

AVON AND SOMERSET POLICE AND CRIME PANEL

25th November 2021

Title: Chief Constable of Avon and Somerset Police – Confirmatory Hearing Process

Report of: Patricia Jones, Governance Specialist

1. Purpose of the Report

To notify the Police and Crime Panel of the process for conducting a Confirmation Hearing for the post of Chief Constable in accordance with the Police Reform and Social Responsibility Act 2011.

2. Introduction

- 2.1 Section 38(1) of the 2011 Act sets out the responsibility of the Police and Crime Commissioner to appoint a Chief Constable for the Avon and Somerset Constabulary.
- 2.3 Paragraph 3 of Schedule 8 requires the Commissioner to notify the Panel of the proposed appointment to the post.
- 2.4 The Commissioner must include the following information in the notification:
 - a. The name of the person he is proposing to appoint
 - b. The criteria used to assess the suitability of the candidate for the appointment
 - c. Why the candidate satisfies those criteria
 - d. The terms and conditions on which the candidate is to be appointed.
- 2.5 Police and Crime Commissioners have flexibility in deciding how to undertake the recruitment process and which candidate they wish to appoint. The Commissioner's report (Item 5b) sets out in detail the recruitment process which has been undertaken.
- 2.6 Both shortlisting and final selection were observed by two Police and Crime Panel Members Asher Craig and Julie Knight. Attached as Appendix 1 to this

report is the Panel assurance report.

3. **Role of the Panel**

3.1 Paragraph 4 of Schedule 8 sets out the Panel's responsibility to review the proposed appointment and make a report within a period of three weeks from when the Panel received notification from the Commissioner of the proposed appointment.

3.2 The Panel must hold a public Confirmation Hearing before making a recommendation to the Commissioner in relation to a proposed appointment, or before vetoing the appointment (detailed at paragraph 3.4 below). The candidate has been requested to appear to answer the Panel's questions at **10.30am on Thursday 25th November 2021.**

3.3 The Confirmation Hearing must:-

- observe employment law requirement for fairness
- focus on individual's experience and capabilities whilst avoiding unwarranted intrusion and unreasonable questioning
- complement and not restage the Commissioner's interview process
- focus on professional competence and personal independence. Personal independence relates to the need for a candidate to act in a manner that is operationally independent of the Commissioner. Professional competence relates to a candidate's ability to carry out the role.

In accordance with guidance, the Panel held a separate pre-meeting on 23rd November 2021 to discuss the confirmation hearing process and to develop a questioning strategy.

3.4 Immediately following the hearing and in accordance with guidance, the Panel will go into closed session to decide on recommendations, taking officer advice as necessary.

4. **Decision-making by the Panel**

4.1 The Panel's decision-making process will comprise two linked steps. Taking into account the minimum standards of professional competence and personal independence, members should consider whether the candidate meets the

criteria set out in the role profile.

- 4.2 Having reviewed the proposed appointment, the Panel must produce a report and may:-
- a) support the appointment without qualification or comment;
 - b) support the appointment with associated recommendations, or
 - c) veto the appointment of the Chief Constable. A two thirds majority of the full membership is required (12), not two thirds of those members present.
- 4.3 A recommendation that an appointment is not made is not the same as a veto. In this case, the Commissioner can exercise the right to make the appointment notwithstanding the Panel's recommendation. In the event of a veto, the report must include a statement that the Panel has vetoed it and the Commissioner must not appoint this candidate as Chief Constable.

A veto would normally only be exercised in exceptional circumstances where it is clear to the Panel that there has been a significant failure of 'due diligence' in the appointments process, to the extent that the candidate does not meet the criteria set out in the role profile and is not 'appointable'.

- 4.4 The Panel will make a report to the Commissioner on the next working day following the confirmation hearing outlining the decision and any recommendations. The candidate will also be sent a copy.

The Panel's report and recommendation must be published, and it is for the Panel to decide the manner in which this is done. However, the Panel will wait five working days before it publishes any information about its recommendations unless it is agreed with the Commissioner that this information can be released at an earlier stage. The Panel will ensure that the Commissioner has received and acknowledged receipt of the Panel's recommendations before making its report public.

5. **The Terms and Conditions on which the Candidate is to be appointed**

- 5.1 This is a 5 year fixed term appointment and further details can be found in the supporting papers.

