



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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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.