

NORTH YORKSHIRE POLICE, FIRE AND CRIME PANEL

16 May 2019

Confirmation Hearing – Acting Chief Executive

1.0 Introduction

- 1.1 This report can be used as supporting information for the Acting Chief Executive hearing (**Agenda Item 5**) on **16th May 2019**.
- 1.2 The Police, Fire and Crime Commissioner (the Commissioner) has responsibility for appointing a Chief Executive. Before making such an appointment the Commissioner has to notify the Police, Fire and Crime Panel (the Panel) and it must review the appointment. The Panel must hold a public Confirmation Hearing prior to making a report to the Commissioner, which includes a recommendation as to whether or not the candidate should be appointed.

2.0 Procedure

- 2.1 It is important that the process relating to Confirmation Hearings is scrupulously fair. It is an unusual situation for a candidate to be ‘interviewed’ for a job in a public forum. The process outlined below has been designed to ensure rigour and fairness in all circumstances.
- 2.2 Candidates will be treated with courtesy and respect throughout the whole appointment process, including at the Confirmation Hearing and in public statements relating to recommendations made by the Panel.
- 2.3 The focus will be on the individual’s capabilities and expertise, their professional competence and personal independence. In order for the Panel to form a view on these issues, it will be important for the Commissioner to provide the Panel with reliable and objective evidence about the candidate.
- 2.4 Professional competence may include a reliable, objective assessment of the candidate’s:
 - ability to carry out the role by comparing their background and experience, for example, with the role profile
 - professional judgment and insight
 - understanding of the various stakeholders who need to be involved and engaged with, in what way and with what outcome
 - experience in the development and delivery of a major strategy.
- 2.5 Personal Independence may include a reliable objective assessment of the candidate’s:
 - ability to advise effectively
 - understanding of the separation of political and operational responsibilities
 - ability to respond constructively to situations where they might be held to account.
- 2.6 Confirmation Hearings should take place as quickly as possible with minimal time between notification of the appointment, the hearing and reports and recommendations being made to

the Commissioner. (The Act stipulates that a report and recommendation has to be sent within 3 weeks of the day that the Panel receives notification from the Commissioner.)

3.0 Formal Notification by the Commissioner

3.1 The Commissioner must formally notify the Panel of the proposed appointment. At the same time, the Commissioner will supply the evidence required for the Panel to determine whether his/her judgement has been properly exercised.

4.0 Confirmation Hearing

4.1 The Hearing will be held in public and the candidate will be requested to appear for the purpose of answering questions relating to the appointment.

4.2 The Panel will be seeking to establish if, in its opinion, there are any grounds to not follow the Commissioner's proposal for appointment.

4.3 The questions need to relate to two general principles –

- i. Professional Competence
- ii. Personal independence

4.4 The hearing should be a relatively focussed opportunity to explore key issues relating to these general principles. The LGA/Centre for Public Scrutiny guidance on confirmation hearings advises that a hearing should not be used as an opportunity for a Panel to explore the candidate's views on various areas of the Commissioner's policies, national policy issues or their plans once they assume the post, except insofar as those questions might relate directly to professional competence.

4.5 The hearing ought not to be used to explore hypothetical instances ie asking the candidate what they would do in a particular situation but should address issues of competence, suitability and expertise, priorities and vision, availability.

5.0 Decision Making by the Panel

5.1 The Panel will exclude the press and public to come to a decision on its report and recommendation.

5.2 The Panel's decision making process is as follows :-

5.3 Taking account of the minimum standards of professional competence and personal independence does the candidate meet the criteria set out in the role profile?

- a) Do they have the Professional competence to carry out the role?
- b) Do they have the personal independence to carry out the role?

5.4 The Panel must then determine whether to recommend that the preferred candidate is appointed.

5.5 In a circumstance where the candidate meets the two standards, but there is still cause for concern about his/her suitability, the Panel may choose to outline those concerns in its response to the Commissioner.

6.0 Report and Recommendation

6.1 The report and recommendation will be sent to the Commissioner within two working days of the Confirmation Hearing. (It has to be sent within three weeks of the day that the Panel received notification from the Commissioner.)

6.2 There are two options available to the Panel in considering the proposed appointee for Acting Chief Executive:

1. Report and recommendation to appoint
2. Report and recommendation not to appoint.

7.0 Response by the Commissioner

7.1 The Commissioner must have regard to any report made with recommendations and then notify the Panel whether she accepts or rejects the Panel's recommendation within three working days.

7.2 The Commissioner will give reasons for her decision.

8.0 Publication

8.1 The Panel will decide how and when to publish the report and recommendation. The standard procedure will be to publish it on the Panel website. It will be published in full.

8.2 The decision will be taken following consultation with the Commissioner and the candidate, and they will be given at least two working days' notice of the date of publication.

8.3 The report and recommendation will normally be published within five working days of the Commissioner taking a decision whether or not to appoint.

8.4 If a candidate withdraws after a report and recommendation has been sent to the Commissioner, the report and recommendation will still be published in accordance with the procedure set out above.

8.5 If, having regard to the report and recommendations from the Panel, the Commissioner decides not to appoint, the Commissioner will publish details of what she is going to do next in relation to the vacancy within five working days.

Diane Parsons
Police, Fire and Crime Panel Secretariat
7th May 2019

Background Documents - Nil