



Durham Police and Crime Panel

25 September 2023

Proposed appointment of Chief Constable Durham Constabulary

Report of Helen Bradley, Head of Legal and Democratic Services, Clerk to the Police and Crime Panel

Electoral division(s) affected:

None

Purpose of the Report

- 1 To explain the confirmation hearing process and for the Panel to consider the report from the Police and Crime Commissioner (PCC) for the proposed appointment to the role of Chief Constable, Durham Constabulary.

Executive summary

- 2 The Police Reform and Social Responsibility Act 2011 requires the Panel to scrutinise senior appointments proposed by the PCC. This is done by way of a confirmation hearing.
- 3 A confirmation hearing is a meeting of the Panel, held in public, at which the proposed candidate is requested to appear for the purpose of answering questions relating to the appointment. This report explains the role of the Panel and the confirmation hearing process.

Recommendations

- 4 The Police and Crime Panel are asked to
 - (a) Note the process to be followed in respect of the confirmation hearing.
 - (b) Review the proposed appointment of Mrs Rachel Bacon as Chief Constable of Durham Constabulary.
 - (c) Consider whether to endorse, refuse or veto the proposed appointment; and

- (d) Prepare a report to be provided to the PCC confirming the Panel's recommendation, which will be published five working days following the confirmation hearing.

Background

- 5 Section 2 of the Police Reform and Social Responsibility Act 2011 provides that each police force is to have a Chief Constable.
- 6 In June 2023, Jo Farrell resigned as Chief Constable of Durham Constabulary to take up a new role. The PCC commenced a recruitment process, the details of which are set out in the report attached at Appendix 2.
- 7 Parliament has conferred the power to appoint the person thought most appropriate for the role of Chief Constable. This is a corporate decision, led by the PCC as an individual but supported by their Office whose human resource functions and internal appointment procedures will provide a 'due diligence' check on the candidate's suitability. However, the PCC's appointment is subject to the confirmation hearings process.
- 8 Therefore, in accordance with Schedule 8 of the Police Reform and Social Responsibility Act 2011, the PCC must not appoint their preferred candidate unless that person is or has been a constable in any part of the United Kingdom, and the end of the confirmation process has been reached.
- 9 Confirmation hearings are intended to complement, rather than duplicate, the internal recruitment process conducted by the PCC. As such, the hearings should provide a relatively short, focused opportunity for the panel to explore key issues relating to professional competence and personal independence.
- 10 The proposed candidate should be treated fairly and politely. The Panel should avoid getting into a debate and discussion with the proposed candidate on any issue. They should also refrain from making general statements on any issue except to provide brief context to the question being asked. Further detail as to how the Confirmation Hearing will be conducted is attached at Appendix 3 to the report.

Notification of proposed appointment and Confirmation Hearing

- 11 Schedule 8 of the Police Reform and Social Responsibility Act 2011 requires that the following process is followed in respect of Chief Constable appointments:
 - i) the PCC notifies the Panel of the proposed appointment

ii) the PCC provides the Panel with specific information in relation to the proposed candidate and the appointment – this must include the name of the proposed candidate, the criteria 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 appointed.

iii) within three weeks of receiving notification from the PCC, the Panel must hold a public confirmation to question the candidate;

iv) within the same three-week period, the Panel must write a report which includes a recommendation as to whether it endorses, refuses or veto's the proposed candidate' appointment.

v) the Panel's report must be published

vi) where the Panel endorses or refuses the recommendation, the PCC must notify the Panel whether they will accept or reject the recommendation. If the PCC proceeds to appoint the proposed candidate notwithstanding a recommendation to refuse from the Panel, they should explain why they consider the proposed candidate meets the minimum criteria as set out in the job profile.

vii) where the Panel veto's the appointment, the PPC must not make the appointment.

- 12 The details to be provided (as set out at paragraph 11(ii) above) in respect of the proposed appointment to the role of Chief Constable are attached at Appendix 2 to this report.

Background Papers

- Police and Crime Panels – Guidance on Confirmation Hearings [police-and-crime-panels-on-confirmation-hearings.pdf \(cfgs.org.uk\)](https://www.cfgs.org.uk/policy-and-procedure/pccs/pcc-panels/pcc-panels-on-confirmation-hearings)

Other useful documents

- None

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Appendix 1: Implications

Legal Implications

The report sets out the Panel's role and responsibilities in respect of the scrutiny of senior appointments made by the PCC. The procedure for confirmation hearings appended to the report is consistent with the legislative requirements under the Police Reform and Social Responsibility Act 2011, the Police and Crime Panel's (Precepts & Chief Constable Appointments) Regulations 2021 and the Local Government Association and Centre for Public Scrutiny publication "Police and Crime Panels – Guidance on Confirmation Hearings (August 2012).

Finance

There are no financial implications for the Panel arising from this report. However, it is a requirement that the PCC notifies the Panel of the terms and conditions relevant to the role to be appointed to.

Consultation

None.

Equality and Diversity / Public Sector Equality Duty

None

Climate Change

None.

Human Rights

None

Crime and Disorder

This is a key focus of the role of the Police and Crime Commissioner and Police and Crime Panel.

Staffing

The report relates to the proposed appointment to the role of Chief of Staff. The PCC is required to appoint to this role under the Police Reform and Social Responsibility Act 2011.

Accommodation

None

Risk

None

Procurement

None.