Thames Valley Police & Crime Panel

Title: Chief Constable Confirmation Hearing Procedure

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1. Background

1.1 This document explains the process to be followed by the Thames Valley Police and Crime Panel (hereafter referred to as 'the Panel') in respect of the proposed appointment of the preferred candidate to the role of Chief Constable.

1.2 The Police Reform & Social Responsibility Act 2011, section 38 specifies that the Police & Crime Commissioner (hereafter referred to as 'the Commissioner) for a police area is to appoint the chief constable of the police force for that area.

1.3 The Police Reform & Social Responsibility Act 2011 requires that Police & Crime Panels hold confirmation hearings for certain key appointments to be made by the Commissioner. These requirements are detailed within Schedule 8 of the Act.

1.4 Schedule 8 of the 2011 Act requires that a Commissioner must notify the relevant Police & Crime Panel of the proposed appointment of a chief constable. In such cases the Commissioner must also notify the Police & Crime Panel of the following information:
(a) the name of the person whom the Commissioner is proposing to appoint ("the candidate")
(b) the criteria used to assess the suitability of the candidate for the appointment;
(c) why the candidate satisfies those criteria; and
(d) the terms and conditions on which the candidate is to be appointed.

2. Powers of the Police and Crime Panel

2.1 The Panel has the functions conferred by Schedule 8 Part 1 of the Police Reform and Social Responsibility Act 2011 (Appointment of Chief Constables). This enables it to:

- Review the proposed appointment, by holding a Confirmation Hearing following receipt of notification of the proposed appointment. A 'confirmation hearing' 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. Supporting guidance produced by the Local Government Association (LGA) and the Centre for Public Scrutiny (CfPS) advises that a confirmation hearing should not be dealt with as an item of business at a standard Panel meeting but conducted as a separate meeting;

- Make a report to the Commissioner on the proposed appointment;

- Include a recommendation to the Commissioner as to whether or not the candidate should be appointed and may include exercising the power of veto (decision to veto to be agreed by two-thirds of the Panel);

- Publish a report to the Commissioner;

- The process of reviewing and reporting on a proposed appointment must be completed within three weeks of a Police & Crime Panel being notified of it by the Commissioner.

3. **Confirmation Hearing**

3.1 This confirmation hearing of the Panel has been convened to enable the Panel to review and make a report on the proposed appointment by the Police and Crime Commissioner for Thames Valley of a Chief Constable of Thames Valley Police following notification of the proposed appointment by the Commissioner on 28 October 2022.

3.2 In order to assist the Panel in reviewing the suitability of the preferred candidate, the Commissioner must provide the Panel with the following documentation:

- Name of the proposed candidate
- Criteria used to assess the suitability of the candidate
- How the candidate has satisfied those criteria
- The terms and conditions on which the candidate is to be appointed

The Procedure for the Hearing

3.3 The meeting will be conducted in public and structured as follows:

1. The Chair of the Panel will welcome the candidate to the hearing and invite Panel Members and host authority officers present to introduce themselves.

2. The Chair will outline briefly the format of the hearing.

3. The Chair will invite the Commissioner to outline the proposed appointment and introduce the candidate.

4. The Chair will invite Panel members to ask questions of the candidate which relate to his professional competence and personal independence, the answers to which will enable the Members to evaluate the candidate's suitability for the role.
5. When all Panel members' questions have been asked and addressed the Chair will invite the candidate to clarify any answers that he has given

during the hearing and to ask any questions of the Panel, for example about the next steps in the process.

6. The candidate will then withdraw from the meeting.

7. The Panel will be asked to agree a resolution to exclude the press and public from the meeting and will go into closed session to take its decision and prepare any recommendations and report to the Commissioner regarding the appointment of the preferred candidate to the role of Chief Constable.

8. The Panel will send its report to the Commissioner by the end of the working day following the date of the confirmation hearing.

9. The Panel will publish its report after 5 working days of the confirmation hearing, after liaising with the Commissioner to reflect that the Commissioner will also publish his own final decision on the proposed appointment following the hearing.

3.4 At the closed session 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.

3.5 If the Panel is satisfied that the candidate meets the required standards it can recommend to the Commissioner that the appointment be made. The Commissioner may accept or reject such a recommendation, and must notify the Panel of his response.

3.6 If the Panel considers that the candidate meets the required standards but has a query or concern about their suitability it can make a recommendation to this effect to the Commissioner. Ultimately, the Panel has the option of recommending to the Commissioner that the appointment not be made. The Commissioner may accept or reject such a recommendation, and must notify the Panel of his response.

3.7 If the Panel considers that the candidate clearly does not meet the minimum standards necessary for the position the Panel can veto the proposed appointment. A decision to veto a proposed appointment must be supported by at least two-thirds of the members of the Panel present (see below).

4. Powers of the Panel in respect of making a recommendation

4.1 The Panel have the power to veto the proposed appointment. A veto would mean that the Panel, by the required majority, have decided that the candidate should not be appointed as Chief Constable. If it takes this course of action the Panel will:

- include a statement within their report confirming that the Panel have vetoed the appointment;
- provide a reason for the veto of the appointment;
- provide evidence from the proceedings of the Confirmation Hearing in support of the reason for vetoing the appointment.

4.2 Should the Panel not veto the appointment, the following steps shall be taken:

- The Commissioner may accept or reject the Panel's recommendation as to whether or not the candidate should be appointed.

- The Commissioner must notify the Panel of the decision whether to accept or reject the recommendation.

4.3 Should the Panel veto the appointment; the following steps shall be taken:

- The Commissioner must not appoint that candidate as Chief Constable.
- The Commissioner must propose another candidate for appointment as Chief Constable. This proposed appointment will be subject to review by the Panel at a second confirmation hearing, resulting in a report to the Commissioner making a recommendation about the appointment of the reserve candidate. The Commissioner may accept or reject such a recommendation, and must notify the Panel of his response
- The Panel does not have the power to veto the Commissioner's second choice of candidate if the Panel has already used its veto on the previous candidate.

4.4 The veto should only be used in exceptional circumstances. A Commissioner's power to appoint a chief constable should be backed up by appropriate human resources functions and appointment procedures designed to provide a "due diligence" check on the suitability of the candidate that a Commissioner proposes for appointment. A proposed appointment should only be vetoed if a Police and Crime Panel considers that there has been a significant failure of this "due diligence" check, to the extent that the candidate is not appointable.

Following the Confirmation Hearing

4.5 The recommendations relating to the outcomes of the Confirmation Hearing will be communicated to the Commissioner in writing by the next working day.

4.6 It is recommended that a period of five working days should elapse before the recommendations of the Panel are made public, although this information can be released at an earlier stage if there is mutual agreement between the Panel and Commissioner.

5. Recommendations

5.1 That the Panel determine whether the proposed candidate, Mr Jason Hogg should be appointed to the role of Chief Constable of Thames Valley Police.

Background Papers and Published Documents

Police Reform & Social Responsibility Act 2011

The Police & Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012

Police & Crime Panels Guidance on Confirmation Hearings Local Government Association and Centre for Public Scrutiny (August 2012)