



Police and Crime Panel

Date Monday 15 June 2020
Time 9.30 am
Venue Remote Meeting - This meeting is being held remotely via Microsoft Teams

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 Temporary Chief Executive for the Office of the Durham Police, Crime and Victims' Commissioner - Report of Head of Legal and Democratic Services (Pages 3 - 16)
5. Such other business, as in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
6. Exclusion of the Public

Part B

Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)

7. Proposed Appointment of Temporary Chief Executive for the Office of the Durham Police, Crime and Victims' Commissioner

Helen Lynch
Monitoring Officer

County Hall
Durham
5 June 2020

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

Durham County Council

Councillors D Boyes, P Crathorne, L Hovvells (Chair), J Nicholson,
S Quinn, 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

Contact: Ian Croft

Tel: 03000 269702



Durham Police and Crime Panel

15 June 2020

Proposed Appointment of Temporary Chief Executive for the Office of the Durham Police, Crime and Victims' Commissioner

Report of Helen Lynch, Head of Legal and Democratic Services

Electoral division(s) affected:

None

Purpose of the Report

- 1 To advise Panel Members on the process for a confirmation hearing and to consider a report from the acting Police, Crime and Victims' Commissioner (PCVC) of the proposed candidate for the post of temporary Chief Executive for the Office of the PCVC.

Executive summary

- 2 The report details the confirmation hearing procedure under the Police Reform and Social Responsibility Act 2011 (the Act) and the information required to enable the Police and Crime Panel (the Panel) to consider the proposed appointment of Sharon Caddell as temporary Chief Executive for the Office of the PCVC.

Recommendation

- 3 Members of the Panel are asked to:
 - (i) note the process to be followed for the confirmation hearing as detailed within Appendix 2.
 - (ii) consider the report of the acting PCVC at Appendix 3 and recommendation to appoint Sharon Caddell as temporary Chief Executive to the Office of the PCVC.
 - (iii) respond to the acting PCVC endorsing the appointment or otherwise in accordance with the Police Reform and Social Responsibility Act 2011.

Background

- 4 Schedule 1, Paragraph 6(1)(a) of the Police Reform and Social Responsibility Act 2011 states that “the Police and Crime Commissioner must appoint a person to be the head of the commissioner’s staff (referred to in this Part as the commissioner’s chief executive)”.
- 5 The substantive post Chief Executive is held by Mr Stephen White who was appointed following the Panel’s confirmation hearing on 22 October 2018.
- 6 On 20 September 2019, the Panel agreed to the appointment of Stephen White as acting PCVC in accordance with section 62 of the Act. The post of acting Chief Executive was filled by Mr Jon Carling which was confirmed by the Panel on 17 October 2019.
- 7 Earlier in the year Mr Carling accepted new role which created a vacancy for the post of Chief Executive. Schedule 1, paragraph 7(1)(a) of the Act that states a Police and Crime Commissioner must appoint a person to act as chief executive, if and for as long as “that post is vacant”. Within this context, the acting PCVC has proposed that Sharon Caddell be appointed as temporary Chief Executive.
- 8 The acting PCVC, Stephen White, formally notified the Panel of the proposed candidate on 28th May 2020
- 9 Schedule 1 of the Act requires the Panel to undertake a confirmation hearing within three weeks of receipt of notification of the proposed candidate. The Act requires that following the confirmation hearing, within the three-week period the Panel must also publish a report to the PCVC that includes a recommendation as to whether or not the candidate should be appointed.
- 10 Appendix 2 to this report provides Panel Members with a briefing note to outline the process to be followed by the PCP to undertake a confirmation hearing in accordance with Schedule 1 of the Act.
- 11 Appendix 3 to this report includes a report from the acting PCVC that proposes Sharon Caddell for the post of temporary Chief Executive and details the criteria that was used 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.

Conclusion

- 12 The report and attached appendices provide Members with the required information to hold its confirmation hearing to consider Sharon Caddell for the post of temporary Chief Executive for the Office of the Police, Crime and Victims' Commissioner.

Background papers

- None

Other useful documents

- None

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|-----------------|----------------------|-------------------|
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| | Jonathan Slee | Tel: 03000 268142 |

Appendix 1: Implications

Legal

As detailed within the report there is a requirement to hold a confirmation hearing to consider the proposed appointment in accordance with the Police Reform and Social Responsibility Act 2011

Finance

None.

Consultation

None.

Equality and Diversity / Public Sector Equality Duty

None.

Climate Change

None.

Human Rights

None.

Crime and Disorder

None.

Staffing

The report proposes the appointment of a temporary Chief Executive for the Durham Police, Crime and Victims' Commissioner.

Accommodation

None.

Risk

None.

Procurement

None.

Appendix 2: Durham Police and Crime Panel, Briefing note for Chief Executive Confirmation Hearing

1 Introduction

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 Executive.

Information contained within this briefing is in accordance with guidance issued within the Local Government Association and Centre for Public Scrutiny publication 'Police and Crime Panels – Guidance on Confirmation Hearings' (August 2012) and The Police Reform and Social Responsibility Act 2011.

