

**ORIGINATOR: CHIEF EXECUTIVE**

**DECISION NO.** 2019/ 68

**REASON FOR SUBMISSION: FOR DECISION**

**SUBMITTED TO: POLICE AND CRIME COMMISSIONER**

**SUBJECT: APPOINTMENT OF LEGALLY QUALIFIED CHAIRS**

**SUMMARY:**

This paper sets out the steps to ensure that the Eastern Region Police and Crime Commissioners – Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk – have a list of nominations to serve as legally qualified chairs of misconduct panels under the Police (Conduct) Regulations 2012 and any successor legislation.

The steps to fulfil this responsibility fall to Police and Crime Commissioners and have been pursued on a collaborative basis by the six Offices of Police and Crime Commissioners within the Region since 2015.

It is proposed that the list of nominations be formed from those re-appointed after an initial term as legally qualified chairs and from those who have been newly selected to fulfil the role. This paper describes the processes that have been followed and invites appointment decisions to be made in respect of re-appointments and new appointments respectively.

**RECOMMENDATION:**

The Police and Crime Commissioner is requested to:

1. endorse the steps taken in the re-appointment and recruitment process to maintain a panel of legally qualified chairs for the Eastern Region;
2. re-appoint the nine legally qualified chairs identified at paragraph 3.4 as set out therein for a further term of four years from 1<sup>st</sup> January 2020;
3. approve the appointment of those identified at paragraph 4.9 for a four year term on the basis as set out in paragraph 4.12.

**OUTCOME/APPROVAL BY: PCC**

The recommendations as outlined above are approved.

**Signature**

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**Date**

11/12/19

## DETAIL OF THE SUBMISSION

### 1. INTRODUCTION:

- 1.1 With effect from 1<sup>st</sup> January 2016 Police and Crime Commissioners (PCCs) were required to nominate persons to serve as legally qualified chairs 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 five year basis and has been nominated by a local policing body for the purposes of these Regulations....”*

- 1.2 The legally qualified chairs sit on misconduct panels with a member of a police force, of at least the rank of superintendent, and an independent member selected by the appropriate authority. The appropriate authority for these purposes would be the relevant Chief Constable.
- 1.3 Whilst the responsibility to appoint the legally qualified chairs is an individual one for PCCs, the Eastern Region Offices of PCCs recognised that there were economies of scale to be achieved in undertaking a regional recruitment and appointment exercise. Accordingly, the Eastern Region PCCs proceeded to recruit and appoint a panel of 17 legally qualified chairs for the Region (Decision Notice 2015-23).
- 1.4 The appointments were made for a four-year term with effect from 1<sup>st</sup> January 2016 with the option at the discretion of the PCCs for the term to be extended for a further four year period.
- 1.5 The first four year period expires on 31<sup>st</sup> December 2019. The size of the Eastern Regional Panel has now, with attrition, reduced to 13 members.
- 1.6 Officers from each of the six Offices of PCCs in the Region have been meeting regularly as the Member Misconduct Oversight Panel (MMOP) to coordinate and operate all aspects of the administration of legally qualified chairs and independent members. The MMOP have been planning activity to ensure that sufficient legally qualified chairs are available for misconduct panels from 1<sup>st</sup> January 2020.

### 2. ACTION BY MEMBER MISCONDUCT OVERSIGHT PANEL:

- 2.1 At its July 2019 meeting, MMOP considered data which showed that since 1<sup>st</sup> January 2016 legally qualified chairs had sat on 90 cases across the Region as follows:

Essex	46
Hertfordshire	12
Cambridgeshire	11
Bedfordshire	7
Norfolk	7
Suffolk	7
	<hr/>
	90

- 2.2 Feedback from Professional Standards Departments indicated that, owing to the other professional engagements of legally qualified chairs, it was not always easy to

select and appoint a chair to a misconduct hearing. Noting also the rate of attrition from first appointment, MMOP considered that the Panel size needed to increase from the current figure of 13 to between 20 to 25.

- 2.3 MMOP determined to take an approach whereby it would consider re-appointing existing legally qualified chairs for second terms and then, on top of that, launch a recruitment exercise to select and appoint a group of new legally qualified chairs in order to reach the 20-25 figure.

### **3. RE-APPOINTMENT OF LEGALLY QUALIFIED CHAIRS:**

- 3.1 During 2018 all current legally qualified chairs were advised that in considering re-appointment for the four year period from 1<sup>st</sup> January 2020 the factors that would be taken into account in deciding whether to extend the current terms of appointment would include amongst other things, number of sittings, number of sittings declined and training attended.

- 3.2 During 2019 legally qualified chairs were asked whether they wished to be re-appointed.

- 3.3 In July 2019 MMOP determined that nine of the existing 13 legally qualified chairs should be recommended for re-appointment.

- 3.4 The nine members recommended for re-appointment are:

- John Bassett
- Colin Chapman
- Monica Daley-Campbell
- Neil Dalton
- Siobhan Goodrich
- Harry Ireland
- Trevor Jones\*
- Peter Nicholls
- Alexandra Robson

*\* subject to new training being completed or evidence of further sittings outside the Region in view of the limited number of sittings undertaken at that point.*

- 3.5 The terms and conditions on which legally qualified chairs are appointed provide:

*“Appointments are set initially for four years commencing on 1<sup>st</sup> 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.”*

- 3.6 The review has identified those legally qualified chairs identified at paragraph 3.4 above for re-appointment for a further four year term with effect from 1<sup>st</sup> January 2020.

- 3.7 A formal decision is now required from each PCC within the Region to re-appoint the nine members at paragraph 3.4 above and as set out in paragraph 3.4 above.

