time Commitment**

Misconduct cases are triggered by the officer receiving notice of misconduct proceedings. It should be noted that the number of cases per annum is variable. Being successfully appointed to be a legally qualified chair does not guarantee that you will receive any instructions or any set number of hearings per year. Cases normally last two to three days, but can on occasion last a week or more.

In general, cases will be allocated taking into account a number of matters, but largely based upon the ‘cab rank’ rule.

Successful Candidates are responsible for making the instructing officers aware in any specific case of any conflict or potential conflict immediately on instructions or as soon as you become aware of any reasonable grounds for a conflict (or perceived conflict) occurring. Appointees must not sit on a hearing if they have personal knowledge of the case.

- **Training**

Training opportunities will be made available to all successful candidates through the College of Policing and the National Association for Legally Qualified Chairs, and there is an expectation that all candidates attend. More details will be provided in due course.

3. Requirements for Appointment

3.1 Statutory Eligibility

Please be aware that only eligible candidates will be shortlisted for appointment. You should consider carefully whether you are likely to be eligible before applying.

To be eligible for appointment as a Legally Qualified Chair you must meet the statutory requirements which are summarised below.

Under section 25 paragraphs (4) and (5) (as substituted by the Police (Conduct) Amendment Regulations 2015 (SI 2015/626)) and section 50 of the Tribunals, courts and Enforcement Act 2007, no person shall be appointed as a chair unless they satisfy the judicial appointment eligibility condition on a 5 year basis.

The Tribunals, courts and Enforcement Act 2007 introduced the *'judicial appointment eligibility condition'*. You will have to show that:

- You have a relevant legal qualification;
- for the requisite period; and
- that whilst holding that qualification you have been gaining legal experience.

Relevant legal qualification

You have a relevant legal qualification if you are a solicitor of the Senior Courts of England and Wales, a barrister in England and Wales or as specified by any relevant order of the Lord Chancellor.

You will be considered eligible as a solicitor when your name was first entered on the Roll kept under section 6 of the Solicitors Act 1974.

You will be considered eligible as a barrister a) when you completed pupillage in connection with becoming a barrister or b) if you were not required to undertake pupillage in connection with becoming a barrister, when you were called to the Bar of England and Wales.

If you were not required to undertake pupillage, you will need to provide details in the application form of why you were not. This will most likely be because you were called to the Bar prior to 1 January 2002. If you were called to the Bar after this date, you will only be eligible if you have completed or have been exempted from pupillage by the Bar Standards Board. If

you have been exempted from pupillage, you will be required to provide evidence of this by the time applications close; otherwise you will not be eligible to proceed.

Requisite period

The requisite period is 5 years and will be measured from the start date of the relevant legal qualification up to the end of December 2019.

Legal experience

In order to be eligible for appointment as a Chair, you must not only be in possession of the relevant legal qualification for the requisite period, but must also have been engaged in 'law related activity' whilst holding that qualification.

An activity is considered to be a law related activity whether or not it is undertaken for remuneration, and whether or not it is undertaken on a full or part-time basis.

Each of the following is a relevant law related activity:

- a) the carrying out of judicial functions of any court or tribunal;
- b) acting as an arbitrator;
- c) practice or employment as a lawyer;
- d) advising (whether or not in the course of practice or employment as a lawyer) on the application of the law;
- e) assisting (whether or not in the course of such practice) persons involved in proceedings for the resolution of issues arising under the law;
- f) acting (whether or not in the course of such practice) as mediator in connection with attempts to resolve issues that are, or if not resolved could be, the subject of proceedings;
- g) drafting (whether or not in the course of such practice) documents intended to affect persons' rights or obligations;
- h) teaching or researching law; or
- i) any activity that in the relevant decision makers' opinion (this means the Appropriate Authority or his delegated official) is of a broadly similar nature to an activity within paragraphs a) to h).

Age

There is no upper or lower age limit for candidates apart from the statutory retirement age for judicial appointments of 70. If relevant, any candidate who has an applicable preserved retirement age of 72 under the requirements of the Tribunals, courts and Enforcement Act 2007 should state this in the application.

