

## **Subject: Recruitment and Appointment of Legally Qualified Chairs**

**Originator:** James Stone - Head of Performance and Scrutiny

**Decision no.** 02/2024

**Reason for submission:** For Decision

**Submitted to:** Police and Crime Commissioner

### **Summary:**

1. The Police and Crime Commissioner (PCC) is required to maintain a list of Legally Qualified Chairs (LQCs) to manage and chair police misconduct hearings under the Police (Conduct) Regulations 2012 and subsequent legislation. The steps to fulfil this responsibility fall to PCCs and have been pursued on a collaborative basis by the six Offices of Police and Crime Commissioners within the Eastern Region since 2015.
2. The six Police and Crime Commissioners in the Eastern Region (Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk) currently maintain a joint list. It is proposed that from 1 January 2024 the Ministry of Defence Police are included in this list following the relocation of some of their services into the region. This would allow the region to maintain a larger list of LQCs and, as a result, have a more resilient system in place. Each PCC would maintain responsibility for the appointment of their own LQCs from the list.

### **Recommendation:**

It is recommended that the PCC agrees the re-appointment of eleven existing LQCs identified at paragraph 3.6 for a further term of six-years from 1 January 2024.

It is recommended that the PCC agrees the re-appointment of seven existing LQCs identified at paragraph 3.6 for a further term of two-years from 1 January 2024.

It is also recommended that the PCC approves the appointment of 17 new LQCs identified at paragraph 3.17 for a five-year term on the basis as set out in paragraph 3.10.

It is recommended that the PCC appoints all the LQCs referenced in the recommendations above on the terms and conditions, subject to minor insubstantial changes to reflect governance arrangements within the Ministry of Defence Police and which would not alter the commitments of the PCC

**Outcome/approval by:** PCC/~~chief executive/chief finance officer~~  
(Delete as appropriate)

*The recommendations as outlined above are approved.*

Signature: 

Date: 01/02/2024

## Detail of the submission

### 1. Objective:

1.1 This report sets out the decisions required to appoint Legally Qualified Chairs (LQCs) to hear Police Misconduct Hearings from January 2024. This includes the appointment of new LQCs and the reappointment of existing LQCs currently on the Eastern Region list.

### 2. Background:

2.1 With effect from 1 January 2016 Police and Crime Commissioners (PCCs) were required to nominate persons to serve as LQCs of police misconduct panels under the Police (Conduct) Regulations 2012. Regulation 25(4) provides:

“Where the case is referred to a misconduct hearing, that hearing shall be conducted by a panel of three persons appointed by the appropriate authority, comprising (a) a chair 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....”

2.2 LQCs sit on police misconduct hearing panels with a member of a police force, of at least the rank of Superintendent, and an Independent Panel Member.

2.3 Whilst the responsibility to appoint the LQCs is an individual one for a PCC, the Eastern Region Offices of PCCs recognised that there were benefits to be achieved in undertaking a regional recruitment and appointment exercise. In particular, the creation of a larger more resilient pool of LQCs and economies of scale in the recruitment process.

2.4 Accordingly, the Eastern Region PCCs proceeded to recruit and appoint a panel of 17 LQCs for the Region. The appointments were made for a four-year term with effect from 1 January 2016 with the option at the discretion of the PCCs for the term to be extended for a further four-year period. The first four-year period expired on 31 December 2019 and the PCCs, in Norfolk through Decision Notice 2019-68, agreed to reappoint eight LQCs and appointed a further 16. This brought the pool of LQCs up to 24 which was considered at the time to be sufficient to meet demand across the six force areas.

2.5 The size of the Eastern Regional Panel has now, with attrition, reduced to 18 members with six members not sitting for a variety of reasons including concerns of indemnity.

2.6 Officers from each of the six Offices of PCCs in the Eastern Region have been meeting regularly as the Misconduct Members Oversight Panel (MMOP) to coordinate and operate all aspects of the administration of LQCs and Independent Panel Members. The MMOP have been planning activity to ensure that sufficient LQCs are available for police misconduct hearing panels from 1 January 2024.