#### 4. RECRUITMENT OF FURTHER LEGALLY QUALIFIED CHAIRS:

- 4.1 The Job Description, Person Specification, Fees and Expenses and other documents for the legally qualified chair role are set out in the application pack in the Appendix.
- 4.2 The recruitment advert was published via the Judicial Appointments Commission, the Centre for Public Appointments, the Association of Police and Crime Commissioners, Regional PCC websites, through circulation to APACE Chief Executives and existing legally qualified chairs nationally through the National Association of Legally Qualified Chairs. The advert was published from 12<sup>th</sup> August 2019 with a closing date for applications of 8<sup>th</sup> September 2019.
- 4.3 102 completed applications were received. Three officer representatives from the Regional OPCCs (Cambridgeshire, Hertfordshire and Suffolk) shortlisted these for interview by considering and discussing the applicants against the essential and desirable criteria set out in the Person Specification (see Appendix). The candidates selected were those that were considered to best meet the criteria.
- 4.4 32 candidates were shortlisted for interview. Two candidates then withdrew their applications. Interviews for the remaining candidates took place on 9<sup>th</sup>, 10<sup>th</sup>, 14<sup>th</sup> and 16<sup>th</sup> October 2019 in Chelmsford (in view of its accessibility by train from London). The interview panel comprised the Deputy Chief Executive of Hertfordshire OPCC; the Assistant HR Director of Cambridgeshire Constabulary; and the Chief Executive of Suffolk OPCC.
- 4.5 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.
- 4.6 The questions posed were:
- 4.6.1 *Could you please tell us why we are selecting legally qualified Chairs and what skills and qualities you bring to the role?*
- 4.6.2 *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?*
- 4.6.3 *How would you deal with potential conflicts of interest any concern that became apparent during a hearing?*
- 4.7 The Interview Panel marked the interviewees against the Qualities and Abilities contained within the Person Specification (see Appendix).
- 4.8 At the conclusion of the interviews, the interview panel selected 15 candidates for recommendation of appointment. These candidates were those adjudged by the panel to best meet the qualities and abilities required for the role.
- 4.9 The names of the 15 candidates recommended by the interview panel for appointment and remaining in the process are:
- Andrew Clemes
  - Francesca Del Mese (LQC)
  - Lyndsey De Mestre

- Stephen Gowland (LQC)
- Andrew Hearn
- Jane Jones (LQC)
- Marcus Joyce
- James Keeley (LQC)
- Karimulla Khan (LQC)
- Sharmistha Michaels
- Geoff Payne (LQC)
- Collette Rawnsley
- Navneet Sher
- Darren Snow (LQC)
- David Tyme (LQC)

NB: Those candidates marked with LQC by their name are already existing legally qualified chairs serving elsewhere than within the Eastern Region.

- 4.10 References for all the recommended candidates have been taken up and have been found to be satisfactory. In accordance with National Police Chiefs' Council policy, no vetting is required.
- 4.11 The MMOP takes the view that unless there are exceptional circumstances all new candidates should attend training before their period of service as legally qualified chairs commences. Whilst some of the new candidates are existing legally qualified chairs, the changes to the complaints and misconduct system anticipated to commence from 1<sup>st</sup> February 2020, and which will impact on the discharge of legally qualified chair duties, mean that there will be clear benefit to them being trained before they commence their duties, whether or not they have previously served as legally qualified chairs.
- 4.12 A formal decision is now required from each PCC within the Region to appoint the candidates at 4.9 as legally qualified chairs for the Eastern Region with effect from 1<sup>st</sup> January 2020 or the date they complete satisfactory training, whichever is the later. In exceptional circumstances it is proposed that the new candidates may be permitted to commence their duties without completing their training. It is proposed that this issue be left for the MMOP (on which all Regional Police and Crime Commissioners are represented) to determine on a case by case basis.
- 4.13 Monitoring information from all applicants was gathered and has been collated. The MMOP has this information available for publication should it be required at any point. Of the 15 candidates recommended for appointment nine are men and six are women; five are from minority groups.
- 4.14 With the appointment of the 15 candidates recommended for appointment, the Eastern Region Panel of legally qualified chairs will have a strength of 24 when the re-appointed chairs are added to the newly selected chairs.

## **5. FINANCIAL AND OTHER RESOURCE IMPLICATIONS:**

- 5.1 Very limited costs have been incurred by the Region in the recruitment process and have comprised travel and accommodation costs. Whereas travel costs will be borne by each OPCC incurring these costs any accommodation costs incurred in respect of the interviews may be shared by the six OPCCs with reference to net revenue expenditure.

- 5.2 Costs will necessarily be incurred in respect of training the new legally qualified chairs. A regional training event for new and existing legally qualified chairs as well as independent members is now being organised in association with the National Association of Legally Qualified Chairs. These training costs will be shared on the basis of net revenue expenditure.
- 5.3 The costs are anticipated to be up to £13k and will cover trainers, production of course material, venue, refreshments, printing, training attendance fees, travelling and accommodation costs. The exact costs of the planned training event cannot yet be stated. Norfolk's share of the costs will, on the basis of our regional net revenue expenditure, amount to 15.73% of the total.

## **6. OTHER IMPLICATIONS AND RISKS:**

- 6.1 There are no risks on the PCC's Risk Register that are engaged by consideration of this paper nor is there any need to add a new risk, as a consequence of this paper, to the Risk Register.

<b>ORIGINATOR CHECKLIST (MUST BE COMPLETED)</b>	<b>PLEASE STATE 'YES' OR 'NO'</b>
Has legal advice been sought on this submission?	<b>Yes</b>
Has the PCC's Chief Finance Officer been consulted?	<b>N/A</b>
Have equality, diversity and human rights implications been considered including equality analysis, as appropriate?	<b>Yes</b>
Have human resource implications been considered?	<b>Yes</b>
Is the recommendation consistent with the objectives in the Police and Crime Plan?	<b>Yes</b>
Has consultation been undertaken with people or agencies likely to be affected by the recommendation?	<b>N/A</b>
Has communications advice been sought on areas of likely media interest and how they might be managed?	<b>Yes</b>
In relation to the above, have all relevant issues been highlighted in the 'other implications and risks' section of the submission?	<b>Yes</b>



**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**

11-12-2019

**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
- e) ~~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.

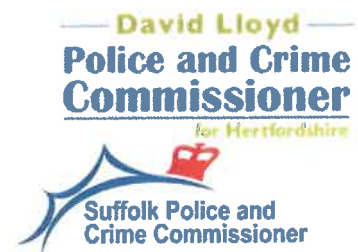
**Signature:**



**Date:** 11.12.2019

**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.*





## EASTERN REGION POLICE AND CRIME COMMISSIONERS

### LEGALLY QUALIFIED CHAIRS OF POLICE MISCONDUCT PANELS

#### JOB DESCRIPTION

##### INTRODUCTION

Police Misconduct Panels (PMP) convened in any one of the six police areas that are together the Eastern Region have, from January 2016, included a chair selected from a list of persons appointed by the Police and Crime Commissioners (PCCs) for the six police areas in the Eastern Region. The PMPs conduct misconduct hearings for officers, other than senior police officers, including special constables and are governed by police conduct regulations. PCCs maintain and administer the list of the chairs. Police conduct regulations are currently being redrawn nationally and it is anticipated that new secondary legislation will be introduced in the foreseeable future and which will bring in a number of changes that will impact upon police misconduct hearings and enhance the existing role of Legally Qualified Chairs.

