

## DEVON AND CORNWALL POLICE AND CRIME PANEL

**Subject:** Confirmation Hearing for the role of Chief Constable of Devon and Cornwall Police

**Date:** 8 February 2013

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### Executive summary

Police and Crime Panels (PCP) are required to carry out, as one of their 'special functions', a confirmation process before the Police and Crime Commissioner (PCC) can formally appoint a Chief Constable<sup>1</sup>. The Panel has a power of veto.

The Panel were provided with, and adopted the process for scrutinising the Chief Constable appointment at their meeting on 17 January 2013.

The interviews for the Devon and Cornwall Chief Constable are scheduled for Tuesday 15 January 2013. Mr Shaun Sawyer, Temporary Chief Constable for Devon and Cornwall Police, was selected as the Police and Crime Commissioners 'preferred candidate'.

The Police and Crime Commissioner notified the Panel of his selection of preferred candidate in writing on 18 January 2013. The Chair of the Police and Crime Panel wrote to Mr Sawyer on 22 January 2013 inviting him to attend the Confirmation Hearing on 8 February 2013, which he has accepted, and was provided with a copy of the 'Principles of Professional Competence and Personal Independence' the Panel will use to evaluate the selection.

As agreed at the last Panel meeting, the Panel's lines of questioning have been reviewed in light of the appendices.

This report briefly outlines the process for conducting today's confirmation hearing for the Police and Crime Commissioner's selection of Chief Constable for Devon and Cornwall Police.

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### **Implications: Police and Crime Plan, Annual Report, Peninsula Partnership Strategic Assessment, Panel Functions, Panel Arrangements and Rules of Procedure**

It is important for the Panel to be satisfied that the candidate has demonstrated the level of skills, knowledge and experience needed to deliver efficient and effective policing in Devon, Cornwall and the Isles of Scilly and support the PCC in the delivery of the strategy and objectives set out in the Police and Crime Plan.

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### **Implications: resources including finance, human and IT**

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<sup>1</sup> Schedule 8 of the Police Reform and Social Responsibility Act 2011  
<http://www.legislation.gov.uk/ukpga/2011/13/contents/enacted>  
and Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012) -  
<http://www.legislation.gov.uk/uksi/2012/2271/contents/made>

In order to ensure that the process is handled with due regard to employment law and the Equality Act 2010, the LGA recommends that the Host Authority provides a Monitoring Officer and Senior HR Advisor to support the Panel. Any decision to veto the PCC's proposed selection could be viewed as calling into question the appointment procedures of Devon and Cornwall Police as well as having implications for the candidate.

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### **Recommendations & Reasons for recommended action:**

It is recommended that the Devon and Cornwall Police and Crime Panel considers the suitability of the Police and Crime Commissioner's preferred candidate, Mr Shaun Sawyer, for the role of Chief Constable for Devon and Cornwall Police.

Agreeing these recommendations will ensure the Panel meets fully the requirements of the Police Reform and Social Responsibility Act 2011 and the Regulations whilst considering practical implications.

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### **Alternative options considered, and reasons for recommended action**

Failure to agree to the recommendations would mean that the Devon and Cornwall Police and Crime Panel is not meeting the requirements of the Police Reform and Social Responsibility Act 2011 and the Regulations, in relation to Chief Constable appointments and the selection of the Chief Constable being decided by default.

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### **Background Papers**

None.

## **I. Powers of the Devon and Cornwall Police and Crime Panel**

- 1.1 The Panel has the functions conferred by Schedule 8 Part I of the Police Reform and Social Responsibility Act 2011 (Appointment of Chief Constables). This enables them to:
- a) 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;
  - b) Make a report to the Commissioner on the proposed senior appointment;
  - c) Include a recommendation to the Police and Crime Commissioner as to whether or not the candidate should be appointed;
  - d) Publish the report to the commissioner made under this paragraph.
- 1.2 The Panel has the power to veto the proposed appointment. A veto would mean that the Panel, by the required two thirds majority (14 out of 20 members), has decided that the candidate should not be appointed as Chief Constable. If it takes this course of action, the Panel:
- a) Will include a statement within their report confirming that the Panel have vetoed the appointment;
  - b) Will provide a reason for the veto of the appointment (as per the Confirmation Hearing protocol);
  - c) Will provide evidence from the proceedings of the Confirmation Hearing in support of the reason for vetoing the appointment (as per the Confirmation Hearing protocol).
- 1.3 Should the Panel not veto the appointment, the following steps shall be taken:
- a) The Police and Crime Commissioner may accept or reject the Panel's recommendation as to whether or not the candidate should be appointed.
  - b) The Police and Crime Commissioner must notify the Panel of the decision whether to accept or reject the recommendation.
- 1.4. Should the Panel veto the appointment, the following step shall be taken:
- The Police and Crime Commissioner must not appoint that candidate as Chief Constable.

## **2. Confirmation Hearing for the role of Chief Constable of Devon and Cornwall Police**

### *Prior to the Hearing*

- 2.1 The Panel received notification on 18 January 2013 from the Police and Crime Commissioner that Mr Shaun Sawyer, Temporary Chief Constable for Devon and Cornwall Police is the preferred candidate for the role of Chief Constable of Devon and Cornwall Police
- 2.2 Under the Police Reform and Social Responsibility Act 2011 the Panel has also been provided with the following information (**Appendices 1 – 5**) which cover:
- the criteria used to assess the suitability of the candidate for the appointment

- why the candidate satisfies 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 candidate will have an opportunity to present to the Panel his/her understanding of the role.
  - The Panel members 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 members will ask questions of the candidate which relate to his/her professional competence and personal independence, the answers to which will enable the Members to evaluate their suitability for the role. Lines of enquiry were discussed in a private session following the Panel's meeting on 17 January 2013.

#### *On the Close of the Hearing*

- 3.5 Immediately following the Confirmation Hearing, the Panel will go into 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 does not meet the minimum standards in the areas described in paragraph 3.4, this would suggest a significant failure in the appointments process undertaken by the Commissioner. If the Panel believes that there has been a significant failure in the appointments process, the Panel may choose to use the veto power, as stated in paragraph 1.2.
- 3.8 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.

#### *Following the Confirmation Hearing*

- 3.9 The PCPs recommendation relating to the outcome of the Confirmation Hearing will be communicated to the Commissioner in writing by the next working day who will inform the Candidate. If the outcome is favourable, and if it is appropriate and the PCC agrees, then the announcement could be made sooner. The Local Government Association guidance advises, however, that the release of information either favourable or where a veto has been exercised should be consistent in order to avoid assumptions being made and in fairness to the candidate.

- 3.10 Where a veto is recommended, on the next working day the PCP will notify the PCC of the veto in writing and append a summary of the principal reasons for that refusal – both documents should be treated as separate documents so that the latter can be formally published without breaching the Data Protection Act. In this instance, the PCC should be asked not to make the result of the appointment public until 5 days has elapsed following the date of the Hearing. This will allow all parties, including the candidate, to consider their next steps before the recommendation is made public.
- 3.11 Should the veto be exercised, the process will be repeated for a ‘Reserve Candidate’, but the Panel has no further power of veto.