



## **Police and Crime Panel**

**Date** Thursday 6 June 2019  
**Time** 1.30 pm  
**Venue** Committee Room 1B - County Hall, Durham

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### **Business**

#### **Part A**

**[Items during which the Press and Public are welcome to attend.  
Members of the Public can ask questions with the Chairman's  
agreement]**

1. Apologies for Absence
2. Substitute Members
3. Declarations of interest, if any
4. Proposed Appointment of Chief Constable (Pages 3 - 18)
5. Such other business, as in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

**Helen Lynch**  
Monitoring Officer

County Hall  
Durham  
29 May 2019

To: **The Members of the Police and Crime Panel**

#### **Durham County Council**

Councillors D Boyes, P Brookes, P Crathorne, L Hovvels (Chair),  
J Nicholson, A Savory and M Simmons

**Darlington Borough Council**

Councillors H Crumbie, Dulston and B Jones (Vice-Chair)

**Independent Co-opted Members**

Mr N J H Cooke and Mr D K G Dodwell

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**Contact: Ian Croft**

**Tel: 03000 269702**

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## **Durham Police and Crime Panel**

**6 June 2019**

### **Proposed Appointment of Chief Constable**

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#### **Joint Report of Lorraine O'Donnell, Director of Transformation and Partnerships and Helen Lynch, Head of Legal and Democratic Services**

##### **Electoral division(s) affected:**

None

##### **Purpose of the Report**

- 1 To provide information to Panel Members related to the confirmation hearing for the post of Chief Constable and to consider a report from the Police, Crime and Victims' Commissioner (PCVC) for the proposed candidate for the post of Chief Constable for Durham Constabulary.

##### **Executive summary**

- 2 The report provides detail of the procedure and required information within the Police Reform and Social Responsibility Act 2011 for Panel Members to hold a confirmation hearing to consider the proposed appointment of Jo Farrell as Chief Constable for Durham Constabulary.

##### **Recommendation**

- 3 Members of the Panel are asked to:
  - (i) note the process to be followed for the confirmation hearing for the post of Chief Constable as identified within Appendix 2.
  - (ii) consider the PCVC's report detailed at Appendix 3 and the recommendation to appoint Jo Farrell as Chief Constable to Durham Constabulary.
  - (iii) to respond to the PCVC endorsing the appointment or otherwise in accordance with the Police Reform and Social Responsibility Act 2011.

## **Background**

- 4 Section 38 of Police Reform and Social Responsibility Act 2011 states that “the Police and Crime Commissioner for a police area is to appoint the chief constable of the police force for that area.”
- 5 Following the announced retirement of Chief Constable, Michael Barton QPM, the Durham PCVC launched a recruitment exercise for the post of Chief Constable to Durham Constabulary. An advert was placed with a closing date of 12 April 2019 and a shortlisting exercise was carried out. A panel interview took place on 20 May 2019 following which Jo Farrell was selected as the proposed candidate for the post of Chief Constable to Durham Constabulary by the PCVC.
- 6 The PCVC, Ron Hogg formally notified the Police and Crime Panel of his proposed candidate by letter on 24 May 2019.
- 7 Schedule 8 of the Police Reform and Social Responsibility Act 2011 requires the PCP to undertake a confirmation hearing within three weeks of notification of the proposed candidate for the position of Chief Constable. The Act requires that following the confirmation hearing, within the three-week period the panel must also publish a report to the Commissioner that includes a recommendation as to whether or not the candidate should be appointed. A decision to veto the proposed appointment requires the support of two-thirds of the Panel members.
- 8 Appendix 2 to this report provides Panel Members with a briefing note to outline the process to be followed by the PCP in undertaking a confirmation hearing in accordance with Schedule 8 of the Act.
- 9 Appendix 3 to shows the the report of the PCVC which recommends Jo Farrell for the post of Chief Constable. The report details the criteria applied to assess the suitability of the candidate, how the candidate has satisfied the criteria and the terms and conditions on which the candidate is to be appointed.

## **Main implications**

### *Staffing*

- 10 The report proposes the appointment of a Chief Constable for Durham Constabulary.

### *Crime & Disorder*

- 11 The post holder has a key role in reducing crime and disorder within the Durham Constabulary Force Area.

### *Legal Implications*

- 12 The report and confirmation hearing are required in accordance with the Police Reform and Social Responsibility Act 2011.

### **Conclusion**

- 13 The report and attached appendices provide Members with the required information to hold its confirmation hearing to consider Jo Farrell for the post of Chief Constable to Durham Constabulary.

