



## **Durham Police and Crime Panel**

**11 February 2013**

### **Proposed Appointment of Chief Constable**

---

#### **Report of Lorraine O'Donnell, Assistant Chief Executive**

---

##### **Purpose of the Report**

- 1 To provide information to Panel Members on the process to be undertaken to hold a confirmation hearing for the post of Chief Constable and to consider a report from the Police and Crime Commissioner for the proposed candidate for the post of Chief Constable for Durham Constabulary.

##### **Background**

- 2 The Police and Crime Commissioner (PCC) launched a recruitment exercise for a Chief Constable of Durham on 7<sup>th</sup> December 2012. Following a short listing exercise on 17<sup>th</sup> January 2013 and a Panel interview on 28<sup>th</sup> January 2013, the Panel unanimously agreed to propose Michael Barton as Chief Constable for Durham Constabulary.
- 3 Section 8 of the Police Reform and Social Responsibility Act 2011 requires the Police and Crime Panel to undertake a confirmation hearing for the proposed candidate for the position of Chief Constable.
- 4 Appendix 2 to this report provides Panel Members with a briefing note to outline the process to be followed by the Police and Crime Panel (PCP) to undertake a confirmation hearing in accordance with Schedule 8 of the Act.
- 5 Appendix 3 to this report includes a report from the PCC that proposes Michael Barton for the post of Chief Constable 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.

##### **Recommendations**

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

- 7 Members are asked to consider the Police and Crime Commissioner's report (Appendix 3) and recommendation to appoint Michael Barton as Chief Constable for Durham Constabulary.
- 8 Members of the Police and Crime Panel are asked to respond to the Police and Crime Commissioner endorsing the appointment or otherwise in accordance with the Police Reform and Social Responsibility Act 2011.

**Background papers**

None

---

**Contact: Feisal Jassat Tel: 03000 268139**

---

---

## **Appendix 1: Implications**

---

**Finance** – None

**Staffing** – The report proposes the appointment of a Chief Constable for Durham Constabulary

**Risk** – None

**Equality and Diversity / Public Sector Equality Duty** – None

**Accommodation** – None

**Crime and Disorder** – The post holder has a key role in reducing crime and disorder within the Durham Constabulary Force Area.

**Human Rights** – None

**Consultation** – None

**Procurement** – None

**Disability Issues** – None

**Legal Implications** – The report is required in accordance with the Police Reform and Social Responsibility Act 2011.

**Durham Police and Crime Panel****Confirmation Hearing – Chief Constable****Briefing Note**

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 Constable.

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 'Police and Crime Panels – Scrutiny of Chief Constable Appointments issued by the Home Office in October 2012.

**The Rules Relating to Confirmation Hearings**

The rules concerning a confirmation hearing for appointment of a Chief Constable are set out in Schedule 8 of the Police Reform and Social Responsibility Act (2011).

Schedule 8 of the Act sets out the confirmation process which must be completed before the Chief Constable can be appointed. The Regulations explain the process to be followed if the PCP exercises its power to veto the proposed appointment.

**Schedule 8** requires:

- the Police and Crime Commissioner (PCC) to notify the PCP of the proposed chief constable 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 may include exercising the power of veto;
- a decision to veto to be agreed by two-thirds of the PCP members; and
- the PCP's report to be published.

**Important information to note**

The Panel has a power of veto over the appointment of the Chief Constable. A two thirds majority of current membership is needed. The Panel can recommend that the PCC does not make the appointment but if the Panel exercises the veto the candidate cannot be appointed; and

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.

**PCC to propose a candidate to the PCP**

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

Following receipt of notification, the Chair of the PCP is to write to the Candidate to confirm the date of the hearing and notify them of the principles of professional competence and personal independence on which they propose to evaluate the candidate. The letter should advise that the information provided by the candidate will be placed in public domain.

## **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; to recommend that the candidate should not be appointed; or, in respect of Schedule 8 appointments, to use its power of veto. 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. The panel's confirmation hearing should not be a restaging of a previous interview panel. 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 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?

### ***Approval***

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

### ***Refusal***

If the Panel determines that the candidate does not meet the standards in the role profile it can use the veto. Requires 2/3rds of the PCP Membership.

