

Surrey Police and Crime Panel Chief Constable Confirmation Hearing Protocol

1. Background

- 1.1 This document explains the process to be followed by the Surrey 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 requires that Police & Crime Panels hold confirmation hearings for certain key appointments to be made by the Police & Crime Commissioner (hereafter referred to as 'the Commissioner'). These requirements are detailed within two Schedules of the Act.

2. Powers of the Surrey 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:
- I. Review the proposed appointment, by holding a Confirmation Hearing within three weeks of notification being given. 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;
 - II. Make a report to the Commissioner on the proposed appointment;
 - III. 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);
 - IV. Publish a report to the Commissioner.

3. Confirmation Hearing for the role of Chief Constable

Prior to the Hearing

- 3.1 The Panel received notification from the Surrey Police and Crime Commissioner of the proposed appointment to the role of Chief Constable on 14 June 2016.
- 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

At the Hearing

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

- The candidate will be welcomed to the meeting.
- The Chairman will outline the order of business for the meeting.
- The candidate will have an opportunity to introduce themselves to the Panel and ask any procedural questions that he may have.
- The Panel will have the opportunity to ask questions of the candidate.
- 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.

3.4 The Panel will 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.

On the Close of the Hearing

3.5 Immediately following the Confirmation Hearing, 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 Constable.

3.6 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.

3.7 Where a candidate meets the standards but there is still cause for concern about his suitability, it may be appropriate to outline those concerns in the Panel's response to the Police and Crime Commissioner.

3.8 Where a candidate does not meet the minimum standards in the areas set out in paragraph 3.6, the Panel may choose to not recommend or veto the appointment of the candidate to the role of Chief Constable.

3.9 If the Panel is content with the proposed appointment it can agree to report to the Commissioner its endorsement of the appointment.

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:

- I. Will include a statement within their report confirming that the Panel have vetoed the appointment;
 - II. Will provide a reason for the veto of the appointment;
 - III. Will 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:
- I. The Commissioner may accept or reject the Panel's recommendation as to whether or not the candidate should be appointed.
 - II. The Police and Crime 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:
- I. The Police and Crime Commissioner must not appoint that candidate as Chief Constable.
 - II. The Police and Crime Commissioner must propose another candidate for appointment as Chief Constable.
 - III. The Panel does not have the power to veto the Police and Crime Commissioners second choice of candidate if the Panel has already used its veto on the previous candidate.

Following the Confirmation Hearing

- 4.4 The recommendations relating to the outcomes of the Confirmation Hearing will be communicated to the Commissioner in writing by the next working day.
- 4.5 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 Nick Ephgrave should be appointed to the role of Chief Constable of Surrey Police.

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