### **Background papers**

- None

### **Other useful documents**

- None

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<b>Contact:</b>	Lorraine O'Donnell	Tel: 03000 268060
	Helen Lynch	Tel: 03000 269732

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## **Appendix 1: Implications**

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### **Legal Implications**

The report and confirmation hearing are required in accordance with the Police Reform and Social Responsibility Act 2011.

### **Finance**

None.

### **Consultation**

None.

### **Equality and Diversity / Public Sector Equality Duty**

None.

### **Human Rights**

None.

### **Crime and Disorder**

The post holder has a key role in reducing crime and disorder within the Durham Constabulary Force Area.

### **Staffing**

The report proposes the appointment of a Chief Constable for Durham Constabulary.

### **Accommodation**

None.

### **Risk**

None.

### **Procurement**

None.

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## **Appendix 2: Briefing Note - Chief Constable Confirmation Hearing**

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This briefing note outlines the process to be followed by the Police and Crime Panel (PCP) to undertake a confirmation hearing for the post of Chief Constable.

Information contained within this briefing is in accordance with guidance issued within the Local Government Association(LGA), Centre for Public Scrutiny publication 'Police and Crime Panels – Guidance on Confirmation Hearings' (August 2012) and 'Police and Crime Panels – Scrutiny of Chief Constable Appointments' issued by the Home Office in October 2012.

### **The Rules Relating to Confirmation Hearings**

The rules concerning a confirmation hearing for appointment of a Chief Constable are set out in Schedule 8 of the Police Reform and Social Responsibility Act 2011 (the Act).

Schedule 8 of the Act sets out the confirmation process which must be completed before the Chief Constable can be appointed. The Regulations detail the process to be followed if the PCP exercises its power to veto the proposed appointment.

Schedule 8 requires:

- 1) The Police and Crime Commissioner (PCC) to notify the PCP of the proposed chief constable appointment.
- 2) The PCC to provide the PCP with specific information in relation to the individual and the appointment.
- 3) The PCP to review the proposed appointment within three weeks.
- 4) The PCP to hold a public confirmation hearing to question the candidate.
- 5) The PCP to write a report to the PCC on the proposed appointment, this must include a recommendation as to whether the individual should be appointed and may include exercising the power of veto.
- 6) A decision to veto to be agreed by two-thirds of the PCP members.
- 7) The PCP's report to be published.

### **Important information to note**

The Panel has a power of veto over the appointment of the Chief Constable. A two thirds majority of current membership is needed.

The Panel can recommend that the PCC does not make the appointment but if the Panel exercises the veto the candidate cannot be appointed; and

If the Panel fails to conduct a confirmation hearing and report to the PCC within the three-week period then the appointment of the candidate can be made.

### **PCC to propose a candidate to the PCP**

The Act and the Regulations require that when notifying the PCP of a candidate for appointment as chief constable, a PCC must provide the PCP with the following information:

- the name of the proposed candidate;
- the criteria that were used to assess the suitability of the candidate;
- how the candidate has satisfied those criteria; and
- the terms and conditions on which the candidate is to be appointed.

Following receipt of notification, the Chair of the PCP is to write to the Candidate to confirm the date of the hearing and notify them of the principles of professional competence and personal independence on which they propose to evaluate the candidate. The letter should advise that the information provided by the candidate will be placed in public domain.

### **The Confirmation Hearing**

#### **Purpose**

This should be a short and focused meeting and be in a two-stage process

- The Panel will question the candidate to determine if she meets the criteria set out in the role profile and whether they possess the professional competence and personal independence to carry out the role; and
- The Panel will determine whether to endorse the candidate's appointment; to recommend that the candidate should not be appointed; or, in respect of Schedule 8 appointments, to use its power of veto. This second stage of the hearing will be held in closed session (see below).

#### **Start**

At the start of the hearing the Chair will outline the order of business and will explain the process and powers of the Panel. The candidate will be permitted to ask any procedural questions before the questioning starts.

The Panel will question the candidate and will ensure that the candidate is treated fairly and politely at all times.

## **Process**

The Confirmation hearing will need to complement, rather than duplicate, the other internal systems for appointing staff. The panel's confirmation hearing should not be a restaging of a previous interview panel. Lines of questioning are to be on areas of professional competence and personal independence and used to get the maximum value out of the process.