##### NATURE OF CASES

A PMP hears cases governed by police conduct regulations. The cases comprise allegations of misconduct by police officers. The severest outcome at a hearing would be dismissal from the police service without notice. Cases could include, for example, allegations of criminal acts, serious road traffic matters such as drink/driving or serious breaches of the standards expected of police officers, such as neglect of duty.

##### COMPOSITION OF PMPs

A PMP consists of three persons:

- a chair selected on a fair and transparent basis from the list of legally qualified persons maintained by the Police and Crime Commissioners;
- a police officer of superintendent rank or above;
- a person selected on a fair and transparent basis from a list of candidates maintained by the Police and Crime Commissioners.

## ROLE OF CHAIR

Subject to the anticipated changes to police conduct regulations, a Legally Qualified Chair must in conducting hearings in accordance with police conduct regulations, take appropriate action to ensure the efficient and effective bringing of the misconduct proceedings and that they are conducted in a timely, fair and transparent manner. In order to facilitate this duty the chair must decide whether to conduct a misconduct pre-hearing in order to agree directions and fix a date for the hearing.

Where a chair decides not to conduct a misconduct pre-hearing, they must determine the date, time and duration of the misconduct hearing following consultation with the parties.

The chair must ensure that misconduct hearings take place within a time limit specified in police conduct regulations.

Chairs will play the leading role in regulating misconduct proceedings, and will be required to provide written reasons for a PMP's decision.

PMP chairs are required to be able to travel within the Eastern Region as this is where cases will usually be held.

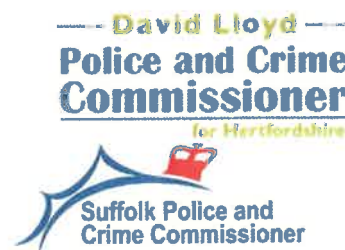
## MAIN ACTIVITIES

The main activities of the chair of a PMP include:

- Reviewing papers
  - Reading and assimilating misconduct papers.
- Preparing for a hearing
  - Reading and assimilating misconduct papers before any hearing commences, including on occasions studying complex documentary evidence.
  - Ensuring that hearings are conducted in accordance with police conduct regulations.
- Conduct of hearings
  - To ensure the efficient and effective bringing of proceedings and that they are conducted in a timely, fair and transparent manner.
  - To decide whether to conduct a misconduct pre-hearing, in order to agree directions for the hearing and to fix the date for the hearing.
  - Where a chair decides not to conduct a misconduct pre-hearing, to determine the date, time and duration of the misconduct hearing, following consultation with the parties.
  - To ensure the statutory time limits for the conduct of misconduct hearings are observed and complied with.
  - To ensure that parties who are not always represented are able to present their case and have it considered fully and fairly.
  - To make decisions upon reporting restrictions, participation and exclusions from misconduct hearings in accordance with police conduct regulations.

- Determination of misconduct hearing
  - In conjunction with the other PMP members, deciding whether the conduct of the officer concerned amounts to gross misconduct, misconduct or neither, and imposing any disciplinary sanction as appropriate.
  
- Report writing
  - To supply reports as provided for in police conduct regulations before the end of the 5 working days beginning with the first working day after the conclusion of the misconduct proceedings, to the appropriate authority and officer subject to the proceedings.
  - Following a hearing, the chair will need to ensure that the other PMP members agree that the report accurately records the findings and decisions made by the PMP.
  
- Time Commitment
  - The length and complexity of cases is variable as is their frequency. No guarantee of case load can be given.





## EASTERN REGION POLICE AND CRIME COMMISSIONERS

### LEGALLY QUALIFIED CHAIRS OF POLICE MISCONDUCT PANELS

#### PERSON SPECIFICATION

##### ESSENTIAL CRITERIA

- Satisfaction of the judicial appointment eligibility condition on a five year basis.
- Experience of chairing meetings and ability to exercise control over proceedings.
- Experience of evaluating evidence, or information and making objective, unbiased, thoughtful decisions.
- Experience of report writing, writing up deliberations, decisions or case notes.
- Excellent communication skills.

##### DESIRABLE CRITERIA

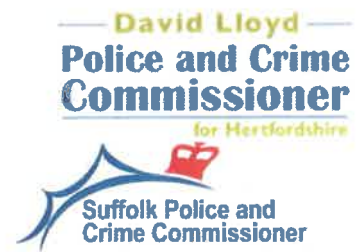
- Able to demonstrate previous committee or judicial work or service on a Board or Council.

##### APPLICANTS WILL BE ASSESSED AGAINST THE FOLLOWING QUALITIES AND ABILITIES:

- Intellectual Capacity
  - Quickly absorbs and analyses complex information with ease.
  - Knowledge of the police disciplinary legislative framework, case-law and underlying principles, or the ability to acquire this knowledge.
- Personal Qualities
  - Integrity and independence of mind.
  - Commitment to equality, diversity and inclusion.
  - Sound judgement.
  - Decisiveness.
  - Objectivity.
  - Learns and develops professionally.
  - Maintains up to date knowledge of issues relevant to the role.

- An ability to understand and deal fairly
  - Shows awareness of equality and diversity issues that may arise in policing.
  - Committed to public interest, impartiality and fair treatment.
  - Listens with patience and courtesy.
  
- Authority and Communication Skills
  - Inspires respect and confidence.
  - Questions effectively.
  - Engages constructively in debate and challenges others appropriately.
  - Excellent oral, written and presentation skills.
  