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.

### **Making Recommendations**

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

**30<sup>th</sup> January 2013**

## Proposed Appointment Of Chief Constable

### Report of Ron Hogg, Police and Crime Commissioner for Durham, to the Durham Police And Crime Panel



#### 1. Introduction

- 1.1 On 7 December 2012 I commenced a recruitment process to appoint a new permanent Chief Constable of Durham Constabulary in accordance with the procedures set out in the Police Reform and Social Responsibility Act, 2011, Home Office Circular 20/2012 and guidance issued by the College of Policing.
- 1.2 In order to assist and advise me in the recruitment process I appointed the following to be members of an independent Selection Panel:

Ada Burns	Chief Executive, Darlington Borough Council
Sebert Cox	Chair, Durham and Tees Valley Probation Board and former Home Office nominee for the appointment of independent members of Durham Police Authority
Elsie Davies	Former independent member of Durham Police Authority
George Garlick	Chief Executive, Durham County Council
Tony Thompson	Magistrate and former independent member of Durham Police Authority

The Panel was fully involved at all stages of the assessment, shortlisting and interview process.

#### 2. Recruitment Process and Criteria for Selection

- 2.1 A Role Profile and Person Specification were produced as part of the recruitment process, which highlighted the experience, skills and behaviours required for effective performance of the Chief Constable role in Durham Constabulary.



- 2.2 The application form was designed to test the Leadership Domain Skills as recommended by the College of Policing in the “Guidance for the Selection of Chief Officers”, in particular in relation to:
- Business Policing Skills - Performance Management and Continuous Improvement
  - Executive Policing Skills - Partnership Working and Stakeholder Engagement
  - Evidencing an individual’s key achievements in their relevant roles to date.
- 2.3 The role was advertised on the Association of Police and Crime Commissioners website (a link to this website was provided from the Association of Chief Police Officer website) on the 7 December 2012 with a closing date for applications of 10 January 2013.
- 2.4 One application was received and checks were undertaken with the College of Policing to confirm that the individual had successfully completed the Police National Assessment Centre and the Strategic Command Course.
- 2.5 On 17 January 2013 the application was subject to a short listing process by the Selection Panel who tested additionally for evidence of:
- Personal qualities in relation to serving the public
  - Leading strategic change
  - Leading the workforce
  - Professionalism
  - Managing performance
  - Decision making
  - Working with others.
- 2.6 The candidate Michael Barton successfully evidenced in his application form examples of the above enabling him to move to the next stage of the recruitment exercise, i.e. the interview process.
- 2.7 On 28 January 2013 Mr Barton attended for interview by the Panel and myself. During the interview process the candidate was required to undertake a presentation (topic provided on the day), with the Panel seeking to evidence his skills and attributes in relation to personal vision, commitment to partnership working, leadership style, performance management, ability to lead the organisation, and the ability to identify operational risk factors.
- 2.8 In response Michael spoke confidently and persuasively around his personal vision for Durham Constabulary in relation to achieving safer communities in a time of austerity. His narrative was around tackling the traditional dependency culture, the benefits of Restorative Justice approaches, the importance of community engagement and shared partnership, and a shared stakeholder vision being pivotal to success. He went on to add what he personally would bring to the role in order to achieve the key objectives for the communities of County Durham and Darlington, giving examples of where his strong communication skills were pivotal to success in previous projects. He showed a sensitive understanding of diverse communities when he articulated

his view that whilst crime figures are some of the lowest in recent years, our communities don't necessarily feel safe. Through this example he showed a clear understanding of the complexity of measuring and managing performance for the Force.