## **Questioning**

The Chair is to be aware of any potentially inappropriate questions 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. Guidance provided by the LGA identifies the following as examples of inappropriate questions:

- relating to the personal political (or other) views of the candidate – e.g. whether the candidate agrees or disagrees with the police and crime plan.
- 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 (i.e. questions relating to operational strategy).
- which are hypothetical and designed to obtain the candidate's views on a position of local controversy.

Questioning will rely on the documents provided to support the panel's deliberations. LGA guidance suggests broad questioning themes should be developed, such as evidence 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).

## **Conclusion**

At the end of the session the candidate has the opportunity to clarify any answers that he or she has given in the course of the hearing, and ask any procedural questions of the Panel, for example about the next steps or the decision-making process.

### **Decision making process**

Immediately following the completion of questioning and points of clarification, the Panel will go into closed session to take its decision and prepare any recommendations to the PCC. The Monitoring Officer should be present to provide advice to the Panel.

At this point the Panel will need to be able to evaluate whether it feels the candidate has the professional competence and personal independence as set out in the role profile. Suggested areas of evaluation include:

#### **Professional competence**

- 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?

#### **Personal Independence**

- 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?

#### **Approval**

If the Panel is content with the proposed appointment it can agree to report to the PCC its endorsement of the appointment.

#### **Refusal**

If the Panel determines that the candidate does not meet the standards in the role profile it can use the veto. Requires 2/3rds of the PCP Membership.

Where a candidate meets the standards but the Panel has concerns about suitability, such concerns can form part of the Panel's report and recommendations to the PCC.

### **Making Recommendations**

The Chair of the PCP will write to the PCC following the Confirmation hearing to outline the decision and recommendations of the panel, Candidate to be sent a copy of letter.

Guidance suggests the Panel wait five working days before it publishes any information about its recommendations. The Panel should also ensure that the PCC has received and acknowledged the Panel's recommendations before making its recommendations public.



## Police and Crime Panel

6<sup>th</sup> June 2019

## Appointment of Chief Constable

## Report of the of the Police, Crime and Victims' Commissioner

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### Purpose

1. The purpose of this report is to notify the Police and Crime Panel of the proposed appointment of the Chief Constable for Durham Constabulary and to request that they review the proposed appointment and make a recommendation to the Commissioner about the appointment. This follows the retirement of Chief Constable Mike Barton effective 7<sup>th</sup> June 2019.

### Job Specification

2. The overarching requirements of the recruitment process was to ensure the continuity of leadership, openness and transparency and to attract the best candidate. In consultation with the College of Policing and Force H.R, the recruitment process involved a Job Advert, Application Process, Shortlisting, Staff Focus Groups, Psychometric Testing and Final Interview. Details of the process is outlined below.
3. The job description as advertised was as follows:  
Job title: Chief Constable  
Salary: From £142,689 to £156,958  
Location: Durham Police Headquarters, Aykley Heads, Durham

The Police Crime and Victims' Commissioner for Durham is seeking a new Chief Constable to build on the proud history and achievements of Durham Constabulary. The Chief Constable has overall responsibility for leading the Force, creating a vision and setting direction that builds public and organisational confidence and enables the delivery of an effective policing service.

Durham Constabulary is a high performing Force, well regarded by partners, innovative in its approach to policing and rated 'Outstanding' by inspectors – indeed, it is the only Force in the country to receive the top grade for three years running. However, there are plenty of challenges ahead of us, as we ensure we can fulfil the aims and ambitions of the Policing Vision 2025.

We are looking for candidates with significant and senior policing experience and a track record in delivering a step change in public satisfaction, ethics and integrity. As Chief Constable, you will be an exceptional leader of an exceptional force. Your enthusiasm, vision and passion will shape the future of Durham Constabulary. You will be innovative and inspirational, with a drive to ensure that the Force remains an outstanding police service. You will also work closely with

the Police, Crime and Victims' Commissioner to effectively plan, deliver and be accountable for how the Force will contribute to the delivery of the Police and Crime Plan.

You will put victims at the centre of what you do, reducing crime, preventing re-offending and securing the future of our communities. Working with colleagues, partners and stakeholders, you will also make an essential contribution to social and economic wellbeing across Durham and Darlington, through the delivery of innovative, effective and efficient public services.

The appointment will be offered for a fixed term of up to 5 years and the salary range will be in line with National Pay Scales and Police, Crime and Victims' Commissioner discretion. A relocation package is available.

If you share our passion for high performance then we are interested in hearing from you. For further details please visit <https://www.gatenbysanderson.com/job/GSe52560/chief-constable-at-durham-constabulary/> or contact Luke Judd (0113 205 6077) at our advising consultants GatenbySanderson or Stephen White, Chief Executive, Office of the Durham Police, Crime and Victims' Commissioner (0191 3752001).

