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# AGENDA

- 1 **AGENDA** (Pages 1 - 106)

**POLICE AND CRIME PANEL**  
**PANEL HEDDLU A THROSEDD**



**North Wales Police and Crime Panel**

Monday, 10 September 2018 at 10.30 am  
Conwy County Borough Council,  
Council Chamber - Bodlondeb, Conwy

**AGENDA**

1. **Apologies for absence**

2. **Declarations of Interest: Code of Local Government Conduct**

Members are reminded that they must declare the **existence** and **nature** of their declared personal interests.

3. **Urgent matters**

Notice of items which, in the opinion of the Chairman, should be considered at the meeting as a matter of urgency.

4. **Announcements by the Chair**

5. **Confirmation Hearing for the Chief Constable of North Wales Police**

a) Report from Host Authority on the procedure to be followed during the Confirmation Hearing (Pages 1 - 61)

b) Report from the North Wales Police and Crime Commissioner (Pages 62 - 104)

6. **Date of Next Meeting:**

Monday, 24 September 2018 @ 2.00 pm

## Membership of Panel

Cllr Chris Bithell  
Cllr Dana Davies  
Cllr Julie Fallon  
Cllr Alan Hunter  
Cllr Eric Jones  
Cllr Hugh Irving  
Cllr Neville Phillips OBE JP  
Cllr Dylan Rees  
Cllr Peter Read  
Cllr Nigel Williams

Pat Astbury (Vice-Chair)  
Matthew Forbes  
William John Williams

Flintshire County Council  
Wrexham County Borough Council  
Conwy County Borough Council  
Conwy County Borough Council  
Gwynedd Council  
Denbighshire County Council  
Flintshire County Council  
Isle of Anglesey County Council  
Gwynedd Council  
Wrexham County Borough Council

Co-opted Independent Member  
Co-opted Independent Member  
Co-opted Independent Member

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**REPORT TO:** North Wales Police and Crime Panel (PCP)

**DATE OF MEETING:** 10 September 2018

**LEAD OFFICER:** Richard Jarvis, Lead Officer and Legal Advisor to the PCP

**CONTACT OFFICER:** Dawn Hughes, Senior Support Officer

**SUBJECT:** Confirmation Hearing for the Appointment of Chief Constable of North Wales Police

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**1. SUMMARY AND KEY POINTS**

- 1.1 The report is to advise the North Wales Police and Crime Panel (PCP) of the procedure to be followed for a confirmation hearing in relation to the proposed appointment of a Chief Constable of North Wales Police by the Police and Crime Commissioner (PCC).
- 1.2 Appendix 1 provides details of how the confirmation should be conducted.
- 1.3 Appendix 2 provides guidance from the Local Government Association and Centre for Public Scrutiny on Confirmation Hearings.

**2. RECOMMENDATION(S)**

- 2.1 That the Police and Crime Panel notes its responsibilities in the confirmation hearing process and considers the proposed appointment of Mr. Carl Foulkes as Chief Constable of North Wales Police.

**3. REPORT DETAILS**

- 3.1 The Police Reform and Social Responsibility Act 2011 specifies that the PCC for a police area is to appoint the Chief Constable of the police force for that area in accordance with the College of Policing Guidance for Appointment Chief Officers (Appendix 3).
- 3.2 Schedule 8 of the 2011 Act requires that a PCC must notify the relevant Police and Crime Panel of the proposed appointment of a Chief Constable and also notify the PCP of the following information:

- The name of the person whom the PCC is proposed to appoint;
  - The criteria used to assess the suitability of the candidate for the appointment;
  - Why the candidate satisfies those criteria; and
  - The terms and conditions on which the candidate is to be appointed.
- 3.3 It is the duty of the PCP to hold a Confirmation Hearing and to review, make reports and recommendations in respect of the proposed appointment of a Chief Constable and to publish their reports or recommendations. The process of reviewing and reporting on a proposed appointment must be completed within three weeks of a PCP being notified of it by the PCC.
- 3.4 A Confirmation Hearing is defined as ‘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’.
- 3.5 The Confirmation Hearing should be conducted as outlined in Appendix 1. LGA/CfPS guidance recommends that a confirmation hearing should focus on the following areas:
- Professional competence: ie. the candidate’s ability to carry out the role, for example, their professional judgement and insight; and
  - Personal independence: ie. the need for the candidate to act in a manner that is operationally independent of the PCC.

#### **4. OPTIONS**

- 4.1 When considering the appointment, the PCP has three principal options, as follows:
- 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.
  - 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.

- 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. In the event that the Panel vetoes a proposed appointment the Commissioner must not appoint that candidate. The Commissioner must then propose another – reserve – candidate for the appointment. 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.
- LGA/CfPS guidance anticipates that a recommendation not to appoint should be used very rarely by PCPs, based on the principles that candidates will have already been subject to a recruitment process. (referred to in Appendix 2)
- LGA/CfPS guidance emphasises that the veto should only be used in exceptional circumstances. A PCC’s power to appoint a Chief Constable should be backed up by appropriate human resources functions and appropriate appointment procedures designed to provide a ‘due diligence’ check on the suitability of the candidate that a PCC proposes for appointment. A proposed appointment should only be vetoed if a PCP considers that there has been significant failures of this ‘due diligence’ check, to the extent that the candidate is not appointable. (referred to in Appendix 2)

## **5. ENGAGEMENT/CONSULTATION**

- 5.1 The PCC has engaged with the PCP throughout the recruitment process.

## **6. RESOURCE IMPLICATIONS –**

- 6.1 None.

## **7. WELL-BEING OF FUTURE GENERATIONS ACT**

- 7.1 N/A

## **8. RISK IMPLICATIONS**

- 8.1 The PCP needs to satisfy itself that the candidate meets the required standard in order to serve the people of North Wales.

**Background Papers:**

**Appendices:**

Appendix 1 – Confirmation Hearing Procedure

Appendix 2 – Police and Crime Panel Guidance on Confirmation Hearing – Local Government Association and Centre for Public Scrutiny.

Appendix 3 – College of Policing Guidance for the Appointment of Chief Officers

**Confirmation Hearing Procedure**

- The Chair will welcome the candidate to the hearing and invite Panel Members and Host Authority Officers to introduce themselves.
- The Chair will ask the Panel's Lead Officer/Legal Advisor to outline briefly the format of the hearing.
- The Chair will invite the Commissioner to outline the proposed appointment and introduce the candidate.
- The Chair will invite the Independent Member to present their report.
- The Chair will invite Panel members to ask questions of the candidate.
- When all Panel members' questions have been asked and addressed, the Chair will invite the candidate to clarify any answers that they have given during the hearing and to ask any questions of the Panel.
- The candidate, the Commissioner and his staff will then withdraw from the meeting.
- The Panel will then be asked to agree a resolution to exclude the press and public from the meeting before it considers its report to the Commissioner.
- The Panel will consider its report and conclusions.
- The Panel will send its report to the Commissioner by the end of the working day following the date of the confirmation hearing.
- The Panel will publish its report at an appropriate time after the confirmation hearing, normally in consultation with the Commissioner to reflect that the Commissioner will also publish his own final decision on the proposed appointment following the hearing.

# Police and crime panels

## Guidance on confirmation hearings



This guidance has been prepared by the Centre for Public Scrutiny and the Local Government Association. Every attempt has been made to provide a fair picture of the current state of the law, to present an accurate and comprehensive assessment of our recommended interpretation of the provisions of the Police Reform and Social Responsibility Act 2011 as it applies to police and crime panels, and to suggest ways of working to ensure that panels can be effective, and their work proportionate, relevant and timely. However:

- This guidance should not be relied upon as giving legal advice, and it will be for monitoring officers in individual authorities to come to their own decisions, working with councillors, to decide on the right approach.
- This guidance should not be interpreted as setting out the view of the Home Office, and the recommendations, suggestions and advice given should not be interpreted as being endorsed or approved by the Home Office. The views expressed in the guidance are those solely of the Centre for Public Scrutiny and the Local Government Association.

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# Introduction

## Background

From November 2012, structural reforms in policing in England and Wales will result in the abolition of police authorities and the creation of new arrangements for accountability. The Police Reform and Social Responsibility Act<sup>1</sup> creates the post of elected police and crime commissioner (PCC) for each force area, who will be responsible for holding the chief constable to account. The PCC themselves will be scrutinised by a police and crime panel (referred to in this guidance as the panel) made up of local councillors from the force area, and some co-optees. More details on the general role of the panel can be found in the companion guidance to this publication produced by LGA/CfPS in October 2011<sup>2</sup>.

Under the Act<sup>3</sup>, a principal role for the new panels will be to conduct hearings for certain senior staff including the chief constable, before they are confirmed in their posts. There is little precedent for this activity in the context of local government, with the most prominent UK examples of such hearings being in the House of Commons, and the London Assembly. Even there, they are a relatively recent phenomenon.

Under the Act, a Part 2 panel operates as a local government joint committee, led by a host authority. Under Part 3, the Secretary of State reserves the right to run a panel directly where local agreement on its operation cannot be reached. All Welsh panels will be Part 3 panels. Support for the operation of Part 3 panels will be provided by the Home Office. However, it is not anticipated that there will be any material difference between Part 2 and Part 3 panels in their operation of confirmation hearings.

## Key issues

Confirmation hearings will need to be handled in a different way to other evidence-gathering sessions. They will however need to operate within the requirement, in employment law, for a particular degree of fairness. They will be an important element of an appointment process that will need to focus closely on an individual's capabilities and expertise, but will need to be carried out so as to ensure that justified scrutiny of these attributes does not descend into unwarranted intrusion or lines of questioning that might be unfair or unreasonable.

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1 Referred to in this guidance as 'the Act'

2 [www.cfps.org.uk/publications?item=7002&offset=0%20](http://www.cfps.org.uk/publications?item=7002&offset=0%20)

3 Schedules 1 and 8

Confirmation hearings will need to complement, rather than duplicate, the other internal systems for appointing staff. There is no point in a panel confirmation hearing being simply a restaging of a previous interview panel.

Lines of questioning will therefore need to be carefully designed, and used to get the maximum value out of the process – for the panel, candidate and for the local community.

This guidance will examine in detail the steps that local authorities, and the panels they support, should take in preparing for confirmation hearings and in carrying them out. There are clear pitfalls that careful planning can avoid, but inevitably there will be occasions where quick thinking, tact and diplomacy will be required from all involved in these hearings, to ensure that they are genuinely useful.

We suggest that PCCs and panels in individual force areas review this guidance and seek to incorporate it as part of any wider protocol that will govern their relationship. This would include, for example:

- timescales (supplementing and complementing existing provisions on timescales in Schedules 1 and 8)
- mutual expectations about the detail of information which will be provided on candidates and their background
- mutual expectations about the conduct of the hearings themselves.

Reaching agreement on these issues as soon as possible following the election of the PCC will minimise the risk of delay or misunderstandings when the first Schedule 1 or Schedule 8 appointment is scrutinised. The panel should have the systems in place ready to carry out its duties from November 2012.

# Drawing comparisons

## Experience of hearings elsewhere

UK examples of confirmation hearings can be drawn from the House of Commons, where they have operated since 2008, and from processes established in relation to the London Assembly, which has a role in confirming certain mayoral appointments.

In the USA, a number of local areas run confirmation hearings for police officials, especially where they are appointed by an elected commissioner or chief of police.

Research elsewhere has explored these confirmation hearings and a discussion of their strengths and weaknesses goes beyond the scope of this guidance; however, we have sought to recognise the experience in the US and other jurisdictions in this document.

In the UK, confirmation hearings (or 'pre-appointment hearings'<sup>4</sup>) were initially proposed by government as part of the 2007 Governance of Britain Green Paper.

A process of negotiation between the government and the Commons Liaison Committee<sup>5</sup> led to the adoption of a process in 2008 that focused on the professional competence and personal independence of candidates, covering a range of public appointments. The Liaison Committee produced a process for hearings which has been adopted and followed by all select committees and, since 2008, significant numbers have been carried out.

In 2010, the Constitution Unit carried out a review of confirmation hearings that had been held to date<sup>6</sup>. It highlighted some concerns about the operation of such procedures but overall concluded that the aim of increasing transparency in appointments had been achieved.

On the point of the exercise of a veto (not an option open to Select Committees) it has been suggested that this might deter candidates from applying. This is a risk we will consider and suggest a way to mitigate, through panels carefully restricting their use of the veto, which we discuss in more detail below.

<sup>4</sup> Schedules 1 and 8 of the Act make clear that the confirmation hearing process is a pre-appointment, rather than a post-appointment, process.

<sup>5</sup> Maer L, 'Parliamentary involvement in public appointments' (House of Commons Library Paper SN/PC/4387), <http://www.parliament.uk/documents/commons/lib/research/briefings/snpc-04387.pdf>

<sup>6</sup> Waller, P and Chalmers M, "An evaluation of pre-appointment scrutiny hearings" (UCL Constitution Unit, 2010), <http://www.ucl.ac.uk/constitution-unit/research/consultancy/consultancy-projects/PASreport>

## Lessons learned

There are several lessons that can be learned from the experiences in the UK Parliament, in the USA and at the London Assembly:

- Confirmation hearings need to be rigorously and carefully planned by the panels carrying them out – but this does not mean hearings are a bureaucratic, ‘tick box’ exercise.
- Candidates need to know what to expect and panels should keep to a relatively narrow set of questions which relate directly to professional competence and personal independence – but this does not mean hearings are not challenging.
- Both the veto (where legal), and the recommendation not to appoint, should be used very rarely, based on the principle that candidates will have already been subject to an internal recruitment process – but this does not mean that hearings are simply a rubber stamp.
- Hearings should take place quickly, with minimal time taken between notification of the appointment, the hearing and reports and recommendations being made to the PCC – but this does not mean the process should be rushed.
- Candidates should be treated with courtesy and respect, not just at hearings themselves, but also in correspondence or public statements relating to recommendations made by the panel (this is particularly important if there is a decision taken to veto) – but this does not mean that panels should not be transparent about their findings.

# The legislation – initial considerations

## Scope

Scrutiny of senior appointments by the police and crime panel is determined in Schedules 1 and 8 of the Act. These Schedules provide information on what the panel must do, in holding a confirmation hearing.

The rest of this guidance provides details on how these obligations could be interpreted, and how confirmation hearings could be used to add value to local policing. Throughout the guidance we have used the word ‘should’ to put forward how we would suggest that panels should plan their work. There is however no legal obligation on any panel to follow our recommendations.

## Schedule 1

Schedule 1 covers the appointment of the PCC’s chief executive, chief finance officer and any deputy police and crime commissioners<sup>7</sup>. It states that the PCC must notify the panel of such a ‘proposed senior appointment’<sup>8</sup>, providing the name of the candidate, the criteria used to assess his or her suitability, why the candidate satisfies those criteria, and the terms and conditions on which the candidate is to be appointed<sup>9</sup>.

Once this notification has occurred, the panel must review the senior appointment<sup>10</sup>, and make a report on it to the PCC<sup>11</sup>, which must include a recommendation as to whether or not the candidate should be appointed<sup>12</sup>.

This must all happen within a period of three weeks, beginning on the day that the panel receives the notification from the PCC<sup>13</sup>. Under Schedule 6 to the Act, confirmation hearings carried out under Schedule 1 are ‘special functions’ of the panel, and so may not be discharged by a sub-committee.

A confirmation hearing must be held before the report is submitted to the PCC. This is defined as ‘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’<sup>14</sup>.

In response to the panel’s report, the PCC must then notify the panel whether they will accept or reject the recommendation<sup>15</sup>. There is no duty for the PCC to give reasons for their decision.

<sup>7</sup> Paragraph 9(1) of Schedule 1

<sup>8</sup> Paragraph 9(2) of Schedule 1

<sup>9</sup> This will include the candidate’s salary

<sup>10</sup> Paragraph 10(2) of Schedule 1

<sup>11</sup> Paragraph 10(3) of Schedule 1

<sup>12</sup> Paragraph 10(4) of Schedule 1

<sup>13</sup> Paragraph 10(5) of Schedule 1

<sup>14</sup> Paragraph 11(2) of Schedule 1

<sup>15</sup> Paragraph 12(1) and (2) of Schedule 1

## Schedule 8

Schedule 8 covers the appointment of the chief constable. Most of the provisions are identical to those in Schedule 1. There are two crucial differences:

- The panel has a veto<sup>16</sup> over the appointment of the chief constable. The panel may recommend that the PCC does not make the appointment<sup>17</sup>, but in the event of a veto then the candidate must not be appointed<sup>18</sup>. What happens once the veto has been exercised will be subject to regulations<sup>19</sup>, which are likely to go into this matter in more detail. The procedure suggested at the end of this document for the exercise of the veto has been designed so that it should fit with the regulations once they are published.
- Although the panel is obliged to conduct a confirmation hearing for the chief constable and then report its recommendations to the PCC, if a report is not made following a period of three weeks, then the PCC can go ahead and appoint<sup>20</sup>.

It should also be noted that the panel cannot delegate its scrutiny of the appointment of the chief constable to a sub-committee, as it is a 'special function' of the panel under Paragraph 27 of Schedule 6.

In this guidance, we will refer to appointments of the chief constable as **Schedule 8 appointments**. All other appointments subject to a confirmation hearing under the Act will be referred to as **Schedule 1 appointments**.