2.7 At its meetings, the MMOP considered data which showed that since 1 January 2016 LQCs had sat on 243 cases across the Region as follows:

Area	Jan 2016 – Dec 2019	Feb 2020 – Nov 2023
Essex	46	52
Hertfordshire	12	37
Cambridgeshire	11	15
Bedfordshire	7	19
Norfolk	7	15
Suffolk	7	15
<b>Total</b>	<b>90</b>	<b>153</b>

2.8 During 2023 the MMOP have been approached by the Ministry of Defence Police who have asked to join the MMOP and gain access to the LQCs appointed. This has been welcomed as providing the opportunity to maintain a stronger pool of LQCs, share the costs among more groups, and provide an interesting incentive for LQCs to join the Eastern Region Group. It is anticipated that the Ministry of Defence Police will generate five to six misconduct hearings per year.

2.9 Feedback from all the Professional Standards Departments across the six policing areas indicated that, owing to the other professional engagements of LQCs, they

recognised that it was not always easy to select and appoint a LQC to a police misconduct hearing, though no cases had failed to be filled.

- 2.10 The rate of attrition from both the 2016 and 2020 recruitment rounds combined with increases in demand and an uncertain national regulatory situation all led to the MMOP concluding that the list size needed to increase from the current figure of 24 to 31.
- 2.11 The MMOP determined to take an approach whereby it would consider re-appointing existing LQCs for second terms and, where possible a third term then, on top of that, launch a recruitment exercise to select and appoint a group of new LQCs to reach the required list size of 31.

### **3. Areas for consideration:**

- 3.1 Ahead of the reappointment of LQCs, during 2023 the MMOP also reviewed and refreshed the Terms and Conditions of appointment of LQCs to align them once again with the Police Appeals Tribunals (PAT) Terms and Conditions where appropriate and those set out in the LQC handbook.
- 3.2 This led to updated rates and an increase in the term of appointment from four to five years. The LQC terms are aligned to the PAT terms and the LQC handbook to ensure consistency across the country. Following this increase the MMOP took the view that existing LQCs should be moved to the five-year term and where appropriate this should be extended to a maximum combined term of ten years.
- 3.3 During 2023 all current LQCs were advised that the region was considering the extension of terms to five years and a combined maximum of ten years. They were also informed that in considering re-appointment the factors that would be considered in deciding whether to extend the current term of appointment would include, amongst other things, the number of sittings, number of sittings declined, and training attended.
- 3.4 During 2023 LQCs were asked whether they wished to be re-appointed. Following the responses from LQCs the MMOP determined that 18 of the existing 21 LQCs should be recommended for re-appointment. It should be noted that of the 18 LQCs who indicated they wanted to be reappointed, four had chosen not to sit due to the uncertainty over a Home Office provided judicial indemnity, and one stated that they were also concerned but agreed to consider each case on its merits.
- 3.5 Following representations from the LQCs it was agreed that the MMOP would propose that those LQCs who had not sat for this reason could be reappointed, but the overall pool of LQCs would be expanded to reflect this. As such the overall pool of LQCs would expand to 35 with an active pool of 31.
- 3.6 The 18 members recommended for re-appointment are:

LQC	Appointment date	Period of re-appointment
Mr John Bassett	2016	Until 2026 (2 years)
Mr Colin Chapman	2016	Until 2026 (2 years)
Mr Trevor Jones	2016	Until 2026 (2 years)
Ms Monica Daley-Campbell	2016	Until 2026 (2 years)
Mr Neil Dalton	2016	Until 2026 (2 years)
Miss Siobhan Goodrich	2016	Until 2026 (2 years)
Mr Peter Nicholls	2016	Until 2026 (2 years)
Mr Andrew Clemes	2020	Until 2030 (6 years)
Miss Francesca Del Mese	2020	Until 2030 (6 years)
Mrs Lyndsey De Mestre KC	2020	Until 2030 (6 years)
Mr Stephen Gowland	2020	Until 2030 (6 years)
Mr Andrew Hearn	2020	Until 2030 (6 years)
Mr Harry Ireland	2020	Until 2030 (6 years)
Mrs Jane Jones	2020	Until 2030 (6 years)
Mr James Keeley	2020	Until 2030 (6 years)
Mr Karimulla Khan	2020	Until 2030 (6 years)
Mrs Sharmistha Michaels	2020	Until 2030 (6 years)
Mr David Tyme	2020	Until 2030 (6 years)

