

Public Document Pack

HUMBERSIDE POLICE AND CRIME PANEL
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11 October 2023

Chair:	Mrs Sue Whittaker	Venue:	Lazaat, Wood Hill Way, Cottingham, HU16 5SX
Time:	10.00 am	E-Mail Address:	matthew.nundy@northlincs.gov.uk

AGENDA

1. Welcome and Introductions
2. Apologies for Absence
3. Substitutions
4. Declarations of Disclosable Pecuniary Interests and Personal or Personal and Prejudicial interests (such declarations are to be made in accordance with the members' respective council's Code of Conduct).
5. Confirmation Hearing for the Appointment of the Chief Finance Officer for the Office of the Police and Crime Commissioner for Humberside
 - (a) Confirmation Hearing Procedure (Pages 1 - 4)
 - (b) To consider the report of the Police and Crime Commissioner in respect of the proposed appointment (Pages 5 - 28)
 - (c) Local Government Association Guidance on Confirmation Hearings. (Pages 29 - 50)
6. Any other items that the Chairman decides are urgent by reason of special circumstances that must be specified.
7. Exclusion of Press and Public
 - (a) To consider whether to pass a resolution under Section 100(A)(4) of the Local Government Act 1972 to exclude the public from the remainder of the meeting on the grounds that consideration of the following item of business are likely to involve the disclosure of exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Act (as amended).
8. Report and Recommendation to the Police and Crime Commissioner for

Humberside on the proposed appointment of the Chief Finance Officer at the Office of the Police and Crime Commissioner.

- (a) To consider and determine the content of the Panel's report and recommendations.

PROCEDURE TO BE FOLLOWED AT CONFIRMATION HEARINGS OF THE POLICE AND CRIME PANEL

The Panel's role in confirming senior appointments

Senior appointments are those of Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner made by the Police and Crime Commissioner (PCC). It is the duty of the Police and Crime Panel to hold a public confirmation hearing and to review, make reports and recommendations in respect of proposed senior appointments and to publish their reports or recommendations.

The Panel is also required to hold a public confirmation meeting to review and make reports on the proposed appointment of the Chief Constable including, if necessary, the use of the power of veto by a two thirds majority of the current membership of the Panel, and to publish its reports.

The rules relating to confirmation hearings

The rules concerning confirmation hearings are set out in Schedules 1 and 8 of the Police Reform and Social Responsibility Act.

Schedule 1 concerns the appointment of the PCC's chief executive, chief finance officer and any deputy police and crime commissioners.

- i) Confirmation hearings are meetings of the Panel held in public;
- ii) The PCC must notify the Panel of proposed senior appointments;
- iii) The Panel shall review the proposed senior appointment and make a report to the PCC, including recommendations relating to the candidate's appointment;
- iv) This process must take place within a period of three weeks of the receipt of notification from the PCC;
- v) The candidate may be requested to appear for the purpose of answering questions relating to the appointment; and
- vi) The PCC must respond to the report and recommendations of the Panel to confirm whether they accept or reject the recommendation. There is no duty upon the PCC to give reasons for their decision.

Schedule 8 covers the appointment of the chief constable. The procedure and rules shall be as above save for two important differences.

- i) The Panel has a power of veto over the appointment of the chief constable. A two thirds majority of current membership is needed. The Panel can recommend that the PCC does not make the appointment but if the Panel exercises the veto the candidate cannot be appointed; and
- ii) If the Panel fails to conduct a confirmation hearing and report to the PCC within the three week period then the appointment of the candidate can be made.

The procedure for confirmation hearings is set out below:

1) Notification of proposed senior appointment

The PCC will notify the Panel of a proposed senior appointment in writing to the chairman of the Panel and to the clerk. The notification of a proposed senior appointment from the PCC should be accompanied by background information such as a CV or a personal statement to assist the Panel in its assessment of professional competence and personal independence of the candidate. At the very least the PCC is required to provide the following information:

- name and contact details of the candidate;
- criteria used to assess the suitability of the candidate for the appointment;
- how the candidate satisfies those criteria; and
- the terms and conditions on which the candidate is to be appointed.

Personal independence is defined in the guidance relating to confirmation hearings as a candidate's ability to act in a manner that is operationally independent of the PCC. This applies to the three officer appointments. In relation to the role of Deputy Commissioner the Panel may question the ability of the candidate to recognise and understand the separation of political and operational responsibilities in relation to the post.

2) Arrangement of confirmation hearing and notifying the candidate

Following the receipt of notification from the PCC a confirmation hearing will be arranged, which will take place within three weeks of the date of receipt of notification.

The chairman of the Panel or the clerk will write to the candidate to confirm the date of the hearing and notify them of the principles of professional competence and personal independence on which they propose to evaluate the candidate. The letter will set out the legislative provisions underpinning the hearing and inform the candidate that any information they provide will be placed in the public domain.

If the candidate's references are to be distributed to the Panel it is the responsibility of the PCC to inform relevant referees of the placing of references in the public domain.

3) Briefing and pre-meeting

The Panel will try to have a pre-meeting prior to a confirmation hearing to allow for a consideration of the background information provided by the PCC. The pre-meeting is intended to provide members of the Panel with an opportunity to consider the scope and thrust of their questioning at the hearing. It is expected that questioning will concern the professional competence of the candidate and their personal independence and will rely on the background information provided.