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<sup>16</sup> Under the Act, the panel may veto such an appointment with a two-thirds majority

<sup>17</sup> Regulation 4(4) of Schedule 8

<sup>18</sup> Paragraph 8 of Schedule 8

<sup>19</sup> Paragraph 9 and 10 of Schedule 8 (Regulations to be issued)

<sup>20</sup> Paragraphs 2(3) and 6(1) of Schedule 8

## Existing staff

Some staff may be transferred, via TUPE, from police authorities to the PCC's secretariat. Even if under normal circumstances such transfers would be subject to a hearing, this would not be necessary during the November 2012 transition phase when the PCC's secretariat is first being established. However, the appointment by the PCC of a deputy will require a confirmation hearing to be held.

# Professional competence and personal independence

We recommend that confirmation hearings focus on issues of **professional competence and personal independence**.

These are the standards that have been adopted in the House of Commons and have been identified by MPs as providing them with the focus necessary to carry out effective confirmation hearings.

Minimum standards should be seen as applying to particular attributes; ie there should be minimum standards below which it would not be appropriate to appoint under any circumstances. Above this bar, the panel might have concerns but the candidate will be 'appointable' subject to the discretion of the PCC. We comment on minimum standards in more detail in the section on the exercise of the veto.

Professional competence relates to a candidate's ability to carry out the role. This should be apparent from a comparison of the candidate's CV and the role profile, and from the answers to questions which relate to (for example) issues around professional judgment and insight which might be asked as part of the confirmation hearing process.

Personal independence relates to the need for a candidate to act in a manner that is operationally independent of the PCC (although see below on how this will apply to deputy commissioners).

This will be particularly important for Schedule 8 candidates, but for Schedule 1 candidates the panel will still need to assure themselves that the candidate will have the ability to advise the PCC effectively, and to understand the need to respond constructively in situations when they might be held to account by the panel.

# Planning and preparation

## Receiving notification from the PCC

When the PCC notifies the panel of a proposed senior appointment, the panel will need information relating to the candidate in order to carry out the hearing properly.

Notification from the PCC should therefore be accompanied by some form of background information (to minimise the risk that time will be wasted chasing this information up through other means). This should usually be the same information that the PCC has had access to during the rest of the appointment process. Under the Act the panel **must** be provided with the following information:

- the names of the person whom the PCC is proposing to appoint
- 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.

The PCC might provide other information about the candidate, for example background information (such as a CV) or a personal statement.

This information would be used to allow the panel to draw together questions around whether the candidate could evidence both **professional competence and personal**

**independence.** It is unlikely that the panel would be able to, or would wish to, carry out its own research on the candidate within the three week timescale because:

- resource constraints would make this level of research unfeasible
- this raises the prospect of questions being asked on issues which do not relate to professional competence and personal independence.

The issue of additional information is covered in the section on pre-meetings below.

Given that notification triggers a hearing within three weeks, the first task for the panel on receiving the notification will be to set a date for a meeting. This meeting should not be used for any other business (ie if there is already a panel business meeting scheduled for that period, the appointment meeting should be held separately).

## Notifying the candidate

Following the PCC's notification to the panel, and the scheduling of the hearing, the chair of the panel should write to the candidate, advising them of the date of the meeting and notifying them of the principles of professional competence and personal independence on which they propose to evaluate the candidate.

This should refer to the relevant provisions in legislation.

This letter should advise that the information provided by the candidate (see above) would need to be put on public deposit in the same manner as a standard report going to the panel.

If it has been agreed that the candidate's references will be provided to the panel, the PCC will need to advise the relevant referees that the references they submit will be put on public deposit to assist the panel in the performance of its duties.

## Briefing and pre-meeting

Steps should be taken to arrange a pre-meeting for the panel to go through some of the key issues and possible questions. The pre-meeting should not be held immediately before the confirmation hearing itself, to allow sufficient time for any unexpected issues, or gaps in information provided, to be addressed.

The information provided alongside the notification by the PCC should be used by the chair of the panel and the lead officer supporting the panel to draw together a list of potential issues for the panel to discuss at a pre-meeting. This could highlight possible question topics and themes, highlight background information on which members might wish to focus and remind members of the process taken at the meeting itself.

The pre-meeting is the most important element of the preparations for the confirmation process, because it is here that members of the panel will decide on the scope and thrust of their questioning.

This meeting should be held in private, and members of the panel should be assisted by the monitoring officer and a senior HR representative from the host authority to provide specialist and technical advice, along with whichever officer is responsible for providing support to the panel (ie a scrutiny officer).

People serving on panels may already have some experience of councillor-level appointment panels, for example to fill senior management posts. However, confirmation hearings are different in several crucial ways, which require them to be managed even more carefully. The panel will need to bear these factors in mind at the pre-meeting:

- confirmation hearings will be held in public, and Schedule 8 appointments (those of the chief constable) in particular are likely to be high profile
- the appointment is being made to an external body, not the councils represented on the panel
- hearings are an integral, but independent, part of the appointments process.

The focus of questioning will, therefore, need to rest on the professional competence of the candidate and their personal independence. Questioning will need to rely on the documents provided to support the panel's deliberations.

Where members of the panel propose to consider additional information relating to the candidate, not provided by the PCC but available elsewhere, this should be considered by the monitoring officer and the HR representative to ensure that the process will be fair, and that it will help the panel assess competence and independence.

This will be of particular importance for Schedule 8 appointments, where there may be a fair amount of information in the public domain relating to the candidate on which the panel might like to draw, but care will be needed in researching and analysing this information.

Within the two broad themes of competence and independence the panel might wish to focus on particular areas. These should be discerned with reference to the role profile, and the police and crime plan, which will allow the panel to understand the regular duties that the postholder will be expected to undertake, and the key policies that they will have to implement.

Broad questioning themes should be developed, such as evidence that the candidate has:

- an understanding of the various stakeholders that would need to be involved and engaged with (and in what way, with what outcome) in the development and delivery of a major strategy (professional competence)
- a pragmatic understanding of the separation of the PCC from operational responsibility (personal independence).

Personal independence is likely to be a nuanced issue in relation to the PCC's deputy. These are likely to be political appointments, and as such a lower standard of independence might be expected, reflecting the fact that these deputies have been appointed to provide political support, and to directly assist the PCC in driving his or her particular vision and priorities.

However, the panel in these cases, will still need to be assured that the deputy recognises the separation of political and operational responsibilities.

Members of the panel should consider, at the pre-meeting, the kind of evidence they would want to adduce to demonstrate under each theme that the minimum standards for the post had been met.

Under each of these themes individual questions should be drawn out, and assigned to relevant members of the panel. It may be necessary for the panel member asking questions at the meeting to ask supplementary questions, to 'tease out' the response to an answer. The chair of the panel will, under these circumstances, need to monitor closely such supplementary questions, and their responses, to be assured that they are relevant. The chair should receive senior officer support at the meeting.

Inappropriate questions are considered below.

# The hearing itself

The hearing will be a relatively focused opportunity to explore key issues relating to professional competence and personal independence.

As we have made clear it should not be treated as a chance for the panel to explore the candidate's views on various areas of the PCC's policies, national policy issues, or their plans once they assume the post, except insofar as those questions might relate directly to professional competence and personal independence.

Confirmation hearings should therefore be relatively short and focused. Members will have agreed questions, and questioning themes, at the pre-meeting and these should be kept to (other than to ask necessary supplementary questions – see above).

In broad terms, the meeting should be framed so as to allow the panel to make an informed decision about the candidate. In the next section the decision-making process is looked at in more detail but, fundamentally, it comprises two linked steps:

- Does the person meet the criteria set out in the role profile for the post?
  - Do they have the professional competence to carry out the role?
  - Do they have the personal independence to carry out the role? (although see comments elsewhere in this guidance on political appointments)

- Should, consequently, the panel recommend that the candidate should not be appointed or use its power of veto?

The chair should open the meeting by welcoming the candidate, and others present, and outlining for the benefit of the candidate the key themes that the panel hopes to explore. The chair should explain the process for approval, refusal or veto of appointments and allow the candidate to ask any procedural questions that he or she might have before the questioning gets under way.

The chair should be aware – notwithstanding the pre-meeting – of the risk that inappropriate questions might be asked. An inappropriate question is one that does not relate to the professional competence or personal independence of the candidate. Some questions that may appear to the questioner to relate to one or both of these issues might still be inappropriate. Some examples might be questions:

- relating to the personal political (or other) views of the candidate – eg whether the candidate agrees or disagrees with the police and crime plan, and so on
- seeking to substantively hold to account the candidate for decisions made in a previous role, unless they are phrased in such a way that directly relates to (for example) learning lessons from past experience

- on what the candidate will do, substantively, once in the post (ie questions relating to operational strategy)
- which are hypothetical and designed to obtain the candidate's views on a position of local controversy.

This is not an exhaustive list. The panel's senior HR adviser will be able to further advise the panel and the chair as to appropriate, and inappropriate, questions in this context.

The panel should also be able to use its own considered judgment on this matter, and does not have to take the officer advice it is given.

At all times the candidate should be treated fairly and politely. The panel should avoid getting into debate and discussion with the candidate on any issue, remembering that it has a task to perform and a limited amount of time to do it.

Members of the panel should refrain from making general statements about any issue, other than the short opening and closing statements referred to above.

At the end of the session the candidate should be given the opportunity to clarify any answers that he or she has given in the course of the hearing, and ask any questions of the panel, for example about the next steps or the decision-making process.

# The decision-making process

Immediately following the confirmation hearing, the panel should go into closed session to decide on its recommendations. Whilst the Local Government Act 1972 Schedule 12A would normally apply to the panel's operation at this point, the Home Office suggests that panels are joint committees under the Police Reform and Social Responsibility Act rather than the Local Government Act 1972. The Home Office will shortly issue Regulations to clarify how parts of the 1972 Act will apply to panels. The monitoring officer and a senior HR professional should be present to provide advice to the panel on its deliberations.

## Meeting the role profile requirements

The following questions follow on from the issues mentioned in the section above. They are indicative only, suggesting the kind of issues that the panel would most need to be able to evaluate in order to come to a judgment on the suitability of the candidate.

Depending on the role, and the role profile, different questions could be asked specific to the candidate's forthcoming responsibilities, for example:

- Whether the panel feels that the candidate has the professional competence to exercise the role, as set out in the role profile
  - Do they have the ability and insight to work across multiple different agencies to achieve the PCC's priorities, and wider priorities for the area?
  - Do they have the ability to respond, credibly and proportionately, to pressures such as the need to make short-term responses to unexpected requirements?
  - Do they have the ability to translate strategic objectives into operational change on the ground?
- Whether the panel feels that the candidate has the personal independence to exercise the role, as set out in the role profile
  - Do they have the ability to advise the PCC, but to resist any attempt at improper influence?
  - Do they have the ability and confidence to take personal responsibility for relevant successes and failures?

## Minimum standards

In an earlier section we made reference to 'minimum standards' of professional competence and personal independence. Members should be familiar with the required minimum standards in the role profile and should use these to make an assessment as to whether the candidate fulfils those standards.

Where a candidate does not meet these standards it should be self-evident, and this will be suggestive of a significant failure in the appointments process undertaken by the PCC.

Under these circumstances (and only these circumstances) it may be appropriate to use the veto, if the candidate is a Schedule 8 appointment.

Where a candidate meets these standards, but there is still a cause for concern about his or her suitability, it may be appropriate to outline these concerns in the panel's response to the PCC.

Where a Schedule 1 candidate does not, in the panel's view, meet the minimum requirements for the post, providing advice to the PCC in the form of a letter is the only option open to the panel. For these situations for Schedule 8 candidates, making a recommendation provides an alternative to use of the veto.

# Making recommendations on Schedule 1 and Schedule 8 appointments

Under the Act the panel may recommend to the PCC that the appointment be made, or that it not be made. A recommendation that an appointment is not made is not the same as a veto, and the PCC can, if he or she chooses, ignore such a recommendation.

The only example of a pre-appointment hearing in the Commons leading to a recommendation not to appoint was that of the proposed children's commissioner. In this section, we will draw lessons from that experience and examine how a process for recommending approval, and rejection, might work in practice.

It is important to appreciate that any negative determination by the panel could have an undesirable effect on the candidate's career options. It is suggested therefore that the affected candidate should ideally have at least a few days to consider their position and ask any further questions they may have about the process before information is released to the press and general public.

To achieve this, it is suggested that a five working day period should elapse between the hearing and the release of information about ANY recommendation from the panel whether positive or otherwise.

An understanding about this arrangement would need to be discussed and agreed with the PCC and their staff who might otherwise release information about appointments separately from the panel.

Delaying any announcement about favourable panel recommendations and associated appointment announcements would be necessary to avoid unfavourable recommendations becoming automatically associated with a delay. This would in effect create the same outcome for unfavourable recommendations as if the information had been released straight away.

Although the five day period is suggested in order to ensure fairness to the candidate, it is recognised that there may be some circumstances where their best interest would be served by a quicker release of information. In all cases, a consistent approach to the release of information would need to be discussed and agreed with the PCC and their staff.

## Recommending approval

This will be straightforward. The Act requires that recommendations to appoint should be communicated to the PCC in writing. This should happen immediately following the making of the decision (ie the next working day).

The candidate should be copied into the communication. It is suggested however that the PCC should be asked not to make the result of the appointment public until five days has elapsed following the date of the hearing for the reasons explained above.

Similarly the panel should wait five working days before it releases any information about its recommendations. In any event the panel should also ensure that the PCC has received and acknowledged the panel's recommendations before making its recommendations public.

## Recommending refusal

This will involve more work. Refusal should only be recommended rarely, under the circumstances identified in the section on the decision-making process.

Where refusal is recommended, on the next working day the PCC should be notified of the refusal in writing. Appended to the refusal should be a summary of the principal reasons for that refusal.

Both should be treated as separate documents so that the letter recommending refusal can later be formally published without risking a breach of the Data Protection Act.

The next four working days will be available to all parties – including the candidate – to consider their next moves before the recommendation is made public. The reason why we suggest that no information be disseminated publicly until after this time is to ensure that the process is fair to the candidate as explained above.

There are three likely scenarios that might follow a refusal recommendation by the panel:

- The PCC continues with the appointment. If this happens the recommendation to refuse would be published after five working days, along with a summary as to why the recommendation was made. The PCC should make a response at the same time as the publication of the recommendation, focusing on why he/she felt that the candidate did in fact meet the minimum standards for the post.
- The candidate decides to withdraw. If this happens the recommendation to refuse would be published after five working days along with the relevant summary, but no further information would be published from either side.
- The PCC decides not to appoint. If this happens, the recommendation to refuse, and the summary, would be published alongside a statement by the PCC setting out a timetable and process to make a new appointment.

At each point the candidate will need to liaise with the PCC. The panel should not attempt to liaise with the candidate either directly, or through the host authority's monitoring officer or leading HR officer.

The panel may wish to recommend refusal, rather than exercising the veto, in the case of a Schedule 8 appointment.

This might be considered when the panel feels that the candidate essentially meets the minimum standards, but has shortcomings that mean it would be inappropriate to appoint. It is envisaged that the veto would only be used in exceptional situations.

# The veto (for Schedule 8 appointments only)

## Use of the power of veto

In an earlier section we considered the effect that the veto might have on potential candidates for the role of chief constable. Research carried out by the Constitution Unit in 2010 concluded that the introduction of a veto into the existing system of select committee pre-appointment hearings might well act to dissuade candidates from coming forward.

It should be recognised that the PCC's power to appoint – subject to the confirmation hearings process – has been provided by the Government to allow the PCC to appoint the person thought most appropriate. This will be a corporate decision, led by the PCC as an individual, but backed up through their secretariat, whose HR functions and internal appointment procedures will provide a 'due diligence' check on the candidate's suitability. The veto should only be exercised where it is clear to the panel that there has been a significant failure of those 'due diligence' checks, to the extent that the candidate is not appointable. This is, rightly, a very high bar.

Systems and processes will therefore need to be designed to ensure that the veto is used extremely rarely. It should be used only where the panel feels that the candidate fails to make the minimum standards for the post.

## Process for the veto

A possible process for the veto is set out below. In designing arrangements for the use of the veto, the content of any relevant Home Office Regulations should also be considered carefully<sup>21</sup>.

Where the veto is exercised on a Schedule 8 appointment, the PCC must not appoint. The veto should be notified to the PCC on the next working day following the hearing. The PCC will be responsible for notifying the candidate.

It is suggested that after five working days the panel will publish its veto and the PCC, alongside this information, will publish information setting out the steps that will be taken to make another appointment. As we have suggested for recommendations of refusal of appointments, the five day period following the hearing can be used by the relevant parties to consider their responses. If however the candidate's interests would be better served by a quicker release of information, this can be discussed and agreed with the PCC.

<sup>21</sup> At the time of writing this guidance, the content of pending Home Office Regulations covering the use of the veto has not been finally determined. Early drafts of the Regulations indicate that the panel will not be able to veto the PCC's second choice of candidate if the panel has already used its veto on the previous candidate.

The exercise of the veto (or a recommendation for refusal) should act as the impetus to a discussion between the panel and PCC about how HR processes within the PCC's secretariat might be reviewed.