3.2 Additional Eligibility

To ensure any appointments are independent, personnel under the direction and control of any Constabulary/Police Force or Office of the Police & Crime Commissioner (OPCC) in England and Wales should not apply. Qualified lawyers employed by any constabulary or OPCC in England and Wales will not be eligible to apply.

3.3 Person Specification

In addition to the statutory eligibility criteria applications will be assessed against the following essential and desirable criteria:

Essential criteria

Candidates must have:

- Experience of chairing meetings or panels and ability to exercise control over proceedings
- Experience of evaluating evidence, or information and making objective, unbiased, thoughtful decisions
- Experience of report writing, writing deliberations or case notes
- Excellent communication skills
- Familiarity with the Police Conduct Regulations

Desirable criteria

- Able to demonstrate previous committee or judicial work or service on a Board or Council.

Qualities and Abilities

Applicants will be assessed against the following qualities and abilities

1. Intellectual Capacity

- Sound knowledge of law and its application
- Sound knowledge of procedure and appropriate application
- Quickly absorbs and analyses complex information with ease.
- Knowledge of the police disciplinary legislative framework, case-law and underlying principles, or the ability to acquire this knowledge.

2. Personal Qualities, Professionalism and Integrity

- Maintains personal integrity and independence.
- Commitment to equality, diversity and inclusion.

- Sound judgement.
- Decisiveness.
- Objectivity.
- Learns and develops professionally.
- Maintains up to date knowledge of issues relevant to the role.
- Promotes highest standards of behaviour in hearings

3. An ability to understand and deal fairly

- Shows awareness of equality and diversity issues that may arise in policing
- Committed to public interest, impartiality, and fair treatment.
- Listens with patience and courtesy.

4. Authority and Communication Skills

- Inspires respect and confidence.
- Questions effectively.
- Engages constructively in debate and challenges others appropriately.
- Communicates effectively

5. Efficiency

- Works at speed, including when under pressure.
- Manages time effectively and produces clear reasoned decisions expeditiously.
- Works constructively with others.
- Makes effective use of technology, including computers, video- and telephone-conferencing.

6. Effective Chairing

- Maintains firm and effective control of hearings.
- Manages hearings to enable fair and timely disposal.
- Appropriate exercise of discretion.
- Explains the procedure and any decisions reached clearly and succinctly to all those involved.
- Maintains authority when challenged.
- Excellent interpersonal skills involving all members of the Committee in a facilitative, enabling manner.
- Excellent drafting skills, with the ability to produce clear, accurate, well structured determinations.
- Actively manages cases to promote efficient and just conclusion of proceedings.

3.4 Vetting Requirements

Appropriate checks will be undertaken on candidates who are considered for appointment. Failure to declare any matters that come to light from these checks in the application form may prejudice the outcome of your application.

Successful candidates may also be required to undergo additional security vetting, before appointment and or for any specific case requiring a higher level of vetting, which will be dealt with on a case-by-case basis.

Candidates will be informed of any vetting and or additional security vetting requirements as necessary.

4. Term of Appointment

The initial appointments will be for a term of four years, running from 1 January 2020 to 31 December 2023.

5. Fees and expenses

Fees will be fixed at a daily sitting rate of £366.

Preparation time and report writing will either be the subject of a fixed fee agreed for a specific case or will be paid at £52.50 per hour, up to a maximum limit of £750. This limit may be extended in exceptional circumstances if agreed in writing with the relevant instructing OPCC in advance.

These fixed fee rates will apply to all successful candidates and will not differ depending on qualification or experience. For example, they will not differ whether a Barrister or Solicitor, they are not dependent on PQE or Call or whether the Chair is a QC or not.

Reasonable expenses will be reimbursed. Travel expenses will be reimbursed for standard fares only. Some areas may also restrict travel expenses to local travel claims only. Further details will be included in the individual OPCC's Terms and Conditions.

6. Selection process

6.1 Timetable

Closing date for applications	29th September
Shortlisting	8th October 2019
Provisional date to notify shortlisted candidates	14th October 2019
Provisional dates for interview days (may be subject to change)	6th and 8th November 2019
Selection Decisions	w/c 11th November
Training	TBC
Successful candidates eligible for hearings	1st January 2020

6.2 The application form

The application form plays an important part in the selection process. You should complete all sections of the form, ensuring the information you provide is clear and accurate.