2 The Rules Relating to Confirmation Hearings

The rules concerning a confirmation hearing for appointment of a Chief Executive are set out in Schedule 1 of the Police Reform and Social Responsibility Act (2011).

Schedule 1 of the Act sets out the confirmation process which must be completed before the Chief Executive can be appointed. Schedule 1 requires:

- the Police and Crime Commissioner (PCC) to notify the PCP of the proposed appointment;
- the PCC to provide the PCP with specific information in relation to the individual and the appointment;
- the PCP to review the proposed appointment within three weeks
- the PCP to hold a public confirmation hearing to question the candidate;
- 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
- the PCP's report to be published.

3 Important Information

The Panel has no power of veto over the appointment of the Chief Executive. 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.

4 Notification of the candidate from the PCC

The Act and the Regulations require that when notifying the PCP of a candidate for appointment as Chief Executive, 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.

5 The Confirmation Hearing

5.1 Purpose

The confirmation hearing is not intended to duplicate the PCC recruitment. The purpose of the hearing is to hold a short and focused meeting with a two-stage process:

- The Panel will question the candidate to determine if he/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 or recommend that the candidate should not be appointed. This second stage of the hearing will be held in closed session.

5.2 Starting the Hearing

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.

5.3 Process

The Confirmation hearing will need to complement, rather than duplicate, the other internal systems for appointing staff. 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.

5.4 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 Local Government Association 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)

5.5 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.

6. 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?

7 Decision and Recommendation

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

The Chair of the Panel will write to the PCC following the confirmation hearing to outline the decision and recommendations of the PCP and the candidate will send a copy of letter.

If the Panel determines that the candidate does not meet the standards in the role, providing advice to the PCC in the form of a letter is the only option to the Panel.

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.

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

15th June 2020

Appointment of Temporary Chief Executive

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



Purpose

1. The purpose of this report is to notify the Police and Crime Panel of the proposed appointment of the Temporary Chief Executive for the Acting Police, Crime and Victims' Commissioner for Durham and to request that they review the proposed appointment and make a recommendation to the Acting Commissioner about the appointment. This follows the cancellation of the PCC elections due to the Covid crisis and the former Acting Chief Executive leaving the office.

Background

2. The Police Reform and Social Responsibility Act 2011 (the Act), Schedule 1, Section 6, requires the Police, Crime and Victims' Commissioner to appoint a Chief Executive.
3. The Act also requires Police and Crime Panels to scrutinise senior appointments proposed by the Police, Crime and Victims' Commissioner. Schedule 1 paragraph 9 (1) of the Act defines senior appointments as the Commissioner's Chief Executive, Chief Finance Officer and the Deputy Police and Crime Commissioner.
4. The Acting Commissioner must notify the Panel of the following information:
 - (a) The name of the person he is proposing to appoint;
 - (b) The criteria used to assess the suitability of the candidate for the appointment;
 - (c) Why the candidate satisfies the criteria; and
 - (d) The terms and conditions on which the candidate is to be appointed.
5. Schedule 1 paragraph 10 of the Act requires the Panel to review the proposed appointments and report back to the Acting Commissioner which must include a recommendation as to whether or not the candidate should be appointed. This must be done within a period of three weeks beginning with the day on which the Panel receives the notification from the Commissioner of the proposed senior appointment(s).
6. Schedule 1 paragraph 11 of the Act requires the Panel to hold a confirmation hearing before making a report and recommendation under paragraph 10 to the Acting Police and Crime Commissioner in relation to a proposed senior appointment.
7. Schedule 1 paragraph 12 allows the Acting Police and Crime Commissioner the right to accept or reject the Panel's recommendation and he must notify the Panel of his decision.

Job Specification

8. The post holder is the statutory monitoring officer and Chief Executive to the PCVC and is required to ensure effective corporate governance and to support and advise the PCC in carrying out his statutory duties.
9. The advert (attached), stipulates that the role is temporary for a period of up to 12 months. This is to allow the return of the Acting PCVC to his substantive position following the next election process. This is anticipated in May 2021.
10. The job description and person specification was advertised as follows:

PURPOSE

To provide dynamic and inspirational leadership and management to the OPCVC, and to be a visible and influential leader with community safety and criminal justice partners

To be the chief adviser on all matters to the PCVC

To be the statutory Head of Paid Service and Monitoring Officer to the PCVC

To enable the PCVC to carry out all of his statutory functions to an exceptionally high standard, including community engagement, planning and reporting, complaints handling, good governance and police accountability

To build and nurture partnerships at senior levels across the community safety and criminal justice landscape in order to support the achievement of the PCVC's objectives

To commission positive outcomes for victims of crime and to reduce reoffending

To ensure good governance in the conduct of PCVC business including transparency of decision-making and proper arrangements for procurement and commissioning

KEY AREAS OF RESPONSIBILITY

1. To lead and develop the OPCVC staff to maintain a high performing, cohesive, skilled and responsive team, equipped and capable of meeting the requirements of the PCVC and to assist the Chief Executive in delivering the PCVC's responsibilities and objectives.
2. To nurture a culture of high performance and continuous improvement amongst the OPCVC team
3. To provide the PCVC with an effective policy and strategy development and delivery function that enables him to produce and drive effective plans based on evidence and community views.
4. To be the strategic lead for external relations, building and managing partnerships with local, regional and national stakeholders at appropriate levels to support the delivery of the PCVC's objectives.