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# College of Policing

## **Guidance for the Appointment of Chief Officers**

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## **Guidance for the Appointment of Chief Officers**

### **1. Introduction**

- 1.1 This Guidance was commissioned by the Strategic Command Course Professional Reference Group. It was developed under the direction of the Police Advisory Board for England & Wales (PABEW) Sub-Group on Chief Officer Appointments which included representatives of the stakeholder bodies from across policing. It was endorsed by the PABEW. The Guidance is owned and maintained by the College of Policing. It combines legal requirements, Home Office Circular 20/2012 and good practice in appointments.
- 1.2 It describes the principles, processes and responsibilities required for the appointment of Chief Constables (CCs), Deputy Chief Constables (DCCs) and Assistant Chief Constables (ACCs). It also describes the requirements for the appointment of the Commissioner, Deputy Commissioner (DC), Assistant Commissioners (ACs), Deputy Assistant Commissioners (DACs) and Commanders within the Metropolitan Police Service (MPS). The Guidance reflects the intention that those responsible for appointments should use their discretion providing that they act lawfully and consistently with the principles outlined in the Guidance. These principles are the same as those within the Code of Practice for Public Appointments (2012) as published by the Commissioner for Public Appointments.
- 1.3 The guiding principles and processes included within this document do not directly apply to non-Home Office Forces but may be found to be a helpful guide where appropriate.

## **2. Eligibility/Legal Requirements**

- 2.1 Under Schedule 8 to the Police Reform and Social Responsibility Act 2011 (the Act), a Police and Crime Commissioner (PCC) must not appoint a person to be CC unless that person is, or has been, a constable in any part of the United Kingdom.
- 2.2 Part 1 of Annex B of the Secretary of State's determinations, made under Regulation 11 of the Police Regulations 2003 (Home Office Circular 21/2012), specifies that the Senior Police National Assessment Centre (Senior PNAC) and the Strategic Command Course (SCC) must be satisfactorily completed before a person may be substantively appointed to a rank higher than that of Chief Superintendent. The College of Policing holds records of officers who have passed Senior PNAC and the SCC which should be requested by those responsible for appointing chief officers in order to verify policing qualifications and experience.
- 2.3 Appointments to chief officer posts are also subject to regulations under Section 50 of the Police Act 1996. These regulations provide the Secretary of State with powers to define specified eligibility requirements for appointment and holding the office of constable and aspects of terms and conditions amongst other provisions. Appointments must be made in keeping with any requirements prescribed under these regulations.
- 2.4 In making appointments, provisions of the Equality Act 2010 and the Data Protection Act 1998 must be complied with (more detail in relation to this can be found under section 8 – Monitoring).

## 2.5 **Outside London**

2.5.1 Section 38 of the Police Reform and Social Responsibility Act 2011 (the Act) requires the appointment of CCs to be made by PCCs subject to a confirmatory hearing held in accordance with the Police and Crime Panel (PCP) (Precepts and Chief Constable Appointments) Regulations 2012.

2.5.2 Sections 39 and 40 of the Act relate to the appointment of Chief Officers (DCCs and ACCs) by CCs for forces across England and Wales outside London.

## 2.6 **London**

2.6.1 Sections 42, 43, 45, 46 and 47 of the Act make provision for the appointment of senior MPS officers including Commissioner, DC, AC, DAC and Commander respectively.

2.6.2 This Guidance does not apply to the appointment of the Commissioner and AC of the City of London Police which continues to be governed by the City of London Police Act 1839.

2.6.3 In the context of the MPS, the Mayor of London is the holder of the Mayor's Office for Policing and Crime (MOPAC) (although he or she may delegate the day-to-day discharge of his or her policing and crime functions to a Deputy Mayor for Policing and Crime (DMPC)). The Commissioner is appointed by Royal Warrant based on the recommendation of the Secretary of State. The Secretary of State is required to have regard to any recommendations by the Mayor's Office.

2.6.4 The DC is also appointed by Royal Warrant based on the recommendation of the Secretary of State. The Secretary of State must have regard to any recommendations made by the Commissioner and any representations from the Mayor's Office.

- 2.6.5 ACs, DACs and Commanders are appointed by the Commissioner. Before a person is appointed to any of these posts the Commissioner must consult the Mayor's Office.

### **3. Principles of Appointment**

- 3.1 PCCs and CCs are required to adhere to legal requirements relating to the appointments they make. This section outlines the principles which underpin effective appointments. Those responsible for the selection and appointment of Chief Officers must observe the three principles of **merit**, **fairness** and **openness**. These are outlined below:

#### **3.2 Merit**

- 3.2.1 The appointee must be the candidate who best meets the agreed and published requirements of the role. It is also desirable that the successful candidate is chosen from a sufficiently strong and diverse pool of eligible applicants.

#### **3.3 Fairness**

- 3.3.1 The process of assessing candidates' skills and qualities against the agreed and published requirements of the role must be objective, impartial and applied consistently to all candidates.

#### **3.4 Openness**

- 3.4.1 Information about the requirements of the role and the appointment process must be available to all prospective candidates. The role should be advertised in a way which ensures that all those who are eligible are likely to see the advert. The aim of the advert should be to attract a strong field of potential candidates.

## **4. Responsibilities**

4.1 There are a number of individuals and groups who have responsibilities relating to the appointment of Chief Officers. Whilst the process of appointment is at the discretion of the individual responsible for the process, there are essential requirements for meeting the principles of merit, fairness and openness and responsibilities outlined in legislation, which must be followed in all cases. These are described in more detail below.

### **4.2 Appointment of Chief Constables**

#### **4.2.1 Police and Crime Commissioner**

4.2.1.1 It is for PCCs to decide how they wish to run their appointment process.

4.2.1.2 It is the PCC's role to make the decision about which candidate to appoint, subject to the power of the PCP to veto the first candidate proposed. There are a series of processes which the PCC will need to consider putting in place prior to the decision making stage. Although the PCC may not put all these processes in place personally, he or she should have oversight and hold responsibility for ensuring these are done.

- Undertake appropriate briefing/training in selection and assessment themselves
- Ensure others involved in the appointment process undertake appropriate briefing/training in selection and assessment
- Manage the development of the role profile and appointment criteria, including specifying any competency framework being used
- Develop and place the job advertisement, based on the requirements of the role as outlined further in 5.2.3, 5.2.4 and 5.3

- Ensure a sufficient pool of candidates. If there is only a single candidate, take steps to increase the pool including, if necessary, reviewing the role profile
- Develop an application process including any documents required from the candidate (application form, reports from current PCC or CC)
- Convene an appointments panel (to include at least one independent panel member)
- Provide the appointments panel (including the independent member or members) with a copy of this Guidance to ensure they are familiar with its content
- In collaboration with the appointments panel, assess and shortlist applicants against the agreed appointment criteria (including verifying an applicant's policing experience and qualifications with the College of Policing)
- Develop an assessment process. (This might include interview, presentations, psychometric measures or other types of exercises)
- In collaboration with the appointments panel, assess all shortlisted candidates against the agreed appointment criteria
- Complete a decision making process considering which candidate most closely matches the appointment criteria
- Inform the PCP of the name of the preferred candidate they propose to appoint, the criteria used to assess the suitability of the candidate for the appointment, why the candidate satisfies those criteria and the terms and conditions on which the candidate is to be appointed
- Review the report and recommendation of the PCP
- Make the appointment (if the appointment is not vetoed by the PCP<sup>1</sup> – please see 5.11 for details on the process of veto)
- Inform the PCP of the name of the reserve candidate he or she proposes to appoint should the preferred candidate's appointment be vetoed by the PCP; the criteria used to assess the suitability of the candidate for the appointment, why the candidate satisfies those

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<sup>1</sup> Based upon the provisions and practices within The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012.

criteria and the terms and conditions on which the candidate is to be appointed

- Provide feedback, if requested, to candidates
- Ensure the appointments processes are undertaken in accordance with relevant legislation
- Ensure the appointments process is based on the three principles of merit, fairness and openness
- Ensure appropriate monitoring of the appointment process.

#### 4.2.2 **Appointments Panel**

4.2.2.1 The appointments panel should be convened by the PCC before any stage of the appointment process takes place (e.g. sifting of applications).

Consideration may be given to having panel members involved in helping to define the requirements of the role.

4.2.2.2 The purpose of the panel is to challenge and test that the candidate meets the necessary requirements to perform the role. The PCC should select a panel capable of discharging this responsibility. It is the PCC's responsibility to ensure that panel members are diverse and suitably experienced and competent in selection practices.

4.2.2.3 It is desirable to select a panel of approximately five members, however this will be at the discretion of the PCC. All members of the appointments panel must adhere to the principles of merit, fairness and openness. All members should be provided with a copy of this Guidance to ensure they are familiar with its content prior to the appointment process.

4.2.2.4 The role of the appointments panel is to support the PCC in making the appointment by:

- Undertaking appropriate briefing/assessor training
- In collaboration with the PCC, shortlisting applicants against the agreed appointment criteria

- In collaboration with the PCC, assessing all shortlisted candidates against the agreed appointment criteria
- In collaboration with the PCC, considering which candidate(s) most closely meets the appointment criteria.

4.2.2.5 Members of the appointments panel may include, but are not limited to, PCCs from other areas, professionals from the College of Policing, senior individuals from the private sector, members of community groups or executive selection specialists.

#### 4.2.3 **Independent Members**

4.2.3.1 At least one of the appointments panel members should be an independent member<sup>2</sup>. The PCC should appoint the independent member through a fair, open and merit based process. They may be drawn from an established pool of accredited independent members or assessors (e.g. lists of accredited members/assessors held by the College of Policing or Office of the Commissioner for Public Appointments).

4.2.3.2 The types of people suitable for the role of independent panel member might also include, but are not limited to, magistrates, chief executives of local authorities, and representatives of community organisations.

4.2.3.3 The independent panel member should not be a PCC, a member of the PCC staff, a member of the Police and Crime Panel, a Member of Parliament or Member of European Parliament, local councillor, serving or retired police officer or member of police staff, civil servant, member of the National Assembly for Wales, Northern Ireland Assembly or the Scottish Government, HMIC staff, IPCC commissioner/staff, or College of Policing staff.

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<sup>2</sup> The HO Circular 20/2012 specifies the inclusion of an independent member as part of the appointments panel.

4.2.3.4 Although the Home Office Circular specifies certain roles that are not eligible to be an independent member, this does not preclude those within these roles being part of the appointments process and/or the wider appointments panel in other roles. This involvement would be at the discretion of the PCC.

4.2.3.5 The role of the independent member is to ensure the appointment process is conducted in line with the principles of merit, fairness and openness, and the successful candidate is selected on merit. This role requires them to:

- Be suitably experienced and competent in assessment and selection practices
- Undertake appropriate briefing/assessor training
- In collaboration with the PCC and other panel members, shortlist applicants against the agreed appointment criteria
- In collaboration with the PCC and other panel members, assess all shortlisted candidates against the agreed appointment criteria
- In collaboration with the PCC and other panel members consider which candidate(s) most closely meets the appointment criteria
- Produce a written report on the appointment process. This is to be submitted to the PCP at the same time as the name of the preferred appointee. This report should expressly and explicitly address the appointment principles of merit, fairness and openness, and the extent to which the panel were able to fulfil their purpose (e.g. to challenge and test that the candidate meets the necessary requirements to perform the role).

4.2.3.6 If there is more than one independent member they should seek to agree a single report for submission to the PCP.

#### 4.2.4 **Policing Advisor**

4.2.4.1 There is no requirement for an individual with professional policing knowledge to act either as a member of the appointments panel or in an advisory capacity during any stage of the appointment process. However should a PCC choose to include such an individual in the process, the role of the Policing Advisor is to provide the PCC with professional advice at an appropriate level from a policing perspective. Responsibilities may include one or more of the following in an advisory capacity to be determined by the PCC responsible for the appointment process:

- Provide professional policing advice in the development and design of the appointment process including role profile contents, assessment contents and assessment criteria where required
- Provide professional policing advice on how well each candidate's experience and skills fit with the policing-specific requirements of the role during shortlisting
- To play an active role (where required) as part of the appointments panel in reviewing the documented procedures and related assessment material, conducting interviews/assessment exercises and making an independent assessment of the candidate's performance against the required criteria
- Provide professional policing advice on how well each candidate's experience and skills fit with the policing-specific requirements of the role during the appointment process
- To support the PCC during their decision making process prior to an appointment being made.

4.2.4.2 The Policing Advisor may be drawn from an established pool of accredited individuals. Further advice is available from the College of Policing.

#### 4.2.5 **Chief Executive of the PCC Office**

4.2.5.1 The role of the Chief Executive is to support the PCC in undertaking his or her responsibilities. In supporting the PCC in the appointments process the Chief Executive should fulfil the following responsibilities:

- Ensure the principles of merit, fairness and openness are adhered to throughout the design and delivery of the appointment process
- Advise and assist the PCC throughout the appointment process
- Ensure that the appointment process is properly conducted and in line with responsibilities and requirements outlined in legislation
- Ensure appropriate monitoring of the appointment process.

#### 4.2.6 **Applicants**

4.2.6.1 The role of the applicant is to comply with the requirements of the appointments process. They should be expected to fulfil the following:

- Complete and submit a written application in accordance with published deadlines
- Provide and ensure that all information requested as part of the appointment process is accurate and complete (e.g. reports by existing PCC/CC)
- Attend the appointment assessment(s)
- Successful candidates will be required to participate in the confirmation hearing held by the PCP (see 5.10.4 and 5.10.5 for more detail).

#### 4.2.7 **Police and Crime Panel**

4.2.7.1 The PCP's role is to review and scrutinise decisions of the PCC as set out in the Police Reform and Social Responsibility Act 2011 Chapter 5. In line with this responsibility they have specific responsibilities within the appointment process as set out in Schedule 8 to the Act.

4.2.7.2 The PCP is required to consider recommendations made by the PCC in terms of the appointment. The PCP should satisfy itself that the process was properly conducted and adhered to the principles of merit, openness and fairness and that the preferred candidate meets the requirements of the role by:

- Considering the report submitted by the independent member
- Reviewing the PCC's proposed appointment
- Holding a public confirmation meeting
- Making a report to the PCC on the proposed appointment, including a recommendation as to whether or not the candidate should be appointed. This must be done within three weeks of being notified of the proposed appointment. The PCP must publish this report.

4.2.7.3 The PCP can veto the appointment if agreed by at least two thirds of the PCP members within three weeks of being notified of the proposed appointment (see process guidance on the process of vetoing appointments in 5.11).

#### 4.3 **Appointment of DCCs, ACCs, ACs, DACs, or Commanders**

##### 4.3.1 **The Role of Chief Constable/Commissioner**

4.3.1.1 It is for CCs to decide how they wish to run their appointment process. Appointments must be made in accordance with Regulation 11 of the Police Regulations 2003 and the relevant parts of the Police Reform and Social Responsibility Act 2011.

4.3.1.2 It is the CC's role to make the decision about which candidate to appoint. However in line with the Act, the CC must consult with the PCC in relation to the appointments of DCCs/ACCs for forces outside London. The CC must consult the PCC on any proposed increase in numbers of DCCs or ACCs and may wish to consult on any decrease. Before appointing a DCC, ACC, AC,

DAC or Commander the CC or Commissioner is required to consult the PCC or Mayor's Office respectively.

4.3.1.3 There are a series of processes which the CC will need to consider putting in place prior to the decision making stage. Although the CC may not put all these processes in place personally, he or she should have oversight and hold responsibility for ensuring these are done.

- Consult with the PCC in relation to whether an appointment is required and/or any proposed increase in numbers of DCCs or ACCs – for forces outside London
- Undertake appropriate briefing/training in selection and assessment
- Ensure others involved in the appointment process undertake appropriate briefing/training in appointment and assessment
- Manage the development of the role profile and appointment criteria, including specifying any competency framework being used
- Develop and place the job advertisement, based on the role profile as outlined further in 5.2.3, 5.2.4 and 5.3.
- Ensure a sufficient pool of candidates. If there is only a single candidate take steps to increase the pool including, if necessary, reviewing the role profile
- Develop an application process including any documents required from the candidate (application form, reports from current CC)
- Convene an appointments panel (to include at least one independent panel member)
- Provide the appointments panel (including the independent member or members) with a copy of this Guidance to ensure they are familiar with its content
- In collaboration with the appointments panel, assess and shortlist applicants against the agreed appointment criteria (including verifying an applicant's policing experience and qualifications with the College of Policing)
- Develop an assessment process and appropriate exercises (this might include interview, presentations, psychometric measures, exercises etc)

- In collaboration with the appointments panel, assess shortlisted candidates against the agreed appointment criteria
- Complete a decision making process considering which candidate most closely matches the requirements of the role
- Consult the PCC on the intended appointment
- Make the appointment
- Provide feedback, if requested, to candidates
- Ensure the appointments processes are undertaken in accordance with relevant legislation
- Ensure the appointments process is based on the three principles of merit, fairness and openness
- Ensure appropriate monitoring of the appointment process.

#### 4.3.2 **Appointments Panel**

4.3.2.1 The appointments panel should be convened by the CC before any stage of the appointment process takes place (e.g. sifting of applications). Consideration may be given to having panel members involved in helping to define the requirements of the role.