Post applied for

Candidates can apply for any or all five of the policing areas and must specify which areas they wish to be appointed in their applications.

The self assessment

When completing the self assessment please be concise. Note form is acceptable. In preparing your self assessment it is important to remember that this is a critical part of your application. Please look at the qualities and abilities required for this post. This assessment is your opportunity to expand on the information you have provided about your career history. It should explain how you demonstrate the qualities and abilities and not simply be a reiteration of your career history.

You should consider the following:

1. Make sure that you provide specific examples that demonstrate how your skills match the qualities and abilities sought at the level appropriate for the role for which you are applying. It is not sufficient to talk generally about a situation and what happened – we need to know specifically what the situation was, your task and the result.
2. Be clear and explicit when writing your examples so that there is no room for doubt about how you personally have tackled something. Do not assume that the person reading your form will be able to infer, from your description, what your role was and what specifically you were responsible for.
3. Keep your answers concise and to the point. It is important that the focus is on you – your actions and your responsibilities – not the situation as a whole.

Diversity monitoring

As part of the application form candidates are asked to complete diversity questions to enable us to monitor the effectiveness of our diversity strategy in line with our statutory duties. If you do not wish to declare any particular characteristic, please select "I prefer not to answer". This information will not be used when making any selection decisions.

Obtaining an application form

The application form for this selection exercise can be obtained electronically by downloading it from any of the Commissioners' websites. To obtain an application form by post or if you have any difficulties in downloading an application please use the contact details at section 8 below.

6.3 Shortlisting

All applications will be checked for any eligibility. Any candidates who do not meet the statutory requirements for appointment will not be progressed.

A short listing panel will assess the applications and candidates will be shortlisted on the basis of their written application. The Panel will be making their assessment against the advertised Personal Specification and Qualities and Abilities (see section 3.3 above). Evidence will be drawn from your career profile and the competency self-assessment within the application.

Short listing will take place on 8th October 2019. Successful candidates will be notified and invited to an interview day.

6.4 Interview day

If you are shortlisted, you will be invited to an interview day. The interview day for this exercise will consist of a panel interview. The interview panel will comprise officers from the Offices of the participating Commissioners. You may be asked to make a presentation or undertake a problem question on the day. Further details will be sent with any invitation to attend. The interview will consist of the panel seeking evidence from you against the qualities and abilities for the post. Following the interview day unless notified there will be no further interview rounds. The overall assessment made by the panel will be provided to the Police and Crime Commissioners when they make their selection decisions.

6.5 Selection decisions

Following the interview days the panel will make recommendations to the Commissioners. Each Commissioner will make a separate decision regarding who to appoint.

The Commissioners will consider all the information gathered about the candidates, which includes the overall assessment reports from the interview panel and references.

Any appointment will be subject to successfully passing any vetting requirements and attending any necessary training specified.

Please note that we will notify the successful and unsuccessful candidates who attended an interview day. This will be dependent on when individual Commissioners make their respective decisions but we expect to be able to inform you of the outcome of your interview by 15th November.

If you are appointed, subject to any outstanding vetting or reference checks, you will be eligible for hearings from 1 January 2020.

7. Reasonable adjustments

We will make reasonable adjustments for any disabled applicants to ensure that they can fully participate in the selection process fairly. The application form asks you to identify any arrangements and adjustments you may require. If you need the form, information pack or other information in a different format please contact us at the details set out in section 8 below.

Requests will be considered on a case-by-case basis and the information given will not be used when making any selection decisions.

If you are recommended for appointment, any reasonable adjustments to enable you to take up appointment will be discussed separately with you by officers of the appointing Commissioner(s).

8. Additional Information

Any questions in relation to this selection process should be addressed to:

Richard Andrews
Office of the Police and Crime Commissioner for Hampshire

TELEPHONE: 01962 871595
EMAIL: opcc.complaints@hampshire.pnn.police.uk

9. Completed Applications

The Office of the Police and Crime Commissioner for Hampshire is collating all applications on behalf of the Commissioners.

Completed applications should be sent to: opcc@hampshire.pnn.police.uk by no later than **midday on 29th September**.

Alternatively by post to the Office of the Police and Crime Commissioner for Hampshire, St George's Chambers, St George's Street, Winchester, Hampshire, SO23 8AJ.