

# AVON AND SOMERSET POLICE AND CRIME PANEL

8<sup>th</sup> January 2020

Report title: Confirmation Hearing Process for the role of Interim Chief Executive Officer

## 1. Executive Summary

1.1. Under the provisions of the Police Reform and Social Responsibility Act 2011, the Police and Crime Commissioner is required to appoint 'a person to be the head of the Commissioner's staff' (Schedule 1, 6 (1)(a)). This document explains the process to be followed by the Panel in respect of the proposed appointment of the preferred candidate to the role of interim Chief Executive Officer in the Office of the Police and Crime Commissioner.

## 2. Powers of the Avon and Somerset Police and Crime Panel

2.1. The Panel has functions conferred by Schedule 1 Part 10 of the Police Reform and Social Responsibility Act 2011 (Scrutiny of Senior Appointments) which require the Panel to:-

- Review the proposed senior appointment by holding a Confirmation Hearing within three weeks of notification being given. This is a meeting of the Panel, held in public, at which the candidate is requested to appear for the purpose of answering questions relating to the appointment;
- Make a report to the Commissioner on the proposed senior appointment.
- Include a recommendation to the PCC as to whether or not the candidate should be appointed.
- Publish the report to the Commissioner made under this paragraph.
- Determine the manner in which the recommendation is to be published

## 3. Confirmation Hearing for the role of Chief Executive

### *Prior to the Hearing*

3.1 The Panel received notification from the Commissioner of the proposed appointment to the role of Chief Executive on 20<sup>th</sup> December 2019.

3.2 This appointment is an interim appointment pending PCC elections in May 2020. It is subject to the public scrutiny that is required as part of a proposed senior appointment process set out in Schedule 1 of the Police Reform and Social Responsibility Act 2011 <http://www.legislation.gov.uk/ukpga/2011/13/schedule/1>

3.3 On 25<sup>th</sup> November 2019 the Commissioner formally invited 2 members of the Panel to take part in the Stakeholder Panel part of the appointment process.

The Stakeholder Panel was constituted as follows:-

- Two members of the OPCC SLT
- Two members of the Avon and Somerset Chief Officer Group
- Two members of the Police and Crime Panel

The format for the stakeholder process ran parallel to the formal Appointments Panel on 19<sup>th</sup> December 2019 and involved stakeholders asking the shortlisted candidates a set of pre-determined questions after each candidate interview. Feedback was provided to the Appointments Panel by the Chair of the Stakeholder Panel but stakeholders were not involved in a formal evaluation of the candidates. The Appointments Panel consisted of the Commissioner, David Fothergill, the Leader of Somerset County Council, and Mark Simmonds, the Chief Financial Officer in the Office of the Police and Crime Commissioner.

3.4 In order to assist the Panel in reviewing the suitability of the preferred candidate, the Commissioner has provided the following documentation:

- Letter to the Chair
- Report from the Commissioner stating the name of the preferred candidate and why the candidate meets the role criteria
- Advert for the role
- Role Profile
- Independent Member statement from the recruitment process
- Terms and conditions of appointment

These documents are attached to this report as Appendix A.

3.5 The Panel should follow a narrow set of key lines of enquiry and ask questions of the candidate which relate to his/her professional competence and personal independence. In accordance with guidance, the Panel will hold a private meeting immediately before the hearing to discuss potential key lines of enquiry and finalise questions. It is important to recognise that the confirmatory hearing process should complement the internal systems for appointing staff and should not duplicate nor restage the OPCC appointments process. Guidance also states that in addition to the Lead Officer, the Panel might benefit from the advice of a Monitoring Officer or HR Specialist and accordingly, SCC's Monitoring Officer Scott Wooldridge will be present at the hearing.

#### *At the Hearing*

3.6 The first part of the meeting will be conducted in public and structured as follows:

- a. The candidate will be welcomed to the meeting.
- b. The Commissioner will be given the opportunity to summarise her report and comment on the candidate and the proposed appointment.
- c. The candidate will have an opportunity to present to the Panel his/her understanding of the role.
- d. The Panel will have the opportunity to ask questions of the candidate.
- e. The candidate will be given opportunity to clarify any answers given during the hearing and ask questions of the Panel about the next stage of the process.

#### **4. Closed Session**

- 4.1 The Panel will hold a closed session in order to decide on its recommendations to the Commissioner regarding the appointment of the preferred candidate to the role of Chief Executive Officer.
- 4.2 The Panel will discuss the following:
  - Whether the candidate has the professional competence to exercise the role as set out in the role profile.
  - Whether the Panel feels that the candidate has the personal independence to exercise the role.
- 4.3 Where a candidate meets the standards but there is still cause for concern about his or her suitability, it may be appropriate to outline those concerns in the Panel's response to the Police and Crime Commissioner.
- 4.4 Where a candidate does not meet the minimum standards in the areas set out in paragraph 3.7, this would suggest a significant failure in the appointments process undertaken. If the Panel believes that there has been a significant failure in the appointments process, the Panel may choose to not recommend the candidate to the role of Chief Executive Officer.

#### **5. Following the Confirmation Hearing**

- 5.1 The outcome and any recommendations emerging from the Confirmation Hearing will be communicated to the Commissioner in writing the next working day.

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