4.3.2.2 The purpose of the panel is to challenge and test that the candidate meets the necessary requirements to perform the role. The CC should select a panel capable of discharging this responsibility. It is the CC's responsibility to ensure that panel members are diverse and suitably experienced and competent in assessment and selection practices.

4.3.2.3 It is desirable to select a panel of approximately five members, however this will be at the discretion of the CC. All members of the appointments panel must adhere to the principles of merit, fairness and openness. All members should be provided with a copy of this Guidance to ensure they are familiar with its content prior to the appointment process.

4.3.2.4 The role of the appointments panel is to support the CC in making the appointment by:

- Undertaking appropriate briefing/assessor training
- In collaboration with the CC, shortlisting applicants against the agreed appointment criteria
- In collaboration with the CC, assessing all shortlisted candidates against the agreed appointment criteria
- In collaboration with the CC considering which candidate(s) most closely meets the appointment criteria.

4.3.2.5 Members of the appointments panel may include, but are not limited to, the PCC, officers or staff of suitable rank/level from the appointing or other forces, professionals from the College of Policing, senior individuals from the private sector, members of community groups or executive selection specialists.

4.3.2.6 CCs or the MPS Commissioner may also consider the inclusion of Policing Advisors where the role contains areas of policing with which they are less familiar.

### 4.3.3 **Independent Members**

4.3.3.1 At least one of the appointments panel members should be an independent member. Principles governing the selection of an independent member and restrictions on appointment outlined in 4.2.3 also apply in this context.

4.3.3.2 The role of the independent panel member outlined in 4.2.3 also applies here<sup>3</sup>. However, whereas in 4.2.3 the independent member produces a report for consideration by the PCP here they would submit this to the PCC

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<sup>3</sup> Please note that the role of an independent panel member makes it inappropriate for certain specified people/roles to operate in this capacity (see 4.2.3.3). However, those excluded from the role of independent member may be involved as panel members just not within the independent member role (see 4.2.2.5).

at the same time as the CC consults the PCC about the proposed appointee. This report should expressly and explicitly address the appointment principles of merit, fairness and openness, and the extent to which the panel were able to fulfil their purpose (e.g. to challenge and test that the candidate meets the necessary requirements to perform the role).

#### 4.3.4 **Applicants**

4.3.4.1 The role of the applicant is as outlined at 4.2.6.

### **5. Appointments Process Steps**

#### 5.1 **Planning**

5.1.1 Potential vacancies should be identified by the individual responsible for the appointment as early as possible to enable proper planning. If a vacancy is identified the key requirements for the role should be established.

#### 5.1.2 **Appointments made by the PCC**

5.1.2.1 At a suitably early stage the PCC should liaise with the Chair of the PCP to put in place arrangements for the PCP and public confirmation hearing in order to maximise availability and minimise delay. There is a requirement to have at least one week between calling and holding a public meeting.

#### 5.1.3 **Appointments made by the CC or Commissioner**

5.1.3.1 The CC or Commissioner should arrange a meeting with the PCC or MOPAC as applicable in order to consult them on the intended appointment.

## 5.2 **Development of Role Profile**

5.2.1 This is one of the most important elements of the appointment process. It is the document against which assessments of candidates will be made, and which applicants will base their evidence of suitability upon.

5.2.2 The role profile should set out the key deliverables of the job, along with the skills and any competencies identified as required to perform effectively in post.

### 5.2.3 **Key Deliverables**

5.2.3.1 Key deliverables should reflect the PCC's priorities and how these are embedded within the force's operational priorities. It should be clear what the post holder will be responsible for delivering.

### 5.2.4 **Key Skills**

5.2.4.1 The skills required to perform the key deliverables should be clearly specified. It is desirable that these are based upon the three Leadership Domains of Executive Policing, Professional Policing and Business Policing.

5.2.4.2 It is the PCC/CC's decision as to which skills should be included, but these should relate clearly to the key deliverables and demands of the role.

5.2.4.3 In addition to skills this section may contain competencies which describe the underpinning behavioural approach or personal qualities required to perform the role. It is desirable that these are based upon national competency frameworks (i.e. Personal Qualities from the Policing Professional Framework).

5.2.4.4 Further advice, including information about the Policing Professional Framework and Leadership Domains, can be obtained from the College of Policing.

### 5.3 **Job Advert**

5.3.1 The job advertisement must be based on the role profile and include any other information potential applicants will need to know before making the decision to apply.

5.3.2 The role profile should cover:

- Purpose of the post – linked to priorities and force plans
- Key deliverables
- Key skills
- Eligibility
- Length of fixed term appointment
- Full details of salary and benefits
- Details of the location of the post
- Full details of the appointments process including timings for the appointment process and confirmation hearing.

5.3.3 The vacancy must be advertised for at least three weeks and must be advertised through a public website or some other form of publication that deals with policing matters.

5.3.4 Guidance to applicants should be provided, giving details of any skills/competencies required and any special rules or expectations relating to the application e.g. any documents or reports they must supply and the deadline for submitting an application.

#### 5.4 **Convene Appointments Panel**

5.4.1 The appointments panel (including the independent panel member or members) should be convened as early as possible to allow time for appropriate training or briefing. It is advisable that the appointments panel and PCC/CC meet at least once to discuss the process prior to the start of the shortlisting stage. The panel should fully understand the process of assessment and the criteria against which assessments will be made.

#### 5.5 **Conduct Training/Briefing of Appointments Panel**

5.5.1 It may be appropriate to conduct a briefing to familiarise members of the appointments panel with the components of the process and refresh their knowledge of relevant procedures and legislation (e.g. equality legislation) and effective appointment practices.

5.5.2 If any members of the appointments panel are new to assessing it is recommended that training in assessor skills is provided.

5.5.3 A copy of this Guidance should be provided to all panel members to ensure they are aware of their responsibilities and the principles covered within this Guidance.

#### 5.6 **Applications**

5.6.1 Candidates should apply using the form or other written application required by the PCC/CC's office, demonstrating how they meet the criteria for the role. To enable accurate assessment, candidates should be encouraged to provide information that is specific and focussed on their actions; what they did and what the outcomes were.

## 5.7 **Shortlisting**

- 5.7.1 The appointments panel, led by the PCC/CC, should review the applications against the pre-defined criteria and identify a suitable number of candidates to take forward to interview/assessment.
- 5.7.2 PCCs/CCs should approach the College of Policing to verify that applicants have attended and passed Senior PNAC and the SCC and any other national courses relevant to role eligibility requirements.
- 5.7.3 The appointments panel should use an appropriate rating scale to award grades to candidates for each of the components or skills they are being assessed against.
- 5.7.4 Applicants who are not shortlisted should be informed as soon as possible, and provided with feedback on request about where they did and did not meet the requirements of the role and any development needs arising from their application.

## 5.8 **Conduct Assessments/Interviews**

- 5.8.1 Interviews are a widely used selection method and are often supplemented with other techniques such as requiring the candidates to deliver a role specific presentation, or to conduct simulated role specific tasks that allow assessors to observe candidates dealing with role related situations.
- 5.8.2 An information pack to prospective applicants should provide full details of the appointments process including dates and any assessments/exercises that candidates will be required to undertake. This should also contain all assessment criteria.
- 5.8.3 The assessment/exercises need to be carefully constructed in order to derive the maximum benefit from them. This may require professional

advice to be sought. All assessments should be made against the criteria set out in the advert and role profile, and no new criteria should be added without informing the candidates in advance.

5.8.4 The panel members should use the agreed rating scales to award grades for performance in relation to the exercises and/or any competencies/criteria measured.

## 5.9 **Professional Selection Advice**

5.9.1 The PCC/CC may wish to engage professional support or advice from an individual or organisation with expertise in selection and assessment. Such an individual or organisation could provide support in:

- Development of the role profile
- Development of appropriate application/sifting process, assessment exercises, interviews or techniques, in line with best practice and legal requirements
- Briefing/training panel members in assessing skills
- Assistance in managing/delivering the appointment process.

5.9.2 If professional advice is sought this should be done as early in the process as possible, ideally as soon as a vacancy is identified.

## 5.10 **Appointment and Confirmation of Chief Constables**

5.10.1 In line with Schedule 8 to the Police Reform and Social Responsibility Act 2011, the PCC should identify the candidate who most closely meets the requirements of the role, incorporating the recommendations of the appointments panel members.

5.10.2 The PCC must notify the relevant PCP of the following information:

- The name of the person whom the PCC is proposing to appoint (“the preferred candidate”)
- 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 preferred candidate is to be appointed.

5.10.3 In the event of a veto on the preferred candidate, the PCC must notify the PCP of the following information:

- The name of the person whom the PCC is proposing would be the reserve appointee (“the reserve candidate”)
- The criteria used to assess the suitability of the candidate for the appointment
- Why the reserve candidate satisfies those criteria
- The terms and conditions on which the reserve candidate would be appointed.

5.10.4 Once the PCC has notified the PCP of the candidate they are proposing to appoint, the PCP must review the proposed appointment and hold a confirmation hearing. A confirmation hearing is a meeting of the PCP, held in public, at which the candidate is requested to appear for the purpose of answering questions relating to the appointment.

5.10.5 The candidate does not need to attend in person, but can participate in the proceedings by any means that enable the person to hear, and be heard in, those proceedings as they happen.

5.10.6 After the confirmation hearing the PCP must make a report to the PCC on the proposed appointment which includes a recommendation as to whether

or not the candidate should be appointed. This report must be submitted to the PCC within the period of three weeks beginning with the day on which the PCP receives the notification from the PCC of the proposed appointment. The PCP is required to publish its report.

5.10.7 The PCP may, having reviewed the proposed appointment, veto the appointment of the preferred candidate.

#### 5.11 **Veto of Appointment of Chief Constable**

5.11.1 In order to veto the appointment, at least two thirds of the persons who are members of the PCP at the time the decision is made must vote to veto the appointment. The power of veto only applies during the period of three weeks beginning with the day on which the PCP receives the notification from the PCC of the proposed appointment.

5.11.2 If the PCP vetoes the appointment their report must include a statement that the appointment has been vetoed and the PCC must not appoint the candidate. If the PCP does not veto the appointment the PCC may accept or reject the panel's recommendation as to whether or not the candidate should be appointed.

5.11.3 The PCC must notify the PCP of the decision to accept or reject their recommendation. The PCC may then make an offer of appointment subject to any further checks (e.g. conduct/medical/vetting).

5.11.4 In the event of a veto being exercised the PCP must undertake a further confirmation hearing to consider the PCC's proposed reserve candidate. The same process for considering this candidate and reporting to the PCC applies in these instances. The subsequent report produced by the PCP should include a recommendation as to whether or not the candidate should be appointed. The PCP is required to publish its report. These requirements are set out within The Police and Crime Panels (Precepts and

Chief Constables Appointments) Regulations 2012 Part 3 Regulations 9 and 10.

5.11.5 The PCP power to veto a candidate only applies to one particular appointment process. Therefore, should the same candidate apply again for a subsequent position, this would be a fresh appointment process and, if the PCC put forward the same candidate again, the PCP would have to deploy their veto again, if that was their decision.

5.11.6 Once the appointment and confirmation is finalised the details should be publicised by the PCC.

## 5.12 **Appointment of other Chief Officers**

5.12.1 The CC should identify the candidate who most closely meets the requirements of the role, incorporating the recommendations of the appointments panel members.

5.12.2 In line with the Police Reform and Social Responsibility Act 2011, the CC should consult with the PCC regarding the proposed appointment.

## 5.13 **Post Appointment**

5.13.1 Once an appointment has been made to any chief officer role, the PCC or CC, as appropriate, should provide data as specified by the College of Policing for monitoring purposes (details of what is required will be made available in due course). This data will be used in relation to the monitoring of the national workforce profile of Chief Officers.

## **6. Temporary and Acting Appointments**

6.1 Section 41 of the Police Reform and Social Responsibility Act 2011 outlines the power of a deputy to exercise the functions of a CC on a temporary basis.

## **7. Extensions**

7.1 Commissioners, Deputy Commissioners, CCs and DCCs are subject to fixed term appointments. The duration of these initial appointments is for the PCC/MOPAC to determine as part of the appointments process subject to a five year maximum.

7.2 An extension is subject to Regulation 11 of the Police Regulations 2003.

## **8. Monitoring**

### **8.1 The Equality Act 2010**

8.1.1 Those involved in the appointment of Chief Officers must ensure that they comply with provisions of the Equality Act 2010. The Act prohibits discrimination, harassment and other unlawful conduct because of protected characteristics which are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

- 8.1.2 The Equality Act sets out the different ways in which it is unlawful to treat someone, such as direct and indirect discrimination, harassment, victimisation and failing to make a reasonable adjustment for a disabled person.
- 8.1.3 A key measure in the Equality Act 2010 is the public-sector Equality Duty, which came into force on 5 April 2011 and places a legal duty on public authorities to take account of the need to eliminate unlawful discrimination, harassment and victimisation as well as to promote equal opportunities and encourage good relations between persons who share a relevant protected characteristic and those who do not. The Police Reform and Social Responsibility Act 2011 amends the Equality Act to make the public-sector equality duty apply to PCCs and the MOPAC.
- 8.1.4 The Equality Duty has three aims. It requires public bodies to have ***due regard*** to the need to:
- **Eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act
  - **Advance equality of opportunity** between people who share a protected characteristic and people who do not share it
  - **Foster good relations** between people who share a protected characteristic and people who do not share it.
- 8.1.5 In order to adhere to the aims of the Equality Duty, PCCs/CCs must ensure:
- That they are aware of the requirements of the Equality Duty. Compliance with the Equality Duty involves a conscious approach
  - Compliance with the Equality Duty before and at the time of the appointments process including the final decision making process. A public body cannot satisfy the Equality Duty by justifying a decision after it has been taken

- Consideration of the three aims of the Equality Duty must form an integral part of the decision-making process and must be applied with rigour
- That they have sufficient information to give proper consideration to the Equality Duty
- Responsibility for ensuring that any third parties involved in the appointment process are capable of complying with the Equality Duty, and that they do so in practice. It is a duty that cannot be delegated
- There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how appointment decisions were reached will help PCCs/CCs demonstrate that they considered the aims of the Equality Duty.

## 8.2 **The Data Protection Act 1998**

8.2.1 It is important that the individual responsible for the appointment process is familiar with their responsibilities in relation to the Data Protection Act (DPA) 1998. The DPA 1998 regulates how and when information about candidates and employees may be obtained, held and disclosed. Information covered by the DPA includes computerised records, health records and manual records. The DPA states that information is:

- To be processed fairly and lawfully
- To be adequate for the purpose (i.e. to make a fair appointment decision)
- To be relevant and not excessive
- To be accurate
- Not kept any longer than is necessary.

8.2.2 Candidates who have records kept with their details are entitled to formal access to those records as well as the reasons why they are being used. In relation to the appointment process, this refers to all notes taken during the

process, either in relation to candidates' verbatim comments or notes on appointment decisions.

## **9. Support**

- 9.1 The College of Policing will be providing an appointments toolkit which can be used at the discretion of PCCs and CCs in supporting appointments processes.
- 9.2 For any comments or queries on the contents of this Guidance or for any support with your appointment process please contact the College of Policing:

### **Gordon Ryan**

College of Policing  
Yew Tree Lane  
Pannal Ash  
Harrogate  
HG2 9JZ

01423 876606

07866 592759

[contactus@college.pnn.police.uk](mailto:contactus@college.pnn.police.uk)

Please mark emails for the attention of Gordon Ryan

**Glossary of Terms**

<b>AC</b>	Assistant Commissioner (Metropolitan Police Service)
<b>ACC</b>	Assistant Chief Constable
<b>CC</b>	Chief Constable
<b>College of Policing</b>	The professional body for policing responsible for defining the standards within policing.
<b>DAC</b>	Deputy Assistant Commissioner (Metropolitan Police Service)
<b>DC</b>	Deputy Commissioner
<b>DCC</b>	Deputy Chief Constable
<b>DMPC</b>	Deputy Mayor for Policing and Crime
<b>DPA</b>	Data Protection Act
<b>HMIC</b>	Her Majesty's Inspectorate of Constabulary
<b>IPCC</b>	Independent Police Complaints Commission
<b>Leadership Domains</b>	Part of the Leadership Strategy for Policing, the Police Leadership Domains identify three areas of skills; Professional Policing Skills; Executive Policing Skills and Business Policing Skills.
<b>MOPAC</b>	Mayor's Office for Policing and Crime
<b>MPS</b>	Metropolitan Police Service
<b>PCC</b>	Police and Crime Commissioner
<b>PCP</b>	Police and Crime Panel
<b>PPF Personal Qualities</b>	Policing Professional Framework (PPF) is a competency framework designed to help police officers and staff determine competence. The Personal Qualities within the PPF provide defined behaviours for police officer and staff roles.
<b>SCC</b>	Strategic Command Course
<b>Senior PNAC</b>	The Senior Police National Assessment Centre
<b>The Act</b>	The Police Reform and Social Responsibility Act 2011

## Useful Links

**Data Protection Act 1998**

<http://www.legislation.gov.uk/ukpga/1998/29/contents>

**Equality Act 2010**

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

**Home Office Circular 20/2012 - Selection and appointment of chief officers - from 22 November 2012**

<http://www.homeoffice.gov.uk/about-us/corporate-publications-strategy/home-office-circulars/circulars-2012/020-2012/>

**Home Office Circular 21/2012 - Determinations under Police Regulations 2003 - appointment of senior officers**

<http://www.homeoffice.gov.uk/about-us/corporate-publications-strategy/home-office-circulars/circulars-2012/021-2012/>

**Home Office Circular 22/2012 - The Police (Amendment No. 4) Regulations 2012 - Winsor Review Part 1 (part-time working, public holidays, replacement allowance) and senior officer appointments**

<http://www.homeoffice.gov.uk/about-us/corporate-publications-strategy/home-office-circulars/circulars-2012/022-2012/>

**Police and Crime Panel Precept and Chief Constable Appointments Regulation 2012 (HOC 22/2012)**

<http://www.legislation.gov.uk/uksi/2012/2271/contents/made>

**Police Regulations 2003**

<http://www.legislation.gov.uk/uksi/2003/527/contents/made>

**Police Regulations 2003 – Regulation 11 Part 1 Annex B Determinations (Home Office Circular 21/2012)**

<http://www.homeoffice.gov.uk/about-us/corporate-publications-strategy/home-office-circulars/circulars-2012/021-2012/>

**Section 50 Police Act 1996**

<http://www.legislation.gov.uk/ukpga/1996/16/contents>

Councillor Julie Fallon  
Chair  
Police and Crime Panel  
Conwy County Borough Council  
Bodlondeb  
Conwy LL32 8DU

Ein Cyf / Our Ref: OAJ/sh/mj

29 August 2018

Dear Councillor Fallon

**Chief Constable - Confirmation Hearing**

Under the Police Reform and Social Responsibility Act 2011 I am required to notify the Police and Crime Panel of my proposed appointment of Chief Constable.