**Closing date is Friday 12<sup>th</sup> April 2019**

4. The job description and terms and conditions of the post were advised within the application pack. For ease of reference a copy of the terms and conditions are shown at appendix 1 of this report.

#### **Appointment process**

5. In order to increase the field of candidates, the PCVC engaged the services of Gatenby Sanderson to carry out an advertising, search and shortlisting service if required. The recruitment of Chief Constables is particularly challenging in the current environment. The advert was placed in Police trade press, within the College of Policing and the force website and Guardian Jobs. In addition the recruitment agency approached 20 individuals.
6. The selection process included advice from the College of Policing to ensure best practice including Psychometric testing of the candidate by a college Occupational Psychologist. This test assessed the candidate in a comprehensive number of areas, providing a pen picture and insight into the candidates approach to different issues and behaviours. The details of this test were briefed privately to the panel by the Psychologist at the start of the interview process. As the post holder would be responsible for leading all of the Constabulary employees, several days prior to the interview, a focus group consisting of officers and staff of differing grades and ranks was held to assist in assessing suitability and to inform the interview panel. Following an hours interview with the candidate on numerous topics raised by the officers and staff independently, it was the unanimous decision of the focus group was that Jo Farrell would be the ideal candidate.

7. At the short listing stage, only one application had been received despite the openness of the process. The panel agreed that the candidate's application demonstrated that they met the job criteria. The PCVC chaired the interview panel accompanied by Terry Collins (Chief Executive, Durham County Council), Paul Wildsmith (Managing Director, Darlington Borough Council), Yasmin Khan (Chief Executive of HALO) and Kate Ruddock (HR Professional Cumbria Constabulary).
8. The panel asked the candidate to prepare a 10 minute presentation and was afforded 30 minutes preparation time. The presentation was entitled: What do you see as the current and future challenges/priorities/opportunities of "Vision 2025"?
9. The interview panel asked questions to test the candidate's knowledge and approach in a number of broad policing areas. They asked supplementary questions to test and/or clarify. The questions included:
  1. *How, as Chief Constable, would you develop and maintain strategic direction and key partnership working relationships, whilst ensuring effective use of resources to achieve my Police and Crime Plan?*
  2. *Durham Constabulary is the highest performing force, how would you drive improved performance, whilst seeking innovation and improved legitimacy?*
  3. *On the 18th September, 2018 the Guardian newspaper provided a headline ... "Police diversity numbers still don't add up". How vital to enhancing public confidence is this for you?*
  4. *Describe a situation where you have made a significant decision in difficult or controversial circumstances?*
  5. *As the new Chief Constable, how will you create your own "culture" across the organisation, one which promotes wellbeing, resilience and effective performance, whilst also creating empowered teams?*
10. The candidate was marked according to the College of Policing standard and either provided more than the required standard or delivered exceptional answers in the view of the panel.
11. Overall, the candidate provided clear evidence in all of the important areas which matched the requirements of the PCVC in the delivery of the Police and Crime Plan. This included that they were a fit and proper person to be appointed; that they had a clear understanding of the challenges; that they had a high commitment to partner agencies; that they had a clear commitment to Neighbourhood Policing. They also demonstrated considerable experience from two other Forces, Cambridgeshire and Northumbria, and had learnt from these postings. Resilience is an important factor particularly in senior policing positions and clear evidence of capability was demonstrated. The candidate has been an outstanding Deputy Chief Constable. I am satisfied that she will perform similarly in the role of Chief Constable.

## **Recommendations**

12. In accordance with the Police Reform and Social Responsibility Act 2011, Schedule 8 Part 1 paragraphs 4 and 6 the Panel is invited to:
- (i) Review the proposed appointment of Jo Farrell as Chief Constable of Durham Constabulary.
  - (ii) Hold a confirmation hearing in order to inform a report on the proposed appointment;
  - (iii) To make a recommendation to the Commissioner as to whether Jo Farrell should be appointed in accordance with Schedule 8 Part 1 paragraph 4(4) of the Act.

Ron Hogg

**Police, Crime and Victims' Commissioner**

## SUMMARY OF KEY TERMS AND CONDITIONS

### DURHAM CONSTABULARY CHIEF CONSTABLE

#### **Nature of appointment**

The appointment is subject to the provisions of the Police Reform and Social Responsibility Act 2011 and the Police Regulations 2003 as amended, and any further amendment to the Act and Regulations.