- Efficiency
  - Works at speed, including when under pressure.
  - Manages time effectively and produces clear reasoned decisions expeditiously.
  - Works constructively with others.
  - Makes effective use of technology, including computers, video and telephone conferencing.
  
- Effective Chairing
  - Maintains firm and effective control of hearings.
  - Explains the procedure and any decisions reached clearly and succinctly to all those involved.
  - Maintains authority when challenged.
  - Excellent interpersonal skills and demonstrating a facilitative, inclusive and enabling manner.
  - Excellent drafting skills, with the ability to produce clear, accurate, well-structured determinations.





## EASTERN REGION POLICE AND CRIME COMMISSIONERS

### LEGALLY QUALIFIED CHAIRS OF POLICE MISCONDUCT PANELS

#### INFORMATION FOR CANDIDATES

##### **ELIGIBILITY CRITERIA**

Candidates must satisfy the judicial appointment eligibility condition on a 5-year basis as set out in Section 50 of the Tribunals, Courts and Enforcement Act 2007 (see Appendix 1). Further eligibility criteria are set out in Appendix 2.

##### **TERMS OF APPOINTMENT**

Appointees are sought for a four year term with the option at the discretion of the PCCs for the term to be extended for a further four year period.

##### **NUMBERS**

The PCCs are seeking to appoint up to a panel strength of 24 chairs for the Eastern Region Panel of Legally Qualified Chairs.

##### **TRAINING**

Candidates will be required to be trained before becoming an active member of the Eastern Region Panel. National training is currently being organised for Legally Qualified Chairs. If that is not delivered the Eastern Region Police and Crime Commissioners will organise a training event for all new chairs appointed to the Eastern Region Panel.

##### **FEES AND EXPENSES**

Fees and expenses are set out in the Fee and Expenses Structure document at Appendix 3.

## CONFLICTS OF INTEREST

It will be the responsibility of a chair of a PMP to disclose any conflicts of interest that would make it inappropriate for them to handle any case for which they have been selected.

## AVAILABILITY

Chairs appointed to the list are expected to make themselves reasonably available if asked to consider a PMP.

## REVIEW

It is understood that the job description and fees for the Legally Qualified Chair role are being examined at a national level. The outcome of such work will in due course be considered by the Eastern Region PCCs.

## QUERIES

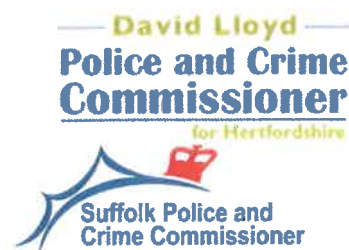
Any application queries can be directed to Christopher Jackson, Chief Executive, Office of the Police and Crime Commissioner for Suffolk by telephoning 01473 782770 or emailing [anna.parkinson@suffolk.pnn.police.uk](mailto:anna.parkinson@suffolk.pnn.police.uk)

## APPLICATIONS

Completed applications should be emailed to [suzanne.humphreys@essex.pnn.police.uk](mailto:suzanne.humphreys@essex.pnn.police.uk) or posted to Suzanne Humphreys, Office of the Police, Fire & Crime Commissioner for Essex, Kelvedon Park, London Road, Essex, CM8 3HB.

The closing date for applications is 8 September 2019.

Interviews will be held in Chelmsford, Essex on 9, 10, 14 or 16 October 2019.



## APPENDIX 1

### TRIBUNALS, COURTS AND ENFORCEMENT ACT 2007

Sections 50-52:

#### **50 Judicial appointments: “judicial-appointment eligibility condition”**

(1) Subsection (2) applies for the purposes of any statutory provision that—

- (a) relates to an office or other position, and
- (b) refers to a person who satisfies the judicial-appointment eligibility condition on an N-year basis (where N is the number stated in the provision).

(2) A person satisfies that condition on an N-year basis if—

- (a) the person has a relevant qualification, and
- (b) the total length of the person's qualifying periods is at least N years.

(3) In subsection (2) “qualifying period”, in relation to a person, means a period during which the person—

- (a) has a relevant qualification, and
- (b) gains experience in law (see section 52).

(4) For the purposes of subsections (2) and (3), a person has a relevant qualification if the person—

- (a) is a solicitor or a barrister (but see section 51), or
- (b) holds a qualification that under section 51(1) is a relevant qualification in relation to the office, or other position, concerned.

(5) In this section—

- “barrister” means barrister in England and Wales;
- “solicitor” means solicitor of the Senior Courts of England and Wales;
- “statutory provision” means—

(a) a provision of an Act, or

(b) a provision of subordinate legislation (within the meaning given by section 21(1) of the Interpretation Act 1978 (c. 30)).

(6) Schedule 10, which makes amendments—

for the purpose of substituting references to satisfying the judicial-appointment eligibility condition in place of references to having a qualification mentioned in section 71 of the Courts and Legal Services Act 1990 (c. 41),

for the purpose of reducing qualifying periods for eligibility for appointment to certain judicial offices from ten and seven years to seven and five years respectively, and for connected purposes, has effect.

(7) At any time before the coming into force of section 59(1) of the Constitutional Reform Act 2005 (c. 4) (renaming of Supreme Court), the reference to the Senior Courts in subsection (5) is to be read as a reference to the Supreme Court.

#### **51 “Relevant qualification” in section 50: further provision**

(1) The Lord Chancellor may by order provide for a qualification specified in the order to be a relevant qualification for the purposes of section 50(2) and (3) in relation to an office or other position specified in the order.

(2) [F1awarded by a body which, for the purposes of the Legal Services Act 2007, is an approved regulator in relation to the exercise of a right of audience or the conduct of litigation (within the meaning of that Act).]

(3) An order under subsection (1) may, in relation to a qualification specified in the order, include provision as to when a person who holds the qualification is, for the purposes of section 50, to be taken first to have held it.