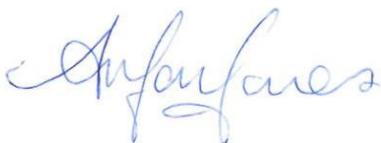
I am therefore writing to inform you that I propose to appoint Mr Carl Foulkes as Chief Constable for North Wales Police.

I have made this decision following an open, transparent and rigorous process which is detailed in the attached report.

I would appreciate if the Police and Crime Panel could consider my recommendation at a Confirmation Hearing and report back to me on whether my recommendation meets the Panel's approval.

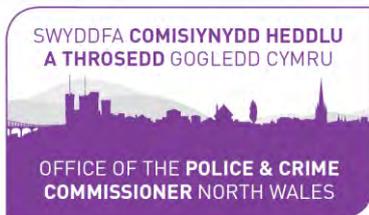
Thank you.

Yours sincerely



Arfon Jones  
Police and Crime Commissioner

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## OFFICE OF THE POLICE AND CRIME COMMISSIONER NORTH WALES

10<sup>th</sup> September 2018

### Appointment of Chief Constable

### Report of Police and Crime Commissioner

## 1. INTRODUCTION

- 1.1 The purpose of this report is to notify the Police and Crime Panel (“the Panel”) of the Police and Crime Commissioner’s proposed appointment for the position of Chief Constable for North Wales Police.
- 1.2 The report provides an overview of the appointment process that has been undertaken by the Police and Crime Commissioner (“the Commissioner”) for North Wales to select the Chief Constable.
- 1.3 The report also provides details of the reasons why the proposed candidate has been selected for consideration by the Police and Crime Panel. This report should be read in conjunction with the Independent Member’s report provided herewith, see Appendix 4.

## 2. BACKGROUND

- 2.1 In May 2018 the former Chief Constable, Mark Polin gave notice that he was to resign from North Wales Police Force on 1 September 2018.
- 2.2 On 18 June 2018 the Commissioner announced his decision to recruit a new Chief Constable by publishing an advertisement to open the recruitment process.
- 2.3 The Police Reform and Social Responsibility Act 2011 (“the Act”) Schedule 8, paragraph 3 requires the Commissioner to notify the Police and Crime Panel of each proposed appointment of a chief constable, and include the following information:
  - (1) The name of the person he is proposing to appoint;
  - (2) The criteria used to assess the suitability of the candidate for the appointment;
  - (3) Why the candidate satisfies those criteria; and
  - (4) The terms and conditions on which the candidate is to be appointed.
- 2.4 Schedule 8, paragraph 3 of the Act states that the Police and Crime Panel must review the proposed appointment and make a report to the Commissioner on the proposed appointment, including a recommendation to the Commissioner as to whether or not the candidate should be appointed. This must be done within a period of three weeks beginning with the day on which the Police and Crime Panel receives notification from the Commissioner of the proposed appointment.
- 2.5 Schedule 8, paragraph 6 of the Act states that the Panel must hold a confirmation hearing before making a report and recommendation to the Commissioner in relation to the proposed appointment.
- 2.6 Schedule 8, paragraph 7 and 8 provides information on the Panel’s right to veto the Commissioner’s proposal for appointment.

### **3. APPOINTMENT PROCESS AND CRITERIA**

#### **3.1 Legislation and Guidance**

3.2 The relevant legislation and guidance used are:-

- (1) Police Reform and Social Responsibility Act 2011, Schedule 8
- (2) Home Office Circular 013/2018: selection and appointment of Chief Officers
- (3) Police Regulations 2003
- (4) College of Policing - Guidance for appointing chief officers
- (5) Statutory Instruments - The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012

#### **3.3 The Appointments Panel**

3.3.1 The Commissioner has the discretion to appoint members of the Appointments Panel. The panel members were selected in order to provide a diverse range of perspective and all have previous experience of selection processes at senior levels.

3.3.2 The Panel Members were:-

- (1) Arfon Jones, Police and Crime Commissioner
- (2) Gill Lewis, Independent Member
- (3) Nazir Afzal, Advisor to Welsh Government
- (4) Ruth Marks, CEO Wales Voluntary Council Association
- (5) James Illidge, Chair Joint Audit Committee
- (6) Mark Polin, Professional Policing Advisor
- (7) Stephen Hughes, Monitoring Officer

3.3.3 The Appointments Panel members received a copy of the College of Policing Guidance for the Appointment of Chief Officers and also the College of Policing Competency and Values Framework. The Monitoring Officer also arranged for the panel members to receive training from the Force's Head of Training on the appointment process and the framework. The documents and training provided the panel members with a full understanding of the recruitment process and what was required of them.

3.3.4 The Commissioner included the panel members in the whole process, from approval of the paperwork, training, shortlisting, feedback from forums and interview.

#### **3.4 Advert**

3.4.1 The advertisement was drafted using a template provided by the College of Policing and incorporated the key criteria and requirements for the role and information on how to obtain an application form and information pack. Full details of the skills, experience, knowledge and qualifications required were provided in the Role Profile which was included in the information pack. See Appendix 1.

3.4.2 Part Two of Annex B of the Secretary of State's determinations, made under Regulation 11 of the Police Regulations 2003, specifies that vacancies must be advertised on a public website or some other form of publication which deals with police matters circulating throughout England and Wales, and the closing date for applications must be at least three weeks after the date of the publication of the advertisement.

3.4.3 The position was advertised from 18 June 2018 until 20 July 2018 (a period of 5 weeks) as follows:

- (1) National Police Chiefs' Council website
- (2) Police and Crime Commissioner's website
- (3) College of Policing website
- (4) Association of Police and Crime Commissioner's website
- (5) HMICFRS – email circulation
- (6) APACE – email circulation
- (7) Social media and a press release was also used to highlight the vacancy

### 3.5 **Information Pack and Application Form**

- 3.5.1 The self-assessment application form was developed in conjunction with a human resource advisor from North Wales Police. It was decided that the information required for the application form would evidence that candidates had the skills and experience to fulfil the role; the values and competency evidence were to be tested during the assessments and interview process. The application form was clear in what information candidates had to provide.
- 3.5.2 The information pack consisted of a letter from the police and crime commissioner, role profile, terms and conditions and the timetable and selection process for the appointment.

### 3.6 **Terms and Conditions**

- 3.6.1 The terms and conditions were compiled in accordance with Police Regulations and Determinations. The advertisement and terms and conditions stated that the appointment will be for an initial term of up to 5 years, which is the maximum term the Commissioner could offer. The 'spot rate' salary (as determined by the Secretary of State) is £139, 890. The Commissioner has the discretion to offer a salary range of 10% (up or down) from the relevant 'spot rate'. The Commissioner advertised within the range of £139,890 - £153,879 to be negotiated on appointment and will be subject to skills and experience. There are also other benefits and a relocation package included in the terms and conditions.
- 3.6.2 The salary has been offered and agreed at £146,884.50 which is the spot rate plus an uplift of 5%. The candidate's current salary as Deputy Chief Constable in Merseyside is comparable with our Chief Constable spot rate and although Mr Foulkes has stated that money was not the motivating factor for him in submitting an application a small uplift of 5% was felt reasonable.
- 3.6.3 The candidate has also indicated that he will be living in the force area although this is not a requirement of the terms and conditions.
- 3.6.4 The Commissioner has also asked that the candidate reach Level 3 spoken Welsh language skills within 12 months of appointment. The candidate has already taken steps to learn.

### 3.7 **Role Profile**

- 3.7.1 The role profile was compiled by the College of Policing following consultation with all police and crime commissioners and the Association of the Police and Crime Commissioners. The role profile incorporates all the skills, experience and knowledge required from a chief constable. See Appendix 2.

### 3.8 **Expressions of Interest**

- 3.8.1 Five potential candidates were in contact with the Office of the Police and Crime Commissioner; four requested an information pack and application form and the fifth did not have the required qualifications to be considered.

- 3.8.2 The closing date of noon on Friday 20<sup>th</sup> July was clearly shown on the advertisement, within the application form and information pack. On the closing day, two application forms were received.
- 3.8.3 Receiving a low number of applications is not unusual as the pool of potential applicants is extremely small. The College of Policing's recent 'Chief Officer Appointments Surveys Results and Analysis Report' showed that forces (who responded to the survey) usually receive small number of applications.
- 3.9 **Familiarisation Day**
- 3.9.1 A familiarisation day was arranged for all interested candidates on 17<sup>th</sup> July to be held at police headquarters. The intention of the day was to encourage applications and to enable interested candidates to learn more about the role, North Wales Police and the Commissioner's policing priorities.
- 3.9.2 The familiarisation day included discussions on, amongst other topics, emergency services in Wales, collaboration within Wales and the North West, policing performance and confidence surveys.
- 3.10 **Shortlisting**
- 3.10.1 At the deadline for receiving applications two had been received. As both applicants were of such a high calibre the Commissioner in consultation with the Independent Member decided to invite both for assessment and interview on 1<sup>st</sup> and 2<sup>nd</sup> August.
- 3.11 **Consultation**
- 3.11.1 The Commissioner emailed all officers, staff and volunteers that work for North Wales Police to ask them "What qualities would make a good Chief Constable for North Wales".
- 3.11.2 We were very pleased with the responses we received from the workforce. We also received many messages thanking us of giving the workforce an opportunity to participate. Information received from the consultation exercise helped us to prepare for the stakeholder forum and formal interview.
- 3.12 **Stakeholder Forums**
- 3.12.1 The stakeholder forums were done to provide internal and external involvement and scrutiny to the appointments process.
- 3.12.2 The stakeholder forums were held on 1<sup>st</sup> August. One forum was for officers and staff to participate and the second for individuals from organisations closely linked to the Force and the Commissioner's office.
- 3.12.3 Attendees had been selected personally by the Commissioner as people who were confident in holding people to account and were passionate in their area of expertise.
- 3.12.4 The internal stakeholder forum was represented by staff and officers from the following departments:-
- 3.12.5 PCSO  
Special Constabulary  
Human Resources  
Welsh Language Champion  
Administration of Justice  
Rural Crime Team  
Corporate Services  
Unison  
Custody  
IGroup

Diversity Unit  
Police Federation  
Crime Services

3.12.6 The external stakeholder forum was represented by individuals from the following organisations or area of business:-

Community Councils  
ACE Project Wales  
Domestic Abuse Advisors  
Media  
National Probation Office  
Gwynedd Council  
Wrexham County Borough Council  
Victim Support  
Kaleidoscope  
Community Rehabilitation Company

3.12.7 The events were facilitated by Ann Griffith Deputy Police and Crime Commissioner (“the Deputy”). Questions from each attendee were agreed prior to the event and each candidate were asked the same questions.

3.12.8 The Deputy’s role was to ensure that the conversation did not steer too far from the agreed questions prepared. The independent member, Gill Lewis, was in attendance who has referred to this process in her report. The Monitoring Officer had oversight of the events.

3.12.9 At the end of each forum, the Deputy asked the attendees of their views on how the candidates answered their question e.g. was their question answered, were they engaging, did the candidate provide you with confidence?

3.12.10 These events were not scored but feedback was provided by the Deputy to the Appointments Panel on answers given and how they reacted to the challenging questions from a variety of people.

3.12.11 The feedback from the Stakeholder Forums was extremely positive and attendees had full confidence of the candidate as the future chief constable.

### 3.13 **Interview and Presentation**

3.13.1 The formal interview which included delivering a presentation was held on 2 August 2018.

3.13.2 The interview was assessed against the values and behaviours required as detailed within the College of Policing’s Competency and Values Framework, see Appendix 3.

### 3.14 **Deliberations**

3.14.1 Following a comprehensive and rigorous selection process, the Commissioner and the Appointments Panel determined that the preferred candidate is Mr Carl Foulkes and it is the Commissioner’s proposal to appoint him as chief constable of North Wales Police.

3.14.2 The criteria used to assess the suitability of the candidate at each stage of the appointment process are set out within the Report of the Independent Member, Appendix 4.

## 4. **THE PREFERRED CANDIDATE**

4.1 The Commissioner considers that Mr Foulkes satisfies the selection criteria set on the following basis:

4.2 The preferred candidate:-

- Performed to an exceptional standard throughout the two day process,
- Meets the criteria for appointment to the rank of Chief Constable as set out in law,
- Undertaken an open, transparent and rigorous recruitment process which included independent, internal and external scrutiny,
- A considerable and long-standing career of over 25 years in policing and has a proven operational and strategic background in Merseyside Police and West Midlands,
- Demonstrated to the Stakeholder Forums and the Appointments Panel his unquestionable ability to not only lead North Wales Police, but to deliver improvements to the policing service in North Wales

**5. REFERENCES, VETTING AND MEDICAL CHECKS.**

- 5.1 The Commissioner has received two references from two serving chief constables confirming Mr Foulkes’ ability to carry out this role.
- 5.2 The candidate has been vetted to the appropriate level for this position and the relevant checks have been carried out.
- 5.3 North Wales Police Occupational Health Unit has confirmed that Mr Foulkes is medically fit to carry out the role.

**6. THE ROLE OF THE POLICE AND CRIME PANEL**

- 6.1 The Police and Crime Panel are requested to review appointment process and recommend whether or not to support the Commissioner in the appointment of Mr Carl Foulkes as the new Chief Constable for North Wales Police.
- 6.2 The Panel are further asked to submit to the Commissioner in writing its recommendation on the appointment.

Appendix 1	Advert
Appendix 2	Role Profile
Appendix 3	Competency and Values Framework
Appendix 4	Report of the Independent Member of the Selection Panel, Gill Lewis



**HEDDLU GOGLEDD CYMRU**  
Gogledd Cymru diogelach  
**NORTH WALES POLICE**  
A safer North Wales

SWYDDFA COMISIYNYDD HEDDLU  
A THROSEDD GOGLEDD CYMRU



OFFICE OF THE **POLICE & CRIME**  
**COMMISSIONER NORTH WALES**

# Chief Constable for North Wales Police

Fixed Term Agreement for an initial term of up to 5 years on an annual salary of between **£139,890 - £153,879** (subject to skills and experience and negotiation on appointment) plus benefits and relocation package

This is a great opportunity if you wish to work in an area with breath-taking scenery, surrounded by a rich blend of history and culture plus unique policing challenges.

As Police and Crime Commissioner for North Wales, I am looking for an exceptional individual with the appropriate experience, ambition and vision to lead North Wales Police, a person who is passionate about policing who shares my vision for policing and community safety.

The successful candidate must demonstrate:-

- a strong commitment to serving the public and build the trust and confidence of the communities of North Wales,
- a collaborative style of working with myself, fellow officers, key community partners and stakeholders,
- the delivery of a policing service against a background of diminishing resources,
- ability and dedication to deliver my policing priorities.

The Force is committed to being a bilingual organisation, therefore if you are successful you will be expected to indicate a positive approach towards the Welsh Language and achieve a measure of competency for which full support will be given.

If you share my vision and have the necessary skills to lead the policing service in North Wales, I am looking forward to hearing from you.

I am committed to equal opportunities and welcome applications for this post from all sections of the community.

Closing date is **12 noon Friday 20 July 2018**, shortlisting will be completed by **Tuesday 24 July, 2018**, the selection process will take place on **1 and 2 August 2018**. A familiarisation day for applicants will be held on **Tuesday 17 July 2018**.

The appointment will be subject to a Confirmation Hearing of the Police and Crime Panel. Applicants will be required to meet the minimum eligibility criteria as outlined within the College of Policing Guidance for appointing Chief Officers.