#### **Duties and Responsibilities**

The appointed person will be required to carry out all the duties applicable to the post of Chief Constable of Durham Constabulary. (see role profile).

The appointed person will be required to devote the whole of their working times to the duties set out in the role profile.

#### **Objective setting and Review**

The appointed person will be set agreed objectives by the PCVC which will be subject to periodical review.

#### **Salary and Hours of Work**

Police and Crime Commissioners have discretion to offer a chief constable a salary which falls within a range that varies no more than 10% above or below the spot rate on Determinations for a force area. The spot rate for Durham Constabulary is currently £142,689.

The Police, Crime and Victims' Commissioner (PCVC) has decided to offer a range of £142,689 to £156,958 for this Chief Constable position. If you are the preferred candidate you will need to negotiate your salary (within the salary range on offer) with the PCVC before a formal offer can be made. The agreed salary will remain the same (subject to any increases agreed through pay negotiation machinery that may apply) throughout the duration of the Fixed Term Appointment. All formal offers are subject to Confirmation Hearings by the Police and Crime Panel.

The appointed person will work such hours as are needed to fulfil the requirements of the role.

#### **Length of Appointment**

The initial fixed term appointment will be for 5 years.

#### **Notice period**

Termination of the fixed term appointment by the appointed person will require a three month notice period to be provided to the Police, Crime and Victims' Commissioner.

## **Annual Leave**

Annual Leave entitlement will be in line with Police Regulations and Determination, presently 35 days.

## **Location**

The post holder will be based at Police HQ, Aykley Heads, County Durham, DH15TT

## **Relocation and removal expenses**

The post holder's residence should be within a reasonable travelling distance of Police Headquarters to enable them to fulfil the responsibilities of the post.

Where the post holder, upon appointment, moves 'home' (the post holder's principal place of residence), and it is in the interests of the efficiency and effectiveness of the Force, the Police, Crime and Victims' Commissioner will pay all reasonable costs arising from the sale and purchase of property, and all tax liabilities from any relocation package, so that there is no personal financial disadvantage.

Upon moving 'home' the Police, Crime and Victims' Commissioner will reimburse all reasonable removal expenses in line with Police Regulation and Determination.

## **Professional Subscriptions**

The Police, Crime and Victims' Commissioner will meet the cost of the NPCC Professional Subscription and CPOSA Legal Expenses Insurance, that which covers 'reactive' legal risks.

The post holder will be responsible for paying any CPOSA Subscription.

## **Motor Vehicle Provision**

The post holder will be provided a car, serviced, insured, taxed and maintained by the Police, Crime and Victims' Commissioner. However should the post holder prefer then a Car Allowance could be provided instead.

## **Uniform**

The Police, Crime and Victims' Commissioner will provide full uniform and personal protective equipment.

## **Other Allowances and Expenses**

The Police, Crime and Victims' Commissioner will provide reimbursement to the post holder of:

- Reasonable expenditure for refreshments, food and accommodation incurred in connection with duty away from the usual place of duty.
- The reasonable cost of rail travel for any rail journey required to travel in the execution of duty.
- All reasonable expenses incurred in the execution of duty.

Allowances and expenses appropriate to the post will be paid in accordance with Police Regulations, Determinations and Durham Constabulary policies and procedures.

## **Contact with the Media**

On the occasions where it is deemed appropriate that the Chief Constable speaks with the Media, the Police, Crime and Victims' Commissioner requires the content of these discussions to be made public on the Durham Constabulary website.

This section is to fulfil the requirements of Recommendation 76 from the Leveson Report (Part 1).

## **Post Service Employment for a Chief Constable**

The appointed person is obliged to notify the Police, Crime and Victims' Commissioner if any post service employment might:

- Be a 'reward for past favours' granted by the applicant to the employer.
- Be one which could enable a particular employer to gain an improper advantage by employing someone who had access to what its competitors 'might legitimately regard as their own trade secrets or information relating to proposed developments in government policy which may affect that firm or its competitors' or
- Be sensitive for other reasons.

The Police, Crime and Victims Commissioner would then make a decision on whether this employment is appropriate.

This section is to fulfil the requirements of Recommendation 80 from the Leveson Report (Part 1).

## **General**

Where reference is made to allowances and remuneration, any liability for income tax is to be discharged by the Chief Constable.

All references to Regulations and Durham Constabulary policies and procedures means those applicable at the relevant time.

June 2019

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