(4) Where—

(a) a qualification is specified under subsection (1),

(b) the qualification is one awarded by a body such as is mentioned in subsection [F2(2)], and

(c) [F3, for the purposes of the Legal Services Act 2007, the body—

(i) is not an approved regulator in relation to the exercise of a right of audience (within the meaning of that Act), and

(ii) is not an approved regulator in relation to the conduct of litigation (within the meaning of that Act),]

the provision under subsection (1) specifying the qualification ceases to have effect, subject to any provision made under [F4section 46 of the Legal Services Act 2007

(transitional etc. provision in consequence of cancellation of designation as approved regulator)].

(5) For the purposes of section 50 and this section, a person shall be taken first to become a solicitor when the person's name is entered on the roll kept under section 6 of the Solicitors Act 1974 (c. 47) (Law Society to keep list of all solicitors) for the first time after the person's admission as a solicitor.

(6) For the purposes of section 50 and this section, a person shall be taken first to become a barrister—

(a) when the person completes pupillage in connection with becoming a barrister, or

(b) in the case of a person not required to undertake pupillage in connection with becoming a barrister, when the person is called to the Bar of England and Wales.

(7) For the purposes of section 50—

(a) a barrister,

(b) a solicitor, or

(c) a person who holds a qualification specified under subsection (1),

shall be taken not to have a relevant qualification at times when, as a result of disciplinary proceedings, he is prevented from practising as a barrister or (as the case may be) as a solicitor or as a holder of the specified qualification.

(8) The Lord Chancellor may by order make provision supplementing or amending subsections (5) to (7).

(9) Before making an order under subsection (1) or (8), the Lord Chancellor must consult—

(a) the Lord Chief Justice of England and Wales, and

(b) the Judicial Appointments Commission.

(10) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005 (c. 4)) to exercise his function under subsection (9)(a).

(11) In this section—

“barrister” means barrister in England and Wales;

“solicitor” means solicitor of the Senior Courts of England and Wales.

(12) Power to make an order under this section is exercisable by statutory instrument.

(13) An order under this section may make different provision for different purposes.

(14) No order may be made under this section unless a draft of the statutory instrument containing it (whether alone or with other provision) has been laid before, and approved by a resolution of, each House of Parliament.

(15) At any time before the coming into force of section 59(1) of the Constitutional Reform Act 2005 (renaming of Supreme Court), the reference to the Senior Courts in subsection (11) is to be read as a reference to the Supreme Court.

## **52 Meaning of “gain experience in law” in section 50**

(1) This section applies for the purposes of section 50.

(2) A person gains experience in law during a period if the period is one during which the person is engaged in law-related activities.

(3) For the purposes of subsection (2), a person's engagement in law-related activities during a period is to be disregarded if the engagement is negligible in terms of the amount of time engaged.

(4) For the purposes of this section, each of the following is a “law-related activity” —

(a) the carrying-out of judicial functions of any court or tribunal;

- (b) acting as an arbitrator;
- (c) practice or employment as a lawyer;
- (d) advising (whether or not in the course of practice or employment as a lawyer) on the application of the law;
- (e) assisting (whether or not in the course of such practice) persons involved in proceedings for the resolution of issues arising under the law;
- (f) acting (whether or not in the course of such practice) as mediator in connection with attempts to resolve issues that are, or if not resolved could be, the subject of proceedings;
- (g) drafting (whether or not in the course of such practice) documents intended to affect persons' rights or obligations;
- (h) teaching or researching law;
- (i) any activity that, in the relevant decision-maker's opinion, is of a broadly similar nature to an activity within any of paragraphs (a) to (h).

(5) For the purposes of this section, an activity mentioned in subsection (4) is a "law-related activity" whether it—

- (a) is done on a full-time or part-time basis;
- (b) is or is not done for remuneration;
- (c) is done in the United Kingdom or elsewhere.

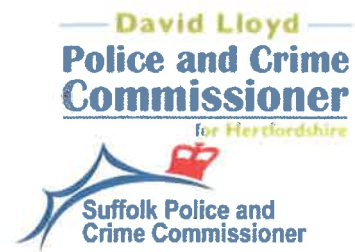
(6) In subsection (4)(i) "the relevant decision-maker", in relation to determining whether a person satisfies the judicial-appointment eligibility condition on an N-year basis in a particular case, means—

- (a) where the condition applies in respect of appointment by Her Majesty to an office or other position, the person whose function it is to recommend the exercise of Her Majesty's function of making appointments to that office or position;
- (b) where the condition applies in respect of appointment, by any person other than Her Majesty, to an office or other position, that person.

(7) In subsection (6) "appointment", in relation to an office or position, includes any form of selection for that office or position (whether called appointment or selection, or not).



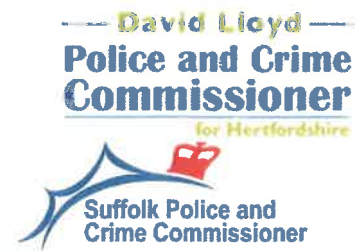




**APPENDIX 2**

<b><u>STANDARD ELIGIBILITY CLAUSES FOR LEGALLY QUALIFIED CHAIRS</u></b>
<b>AGE</b>
There is no upper or lower age limit for candidates for this post apart from any statutory retirement age for judicial appointments.
<b>NATIONALITY</b>
<p>Candidates will need to fulfil one of the following nationality requirements:</p> <ul style="list-style-type: none"> <li>• Be a citizen of the United Kingdom;</li> <li>• Be a citizen of the Republic of Ireland;</li> <li>• Be a citizen of a commonwealth country; or</li> <li>• Hold dual nationality, one of which falls in one of the above categories.</li> </ul>
<b>DISABILITY</b>
If appointed, reasonable adjustments will also be considered to ensure that a disabled judicial appointee can take up and perform the role.
<b>HEALTH</b>
Candidates must be capable of fulfilling the particular judicial office they have applied for. If a health condition constitutes a disability within the meaning of the Equality Act 2010, reasonable adjustments will be considered on an appointee taking up office and during service.
<b>EXCLUSIONS</b>
<ul style="list-style-type: none"> <li>• Serving police officers;</li> <li>• Serving police staff;</li> <li>• Serving Special Constables.</li> </ul>
<b>CRIMINAL CONVICTIONS</b>
The Eastern Region Police and Crime Commissioners will not normally appoint someone with unspent criminal convictions (with the exception of fixed penalties). Each case will be considered on its merits.