Application pack is available from the Office of the Police and Crime Commissioner, email: [OPCCvacancy@nthwales.pnn.police.uk](mailto:OPCCvacancy@nthwales.pnn.police.uk) or alternatively contact Stephen Hughes, Chief Executive for an informal discussion on 01492 805486.

**Arfon Jones**

Police and Crime Commissioner



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# Role Profile

<b>Post</b>	Chief Constable
<b>Accountable to</b>	Police and Crime Commissioner for North Wales
<b>Job Description</b>	To carry out the role of Chief Constable as defined in section 10 of the Police Act 1996
<b>Responsible for</b>	The direction and control of North Wales Police Force in order to provide North Wales with an effective and efficient police service and the fulfilment of all the statutory and legal obligations of the office of Chief Constable

## Role Purpose:

This section summaries the key function of the role

1. The Chief Constable has overall responsibility for leading the Force, creating a vision and setting direction and culture for the Force that builds public and organisational confidence and trust and enables the delivery of an effective policing service.
2. The Chief Constable is accountable for the totality of policing within their force area, including the operational delivery of policing services and the effective command and leadership of the policing response to crime, and major and critical incidents.
3. The Chief Constable is responsible for influencing the development of regional and national policing and may be accountable for national operations or standard setting and is responsible for providing a professional, effective and efficient policing service.
4. As a Corporation Sole the Chief Constable is responsible for fulfilling all statutory and legal obligations of the office of Chief Constable and complying with any Schemes of Governance or Consent that exist, which determine force governance arrangements.

## Primary Accountabilities:

This section details the key responsibilities required of the role

5. Set and ensure the implementation of organisational and operational strategy for the Force, having due regard to the Police and Crime Plan and Strategic Policing Requirement and any wider plans and objectives, in order

to provide an effective and efficient policing service that meets current and future policing demands.

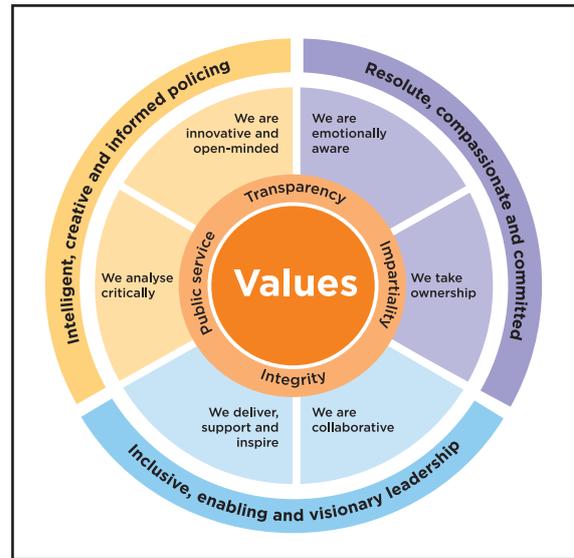
6. Develop and maintain governance arrangements and processes within the force, to ensure effective decision making and appropriate action at all levels/tiers of the organisation.
7. Develop a mutually productive strategic relationship with the Police and Crime Commissioner in line with the requirements of the Policing Protocol, whilst fulfilling all statutory and legal obligations as Corporation Sole.
8. Lead the Force, communicating a clear direction, setting organisational culture and promoting values, ethics and high standards of professional conduct to enable an effective and professional service.
9. Lead, inspire and engage the Chief Officer team; setting and role modelling approaches to a workforce culture that promotes wellbeing, facilitates impactful professional development and performance management to create empowered teams that effectively enable the achievement of the Force vision and goals.
10. Fulfil the authorising responsibilities of a Chief Constable e.g. authorisation of intrusive surveillance and maintain operational oversight, holding accountability for effective, compliant policing responses, in order to protect the public and further develop the Force's operational strategies.
11. Lead and command the operational policing responses on occasion, in the most high risk and high profile instances, in order to protect the public and ensure an appropriate and effective response.
12. Hold accountability for Force financial management and determine functional budgets within the agreed framework as issued by the Police and Crime Commissioner, to ensure the effective use of public spending and maximise value for money.
13. Develop and maintain strategic relationships with local, regional and national partners, effectively influencing and collaborating to contribute to improvements and change in the broader operating context and enable the achievement of the Force objectives.
14. Advise national bodies such as COBR on matters of public safety and national security to contribute to effective decision making that protects the public from serious threat and upholds the law.
15. Represent the Force at a local, regional and national level to the public, media and other external stakeholders to promote visibility, connect with the public and build confidence in policing.
16. Lead national thinking, policy and guidance within an area of specialism to enable the continuous improvement of effective policing practice.
17. Create and drive a culture of development, change and innovation to ensure enhanced productivity, value for money and continuous improvement in evidence based policing.
18. Play an active role in national decision making on the development of the Police Service to enable the effective co-ordination of operations, reform and improvements in policing and the provision of value for money.

## Behaviours:

This section outlines the behavioural requirements of the role

All roles are expected to know, understand and act within the ethics and values of the Police Service.

The Competency and Values Framework (CVF) has six competencies that are clustered into three groups. Under each competency are three levels that show what behaviours will look like in practice.



This role requires the following levels of the CVF:

### Resolute, compassionate and committed

We are emotionally aware	Level 3
We take ownership	Level 3

### Inclusive, enabling and visionary leadership

We are collaborative	Level 3
We deliver, support and inspire	Level 3

### Intelligent, creative and informed policing

We analyse critically	Level 3
We are innovative and open-minded	Level 3

## Education, Qualifications, Skills and Experience:

Outlines the skills and educational and qualification requirements to be able to fulfil the role

Prior Education and Experience:

19. Has held rank of ACC/Commander or a more senior rank in a UK Police Force (or have held one of the designated roles if appointed from overseas).
20. Successful completion of the Senior Police National Assessment Centre (PNAC) and the Strategic Command Course (SCC).
21. Authorising Officer Training
22. Wide ranging operational law enforcement experience.
23. A demonstrable track record of successful experience of working at a strategic level, including the leadership of law enforcement officers and staff at senior leadership level.

24. Experience of successfully engaging with and influencing multi-agency partnerships.
25. Experience of implementing an effective performance management framework.
26. Experience of implementing successful organisational development, change and innovation.
27. Experience of accountability for management of significant budgets.
28. Up to date operational/technical policing knowledge.
29. Knowledge of developing legal, political, economic, social, technological, and environmental factors and an understanding of the implications for strategic planning.
30. Knowledge of relevant local, regional and national policies, strategies and initiatives and an understanding of the implications within the policing context.

## Skills:

31. Highly skilled in the development of ambitious vision, strategy and policy, aligned to operational realities and wider plans/goals.
32. Able to operate with high levels of commercial acumen, skilled in effective organisational financial management which balances conflicting resource demands and drives value for money.
33. Able to create strategic organisational change, to deliver appropriate responses to emerging trends and issues.
34. Able to scan the internal and external horizon, identifying emerging trends and issues and use these to inform strategic planning.
35. Able to operate with high levels of political astuteness, skilled in impacting the internal and external political landscape effectively.
36. Able to use a wide range of highly effective communication and influencing techniques and methods to successfully negotiate, collaborate and influence change at the most senior levels and across a diverse range of stakeholders.
37. Skilled in building and maintaining strategic stakeholder relationships at the most senior levels, being able to resolve issues and to reconcile conflicts of interest.
38. Skilled in leading, developing and inspiring people, engaging the organisation with strategic priorities, values and behaviours.
39. Able to reflect on and hold themselves, individuals and the organisation to account for performance and behaviours.
40. Able to identify, commission and implement new or improved technologies/services that have a transformational impact on Force service delivery and/or cost.



# Competency and Values Framework for policing

## Overview of framework

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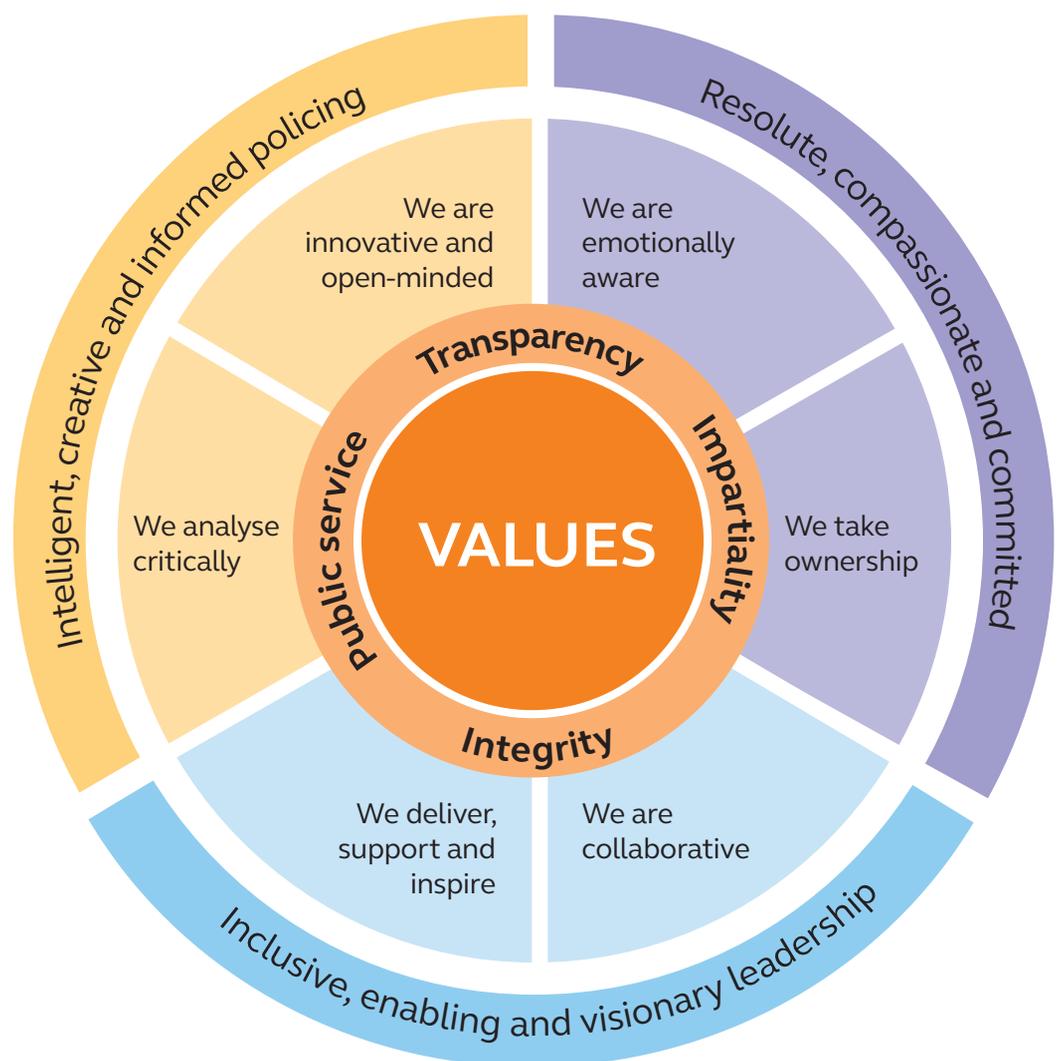
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# Introduction

The Competency and Values Framework (CVF) aims to support all policing professionals, now and into the future. It sets out nationally recognised behaviours and values, which will provide a consistent foundation for a range of local and national processes. This framework will ensure that there are clear expectations of everyone working in policing which in turn will lead to standards being raised for the benefit and safety of the public.



The framework has six competencies that are clustered into three groups. Under each competency are three levels that show what behaviours will look like in practice. All of the competencies are underpinned by four values that should support everything we do as a police service.

Each cluster has a heading and a description of why that area is important. Each competency includes a description and a list of behaviours which indicate that a person is displaying that particular competence. Each competency is split into three levels which are intended to be used flexibly to allow for a better fit with frontline and non-frontline policing roles rather than ranks or work levels. The levels are designed to be cumulative, so those working at higher levels should also demonstrate each preceding level's behaviours. The competency levels can broadly be matched to work levels as:

- level 1 – practitioner
- level 2 – supervisor/middle manager
- level 3 – senior manager/executive.

A number of national role profiles show how the competency levels align to common roles within policing. These can be used as a basis for developing further role profiles within each local police force.

The following sections of this document explain each value and competency and show the behaviours for each.

# Values

## Impartiality

This value links to the principles of fairness and objectivity from the Code of Ethics.

As a police service, we must show impartiality throughout all our dealings with colleagues, partners and members of the public. This is achieved by being unprejudiced, fair and objective. We consider different sides of a situation and ensure that each side is given equal consideration. We do not favour one person or group over another, acknowledging that discrimination increases feelings of unfairness and makes our jobs harder to do. We must not allow personal feelings, beliefs or opinions to unfairly influence our actions in any situation.

We assess each situation based on its own merits ensuring we are fair and consistent in our actions. We are clear in our rationale for the decisions or actions we take ensuring they are clear and evidence-based.

## Behaviours

- I take into account individual needs and requirements in all of my actions.
- I understand that treating everyone fairly does not mean everyone is treated the same.
- I always give people an equal opportunity to express their views.
- I communicate with everyone, making sure the most relevant message is provided to all.
- I value everyone's views and opinions by actively listening to understand their perspective.
- I make fair and objective decisions using the best available evidence.
- I enable everyone to have equal access to services and information, where appropriate.

## Integrity

This value links to the principle of integrity from the Code of Ethics.

We understand and reinforce expectations of professional behaviour and openly recognise good and bad performance. We maintain the highest levels of professionalism, making sure that we always uphold the values and ethical standards of the police service.

We need to build and maintain confidence with the public, colleagues and partners if we are to deliver a modern and effective police service. Doing the right thing is about becoming a role model and upholding public trust.

## Behaviours

- I always act in line with the values of the police service and the Code of Ethics for the benefit of the public.
- I demonstrate courage in doing the right thing, even in challenging situations.
- I enhance the reputation of my organisation and the wider police service through my actions and behaviours.
- I challenge colleagues whose behaviour, attitude and language falls below the public's and the service's expectations.
- I am open and responsive to challenge about my actions and words.
- I declare any conflicts of interest at the earliest opportunity.
- I am respectful of the authority and influence my position gives me.
- I use resources effectively and efficiently and not for personal benefit.

## Public Service

This value links to the principles of respect and selflessness from the Code of Ethics.

As individuals and as part of a wider organisation, we have a responsibility to ensure that we act in the best interests of society as a whole. Improving the safety and wellbeing of the public underpins all that we do. We constantly think about how to create the best possible outcomes for those we serve and we take personal responsibility for delivering these. We show resilience and determination to overcome barriers and to provide the best outcome.

We are dedicated to work in the public interest, engaging and listening to their needs and concerns. We work to make sure that the public feel valued and engaged, which helps to build confidence in the police service. We are respectful to the needs and concerns of different individuals and groups.

## Behaviours

- I act in the interest of the public, first and foremost.
- I am motivated by serving the public, ensuring that I provide the best service possible at all times.
- I seek to understand the needs of others to act in their best interests.
- I adapt to address the needs and concerns of different communities.
- I tailor my communication to be appropriate and respectful to my audience.
- I take into consideration how others want to be treated when interacting with them.
- I treat people respectfully regardless of the circumstances.
- I share credit with everyone involved in delivering services.

## Transparency

This value links to the principles of honesty and openness from the Code of Ethics.

We are transparent in our actions, decisions and communications with both the people we work with and those we serve. This ensures that we are honest and open in our interactions and decision making. We are genuine with those we communicate with and endeavour to create trusting relationships. We accept feedback and are comfortable in responding to criticism and finding ways to improve.

We build trust with our colleagues, partners and communities by being open about what we have done and why we have done it and by keeping our promises so communities can rely on us when needed.

## Behaviours

- I ensure that my decision-making rationale is clear and considered so that it is easily understood by others.
- I am clear and comprehensive when communicating with others.
- I am open and honest about my areas for development and I strive to improve.
- I give an accurate representation of my actions and records.
- I recognise the value of feedback and act on it.
- I give constructive and accurate feedback.
- I represent the opinions of others accurately and consistently.
- I am consistent and truthful in my communications.
- I maintain confidentiality appropriately.

# Cluster

## Resolute, compassionate and committed

How we conduct ourselves in our service and the values that underpin our behaviour are a key part of our thought processes and relationships. Empathy means listening to the public, colleagues and partners, responding directly and quickly, and having a genuine interest in ourselves and others. We are always focused on doing our best for the public and our customers.

By understanding our thoughts and the values behind our behaviour, we can maintain a professional and resolute stance, demonstrate accountability and stand by the police service's established values to maintain the service's professional legitimacy.

# Competency

## We are emotionally aware

We make the effort to understand ourselves, our colleagues and all those we serve. We genuinely engage with and listen to others, making efforts to understand needs, perspectives and concerns. We use these insights to inform our actions and decisions.

We are able to control our emotions in stressful situations, understanding our own motivations and the underlying reasons for our behaviour. This is all underpinned by our ability to anticipate and understand how other people may feel. We look after our own wellbeing and that of others.

Adopting emotionally intelligent behaviours also means valuing diversity and difference in approaches to work, in thinking, and in people's backgrounds.

We are culturally sensitive and seek to understand different perspectives, acting with sensitivity, compassion and warmth. We always try to understand the thoughts, feelings and concerns of those we meet.

