

Police and Crime Panel for Lancashire

Meeting to be held on the 7th December 2020

Confirmation Hearing Process

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Executive Summary

To receive a report on the Confirmation Hearing Process

Recommendation

The Panel is asked to receive the report.

Information

A principal role for the Police and Crime Panel is to conduct confirmation appointment hearings for some senior staff including the Chief Constable.

The pool of potential Chief Constables is small, but the appointments process benefits from a degree of external oversight. At their meeting in September the Police and Crime Panel agreed that the Secretary monitor the recruitment process acting as a (virtual) observer to reassure the Panel that a fair and transparent process would be conducted by the Commissioner. This process is ongoing due to the postponement of the recruitment process from November to December due to Covid restrictions being in place.

Police and Crime Panels should aim to compliment these internal Police and Crime Commissioner systems for appointing staff rather than duplicate or restage the interviews.

Indeed, the Panel is required to hold Confirmation Hearings and make a report to the Commissioner which must include a recommendation as to whether or not the candidate should be appointed. The Panel needs to be satisfied as to the suitability of the Police and Crime Commissioners nomination for appointment.

To carry out their assessment and scrutiny, Panels should follow a narrow set of key lines of enquiry. These should focus on the individual's capability and expertise, his/her professional competence and personal independence and his/her understanding of the Commissioners Police and Crime Plan. Suitable questions should test the candidate's professional judgement and insights and whether he/she would feel able to act in a manner that is operationally independent of the Commissioner but under his strategic direction.

The Panel will need to assure itself that the nominated candidate would be able to advise the Commissioner effectively and understand the need to be held to account by the Commissioner for the conduct of the role.

Accordingly at the confirmation hearing the Panel can ask questions of the nominated candidate to establish their suitability for their role as recommended by the Police and Crime Commissioner. Following the hearing the Panel is then required to review the proposed appointment in private.

The outcome is then reported at the end of the confirmation hearing and the panel is required to publish it's report of the confirmation hearing on its website and send copies to each Local Authority. The Panel Chair is also required to write to the Commissioner to report whether the Panel recommends appointment or not.

In the case of the appointment of the Chief Constable the Panel has the power to veto the appointment on the basis of a majority of two thirds of membership of the whole panel (not only those present at the meeting). If the Panel exercises its veto, the Commissioner must not appoint that candidate to Chief Constable.

The Police and Crime Panel in order to carry out this function will meet for a confirmation hearing on the 18th January 2021. Prior to this confirmation hearing a private pre meeting for all members of the Panel will be held at 5.30 pm on 12th January 2021. At this meeting the details of the nominated candidate will be available to the Panel Members along with the criteria used to assess the suitability of the candidate for the appointment by the Police and Crime Commissioner and his recruitment panel, the reasons the candidate satisfies those criteria, and the terms and conditions on which the candidate is to be appointed. Panel Members therefore will be able to draw on this information in order to prepare their key lines of enquiry for the confirmation hearing and make their report.

In addition, the Secretary has asked that the Panel receive a report from the independent member appointed to be part of the recruitment process itself by the Commissioner. The Panel is advised that Police & Crime Commissioners are required to appoint an independent member as part of the recruitment process. The independent members' role being to ensure the selection and appointment process for chief constables is conducted openly and fairly and will provide a further assurance that the candidate appearing before the Panel in January has been appointed on merit.

Consultations

N/A.

Implications:

This item has the following implications, as indicated:

Risk Management

The requirement for an Independent Police and Crime Panel for Lancashire is in accordance with the provisions of the Police Reform and Social Responsibility Act 2011. The role of the Panel is to scrutinise. The appointment of the Chief Constable is subject to a confirmation hearing in accordance with the role and function of the Panel.

Legal Implications

The role of the Panel includes the scrutiny of the actions of the PCC in respect of his Police & Crime Plan and use of resources to deliver effective Policing across Lancashire. The appointment of the Chief Constable is subject to a confirmation hearing in accordance with the role and function of the Panel. This report is in accordance with those responsibilities.

Local Government (Access to Information) Act 1985

List of Background Papers

LGA Good Practice for Police and Crime Panels - Guidance Document	May 2015	David Fairclough Secretary to the Police & Crime Panel
LGA Policing and Fire Governance - Guidance for Police and Crime Panels	July 2019	David Fairclough Secretary to the Police & Crime Panel
Police and Crime Panels Guidance on Confirmation Hearings	August 2012	David Fairclough Secretary to the Police & Crime Panel

Reason for inclusion in Part II, if appropriate N/A