3.7 The terms and conditions on which LQCs were appointed provide:

“Appointments are set initially for four years (this has now been altered to five years) commencing on 1 January 2016 with a full review of continuing suitability at the end of that time. Subject to that review, a further period of service may be agreed at the discretion of the Eastern Region PCCs for a possible term of a further four years (now extended to a maximum combined period of ten years).”

3.8 The views of the existing LQCs were sought on the proposed recruitment process and terms and conditions. Views expressed assisted the recruitment process and some points that were considered and, in some cases, adopted. These included that LQCs who were currently declining to sit should be reappointed notwithstanding. This has been included in the recommendations. A number made the point that there is no need to limit the appointment to ten years in total. This was considered to have merit, but as the Home Office had only recently reviewed PAT Chair terms and conditions and adopted a ten-year limit, it was agreed that the LQC terms should be consistent with this. This is easily amended if negotiations with the APCC and LQCs result in a different recommendation. The review has identified those LQCs identified above for re-appointment for a further six- or two-year term with effect from 1 January 2024.

3.9 A formal decision is now required from each PCC and PFCC within the Eastern Region to re-appoint the members identified above.

3.10 For the recruitment of new LQCs, an advert was placed via the Judicial Appointments Commission, the Law Society Gazette, Counsel magazine, the Black Prosecutors Association, the Association of Police and Crime Commissioners,

Regional PCQ/PFCC websites, through circulation to the Association of Police and Crime Commissioners Chief Executives, and existing LQCs nationally through the National Association of Legally Qualified Chairs.

3.11 The advert was published from 16 August 2023 with a closing date for applications of 25 September 2023. 231 completed applications were received, an increase from 102 applications in 2019. Three officer representatives from the regional OPCCs (Essex, Hertfordshire and Norfolk) shortlisted these for interview by considering and discussing the applicants against the essential and desirable criteria set out in the Person Specification. The candidates selected were those that were considered to best meet the criteria.

3.12 28 candidates were shortlisted for interview. Two candidates then withdrew their applications. Interviews for the remaining 26 candidates took place on 7, 8, 9, 13 and 14 November 2023 in Chelmsford in view of its accessibility by train from London.

3.13 The interview panel comprised Christopher Jackson, Chief Executive, Suffolk OPCC; Darren Horsman, Strategic Head of Policy and Public Engagement, PFCC for Essex's office; and Pauline McIntosh, Head of People Services, Norfolk & Suffolk HR.

3.14 The interview questions were based on previously used questions to ensure the key qualities and abilities of the candidates could be tested within 30 minutes. In addition, the information already contained within the candidates' application forms was also available to assess candidates.

3.15 The questions posed were:

Could you please tell us why we are selecting LQCs and what skills and qualities you bring to the role?

As chair, what role do you think the Panel members have? How would you deal with any disagreement? If you were selected what challenges for you personally might this role have?

How would you deal with potential conflicts of interest any concern that became apparent during a hearing?

3.16 The Interview Panel marked the interviewees against the Qualities and Abilities contained within the Person Specification. At the conclusion of the interviews, the interview panel selected 18 candidates to be recommended for appointment. These candidates were those judged by the panel to best meet the qualities and abilities required for the role. One candidate has since withdrawn from the process, leaving 17 in total.