**Why is it important?** The way in which we conduct ourselves is just as important as what we do. Communicating and acting politely, respectfully and with compassion helps to drive and maintain public trust.

Empathy is particularly important, especially if we are to engage and involve some of the most vulnerable individuals we encounter who may not be able to fully express or articulate their thoughts or feelings.

Understanding ourselves means that we are able to improve our own resilience and therefore cope effectively during challenging and emotionally charged situations.

## We are emotionally aware

### Level 1

- I treat others with respect, tolerance and compassion.
- I acknowledge and respect a range of different perspectives, values and beliefs within the remit of the law.
- I remain calm and think about how to best manage the situation when faced with provocation.
- I understand my own emotions and I know which situations might affect my ability to deal with stress and pressure.
- I ask for help and support when I need it.
- I understand the value that diversity offers.
- I communicate in clear and simple language so that I can be easily understood by others.
- I seek to understand the thoughts and concerns of others even when they are unable to express themselves clearly.

### Level 2

- I consider the perspectives of people from a wide range of backgrounds before taking action.
- I adapt my style and approach according to the needs of the people I am working with, using my own behaviour to achieve the best outcome.
- I promote a culture that values diversity and encourages challenge.
- I encourage reflective practice among others and take the time to support others to understand reactions and behaviours.
- I take responsibility for helping to ensure the emotional wellbeing of those in my teams.
- I take the responsibility to deal with any inappropriate behaviours.

### Level 3

- I seek to understand the longer-term reasons for organisational behaviour. This enables me to adapt and change organisational cultures when appropriate.
- I actively ensure a supportive organisational culture that recognises and values diversity and wellbeing and challenges intolerance.
- I understand internal and external politics and I am able to wield influence effectively, tailoring my actions to achieve the impact needed.
- I am able to see things from a variety of perspectives and I use this knowledge to challenge my own thinking, values and assumptions.
- I ensure that all perspectives inform decision making and communicate the reasons behind decisions in a way that is clear and compelling.

# Competency

## We take ownership

We take personal responsibility for our roles and accountabilities but we do not let this hold us back from being effective or taking appropriate risks.

We make decisions at appropriate levels and in appropriate areas, having a clear rationale (for example, use of decision-making models) and accepting responsibility for our decisions. We seek feedback, learn from our mistakes and reflect to improve and amend our future practice.

Demonstrating pride in our work is important to us. Our selflessness means that we also seek to help solve issues or problems, which may be internal or external to our own teams. We recognise where limitations in our own knowledge and experience may have an impact on our decision making. We take responsibility for ensuring that support or development is sought to minimise any risks.

**Why is it important?** Not all decisions need senior leader approval, meaning that, where necessary, we can respond more swiftly to challenges while still ensuring we provide a full rationale for our response. Because we all face different kinds of challenges that are not always within our comfort zone, every one of us needs to feel confident and able to take responsibility.

These behaviours mean that we are empowered, effective and able to learn from our mistakes. Doing so allows us to own and see successes through our delivery of results, and not just whether a particular process has been followed.

## We take ownership

### Level 1

- I actively identify and respond to problems.
- I approach tasks with enthusiasm, focusing on public service excellence.
- I regularly seek feedback to understand the quality of my work and the impact of my behaviour.
- I recognise where I can help others and willingly take on additional tasks to support them, where appropriate.
- I give feedback to others that I make sure is understandable and constructive.
- I take responsibility for my own actions, I fulfil my promises and do what I say I will.
- I will admit if I have made a mistake and take action to rectify this.
- I demonstrate pride in representing the police service.
- I understand my own strengths and areas for development and take responsibility for my own learning to address gaps.

### Level 2

- I proactively create a culture of ownership within my areas of work and support others to display personal responsibility.
- I take responsibility for making improvements to policies, processes and procedures, actively encouraging others to contribute their ideas.
- I am accountable for the decisions my team make and the activities within our teams.
- I take personal responsibility for seeing events through to a satisfactory conclusion and for correcting any problems both promptly and openly.
- I actively encourage and support learning within my teams and colleagues.

### Level 3

- I act as a role model, and enable the organisation to use instances when things go wrong as an opportunity to learn rather than blame.
- I foster a culture of personal responsibility, encouraging and supporting others to make their own decisions and take ownership of their activities.
- I define and enforce the standards and processes that will help this to happen.
- I put in place measures that will allow others to take responsibility effectively when I delegate decision making, and at the same time I help them to improve their performance.
- I create the circumstances (culture and process) that will enable people to undertake development opportunities and improve their performance.
- I take an organisation-wide view, acknowledging where improvements can be made and taking responsibility for making these happen.

# Cluster

## Inclusive, enabling and visionary leadership

We are all able to work together independently and recognise the need to act as leaders, whether in a formal line management capacity or when engaging and motivating colleagues and the public to get involved or have their voices heard.

Whether we are setting a vision, planning ahead to optimise resources for the best possible outcomes or leading a cross-sector partnership, we work across organisations and sectors to achieve excellence in public service.

# Competency

## We are collaborative

Ensuring and improving the safety and wellbeing of the public underpins all of our work. To achieve this most effectively, we need to look beyond our traditional boundaries to think about how to create the best possible outcomes.

We build genuine and long-lasting partnerships that focus on collective aims and not just on our own organisation. This goes beyond just working in teams and with colleagues we see daily. It includes building good relationships with other public and third sector providers, reaching out to private organisations and working with our communities and customers.

We aim to work effectively with colleagues and external partners, mutually sharing our skills, knowledge and insights with each other to achieve the best possible results for all and to reduce silo working. Our engagement seeks to not only deliver joint solutions but also to share appropriate information and negotiate new ways of providing services together. In all of our dealings with our partners, we make sure that they feel respected and valued.

**Why is it important?** Demands on the police come from an increasingly diverse set of sources and the need for services is not defined by organisational and geographical boundaries. We must work together regardless of differing cultures, priorities and needs.

This means that we need to influence and negotiate in order to achieve outcomes for everyone and not just focus efforts on our own immediate environment. Working to solve problems without help from our partners ignores the strengths that we can utilise together, but working jointly requires the ability to build relationships and break down barriers.

It is critical for us to build and retain our partners' trust and confidence in us and a key part of achieving this is through the way in which we work with others.

## We are collaborative

### Level 1

- I work cooperatively with others to get things done, willingly giving help and support to colleagues.
- I am approachable, and explain things well so that I generate a common understanding.
- I take the time to get to know others and their perspective in order to build rapport.
- I treat people with respect as individuals and address their specific needs and concerns.
- I am open and transparent in my relationships with others.
- I ensure I am clear and appropriate in my communications.

### Level 2

- I manage relationships and partnerships for the long term, sharing information and building trust to find the best solutions.
- I help create joined-up solutions across organisational and geographical boundaries, partner organisations and those the police serve.
- I understand the local partnership context, helping me to use a range of tailored steps to build support.
- I work with our partners to decide who is best placed to take the lead on initiatives.
- I try to anticipate our partners' needs and take action to address these.
- I do not make assumptions. I check that our partners are getting what they need from the police service.
- I build commitment from others (including the public) to work together to deliver agreed outcomes.

### Level 3

- I am politically aware and I understand formal and informal politics at the national level and what this means for our partners. This allows me to create long-term links and work effectively within decision-making structures.
- I remove practical barriers to collaboration to enable others to take practical steps in building relationships outside the organisation and in other sectors (public, not for profit, and private).
- I take the lead in partnerships when appropriate and set the way in which partner organisations from all sectors interact with the police. This allows the police to play a major role in the delivery of services to communities.
- I create an environment where partnership working flourishes and creates tangible benefits for all.

# Competency

## We deliver, support and inspire

We understand the vision for the organisation. We use our organisation's values in our day-to-day activities as a role model to provide inspiration and clarity to our colleagues and stakeholders. We work to create the right climate for people to get the job done to the best of their abilities, ensuring a culture of mutual respect and support.

We are dedicated to working in the public's best interests. We understand how we have an impact on the wider organisation and those around us and we help others to deliver their objectives effectively.

This behaviour is not restricted to those who are in formal or senior management positions. We all have a positive contribution to make by operating at our best, adapting how we work to take account of pressures and demands and helping others. We are focused on helping our colleagues to improve and learn and are active in supporting them through activities such as coaching and mentoring.

**Why is it important?** To deliver the most effective service, we need to be clear on our goals and priorities, both for the police service and individually. We can all help to support and motivate each other to ensure that we are working as effectively as we can, enabling us and those around us to perform at our best. We should all act as organisational role models.

## We deliver, support and inspire

### Level 1

- I take on challenging tasks to help to improve the service continuously and support my colleagues.
- I understand how my work contributes to the wider police service.
- I understand it is part of my collective responsibility to deliver efficient services. I take personal responsibility for making sure that I am working effectively to deliver the best service, both individually and with others.
- I am conscientious in my approach, working hard to provide the best service and to overcome any obstacles that could prevent or hinder delivery.
- I support the efficient use of resources to create the most value and to deliver the right impact.
- I keep up to date with changes in internal and external environments.
- I am a role model for the behaviours I expect to see in others and I act in the best interests of the public and the police service.

### Level 2

- I give clear directions and have explicit expectations, helping others to understand how their work operates in the wider context.
- I identify barriers that inhibit performance in my teams and take steps to resolve these thereby enabling others to perform.
- I lead the public and/or my colleagues, where appropriate, during incidents or through the provision of advice and support.
- I ensure the efficient use of resources to create the most value and to deliver the right impact within my areas.
- I keep track of changes in the external environment, anticipating both the short- and long-term implications for the police service.
- I motivate and inspire others to achieve their best.

### Level 3

- I challenge myself and others to bear in mind the police service's vision to provide the best possible service in every decision made.
- I communicate how the overall vision links to specific plans and objectives so that people are motivated and clearly understand our goals.
- I ensure that everyone understands their role in helping the police service to achieve this vision.
- I anticipate and identify organisational barriers that stop the police service from meeting its goals, by putting in place contingencies or removing these.
- I monitor changes in the external environment, taking actions to influence where possible to ensure positive outcomes.
- I demonstrate long-term strategic thinking, going beyond personal goals and considering how the police service operates in the broader societal and economic environment.
- I ensure that my decisions balance the needs of my own force/unit with those of the wider police service and external partners.
- I motivate and inspire others to deliver challenging goals.

# Cluster

## Intelligent, creative and informed policing

We are open to new sources of information, continuously developing our own knowledge to help the police service to grow and change in line with new challenges and stay at the forefront of public service.

Informed analysis and creativity are critical to what we do. They sit at the heart of our thinking and our decisions, meaning that effective and critical problem solving is second nature to us. Balancing our decisiveness with consideration and evidence-based approaches, we are able to challenge our thinking and draw on multiple diverse sources of information for new ways of thinking and working.

# Competency

## We analyse critically

We analyse information, data, viewpoints and combine the best available evidence to understand the root causes of issues that arise in complex situations.

We draw on our experience, knowledge and wide sources of evidence to give us a greater view of what is happening underneath the surface. We combine insight and evidence-based approaches to help make decisions, accepting that we will not have all the answers but will always try to gather facts and robust information to be able to think tactically and strategically.

**Why is it important?** Critical thinking drives effective policing as we are faced with a wide variety of complex issues on a day-to-day basis. This means that we all need to be able to make sense of a complex environment, accept that ambiguity is part of contemporary working life and, therefore, be able to identify interrelationships between different factors.

If we are able to analyse the best available evidence and see what is happening underneath the surface, we will be better able to make confident and effective decisions and implement preventative solutions that deal with root causes.

## We analyse critically

### Level 1

- I recognise the need to think critically about issues. I value the use of analysis and testing in policing.
- I take in information quickly and accurately.
- I am able to separate information and decide whether it is irrelevant or relevant and its importance.
- I solve problems proactively by understanding the reasons behind them, using learning from evidence and my experiences to take action.
- I refer to procedures and precedents as necessary before making decisions.
- I weigh up the pros and cons of possible actions, thinking about potential risks and using this thinking to inform our decisions.
- I recognise gaps and inconsistencies in information and think about the potential implications.
- I make decisions in alignment with our mission, values and the Code of Ethics.

### Level 2

- I ensure that the best available evidence from a wide range of sources is taken into account when making decisions.
- I think about different perspectives and motivations when reviewing information and how this may influence key points.
- I ask incisive questions to test out facts and assumptions, questioning and challenging the information provided when necessary.
- I understand when to balance decisive action with due consideration.
- I recognise patterns, themes and connections between several and diverse sources of information and best available evidence.
- I identify when I need to take action on the basis of limited information and think about how to mitigate the risks in so doing.
- I challenge others to ensure that decisions are made in alignment with our mission, values and the Code of Ethics.

### Level 3

- I balance risks, costs and benefits associated with decisions, thinking about the wider impact and how actions are seen in that context. I think through 'what if' scenarios.
- I use discretion wisely in making decisions, knowing when the 'tried and tested' is not always the most appropriate and being willing to challenge the status quo when beneficial.
- I seek to identify the key reasons or incidents behind issues, even in ambiguous or unclear situations.
- I use my knowledge of the wider external environment and long-term situations to inform effective decision making.
- I acknowledge that some decisions may represent a significant change. I think about the best way to introduce such decisions and win support.

# Competency

## We are innovative and open-minded

We have an inquisitive and outward-looking nature, searching for new information to understand alternative sources of good practice and implement creative working methods. We are committed to reflecting on how we go about our roles, being flexible in our approach as required to ensure the best outcomes.

We seek to understand how well we are performing, both as individuals and as teams, and we seek to continuously improve. To do this, we look at relevant standards outside policing in other organisations and sectors.

Constantly changing and adapting is part of our role. We maintain an open mind to allow us to identify opportunities and to create innovative solutions.

**Why is it important?** New and emerging threats mean that our required response will not always be obvious. We will need to adopt new thinking and assumptions, be continually inquisitive and committed to continual improvement. The perpetual need to adapt, innovate and question our assumptions is at the heart of being able to serve and protect the public. It includes taking innovative, preventative action to reduce demand.

Being open-minded and reflective also allows us to tailor our approach to specific contexts and the communities we serve.

## We are innovative and open-minded

### Level 1

- I demonstrate an openness to changing ideas, perceptions and ways of working.
- I share suggestions with colleagues, speaking up to help improve existing working methods and practices.
- I constantly reflect on my own way of working and periodically review processes and procedures to make continuous improvements.
- I adapt to change and am flexible as the need arises while encouraging others to do the same.
- I learn from my experiences and do not let myself be unduly influenced by preconceptions.

### Level 2

- I explore a number of different sources of information and use a variety of tools when faced with a problem and look for good practice that is not always from policing.
- I am able to spot opportunities or threats which may influence how I go about my job in the future by using knowledge of trends, new thinking about policing and changing demographics in the population.
- I am flexible in my approach, changing my plans to make sure that I have the best impact.
- I encourage others to be creative and take appropriate risks.
- I share my explorations and understanding of the wider internal and external environment.

### Level 3

- I implement, test and communicate new and far-reaching ways of working that can radically change our organisational cultures, attitudes and performance.
- I provide space and encouragement to help others stand back from day-to-day activities, in order to review their direction, approach and how they fundamentally see their role in policing. This helps them to adopt fresh perspectives and identify improvements.
- I work to create an innovative learning culture, recognising and promoting innovative activities.
- I lead, test and implement new, complex and creative initiatives that involve multiple stakeholders, create significant impact and drive innovation outside of my immediate sphere.
- I carry accountability for ensuring that the police service remains up to date and at the forefront of global policing.

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## Protecting the public Supporting the fight against crime

As the professional body for policing, the College of Policing sets high professional standards to help forces cut crime and protect the public. We are here to give everyone in policing the tools, skills and knowledge they need to succeed. We will provide practical and common-sense approaches based on evidence of what works.

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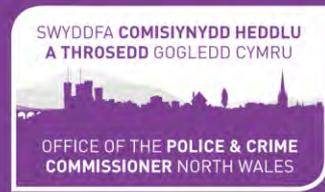


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**NORTH WALES POLICE**  
A safer North Wales



## **Assessment and selection for the post of Chief Constable for North Wales**

### **Independent Member's Report August 2018**

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## **1. Introduction**

Home Office Circular 20/2012 outlines that it is for the Police and Crime Commissioner (PCC) to decide how they wish to run their appointment process for a Chief Constable and which candidate they wish to appoint, subject to confirmation by the Police and Crime Panel. However, they should involve an Independent Member in the assessment, shortlisting and interviewing of candidates.

This is the Independent Member's report relating to the appointment process for the next Chief Constable for North Wales. The process is the responsibility of Police and Crime Commissioner Arfon Jones.

The aim of this report is to provide an assessment of the extent to which the appointment process in North Wales has been conducted fairly, openly and based on merit. It also details the extent to which the panel fulfilled their responsibility to challenge and test the candidates' suitability against the requirements of the role.

## **2. Independent Member's role**

The role of the Independent Member was laid out in Home Office Circular 20/2012 and updated in Home Office Circular 13/2018. It is described more fully within the Guidance for Chief Officer Appointments produced and maintained by the College of Policing in consultation with a wide range of current and former stakeholder groups within policing. Those consulted in its preparation have included Her Majesty's Inspectorate of Constabulary, the Association of Police and Crime Commissioners, the National Police Chiefs Council, Association of Police Authorities/Policing and Crime Chief Executives, Senior Police Officers Association, Police Superintendents Association and the Home Office. It was produced under the direction of the Police Advisory Board England and Wales Sub-group on Chief Officer Appointments.