### APPENDIX 3

#### **FEE AND EXPENSES STRUCTURE FOR LEGALLY QUALIFIED CHAIRS**

##### **FEES**

- Full day ie sittings of more than 4 hours (excluding meal breaks) **£366**
- Half day ie sittings of 4 hours or less (excluding meal breaks) **£181**

The “fees” rates may be claimed only for sitting on a misconduct panel, hearing or a misconduct pre-hearing.

##### **PREPARATION AND REPORT WRITING FEES**

A fee may be claimed at the rate of **£52.50** for each hour necessarily spent in preparatory work or report writing. This fee, may, however only be claimed where it is necessary for the work to be undertaken on a day other than the day on which the PCR proceeding takes place, (except that a fee may be claimed even in these circumstances if the PCR proceeding fee is paid at the half-day rate).

The maximum preparation and report writing fees that may be claimed are **£750** for each PCR proceeding.

##### **TRAINING FEE**

A fee of **£100** may be claimed for attending training as may be approved by the Eastern Region Police and Crime Commissioners.

##### **TRAVELLING EXPENSES**

Chairs may be paid their travelling expenses between residence and place of duty. Any necessary travel to a panel sitting may be undertaken by standard class train travel. If claiming reimbursement of rail fares you must either provide a receipt or enter on the claim the rail ticket and date and place of issue.

Travel by car may be claimed at Her Majesty’s Revenue and Customs (HMRC) approved rates as follows:

- Up to 10,000 miles irrespective of engine capacity **45 pence per mile.**

Incidental travelling expenses eg bus/tube fares, may also be claimed. Taxi fares may be reimbursed only in the following circumstances: for journeys for which there is no other suitable method of public transport, or where heavy luggage has to be transported to or from the place of departure or arrival. A receipt for travel by taxi must be provided and full reasons must be given in writing and included or attached to the

claim form. Full details of each step of the journey should be shown. Travelling allowances are designed to meet expenses incurred and are in no sense a form of remuneration. Please note that no liability can be accepted in the event of any accident, damage, injury or death.

There is no provision of payment of travelling time.

## NIGHT SUBSISTENCE

A night subsistence allowance may be claimed if you are absent from your normal place of residence for a period of 24 hours or more and necessarily incur expenditure on accommodation, meals and incidental travel (see above) which is additional to what would have been incurred at home. This allowance is therefore intended to cover the hotels costs plus all meals and incidental expenses for a period of 24 hours from the time of departure from home.

The rate payable is **£96**.

This rate has been made up as follows:

- Actual receipted bed and breakfast expenditure up to a limit of **£70**.
- **Plus** a flat rate allowance of **£26**. This allowance is intended to cover dinner, lunch and local travel (for example between your hotel and the place of the PCR proceeding) and also to cover miscellaneous personal expenses. **No additional amount is payable.**

Chairs who stay free of charge with friends or relatives may claim the flat rate allowance of **£26** to cover dinner, lunch and local travel.

**All claims** must be vouched by a receipt for the cost of bed and breakfast which should be attached to your claim form. If they are not, only the flat rate allowance of **£26** will be payable.

## DAY SUBSISTENCE

Where an overnight stay is not necessary, an allowance may be claimed for the necessary costs spent on meals (day subsistence). The allowance is based on the period during which the member is absent from home. The rates are:

- Absence of more than 5 hours and less than 10 hours **£4.25**
- Absence of more than 10 hours **£9.30**

This is a flat rate allowance that may be claimed whether the cost of meals was more, or less, than the actual amount of expenditure. It is not necessary for receipts to be provided. The allowance should not, of course, be claimed if a meal is provided free of charge.

Day subsistence allowances will not be paid concurrently with night subsistence allowances. However, a Chair who necessarily stays overnight for the purposes of a PCR proceeding may attract a day subsistence allowance when he is absent from home for more than 5 hours or more than 10 hours after a complete period of 24 hours attracting night subsistence allowance has expired.

The sole purpose of subsistence allowances is the reimbursement of extra expenditure necessarily incurred and they are in no sense a payment of services.

### **MISCELLANEOUS EXPENSES**

The cost of telephoned calls etc necessarily incurred eg arranging accommodation may be claimed.

### **VAT**

VAT may be claimed by those members registered for the purposes of VAT. In these cases the VAT registration should be shown.

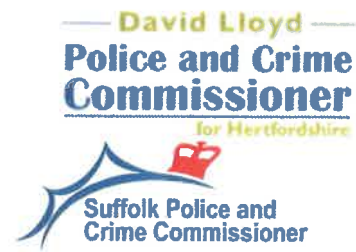
### **COMPLETION OF CLAIM FORMS**

Blank claim forms are available from the Professional Standards Office of the Constabulary arranging the PCR proceedings. Completed claims should be returned to that office.

It would be helpful if Chairs could clearly separate on the claim forms the actual times spent on travel and on a sitting.

If you have any queries about these expenses, please contact the Office of the Police and Crime Commissioner for Cambridgeshire, tel: 0300 333 3456.





## EASTERN REGION POLICE AND CRIME COMMISSIONERS

### EU GENERAL DATA PROTECTION REGULATION (GDPR) PRIVACY NOTICE

#### APPLICATIONS FOR APPOINTMENT

The Police and Crime Commissioners (PCCs) for Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk are data controllers for the purposes of the GDPR. In the discharge of their statutory functions they of necessity collect personal data from data subjects.

The PCCs in pursuance of their statutory functions appoint legally qualified chairs. In order to make these appointments they require access to the personal data of applicants. The data collected in the application process will be used to make an appointment decision. In the case of unsuccessful applicants the data will be retained and disposed of in accordance with the time period specified in the PCCs' respective GDPR Policies. Where an applicant is successful the applicant's data will be retained and disposed of, again in accordance with the time periods in the respective GDPR policies. Personal data obtained from the successful applicant will be used to facilitate the successful delivery of the appointment. It will be shared with the police forces for the PCCs' police areas in order to deliver where appropriate the functions relating to service delivery, payroll, and such other necessary functions.