3.17 The names of the 17 candidates recommended by the interview panel for appointment and remaining in the process are:

LQC	Appointment date	Period of appointment
Adrian Phillips	2024	Until 2029 (5 years)
Kathryn Saward	2024	Until 2029 (5 years)
Francesca Keen	2024	Until 2029 (5 years)
Gregor McGill	2024	Until 2029 (5 years)
Matthew McNiff	2024	Until 2029 (5 years)
Kamran Choudhry	2024	Until 2029 (5 years)
Stephen Chappell	2024	Until 2029 (5 years)
Morag Rae	2024	Until 2029 (5 years)
Jennifer Ferrario	2024	Until 2029 (5 years)
Sue Sharma	2024	Until 2029 (5 years)
Caroline Sellars	2024	Until 2029 (5 years)
Alexander Wilson	2024	Until 2029 (5 years)
Alesdair King	2024	Until 2029 (5 years)
Graham King	2024	Until 2029 (5 years)
Timothy Bradbury	2024	Until 2029 (5 years)
Christopher Lester	2024	Until 2029 (5 years)
Zeenat Islam	2024	Until 2029 (5 years)

3.18 References for all the recommended candidates have been taken up and have been found to be satisfactory. It has also been checked that all candidates are either members of the Law Society, Bar Council or alternative professional legal body.

3.19 In accordance with the National Police Chiefs' Council policy, no vetting is required. The MMOP takes the view that unless there are exceptional circumstances, all new candidates who have not undertaken training as an LQC for a role elsewhere in the country should attend training before their period of service as an LQC commences.

3.20 A formal decision is now required from each PCC within the Eastern Region to reappoint the 18 existing candidates identified at paragraph 3.6 as LQCs for the region and appoint the 17 new candidates identified at paragraph 3.17 with effect from 1 January 2024 or the date they complete satisfactory training, whichever is the later.

3.21 Monitoring information from all applicants was gathered and has been collated. The MMOP will consider the publication of this information in due course. Of the 17 new candidates recommended for appointment, eleven were men and six were women; five were from minority groups. With the appointment of the 17 candidates recommended for appointment, the Eastern Region Panel of LQCs will have a core strength of 35, one more than our target, when the re-appointed chairs are added to the newly selected chairs. While slightly over our target number, given the short 2-year term of seven existing LQCs being reappointed, the trajectory of police misconduct hearings across the region, combined with the fact that a number

of the new applicants were assessed as at the same level, it was decided it was preferable to go slightly over target then under.

#### **4. Other options considered:**

4.1 The MMOP considered whether it shouldn't reappoint any existing LQCs and proceed with a totally new list of LQCs. However, given past performance and the need to ensure consistency, it was decided to go for a mixture of reappointment and new appointments. This had the added benefit of ensuring a degree of consistency in the regional list of LQCs.

4.2 The MMOP also considered not proceeding with an appointment process but staying with the existing list of LQCs given the uncertainty around the role nationally. However, given feedback from the different areas and concerns about the sustainability of the list, combined with negative impact on public confidence if the system does not work effectively, the MMOP discounted this option.

#### **5. Strategic aims/objective supported:**

5.1 An efficient and effective police misconduct system is essential to maintain public confidence and ensure officers and staff have confidence in the independent and fair process. The appointment and re-appointment of these LQCs is a fundamental element in ensuring this process works well and as such is of vital strategic importance, and clearly linked to the PCCs Police, Crime and Community Safety Plan. This decision will also support the operational activity of Norfolk Constabulary.

5.2 Throughout the process the MMOP consulted all the Professional Standards Departments across the six policing areas and engaged with the National Association of Legally Qualified Chairs, the Association of Police and Crime Commissioners as well as the Bar Counsel, Law Society and Judicial Appointments Commission specifically around recruitment.

5.3 Significant effort was taken to encourage applications from a wide range of diverse candidates including contacting the Black Prosecutor's Association, the Law Society and Bar Council to seek support and guidance in reaching a more diverse talent pool. This appears to have resulted in an increase in the diversity of candidates applying and being successful.