Appendices:-

Appendix 1 – Chief Constable Recruitment Observer Report



Chief Constable Recruitment Observer Report

Purpose

Two Police and Crime Panel (PCP) members were invited to observe the Chief Constable selection process. Julie Knight and Cllr Asher Craig volunteered. This report updates members following the final stage process that concluded on Thursday 4th November 2021.

Background

A TV production company called Story Films are making a documentary series about policing scrutiny and accountability for Channel 4. They wanted to show the process of appointing the new Chief Constable in terms of how will the Police and Crime Commissioner (PCC) makes their decision to appoint. The PCC agreed that the Shortlisting, Stakeholder Panels, media interviews, interview and the successful candidate being informed could be filmed, subject to consent from the parties involved.

Recruitment Consultant Andrew White was appointed by the PCC to support the selection process and assure independence.

Application and Shortlisting

The vacancy was published on the 1st September. Candidates were invited to complete an application form that covered four of the six key competencies from the College of Policing's Competency and Values Framework (CVF). Each question was selected by the PCC as areas he wished to test. The closing for receipt of applications was 12pm on the 27th September and three applications were received.

A shortlisting panel was convened. These were:

- Avon and Somerset PCC and Panel Chair: Mark Shelford
- Sussex PCC: Katy Bourne
- Policing Advisor: James Vaughan (recent retiree, Chief Constable of Dorset)
- Chief Executive Voscur: Sandra Meadows
- Independent Member: Carolyn Dhanraj

We understand that the Shortlisting Panel received anonymised versions of the application forms electronically. They also received the role profile and shortlisting guidance that had been prepared by the Consultant. This included detailed descriptions of the relevant

competencies being assessed. It guided to follow best practice as set out in the 'College of Policing Shortlist Panel Briefing Document 2021' document that was included. They were invited to assess the evidence given for the four CVF competencies in each application and provide a score for each with 1 being Exceptional, and 5 being Low. The assessments were being done individually and ahead of the Shortlisting Panel meeting that was held virtually via Microsoft Teams on Monday 11th October.

PCP member observations

PCP members received the Role Profile and Shortlisting Guidance ahead of the meeting. To support the purpose of our role, it would have been advantageous to have had sight of the anonymised applications forms too. This would have equipped us with a better understanding of the wider discussions that were held, especially given the diversity of the initial scores and perspectives. Members observing the recent Chief of Staff for the Office of the Police and Crime Commissioner selection process were permitted to read anonymised applications forms. Exploring and agreeing some consistency would be welcomed in the interests of the purpose being served by the PCP members.

Shortlisting Meeting

The purpose of the shortlisting meeting was to collectively agree a score for each competency from the panel as a whole and agree who should be invited to the next stage. In addition to the Panel members, the interim Chief of Staff Sally Fox, Office and HR Manager Kate Watson and Andrew White were also present.

Each candidate's application form was worked through in turn. They became known as candidates 1 to 3. The Chair invited panel members to share their scores and rationale for each competency in turn. This led to a lot of discussion between all panel members before agreeing a score for each.

Professional guidance around fairness was shared with clarity at relevant times by the independent panel member Carolyn Dhanraj. In addition, much value was seemingly offered from the role of the Policing Advisor James Vaughan. It seemed evident that panel members were free and comfortable to raise their varied opinions and perspectives. Notably, some conveyed their views in an articulate way, even acknowledging others but impressively and robustly standing by theirs. As a consequence, their eventual, collective agreement of the assessment scores seemed fairly achieved after suitable challenge.

As Police and Crime Panel observers, Asher and I were permitted to raise matters or points during the process. This, we were grateful for. I felt able to raise a number of points to clarify fairness of approach. For example, clarification around what, if any benchmark had been set at the outset, that candidates were expected to meet or exceed in order to move to the next stage as it was not stated. The Consultant explained a rationale being about no candidate having a 'Low' competency score being 5.

The Shortlisting Panel collectively agreed to invite all 3 candidates to the final stage of the selection process on the 3rd and 4th November.

Their final task was to choose a topic for the presentation element in the next stage. A topical issue was immediately suggested by the PCC. It was notable that one candidate would seemingly have had a clear advantage given the evidence they offered to demonstrate their competencies that had been discussed by the panel. I offered this

view and it was kindly accepted and another topic agreed.

Candidates were invited to a briefing on the 19th October. They had the opportunity to request personal briefings from key staff or visits in order to assist them. We did not observe these.