Your personal data will only be reasonably used to enable the discharge of statutory functions. The PCCs have adopted GDPR Policies which set out their approach to handling personal data. They are available through the PCCs' websites or alternatively copies may be requested by contacting the individual PCCs directly.

A data subject has the following rights under the GDPR:

- The right of access to their personal data;
- The right to require a controller to rectify errors in their personal data;
- The right to require a controller to delete their personal data if the continued processing of those data is not justified;
- The right to restrict the controller in the processing of their personal data;
- The right to transfer their personal data between controllers where appropriate;
- The right to object to the processing of their data in certain circumstances;
- The right not to be evaluated on the basis of automated processing.

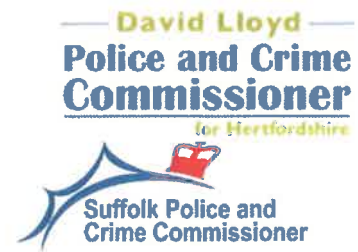
These rights are explored in more detail in the PCCs' GDPR Policies.



The contact details for the PCCs are:

<p>Police and Crime Commissioner for Bedfordshire Bedfordshire Police Headquarters Woburn Road Kempston Bedford MK43 9AX</p>	<p>Tel: 01234 842208 Email: <a href="mailto:pcc@bedfordshire.pnn.police.uk">pcc@bedfordshire.pnn.police.uk</a> Web: <a href="http://www.bedfordshire.pcc.police.uk">www.bedfordshire.pcc.police.uk</a></p>
<p>Police and Crime Commissioner for Cambridgeshire Hinchingsbrooke Park Huntingdon Cambridgeshire PW29 6NP</p>	<p>Tel: 0300 333 3456 Email: <a href="mailto:cambs-pcc@cambs.pnn.police.uk">cambs-pcc@cambs.pnn.police.uk</a> Web: <a href="http://www.cambridgeshire-pcc.gov.uk">www.cambridgeshire-pcc.gov.uk</a></p>
<p>Police, Fire and Crime Commissioner for Essex Kelvedon Park London Road Rivenhall Witham Essex CM8 3HB</p>	<p>Tel: 01245 291600 Email: <a href="mailto:pfcc@essex.pnn.police.uk">pfcc@essex.pnn.police.uk</a> Web: <a href="http://www.essex.pfcc.police.uk">www.essex.pfcc.police.uk</a></p>
<p>Police and Crime Commissioner for Hertfordshire Harpenden Police Station 15 Vaughan Road Harpenden Hertfordshire AL5 4GZ</p>	<p>Tel: 01707 806100 Email: <a href="mailto:commissioner@herts.pcc.pnn.gov.uk">commissioner@herts.pcc.pnn.gov.uk</a> Web: <a href="http://www.hertscommissioner.org">www.hertscommissioner.org</a></p>
<p>Police and Crime Commissioner for Norfolk Building 8, Jubilee House Falconers Chase Wymondham NR18 0WW</p>	<p>Tel: 01953 424455 Email: <a href="mailto:opccn@norfolk.pnn.police.uk">opccn@norfolk.pnn.police.uk</a> Web: <a href="http://www.norfolk-pcc.gov.uk">www.norfolk-pcc.gov.uk</a></p>
<p>Police and Crime Commissioner for Suffolk Police Headquarters Martlesham Heath Ipswich Suffolk IP5 3QS</p>	<p>Tel: 01473 782773 Email: <a href="mailto:spcc@suffolk.pnn.police.uk">spcc@suffolk.pnn.police.uk</a> Web: <a href="http://www.suffolk-pcc.gov.uk">www.suffolk-pcc.gov.uk</a></p>





## EASTERN REGION POLICE AND CRIME COMMISSIONERS

### APPLICATION FORM FOR THE POSITION OF LEGALLY QUALIFIED CHAIR

This application form is divided into 4 sections. Please read each page carefully and make sure you answer every question that is relevant to you. You can continue any answer on separate sheets if you wish, but must clearly mark each sheet with your name and the part of the form that it relates to.

**You are asked to return the completed form to:**

Suzanne Humphreys [suzanne.humphreys@essex.pnn.police.uk](mailto:suzanne.humphreys@essex.pnn.police.uk)

**Or by post to:**

Suzanne Humphreys, Office of the Police, Fire & Crime Commissioner for Essex, Kelvedon Park, London Road, Essex, CM8 3HB

**The closing date for the application is 8 September 2019.**

**SECTION ONE: PERSONAL DETAILS**

<b>TITLE</b>	
<b>FIRST NAME</b>	
<b>SURNAME</b>	
<b>HOME ADDRESS</b>	
<b>CONTACT NUMBER</b>	
<b>MOBILE NUMBER</b>	
<b>EMAIL ADDRESS</b>	

**NATIONALITY**

Candidates will need to fulfil one of the following nationality requirements:

- Be a citizen of the United Kingdom;
- Be a citizen of the Republic of Ireland;
- Be a citizen of a commonwealth country; or
- Hold dual nationality, one of which falls in one of the above categories.

Please confirm your nationality in the box below:

--

## SECTION TWO: PERSONAL QUALITIES AND EXPERIENCE

Please see the accompanying Information Pack for details of the experience and competencies required for these positions. Please use this section to describe the experience and skills you would bring, including in particular:

### Essential Criteria

- Satisfaction of the judicial appointment eligibility condition on a five year basis.
- Experience of chairing meetings and ability to exercise control over proceedings.
- Experience of evaluating evidence, or information and making objective, unbiased, thoughtful decisions.
- Experience of report writing, writing up deliberations, decisions or case notes.
- Excellent communication skills.

### Desirable Criteria

- Able to demonstrate previous committee or judicial work or service on a Board or Council.

Please use examples to back up your description. Your application will be assessed by not only what you have achieved but how you have achieved it.

## ESSENTIAL CRITERIA

### Satisfaction of the judicial appointment eligibility condition on a five year basis:

### Experience of chairing meetings and ability to exercise control over proceedings:

**Experience of evaluating evidence, or information and making objective, unbiased, thoughtful decisions:**

**Experience of report writing, writing up deliberations, decisions or case notes:**

**Excellent communication skills:**

**DESIRABLE CRITERIA**

**Able to demonstrate previous committee or judicial work or service on a Board or Council:**

**SECTION THREE: RELEVANT EXPERIENCE**

Please include details of both your career history (if applicable) and other relevant experience. This might include employment, voluntary experience, involvement in the community, committee experience, caring responsibilities and should include any public appointments held.