#### **6. Financial and other resource implications:**



6.1 Very limited costs have been incurred by the Eastern Region in the recruitment process and have comprised advertisement and venue hire. The total cost of these activities was £4,538.47. This is being split between the seven areas (the six Police and Crime Commissioners in the Eastern Region and the Ministry of Defence Police) on a Net Revenue Expenditure (NRE) as set out below:

Area	NRE	Share of total	Value
Bedfordshire	139,938,107	9.59%	£435.08
Cambridgeshire	177,633,687	12.17%	£552.28
Essex	363,687,247	24.91%	£1,130.73
Hertfordshire	253,500,595	17.37%	£788.16
Norfolk	199,853,993	13.69%	£621.36
Suffolk	154,509,957	10.58%	£480.38
MOD Police	170,620,758	11.69%	£530.47
<b>Total</b>	<b>1,459,744,344</b>	<b>100%</b>	<b>£4,538.47</b>

6.2 The appointment and reappointment of LQCs will be based on the terms and conditions, subject to minor insubstantial changes to reflect governance arrangements within the Ministry of Defence Police and which would not alter the commitments of the PCC

6.3 This decision will establish a refreshed regional panel of 35 LQCs with a sitting strength of 31.

## 7. Carbon Emissions and Other Environmental Implications:

### Carbon Emissions

7.1 The estimated impact on our carbon emissions that must be reported under current statute from this proposal is:

Emission Categories:	Increase in tCO <sub>2</sub>	Saving in tCO <sub>2</sub>
Scope 1 – Fuel – Building Heating	0	0
Scope 1 – Fuel – Transport	0	0
Scope 2 – Electricity	0	0

### Environmental Implications

7.2 No material implications.

## 8. Other implications and risks:

8.1 The Government is currently considering changes to the role of LQCs with a variety of possibilities appearing in the media, however no decision has been made and

communicated. Once a clear direction has been developed alongside a timeline, it will be necessary to consider the impact on the current list of LQCs and whether they can be transferred straight across to this new role, or if a different approach is required. Whatever the outcome, the options available to mitigate this situation will be greater if the region has a strong current pool of LQCs, so this decision will help mitigate this risk.

8.2 In 2024 the current pool of Independent Panel Members will come to an end requiring a significant recruitment exercise to ensure a new pool is available by 1 July 2024. Plans are already in place to deliver this, and a further Decision Notice will be provided setting it out.

Originator checklist (must be completed)	Please state 'yes' or 'no'
Has legal advice been sought on this submission?	Yes
Has the PCC's Chief Finance Officer been consulted?	Yes
Have equality, diversity and human rights implications been considered including equality analysis, as appropriate?	Yes
Have human resource implications been considered?	Yes
Is the recommendation consistent with the objectives in the Police and Crime Plan?	Yes
Has consultation been undertaken with people or agencies likely to be affected by the recommendation?	Yes
Has communications advice been sought on areas of likely media interest and how they might be managed?	Yes
Have sustainability and environmental factors been considered? (e.g. biodiversity, employee commuting, business travel, waste and recycling, water, air quality, food and catering and estates construction)	Yes
In relation to the above, have all relevant issues been highlighted in the 'other implications and risks' section of the submission?	Yes

**Is this report a Confidential Decision?**

**No**

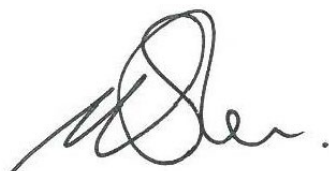
If Yes, please state reasons below having referred to the [PCC Decision Making Policy](#)

**Approval to submit to the decision-maker** (this approval is required only for submissions to the PCC).

**Chief Executive**

I am satisfied that relevant advice has been taken into account in the preparation of the report, that the recommendations have been reviewed and that this is an appropriate request to be submitted to the PCC

**Signature:**



**Date:** 01/02/2024

**Chief Finance Officer (Section 151 Officer)**

I certify that:

- a) there are no financial consequences as a result of this decision,  
Or
- b) the costs identified in this report can be met from existing revenue or capital budgets,  
Or
- c) the costs identified in this report can be financed from reserves  
And
- d) the decision can be taken on the basis of my assurance that Financial Regulations have been complied with.

**Signature:**



**Date:** 01/02/2024

**Public access to information:** *Information contained within this submission is subject to the Freedom of Information Act 2000 and wherever possible will be made available on the OPCC website. Submissions should be labelled as 'Not Protectively Marked' unless any of the material is 'restricted' or 'confidential'. Where information contained within the submission is 'restricted' or 'confidential' it should be highlighted, along with the reason why.*