5. To ensure that the PCVC has effective systems in place to hold the Chief Constable to account for the delivery of the Police, Crime and Victims' Plan and other policing matters.
6. To provide the PCVC with effective media, communications and engagement functions that influence and promote his objectives
7. To lead the development of effective systems for commissioning of local services, based on local needs and harnessing the resources of partners
8. To seek out and engage with opportunities nationally to promote the work of the PCVC, influence national policy-making, and contribute actively to the work of the Association of Policing and Crime Chief Executives.
9. To ensure that all corporate policies and processes meet statutory requirements and are of a standard that enables the OPCVC to operate efficiently, effectively, and transparently.

10. To ensure that the OPCVC performs its duties and responsibilities for equalities and diversity according to relevant legislation, and to promote the commitment to equality and diversity in all that the OPCVC does.
11. To undertake any other tasks, duties or projects that may arise from time to time which are commensurate with the general level of the post and as directed by the PCVC.

The duties and responsibilities outlined above cannot encompass or define all tasks which may be required of the post holder. The outline of duties and responsibilities given above therefore may vary from time to time without materially changing either the character or level of responsibility and these factors are reflected in the grade applied to the post. On occasion, there will be a requirement for out of hours working to meet business need.

SCOPE

- Direct responsibility for c.15 members of OPCVC staff plus 100+ volunteers
- Responsibility for a core budget of circa £1m per year operating costs
- Responsibility for advising the PCVC, with the Chief Finance Officer, on the distribution of c.£2.5m budget for commissioning services, as well as setting the overall budget for the Constabulary, which is currently £133m
- Direct influence on Durham Constabulary, with broader influencing role encompassing criminal justice agencies and local authorities
- Vetting required. Politically restricted.

PERSON SPECIFICATION

- Degree and / or relevant professional qualification. Full UK Driving Licence.

- Excellent leadership skills including people management and leading beyond authority. Outstanding ability to build and motivate high performing teams to develop and achieve organisational objectives
- Excellent communication and presentational skills, able to engage both internally and externally at the highest level and across the widest range of audiences and partners.
- Highly developed political understanding and experience with the interpersonal skills to negotiate, persuade and influence.
- The ability and experience to build credible effective working relationships and partnerships up to and including Chief Executive Officers / Chief Constables and equivalents.
- Proven ability to exercise outstanding judgement when faced with challenging decisions, at the same time as remaining objective and impartial.
- Demonstrable experience of policy development including evidence analysis and options development and appraisal
- Experience of influencing the development and delivery of local services, including an understanding of commissioning and procurement processes
- Experience of leading the full range of business processes including programme and project management.

Appointment process

11. It was important to recruit as soon as possible to the role as the capacity of the office and Acting PCVC was extremely tested due to the loss of senior staff (effectively the head of policy and the Ch Executive in effect), and was exacerbated by the ongoing Covid crisis. The application process was therefore open for a period of two weeks.
12. The PCVC chaired an interview panel consisting of Terry Collins (Chief Executive, Durham County Council), Paul Wildsmith (Managing Director, Darlington Borough Council), Gary Ridley ACO and CFO ODPCVC and Sarah Davies Durham Police HR. The interviews were conducted via skype but due to technical issues on the day, neither Terry Collins or Paul Wildsmith were able to take part. They had received the candidate packs and have been consulted post the interviews.
13. It is proposed that Mrs Sharon Caddell is appointed to the position. She is currently the Assistant Chief Executive for North Yorkshire OPCC and has formerly worked within the Cleveland OPCC as a project manager. She was tested on questions relating to staff management, the approach to the unique position of working with the substantive post holder as Acting PCVC and her knowledge of general policing challenges and issues. She is currently studying a Master's Degree in Criminology and police management. She also gave comprehensive answers in relation to the role of Monitoring officer and Head of Paid service. Whilst the field of 5 candidates interviewed was very strong, it was the unanimous view of the panel that Mrs Caddell be appointed.

Terms and Conditions

14. Sharon Caddell is to be appointed on the bottom pay scale for that of the Chief Executive and as a current serving Office of the PCC staff member in North Yorkshire and Cleveland, her transfer will be on a secondment basis. At the conclusion of the appointment she will return to her substantive post. The appointment will be subject to a four month probationary period with a months termination notice from either party.

Recommendations

15. In accordance with the Police Reform and Social Responsibility Act 2011, Schedule 1 9 (1) the Panel is invited to:
- (i) Review the proposed appointment on secondment of Sharon Caddell as the Temporary Chief Executive for the Acting Police Crime and Victims Commissioner for Durham;
 - (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 Sharon Caddell should be appointed in accordance with Schedule 1 10 (4) of the Act.

Steve White

Acting Police, Crime and Victims' Commissioner

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