



## Durham Police and Crime Panel

22<sup>nd</sup> October 2018

### Proposed Appointment of the Police, Crime and Victims' Commissioner's Chief Executive

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#### Report of Lorraine O'Donnell, Director of Transformation and Partnerships

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##### 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 Executive and to consider a report from the Police, Crime and Victims' Commissioner (PCVC) for the proposed candidate for the post of Chief Executive.

##### Background

- 2 Paragraph 6, Schedule 1 of the Police Reform and Social Responsibility Act 2011 requires that the Police and Crime Commissioner must appoint "*a person to be the head of the commissioner's staff (referred to in this Part of the Act as the commissioner's chief executive)*";
- 3 The Durham Police, Crime and Victims' Commissioner, Mr Ron Hogg formally notified the Chair of the Police and Crime Panel of his proposed appointment to the post of Chief Executive on 11 October 2018.
- 4 Schedule 1 of the Act requires this proposed appointment to be considered by the Police and Crime Panel through a confirmation hearing that is to be held in public, within three weeks of notification of the Commissioner's proposed candidate.
- 5 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 1 of the Act.
- 6 Appendix 3 to this report includes a report from the PCVC that proposes Stephen White for the post of the 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.

## **Recommendations**

- 7 Members of the Panel are asked to note the process to be followed to undertake the Confirmation hearing for the post of Chief Executive as identified within Appendix 2.
- 8 Members are asked to consider the Police, Crime and Victims' Commissioner's report (Appendix 3) and review the proposed appointment of Stephen White as the Chief Executive for the Durham Police, Crime and Victims' Commissioner.
- 9 Members of the Police and Crime Panel are asked to respond and make recommendation to the Police, Crime and Victims' Commissioner as to whether Stephen White should be appointed accordance with the Police Reform and Social Responsibility Act 2011.

## **Background papers**

None

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## **Appendix 1: Implications**

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**Finance – None**

**Staffing –** The report proposes the appointment of Chief Executive for the Durham Police, Crime and Victims' Commissioner

**Risk – None**

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

**Accommodation – None**

**Crime and Disorder – None**

**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 Executive**  
**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 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 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.

**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.

**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 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.

## **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 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, 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.

### **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.

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