



Durham Police and Crime Panel

17 October 2019

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

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

Executive summary

- 2 The report sets out the procedure for a confirmation hearing under the Police Reform and Social Responsibility Act 2011 for Panel Members and the required information to enable to the Panel to consider the proposed appointment of Jon Carling as Acting Chief Executive for the Office of the Police, Crime and Victims Commissioner.

Recommendation

- 3 Members of the Panel are asked to note the process to be followed to undertake the Confirmation hearing for the post of Acting Chief Executive as identified within Appendix 2.

- 4 Members are asked to consider the Police, Crime and Victims Commissioner's report (Appendix 3) and recommendation to appoint Jon Carling as Acting Chief Executive for the Office of the Police, Crime and Victims Commissioner.
- 5 Members of the Police and Crime Panel (PCP) are asked to respond to the Police, Crime and Victims Commissioner endorsing the appointment or otherwise in accordance with the Police Reform and Social Responsibility Act 2011.

Background

- 6 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),” The substantive post holder of Chief Executive is held by Mr Stephen White who was appointed following the Panel’s confirmation hearing on 22 October 2018.
- 7 At its special meeting on 20 September 2019, the Panel considered a request from the Police, Crime and Victims Commissioner, Ron Hogg to appoint an Acting Police, Crime and Victims Commissioner. Following consideration of the report and in accordance with section 62 of the Police, Reform and Social Responsibility Act 2011, the Panel appointed Mr Stephen White as Acting Durham Police, Crime and Victim’s Commissioner.
- 8 Section 62 (4) of the Act provides authority of all the functions of a police and crime commissioner are exercisable by an Acting commissioner, apart from issuing or varying a police and crime plan under section 5 of the Act.
- 9 In addition, Schedule 1, paragraph 7 (1)(a) of the Act that states a Police 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 Police, Crime and Victims Commissioner has proposed that Jon Carling be appointed as Acting Chief Executive.
- 10 The Acting Police, Crime and Victims Commissioner, Stephen White formally notified the Police and Crime Panel of his proposed candidate on 8 October 2019.
- 11 Schedule 1 of the Police Reform and Social Responsibility Act 2011 requires the Police Crime Panel to undertake a confirmation hearing within three weeks of notification of the proposed candidate for the position of Chief Executive. 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.
- 12 Appendix 2 to this report provides Panel Members with a briefing note to outline the process to be followed by the Police Crime Panel to undertake a confirmation hearing in accordance with Schedule 1 of the Act.
- 13 Appendix 3 to this report includes a report from the Acting Police, Crime and Victims Commissioner that proposes Jon Carling for the post of

Acting 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.

Main implications

Staffing

- 14 The report proposes the appointment of an Acting Chief Executive for the Office of the Durham Police, Crime and Victims' Office.

Legal Implications

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

Conclusion

- 16 The report and attached appendices provide Members with the required information to hold its confirmation hearing to consider Jon Carling for the post of Acting Chief Executive for the Office of the Police, Crime and Victims' Commissioner.

Background papers

- None

Other useful documents

- None

Contact: Lorraine O'Donnell Tel: 03000 268060

Helen Lynch Tel: 03000 269732

Appendix 1: Implications

Legal Implications

The report and confirmation hearing is 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

None

Staffing

The report proposes the appointment of an Acting 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 Acting Chief Executive Confirmation Hearing

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.

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 Police Crime Panel 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.

Important information to note

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.

PCP to propose a candidate to the Police Crime Panel

The Act and the Regulations require that when notifying the Police Crime Panel of a candidate for appointment as Chief Executive, a PCC must provide the Police Crime Panel 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.

The Confirmation Hearing

Purpose

This should be a short and focused meeting and be in a 2 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 (see below).

Start

At the start of the hearing the chairman 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. 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 or a representative of 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 PCCs 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 Police Crime Commissioner, 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 Police Crime Commissioner its endorsement of the appointment.

Refusal

If the Panel determines that the candidate does not meet the standards in the role, providing advice to the Police Crime Commissioner 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 Police Crime Commissioner.

Making Recommendations

The Chair of the Police Crime Panel will write to the Police Crime Commissioner 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 Police Crime Commissioner has received and acknowledged the Panel's recommendations before making its recommendations public.

October 2019

Appendix 3: Report from Police, Crime and Victims Commissioner

Appendix 3

Police and Crime Panel

17th October 2019

Appointment of acting 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 an Acting Chief Executive for the Police, Crime and Victims' Commissioner for Durham and to request that they review the proposed appointment and make a recommendation to the Commissioner about the appointment. This follows my appointment to the role of Acting PCVC. In this role I should not also continue as the monitoring officer or head of paid service. As a consequence an Acting Chief Executive should be appointed to carry out these functions and assist in the day to day business and delivery of the current Police and Crime Plan.

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 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 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 Police and Crime Commissioner in relation to a proposed senior appointment.
7. Schedule 1 paragraph 12 allows the 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 job description as advertised is 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 equality 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 £113m.
- 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

An expression of interest was invited from members of the existing ODPCVC senior leadership team. Jon Carling, Head of Policy and Communications, expressed an interest. The Acting PCVC discussed the scope of the role, Jon’s skills and abilities and current portfolio, and the requirements of the role. Jon has always had excellent staff reviews and his ability and knowledge of the current Police and Crime Plan, Force and both councils are second to none. Whilst the role requires autonomy, it is recognised that both I as Acting PCVC and the Acting Ch Exec would work very closely together.

Terms and Conditions

Jon Carling is to be temporarily appointed to the position on a salary of mid point between his current pay point and that of the first pay point of the Ch Exec salary. This recognises the limitations of the role and the fact that significant joint working will take place between the Acting PCVC and Ch Exec. The working hours and conditions remain unchanged from Jon’s substantive post and he will return to this at the conclusion of the period of Acting PCVC. Jon has been acting as monitoring officer and carrying out the duties of Acting Ch Exec since my appointment as Acting PCVC.

Recommendations

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 of Jon Carling as the Acting Chief Executive for the Police and Crime 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 Jon Carling should be appointed in accordance with Schedule 1 10 (4) of the Act.

Steve White

Acting Police, Crime and Victims' Commissioner