I am an Independent Member from the list originally created by the College of Policing in 2012 and maintained by them until 2018. In order to become a member of this list I was required to undergo a fair, open and merit-based selection process. This process focussed on my suitability as someone skilled in assessment and capable of quality assuring assessment processes. I have undergone an induction to this role from the College of Policing, for whom I also work as an External Assessor at senior selection centres.

Further details of my role as Independent Member are set out in the role profile in Appendix A and my background is provided in more detail in Appendix B.

## **3. Independent Member remit in the Chief Constable appointment process**

I was invited by the Office of the North Wales Police and Crime Commissioner (OPCC) to become involved in all stages of this appointment. Arrangements were made sufficiently well in advance, with my appointment finalised in early June 2018, shortlisting arranged for 24 July and selection exercises for 1 and 2 August 2018. The application pack with the role requirements and person specification was assembled by the OPCC and sent to me in draft for comment. It adhered closely to the Guidance for Chief Officer Appointments. The OPCC is to be commended for involving me from the very earliest stages in the process. Elsewhere in the country,

the Independent Member is sometimes not involved in the process until the shortlisting stage, but in this instance staff were very open to including me from the outset. At every stage, my independent advice was welcomed and respected. I had telephone and email contact to arrange the practical details and to discuss any queries as they arose. For example, the OPCC staff discussed with me the makeup of the selection panel in order to avoid any conflicts of interest, and how to feed back comments from the stakeholder forums without biasing the final appointment decision. We also discussed the length of the first draft of the candidate pack and whether it might be helpful to shorten it, so as to encourage as many candidates as possible to pursue an application. This evidenced an open attitude, with OPCC staff being keen to open the process to as wide a range of candidates as possible.

We discussed the fact that a relatively small pool of candidates is not uncommon at this level. In an attempt to maximise the size of the pool and to demonstrate openness to all who might apply, all forces in the UK were contacted and the eligible group of officers in each force were alerted to the existence of the vacancy. The PCC and his staff actively demonstrated from the outset that in the interests of public accountability, they were committed to adhering to the principles of fairness, openness and merit.

#### **4. Appointments panel**

The appointments panel role is set out in the Guidance for Chief Officer Appointments. This outlines that the panel should be convened by the PCC before any stage of the appointment process takes place and that consideration may be given to involving panel members in helping to define the requirements of the role.

It states the purpose of the panel is to challenge and test if the candidates meet the necessary requirements to perform the role and that the PCC should select a panel capable of discharging this responsibility. The PCC should also ensure that panel members are diverse, suitably experienced and competent in selection practices and that they must adhere to the principles of merit, fairness and openness. All members should be provided with a copy of this Guidance to ensure they are familiar with its content prior to the appointment process. In addition, it is the PCC's responsibility to ensure that appropriate briefing/assessor training is undertaken by all panel members. It is suggested that a panel of approximately five members is convened but this is at the discretion of the PCC.

Arfon Jones, PCC for North Wales, actively followed this advice to the letter. Within this appointment process the panel had been agreed at the outset as consisting of five members:

- Arfon Jones, the Police and Crime Commissioner for North Wales
- James Illidge, Chair of the Joint Audit Committee for North Wales Police
- Nazir Afzal, Adviser to the Welsh Government
- Ruth Marks, Chief Executive Officer of Wales Council for Voluntary Action
- Myself, Gill Lewis, an Independent Member and Associate of the College of Policing

The panel included an appropriate range of stakeholders from the public, private and third sectors. Its composition and role mirrored the importance placed on partnership working in the locality. Also in attendance as Monitoring Officer was Stephen Hughes, Chief Executive of the OPCC.

An individual with professional policing knowledge is not a compulsory component of an appointment panel but, when a Policing Adviser is assigned, the role is defined in the Guidance for Chief Officer Appointments. It includes providing policing advice on the development and design of the appointment process; advising how each candidate's experience and skills fit policing-specific requirements during shortlisting and selection procedures; playing an active role in assessing performances in exercises and interviews; and supporting the PCC during decision making.

For this appointment, this role was fulfilled by Mark Polin, Chief Constable of North Wales until 31 July 2018.

All panel members were identified to be part of the panel by the PCC. Their senior operational experience was sufficient to allow them to challenge and test others at executive level. All were given a briefing and access to a copy of the Guidance for Chief Officer Appointments, ensuring they were well informed on their duties in this appointments process.

Four of the proposed five panel members were white, one (based on observation) was of black and minority ethnic origin. There were no declared disabilities. The population of Wales is approximately 96% white British / white Other. In view of the profile of the local population, it was considered that diversity needs were adequately met on this occasion. The panel consisted of two females and three males.

There was continuity in the composition of the panel for shortlisting, presentation and interview. Shortlisting was carried out through consultation by phone and email; all panel members were able to contribute comments.

The role of the Chief Executive (as defined in College of Policing guidance) is to support the PCC by ensuring the appointment procedure is properly conducted in line with the requirements set out in legislation and meets the principles of fairness, openness and selection on merit. In addition, the Chief Executive is required to ensure appropriate monitoring of the procedures.

The Chief Executive team in North Wales was represented by Stephen Hughes, Chief Executive, ably supported by Meinir Jones, Executive Officer. The team worked consistently to maintain standards, collaborating openly and helpfully with the Independent Member and other panel members throughout the planning and administration of the appointment process. Staff in North Wales were noteworthy in the extent to which they assiduously followed the College of Policing Guidance.

## **5. Stakeholder panels**

Two advisory stakeholder panels were used in this process, on the day before the formal selection panel. All staff were invited to send in comments about what they looked for in their new Chief Constable. From these responses a group of 12 people were selected to put their questions directly to the applicants. The composition of the staff forum was chosen to include a suitable mix of officers, staff, specials, volunteers, Union and Police Federation representatives. An external panel of stakeholders was also selected from partner agencies, using the same approach. This consisted of 11 individuals including representatives from local government, Probation, the third sector (agencies concerned with early childhood intervention, victim support, substance abuse and domestic abuse), a local mosque and a media consultant.

Responses submitted in advance from both groups were refined into a common set of questions to be put to each candidate, to ensure consistency and hence fairness. The two stakeholder forums were coordinated by Ann Griffith, Deputy Police and Crime Commissioner and were also attended by Stephen Hughes, Chief Executive and by me, to monitor their delivery. Each forum lasted 50 minutes, with timing spread equally between each of the question areas. Feedback was reported to the selection panel the next day, but only after the panel had themselves assessed both candidates, in order not to adversely affect their scoring or to create bias.

It was agreed in advance that the opinions of the forums would not be scored numerically, as members participating had not been trained in this and were not making measurable judgements linked to the competency areas. They were to be advisory only, to ensure that all final assessments and decisions were merit based.

## **6. Panel briefing / training**

The PCC followed College of Policing guidance in inviting all members of the selection panel to a half day training session on 31 July, prior to the selection exercises on 1 and 2 August. The training was delivered by Julie Brierley, Head of Learning and Development, and Sergeant Richie Wells. The PCC made use of comprehensive external technical expertise throughout the whole process, to ensure it would be transparent, objective and based on merit. This pre-meeting also gave scope for the panel to assist in refining the design of the process, enabling members, for example, to comment on, choose and refine the order of the interview questions. The proposed questions included an appropriate balance of hypothetical or future based questions and those based on past experience. The optional use of supplementary probing interview questions was also discussed, to ensure that all competency areas would be fully tested. This illustrated a willingness to make sure that the selection would be made on a clear evidence base, again demonstrating openness and transparency in the process.

The panel's training covered the rating scale to be used and the ORCE method (observe, record, classify, evaluate), in line with College of Policing best practice. The panel discussed in advance what the minimum acceptable scores might be to permit an appointment, as well as agreeing the key qualities that would make a difference, should two candidates score equally. The PCC's approach in establishing agreed standards and expectations in advance with all panel members was to ensure decisions would be based on evidence and merit, avoiding bias.

I was able to clarify that consensus decision making by the panel was the preferred approach, but in the event of inability to achieve this, the PCC would be considered as first among equals on the panel and would make the final recommendation on the preferred candidate, subject to ratification by the Police and Crime Panel.

The PCC had met one of the candidates previously in a professional capacity, the other panel members had no previous knowledge of them. In order to ensure fairness of the process, it was agreed that any previous contact with candidates would be noted at the outset, and that judgements would be based only on the evidence available in front of the panel, not on prior knowledge. This was to ensure impartiality, consistency and fairness.

Briefing of the panel immediately prior to the stakeholder forums, presentation and interview was well planned, including allowing input from myself. This helped the

panel equip themselves for their role in being able to challenge and test candidates fairly.

## **7. Role profile**

At the training session on 31 July, the panel was briefed on the role profile as advertised. This reflected the national guidance, including primary accountabilities, the competencies required and the terms and conditions offered. In discussion with the PCC prior to the selection exercises, it was emphasised that the ability to reduce demand in face of limited resources was seen as essential. The ability to work with partners was also key, in order to address the causes of crime rather than the symptoms. This local emphasis was clearly reflected in the design of the process, with a substantial role given to stakeholders on both days of the assessment process. Digital reform was considered to be a further priority.

## **8. Advert**

The application pack had been drawn up by the Office of the PCC in line with the national guidance. The post had been advertised between 18 June and 20 July 2018 via the websites for North Wales OPCC, the Association of Police and Crime Commissioners, the National Police Chiefs Council, the College of Policing and Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS). In addition information on the vacancy was circulated to all forces via the Association of Police and Crime Commissioners and the Association of Policing and Crime Chief Executives, advising them of the vacancy and the recruitment process. In this way all eligible applicants in the UK pool were made aware of the opportunity. Every effort was made to be transparent about the availability of the post and to encourage all potential applicants to consider it. The aim was to attract the strongest possible field of applicants, demonstrating openness.

The published application pack was comprehensive, with links offering more detail. The pack included terms of appointment and met legal requirements. There was a clear intention to be open and transparent with candidates from the earliest stages of the process being published.

The exercise was successful in that it attracted five initial enquiries. Two were from Assistant Chief Constables who later decided it was not the right time for them to pursue an application. Another enquirer was based abroad and did not meet the national appointment criteria for a Chief Constable appointment in the UK. It is an essential requirement nationally that all candidates for this role must have passed the Senior Police National Assessment Centre and the Strategic Command Course.

## **9. Assessment design**

The application form used was in line with the College of Policing guidance. It required details of the previous three postings held by the applicant; training, including successful completion of the Strategic Command Course; and evidence of skills and experience within the last three years related to the role profile. In being based on evidence of previous achievements, it was an appropriate tool to support merit-based judgements.

The choice of interview questions and presentation topic was based on demonstration of evidence against the Competency and Values Framework for policing, with a focus on seven of the competency areas and values. The assessment was designed to allow the shortlisting, presentation and interview exercises to involve all panel members. A standard assessment sheet was provided, allowing each panel member to rate each candidate on a five point scale against each of the seven areas. This was designed to give transparent evidence of a fair and equal process for all candidates. The panel was also provided with a list of points that might be included in each answer, to ensure consistency of expectations.

The interview questions produced by the PCC in liaison with the Policing Adviser were of good quality in that they were open questions, closely linked to the Competency and Values Framework and to local priorities.

In discussing the scoring system to be used, it was agreed that the panel would not use a simple arithmetic addition or percentage weighting of scores, noting there was no clear evidence on which to base any weighting. It was agreed in advance that the panel would compare the whole set of scores for each candidate and seek to come to a consensus decision.

A Familiarisation Day prior to the two day assessment was included in the design of the process. It was confirmed that the day was to inform candidates about the local context and would not be used to gain additional information about them. This was once again to ensure transparency and fairness.

## **10. Assessment delivery**

It was agreed in advance that the panel would be willing to decide not to shortlist and not to appoint at the final selection stage. Standards would not be allowed to fall if the pool of candidates was not of sufficient quality.

Two applications for the post were received, both external. Being a relatively sparsely populated area, with a small Constabulary compared to others in the UK, North Wales senior posts fall into the lowest pay band nationally. A survey by the College of Policing has found that typically about 25% of adverts for Chief Constable posts attract only one applicant. It was agreed that appropriate efforts had been made to make the process as open as possible and that the size of the response did not cause undue concern.

Using the method outlined above at the design stage, it was agreed unanimously to shortlist both applicants for interview, two males. There was insufficient evidence at this stage to rule either candidate out.

The timetable for the presentation and interview allowed adequate time for each element. The candidates had prepared a given presentation topic in advance and were asked to deliver a fifteen minute presentation, followed by ten minutes for panel questions. After this, 50 minutes were allowed for the structured interview. The carefully planned timetable helped to ensure that the process would be objective, fair to all candidates who might have applied, and clearly based on merit.

The PCC undertook to deliver the final decision to candidates and to provide feedback to any unsuccessful applicants.

## **11. Assessment decision making**

Each panel member first scored separately at the presentation and interview stages. Scores were collated and evidence discussed where differences of opinion emerged, in order to agree a moderated consensus score. This enabled the candidates to be carefully assessed on merit, with reference to evidence throughout.

Overall consensus scores were recorded by the Chief Executive and by me, and were endorsed by the PCC. Consensus was reached throughout, and there was a unanimous recommendation regarding the preferred candidate, who achieved high scores on all seven selected areas of the Competency and Value Framework.

The panel made a unanimous recommendation that Deputy Chief Constable Carl Foulkes was the preferred candidate. The PCC concurred with this in making his own decision to recommend Carl Foulkes to the Police and Crime Panel Confirmatory Hearing for appointment as the next Chief Constable of North Wales.

## **12. Conclusions**

Through the steps outlined above, the PCC fulfilled his responsibility to ensure the selection process was properly put in place in accordance with the responsibilities set out in the national guidance. Well planned use of the Competency and Values Framework throughout the process allowed clear evidence to be recorded and evaluated in order to make objective decisions. The panel rigorously challenged and tested the candidates against the necessary requirements for the role, giving assurance that the recommended appointment was appropriate. There was also carefully considered discussion between panel members before coming to consensus scores.

As the Independent Member I found that the decision-making process was demonstrably open and fair, with good efforts applied to seek the best available field of candidates and extensive use made of external, objective expertise; it was clearly based on merit, with decisions taken on careful analysis of evidence. The appointment was considered to be the most significant decision that the PCC might make, and adherence to the highest standards throughout was taken seriously.

Thanks to the scrupulous preparation done by the PCC and his staff, and to the professional attention devoted to the process by the panel, I can confirm that the selection of the preferred candidate to be Chief Constable of North Wales met the principles of fairness, openness and merit.

Gill Lewis  
Independent Member  
August 2018

## **Appendix A: Independent Member role profile**

1. To be familiar with the Guidance for the Appointment of Chief Officers, the appointment process procedures, and to adhere to the principles of merit, fairness and openness throughout the appointments process.
2. To work collaboratively with the PCC/CC or Commissioner and other appointments panel members to challenge and test whether the candidates meet the necessary requirements to perform the role effectively throughout the appointments process.
3. In providing independent advice during the appointments process, where requested to do so, their responsibilities are likely to include the following:
  - a. To provide independent advice in the shortlisting of applicants against the agreed appointment criteria.
  - b. To play an active role (where required) as part of the appointments panel and provide independent advice in assessing shortlisted candidates against the agreed appointment criteria (this might include through the use of interviews, presentations, assessment exercises, etc).
  - c. To provide independent advice on which candidate(s) most closely meets the appointment criteria in line with the principles of merit, fairness and openness.
4. To produce a written report on the appointment process which expressly and explicitly addresses the appointment principles of merit, fairness and openness, and the extent to which the panel were able to fulfill their purpose.

## **Appendix B: Independent Member pen picture - Gill Lewis**

I have led or advised on senior Police recruitment at Chief Officer level since 2007, firstly to meet Police Authority requirements, and since 2013 under the revised guidance to meet PCC/Chief Constable needs. I have also worked as an independent assessor for the College of Policing and its predecessor at the national senior police recruitment and promotion centres, including at the Senior Police National Assessment Centre; for Fast Track assessment centres for serving Constables and for external graduates; and for the Direct Entry programme at Inspector and Superintendent level.

I have led and monitored numerous appointments at the equivalent of chief executive level in a range of other public sector arenas beyond Policing, including in Probation, the NHS, and in the housing and education sectors.

My earlier career spanned senior management roles in local government, in housing and social care, and in the NHS, where latterly I was Director of Service Improvement for Suffolk Primary Care Trust. In the last 15 years I have also held a range of public appointments as a Non-executive Director or Chair in a Police Authority, Probation Trust, NHS Trust, housing association and various charities. This has included at both local and national level, for example, as Chair of the National Housing Ombudsman Board and as Chair of Norfolk and Suffolk Probation Trust. I have had wide ranging leadership experience at Board level of managing major change programmes, collaborative arrangements and challenging savings plans, balancing a commitment to excellent public service with shrinking resources, all in a climate where public confidence and political accountability are key.

For the past six years I have also served as a volunteer with a project to support homeless and vulnerable young people.