- 2.9 He went on to give examples to evidence his work and achievements in relation to workforce engagement and development, alongside highlighting his understanding of some of the operational risks facing Durham Constabulary, for example the implications of extreme factions in the community.
- 2.10 A series of seven questions were then posed to Michael by the Panel to further probe and test his performance against the criteria as outlined at paragraphs 2.2 and 2.5 above.
- 2.11 In relation to Business Policing Skills he gave evidence of leading on the fundamental restructure of the Force and spoke confidently and enthusiastically of working closely with stakeholders, particularly the Police Authority and Local Authority at that time. In particular he personally led on embedding problem solving into the organisational culture, citing examples such as the development of multi-agency problem solving and excellent offender management, all against the backdrop of reductions in budgets and staffing, whilst retaining some of the best performance figures in the Country.
- 2.12 In terms of personal qualities he was honest and reflective of the change in style of approach that would be required in relation to a move from the position as Deputy Chief Constable to a Chief Constable role. He recognised the skills he had gained during his time as Temporary Chief Constable around learning to manage the media and the importance of communication, image and style both in terms of him personally, and the Force more widely in order to successfully establish trust longer term with local diverse communities.
- 2.13 He gave examples from his work aimed at making Durham Constabulary both accessible and responsive to the varying needs and priorities of all of the diverse communities, citing benefits of the Force progressing strategies within the Durham and Darlington context, and not simply following the national trend. He illustrated this by giving examples of managing the physical assets in a way that best meets the regional requirements. He also articulated the need to adopt a holistic approach for the area, with moves back to local Beat Teams, the benefits of Neighbourhood Wardens, retaining resources in neighbourhoods being key to success to date.
- 2.14 He showed a sensitive understanding of how fragile success can be if not carefully managed with the public, and the importance of listening, learning and responding to what our residents tell us. The importance of working with Elected Members, Ward and Parish Councillors, the key role the NHS and the provision of sustainable employment opportunities were pivotal he said in terms of delivering community benefits and crime reduction, showing a strategic understanding of leading community change with partners, outside of the statutory framework.
- 2.15 He articulated examples that demonstrated a sound balance between the ability to operate at a strategic level whilst still being able to 'drop down' into

operational activities from time to time to test/evidence performance 'in action' within the Force.

- 2.16 In conclusion, in the application form, during the presentation and in his response to the interview questions he consistently demonstrated a leadership style of being open, enquiring, solution focused and collaborative in nature, providing many examples of his work to date, and was able to evidence a track record of experience skills and knowledge matching the criteria for selection for the post.

### **3 Conclusion**

- 3.1 The unanimous decision of the Panel was that Michael Barton should be proposed to the Police and Crime Panel for appointment as Chief Constable.
- 3.2 The terms and conditions proposed for the appointment are set out in Appendix 1 to this report.
- 3.3 Mr Barton and I will be attending the meeting of the Panel on 11 February 2013 to answer any questions the Panel may wish to put.

### **4. Recommendation**

- 4.1 I accordingly propose and recommend that Michael Barton be appointed Chief Constable of Durham Constabulary on the terms and conditions as set out in the Appendix to this report.

Ron Hogg  
**Durham Police and Crime Commissioner**  
**31 January 2013**

## Terms and Conditions of Appointment

### Salary

The salary for the post will be £133,068 per annum.

### Working Location

The majority of work will be carried out from Durham Constabulary Headquarters, Aykley Heads, Durham City. However the nature of the post will also require travel throughout the region and nationally. This may, on occasions, include periods of time spent working at other locations.

### Working Hours

The post holder will be contracted to work 37 hours per week and paid on a monthly basis. However the post holder will have responsibility for representing the service and as such he/she will be required to be contactable 24 hours per day when he/ she is the designated Chief Police Officer point of contact. The role may also require the post holder to attend major incidents and other operational events at short notice.

The role will require evening and weekend working including attending meetings and events during these times.

### Relocation

A relocation package will be offered with this post

### Contract

The post will be offered on a fixed term 5 year contract

### Termination of Appointment

Termination of the appointment is subject to three calendar months notice in writing by either side.

### Benefits

A car will be provided in line with the ACPO Car Scheme

### Other Conditions

The post will be offered in accordance with the Police Regulations 1995 and will be subject to the Police Reform and Social Responsibility Act 2011

### Confirmation Hearing

In accordance with Schedule 8 of the Police Reform and Social Responsibility Act 2011 the appointment will be subject to a confirmation hearing by the Durham Police and Crime Panel. This must take place within three weeks of the Panel being informed of the person being recommended by the Commissioner. The successful applicant may be required to attend the hearing.