

Confirmation Hearing Procedure

Purpose

The confirmation hearing should be a short and focused meeting, which follows a two stage process.

- i) 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
- ii) 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).

At the start of 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.

Stage One – Questions to the candidate

The confirmation hearing should compliment, rather than duplicate, the other internal systems for appointing staff. Lines of questioning must relate to areas of professional competence and personal independence and used to get the maximum value out of the process.

Questioning will rely on the documents provided to support the Panel's deliberations.

LGA guidance suggests that broad questioning themes should be developed, such as evidence that 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.

Questions which do not relate to the professional competence and personal independence of the candidate are likely to be inappropriate. The Chair is to be aware of and manage any inappropriate questions. The LGA guidance gives the following examples of inappropriate questions:

- Relating to 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 practice
- On what the candidate will do, substantively, once in 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.

At the end of stage one, 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 of decision-making process.

Stage Two – Decision Making

Immediately following the conclusion of questioning and points of clarification, the Panel will go into closed session to determine whether to endorse the candidate's appointment or recommend that the candidate should not be appointed. 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 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 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 Police and 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?

Endorsement

If the Panel is content with the proposed appointment, it can agree to report to the Police and Crime Commissioner its endorsement of the appointment.

Refusal to endorse

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

Making recommendations

Following the confirmation hearing, the Chair of the Panel will write to the Police and Crime Commissioner to outline the decision and any recommendations of the Panel. A copy of the letter will also be sent to the Candidate.

The LGA guidance recommends that the Panel wait five working days before it publishes any information about its recommendations. The Panel should also ensure that the Police and Crime Commissioner has received and acknowledged the Panel's recommendations before making its recommendations public.

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