*If you have included all these details in your CV, please put "see CV" in the left box below.*

<b>Dates From and To</b>	<b>Details (including positions held and nature of work)</b>	<b>Name/Address of Employer or Organisation</b>

**QUALIFICATIONS**

Please list relevant educational, professional or vocational qualifications:

**APPOINTMENTS CURRENTLY HELD**

<b>Body</b>	<b>Period of Appointment</b>	<b>Government Department if applicable</b>

## OTHER INFORMATION

If there is any other general information you would like to include about your past experience, personal qualities and skills, please do so here:

## CRIMINAL CONVICTIONS

Have you ever been convicted or found guilty of an offence (not including motoring offences) by any court in the UK or abroad, or by any court martial? Please mark an "x" in the relevant box below:

YES

NO

If you have answered yes, please give details below:

## POTENTIAL CONFLICTS OF INTEREST

Please give details of any business or other interests or any personal connections which, if you are appointed, could be misconstrued or cause embarrassment to the Police and Crime Commissioners for the Eastern Region (the PCCs). These could include financial interests or share ownership, membership of societies, activities associations or employment of a partner or friend in the particular field in which the PCCs operate. Additionally, applications will not be accepted from candidates who are under the direction and control of a chief officer of police, either as a member of police staff or as a member of a police force or a special constable.

Any potential conflicts of interest detailed here will not prevent you going forward to interview but may, if appropriate, be explored with you during your interview to establish how you would address the issue(s) should you be successful in your application.



## REFERENCES

Please give the details of two people who may be asked to act as referees for you, either in the boxes below or on an attached sheet. They will be expected to have authoritative and personal knowledge of your achievements. The referees will be approached only if you are to be invited for interview following the initial sift.

### Reference One

<b>Name</b>	
<b>Address</b>	
<b>Telephone</b>	
<b>Email</b>	

### Reference Two

<b>Name</b>	
<b>Address</b>	
<b>Telephone</b>	
<b>Email</b>	

**DECLARATION**

I declare that the information given on this application is complete and correct to the best of my knowledge. I have also read the information pack and can confirm that I am eligible to be considered for appointment to this body. I also certify that I will immediately inform the PCCs of any changes in circumstances that affect the answers I have given.

**Signed:****Date:**

## SECTION FOUR: APPOINTMENTS MONITORING FORM

The Police and Crime Commissioners are firmly committed to promoting equality of opportunity for all local people and communities, irrespective of gender, ethnic origin, disability, religious belief, sexual orientation, age or any other factor. We therefore ask you to complete this questionnaire to enable us to monitor the effectiveness and fairness of our policy and processes. This information is for statistical monitoring purposes only. **It will not form part of the selection process.**

### Age

- <25
- 26-40
- 41-55
- >55

### Gender

- Male
- Female
- 41-55
- >55

### Gender Identity (optional)

If you identify as transsexual or transgender (in that you have effected a permanent change of gender identity) or as intersex, please state which group you identify with

- Transsexual
- Transgender
- Intersex

### Sexual Orientation

- Bisexual
- Gay or lesbian
- Heterosexual
- Prefer not to say

### Disability

- Yes
- No

Under the Disability Discrimination Act 1995 and Disability Discrimination Act (Amendment) 2005, a person is disabled if they have (or have recovered from) a physical or mental impairment (including learning disabilities) which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities such as those involving mobility, manual dexterity, physical co-ordination, speech, hearing, eyesight or communication, or a permanent condition which is controlled by medication, eg diabetes or epilepsy. Individuals with HIV, cancer or multiple sclerosis are automatically treated as disabled.

**Current working hours**

- Part-time
- Full-time

**Ethnic Origin**

**White**

- British
- Irish
- Any other White background

**Mixed**

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other Mixed background

**Asian or Asian British**

- Indian
- Pakistani
- Bangladeshi
- Any other Asian background

**Black or Black British**

- Caribbean
- African
- Any other Black background
- Any other Mixed background

**Chinese or other ethnic group**

- Chinese
- Any other background

Please specify:

**Religious belief or faith**

- Buddhist
- Christian
- State Denomination if you wish:

- Hindu
- Jewish
- Muslim
- Sikh
- None
- Any other religious belief or faith

Please specify:

- Prefer not to say

## POLITICAL ACTIVITY QUESTION

This question is asked as it enables the monitoring of political activity of candidates for an appointment in so far as it is already in the public domain. Neither activity nor affiliation is a criterion for appointment. If you are successful, the information provided may be published with the announcement of your appointment.

Please indicate which of the following activities you have undertaken during the past five years by ticking the appropriate box and by providing details of your involvement. Name the party or body for which you have been active. If you have been or are an Independent or have sought or obtained office as a representative of a particular interest group, you should state this. You should tick all relevant categories.

1	Obtained office as a Local Councillor, MP, MEP etc.	
	Stood as a candidate for one of the above offices	
	Spoken on behalf of a party or candidate	
2	Acted as a political agent	
	Held office such as Chair, Treasurer or Secretary of a local branch of a party	
	Canvassed on behalf of a party or helped at election	
	Undertaken an political activity which you consider relevant	
3	Made a recordable donation to a political party <sup>1</sup>	
4	None of the above activities apply	

**Name of Party of which activity undertaken and details of involvement:**

<sup>1</sup> The Political Parties, Elections and Referendums Act 2000 requires the Electoral Commission to publish a register of recordable donations (donations from an individual totalling more than £5000 in any calendar year, or more than £1000 if made to a subsidiary accounting unit such as a constituency association, local branch, women's or youth organisation). These provisions became effective from 16 February 2001.

HOW DID YOU HEAR ABOUT THIS POSITION	

DECLARATION	
<p>I confirm the information I have given is, to the best of my knowledge and belief, true and complete. I confirm that I understand the purpose of the form and the reasons for the collection of my personal data and that I agree to my personal data being used as stated.</p>	
<b>Signed:</b>	
<b>Date:</b>	