Final Selection Stage

Day 1 Wednesday 3rd November

Selection Panel Briefing

The Selection Panel consisted of the same personnel as the Shortlisting Panel. They received a written briefing in advance that was based on the College of Policing's best practice guidance. They also received an in-person briefing chaired by the PCC to confirm roles and the process.

Candidates will be awarded a score for their media exercise, presentation and each interview question using the same College of Policing's rating scale used for the shortlisting.

Stakeholder Panels

All three candidates took part in an internal and external Stakeholder Panel that consisted of those who the new Chief Constable would be working with if appointed.

The stakeholder panels were chaired by senior officers from the OPCC. The only member of the Selection Panel observing was Carolyn Dhanraj, the Independent member. The Panels were designed to allow participants to put their questions to each candidate with an opportunity for members to probe where necessary. The chairs followed a script for consistency and sought feedback from the panel once the candidate had left. They later presented this feedback to the Selection Panel who used it to understand areas that would be worthy of further exploration that could be probed during interview.

External Stakeholder Panel Observation by Asher

The external stakeholder panel included an appropriate range of stakeholders from the PCP, VCSE and Public Sector. There were 6 panel members consisting of:

- Alice Jones - Senior Comms Officer, OPCC (Chair of Panel)
- Pat Flaherty, CEO, Somerset Council
- Richard Westwood, Vice-Chair, PCP
- Primrose Granville, Chair of South Glos IAG
- Vicky Cook, Chief Prosecutor, CPS South West
- Gareth Williams, Crime Reduction, Yeovil

The composition of the panel meant that the questions were geared towards their particular area of expertise.

Based on my observation, one member of the External Stakeholders Panel was from a BAME background. Unfortunately the Chair of the Disability Equality Commission, Alun Davis was unable to attend. In my opinion the diversity needs were adequately met and were clearly an important issue in the selection of the external stakeholder panel.

The Chair informed panel members that the interviews were being filmed by a production

Company for Channel 4, who were following around the PCC for a documentary. Some members felt uncomfortable about this but it was agreed that this would go ahead.

Each candidate had 55 minutes to answer the pre-agreed questions and follow-up questions by panel members. As part of this process each candidate was also asked to deliver up to a 5 minute statement. There was some confusion about the order that the statements should be given as candidates had been informed that their statements would be heard before the questions from the stakeholder panel. The Chair clarified the order of the session for each candidate avoiding any further confusion.

Following the External Stakeholder Panel session the Chair fed back comments from the session to the Interview Panel. After a short discussion, minor amendments to the pre-agreed interview questions were made. OPCC would revise the interview score sheets and printed off in time for Day 2 interviews.

The briefing pack provided on the Stakeholder Panel Process was very clear and detailed and resulted in a fair and transparent process on Day 1. The film crew did appear to be quite intrusive as 2 out of the 3 candidates were filmed during their interviews. As a result, it was agreed that as filming was going to continue into Day 2, it needed to be static so as not to distract from the performance of the candidates.

Internal Stakeholder Panel Observation by Julie

The internal stakeholder panel consisted of 8 panel members who were representatives of Avon and Somerset Constabulary's:

- Disabled Police Association
- LGBT+ Network
- Black Police Association
- Christian Police Association
- Diverse Workforce Outreach Team Worker (representing Inclusion and Diversity)
- Police Federation (2 members, one from the Branch and an Inspector Rep.)
- Unison (Deputy Branch Secretary)

The Panel was chaired by Rebecca Harris, a Senior Commissioning and Policy Officer for the OPCC. Her brief to the Panel and candidates was scripted and therefore consistent.

It was evident that Panel Members were all in receipt of a briefing pack that contained their questions. I did not receive or view a copy and I do not believe that it would have been absolutely necessary to fulfil my role.

The Chair advised panel members of the PCC having permitted Story Films to film the Panel and all parties consented. Only the first candidate was filmed by two personal – one with a camera and another holding a large boom microphone. They roamed the room and were close to the candidate and panel members at the risk of being distracting. (This was feedback at the Selection Panel briefing held later that day. It was agreed that the film crew should employ a more static and less distracting approach and this was personally conveyed to them by OPCC Chief of Staff who was due to meet with them after the briefing).

There was a little confusion at the start of the first session. The candidate asked if they could deliver their 5 minute statement as this had not been invited, so clarity was sought. It didn't seem to detract from the process and they and the others were permitted to deliver

their statements.

