

Durham Police and Crime Commissioner Decision Record

Key Decision No	43 / 2015
Subject:	Approval of Nominations of Legally-Qualified Chairs for Police Misconduct Hearings
Executive Summary	<p>That the Police & Crime Commissioner approves the nominations to the list of Legally-Qualified Chairs to be held by the OPCC for Cleveland.</p> <p>With effect from 1 January 2016, the Police & Crime Commissioner is required by law to have nominated lawyers to chair Misconduct Hearings in respect of police officers (other than senior officers, in respect of whom other arrangements apply). The law states that such proceedings should from that date be chaired by a person</p> <p style="text-align: center;"><i>selected by the appropriate authority who satisfies the judicial appointment eligibility condition on a 5-year basis and has been nominated by a local policing body for the purposes of these Regulations</i></p> <p>In practice therefore, the Force as Appropriate Authority for such officers, will select from a list of lawyers held by the OPCC for that purpose.</p> <p>The Government issued supporting guidance set out at:</p> <p>www.gov.uk/government/publications/circular-0062015-changes-to-home-office-guidance-on-police-misconduct-unsatisfactory-performance-and-attendance-management-procedures</p> <p>The process for appointment to the list was administered by the Cleveland OPCC on behalf of the 7 OPCCs of the North East Region. The region was delighted to receive a large number of applications of a high calibre. A rigorous selection process was undertaken, concluding with panel interviews during the period 2nd-8th December 2015. It was originally anticipated that appointment of 25 lawyers would meet the needs of the region. The selection process concluded with some 27 lawyers considered suitable for appointment. The recommendation of the Chief Executives is that they all be appointed to the list which will, as a result, be fit for purpose for five years and will contain a broadly even split of lawyers based in locations right across the region as well as from elsewhere in the country.</p> <p>It is proposed that the 27 lawyers listed at Appendix A be nominated by the Police & Crime Commissioner (in common with the Police & Crime Commissioners for Northumbria, Durham, North Yorkshire, Humberside, West Yorkshire & South Yorkshire) and that the list be held by the OPCC for the purposes of compliance with Regulation 25 of the Police (Conduct) Regulations 2012.</p> <p>It is further proposed that the list be effective for five years and that a further appointment process be organised and held in time for the expiry of those five year terms.</p> <p>Terms of appointment and fee arrangements are set out at Appendix B.</p> <p>Appendix C sets out the costs incurred by the OPCCs in the course of the selection process as well as the anticipated costs of training. These costs will be shared evenly between the OPCCs in due course.</p>

	Lawyers appointed to the list will be required to undergo training before they undertake chairmanship. Training has been nationally coordinated via the College of Policing and the Association of Police & Crime Commissioners. It is anticipated that most appointees to the list for this region will attend the session scheduled for 29 January 2016 at Cleveland Police Headquarters.
Recommendation	<p>The PCC agrees to this:</p> <ol style="list-style-type: none"> 1. That the persons listed at Appendix A be nominated for a period of five years from 1 January 2016 for the purposes of Regulation 25(4)(a) Police (Conduct) Regulations 2012 as amended; and 2. That the list at Appendix A be held by the Office of the Police & Crime Commissioner for the purposes of individual selections by the Force in accordance with that Regulation. 3. That persons listed at Appendix A be under a continuing duty to declare any conflict of interest (or significant risk of conflict of interest) to the Office of the Police & Crime Commissioner and to the Appropriate Authority, prior to undertaking chairmanship duties. 4. That a further appointment process be organised in such manner as the Chief Executive shall consider suitable, in time for the expiry of the resulting five year terms.

Risks and Implications identified and considered in making this decision:			
Finance	Y	Environment	n/a
Accommodation	n/a	Potential Impact on Police and Crime Plan Priorities	n/a
Stakeholder / Community Engagement	n/a		
Value for Money and Productivity	n/a	Equality and Diversity	Y
Commissioning	n/a	Children's Act 2004	n/a
Staffing	Y	Collaboration and Partnerships	Y
Crime and Disorder	n/a	Other risks	n/a

Approval	
Chief of Staff	Police & Crime Commissioner
Alan Reiss	Ron Hogg
Approved by Signature: 	Approved by Signature: 
Date: 17/12/2015	Date: 17/12/2015
Contact Officer	
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