The 5 main questions were posed by the Panel with time for other members to ask more questions. Each candidate was asked the same questions. These were synonymous with their area of expertise and explored aspects relating to equality, diversity and inclusivity.

Following the Panel session, the Chair sought feedback from members that they would feedback to the Selection Panel on the Panels behalf. This was delayed for the first candidate by a few minutes as a discussion took place about whether the film crew should be present and whether it would stifle people's willingness to participate fully so this was not filmed.

Overall, the chair guided the Panel fairly around the brief, sought their feedback and checked to confirm that she had recorded and understood their views correctly.

After the first candidate's session, another representative from one of the Associations attended at their Panel member's invitation. The intention was for them to observe to support their professional development. This was rightly questioned by Carolyn Dhanraj and in the interests of fairness, the party left the room.

The Panel questioned why this process wasn't being assessed and after seeking clarification, the chair explained that it was in line with the College of Policing's guidance.

Overall, I believed that the Internal Stakeholder Panel was conducted fairly and the chair duly sought clarity as required on points that arose.

Of note, we learned that one candidate had been filmed in both Panels. Another had been filmed in one panel only and another candidate had not been filmed at all. We raised this with the Section Panel as a point of fairness. Whilst not ideal, we were satisfied that candidates had agreed to be filmed and that the Stakeholder Panels were not being assessed.

Media Exercise

Following the Stakeholder Panels, the candidates took part in a media exercise. They received a briefing pack and had an hour to prepare for a 'live television interview with a local TV station' with a professional journalist. The journalist has a wide range of experience in regional and national television for authenticity and they also received a briefing pack. The interview was expected to last around 7 ½ minutes but could be longer or shorter depending on the length of the candidate's answers. Their interviews were recorded for the Selection Panel to watch and assess the following day.

Day 2 Thursday 4th November

One of the Selection Panel members Katy Bourne was unable to attend the second day. This reduced the number of assessors from five to four. In addition to the two PCP members, the External Recruitment Consultant and the OPCC Chief of Staff were observing. The TV production company consisted of one member of staff who remained behind the panel using a hand held camera. This was a far less distracting presence.

Media Interview Assessment

The Selection Panel chaired by the PCC watched each candidate's media interview and completed their written assessments individually.

Presentation and Interview

Candidates received their presentation question in advance and had time to prepare. They were also advised of the relevant CVF competency or value being tested to assist them in focuses their response.

They were given 10 minutes for their presentation. They were not permitted to use visual aids such as PowerPoint but permitted to hand over a single sheet of A4 to the Panel and use their own notes. There was a further 10 minutes for Panel members to ask questions.

Following the presentation, the candidates were interviewed for up to 50 minutes. Panel members asked six questions and the chair permitted the panel to probe the candidate's responses further where time allowed. Before each question, they were advised of the relevant CVF competency or value being tested.

Candidates were informed that they would be advised of the outcome that evening.

At the end of each interview, the External Recruitment Consultant directed Panel members to check through their notes and complete their scorings.

Panel Deliberation and Decision

After the final interview, the Panel convened to discuss their scores and the evidence they based them on. They agreed the Panel's score for the media exercise, presentation and the 6 questions for each candidate. On behalf of the Chair, the External Recruitment Consultant made a record of the final scores and their rationale.

During the shortlisting session, it was proposed that a minimum standard should be defined and set. The Chair had decided that the criteria would be:

- Any candidate with a panel score of 5 for any of the 8 elements (media exercise, presentation and six questions) will not be deemed to be appointable.
- The highest scoring candidate will be appointed provided that their mean score averages better than 3.5.

The Panel was in unanimous agreement. Two candidate met the threshold as their mean score averages were better than 3.5. One candidate scored more highly than the other. This was Temporary Chief Constable of Avon and Somerset Constabulary, Sarah Crew. As a consequence, Sarah is the preferred candidate pending the outcome of the PCP confirmation hearing on the 25th November.

At the conclusion, the chair asked the Panel for feedback on how the process went and this included the views of observers. Asher was unable to stay for this part but overall, she felt that the process was well managed, fair, and consistent with good efforts applied to seek the best available field of candidates. This was a view that Julie shared and thanked the PCC for the opportunity for the PCP to observe.

Julie Knight (Independent Panel Member)

Councillor Asher Craig

5th November 2021