The pre-meeting will be held in private and, where possible, will be attended by the clerk or a legal adviser and a senior HR adviser from the host authority to assist the Panel in the provision of specialist and technical advice.

Additional information relating to the candidate, not provided by the PCC but available elsewhere, should be considered by the clerk and the HR adviser to ensure that the process is fair, and that it will help the Panel assess competence and independence.

4) The Hearing

With preparation and planning at the pre-meeting, confirmation hearings will be short and focused. The hearing will be a two stage process:

- The Panel will question the candidate to determine if he/she meets the criteria set out in the role profile and whether they possess the professional competence and personal independence to carry out the role; and
- The Panel will determine whether to endorse the candidate's appointment; to recommend that the candidate should not be appointed; or, in respect of Schedule 8 appointments, to use its power of veto. This second stage of the hearing will be held in closed session (see below).

At the start of the hearing the chairman will outline the order of business and will explain the process and powers of the Panel. The candidate will be permitted to ask any procedural questions before the questioning starts.

The Panel will question the candidate and will ensure that the candidate is treated fairly and politely at all times.

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

5) The decision-making process

Immediately following the completion of questioning and points of clarification, the Panel will go into closed session to take its decision and prepare any recommendations to the PCC.

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

In the event that the Panel determines that a Schedule 1 candidate does not, meet the requirements for the post the Panel may provide advice and recommendations to the PCC in its report.

If the candidate is a Schedule 8 appointment and the Panel determines that the candidate does not meet the standards required in the role profile it can use the veto. A veto must be a by a two thirds majority of the current membership. It is envisaged that the veto will only be used in exceptional situations.

Where a candidate meets the standards, but the Panel has concerns about their suitability, such concerns can form part of the Panel's report and recommendations to the PCC. For Schedule 8 candidates this provides an alternative to the use of the veto.

In the event that the Panel determine that a Schedule 1 candidate does not meet the minimum requirements for the post, providing advice and recommendations to the PCC in its report is the only option open to the Panel.

Making recommendations on Schedule 1 and Schedule 8 appointments

The Panel will decide whether to 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; the PCC can exercise the right to make the appointment despite a recommendation that the candidate be not appointed.

The Chairman of the Panel will write to the PCC on the next working day following the confirmation hearing to outline the decision and recommendations of the Panel. The candidate will also be sent a copy of the letter.

The Panel will wait five working days before it publishes any information about its recommendations unless it is agreed with the PCC that this information can be released at an earlier stage. The Panel will ensure that the PCC has received and acknowledged receipt of the Panel's recommendations before making its recommendations public.

Applying the veto

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

The Panel will publish its veto five working days after the decision and the PCC, alongside this information, will publish information setting out the steps that will be taken to make another appointment. 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.

HUMBERSIDE POLICE AND CRIME PANEL

DATE	11 October 2023
REPORT OF	The Police and Crime Commissioner
SUBJECT	Confirmation hearing for the appointment of the Chief Finance Officer for the Office of the Police and Crime Commissioner for Humberside.
STATUS	Open

1. Introduction

- 1.1 The Police Reform and Social Responsibility Act 2011 (the Act) requires Police and Crime Panels to scrutinise senior appointments proposed by the Police and Crime Commissioner (PCC).
- 1.2 Schedule 1, paragraph 9 (1) of the Act defines senior appointments as the PCC's Chief Executive & Monitoring Officer, Chief Finance Officer and the Deputy Police and Crime Commissioner (if appointed). These are referred to as Schedule 1 appointments.
- 1.3 The PCC must notify the Panel of 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 the criteria.
 4. The terms and conditions on which the candidate is to be appointed.
- 1.4 Schedule 1 paragraph 10 of the Act requires the Panel to review the proposed appointment and make a report to the PCC which must include a recommendation 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 Panel receives the notification from the PCC of the proposed senior appointment(s).
- 1.5 Schedule 1 paragraph 11 of the Act requires the Panel to hold a confirmation hearing before making a report and recommendation under paragraph 10 to the PCC in relation to a proposed senior appointment.
- 1.6 Schedule 1 paragraph 12 of the Act allows the PCC the right to accept or reject the Panel's recommendation and he must notify the Panel of his decision.

2. Proposed Appointment

- 2.1 The OPCC has since 2019 had an agreement in place to share Finance function leads with Humberside Fire and Rescue Service in the spirit of collaboration and seeking best value.
- 2.2 Kevin Wilson has since 2019 held the lead Finance role and operated as Chief Finance Officer and s151 for the PCC since this time. Mr Wilson decided to tender his resignation earlier this year to allow him to relocate and take up a post elsewhere.
- 2.3 The PCC liaised with Humberside Fire and Rescue Service to agree in principle to support the future of a secondment arrangement with a suitable replacement candidate on the basis of being able to contribute to the recruitment of such a person and ensure alignment with requirements for the OPCC.
- 2.4 Mr Martyn Ransom (previously Deputy to Mr Wilson) is the Fire Authorities chosen replacement. The process by which Mr Ransom was appointed involved a technical assessment, presentation, personality profiling as well as various questions asked by the appointment committee. Rachel Cook, Chief Executive to the PCC was present throughout the process and sat as part of the technical panel supporting the appointments panel.
- 2.5 A copy of the role profile is included for the panels consideration alongside a copy of the CV for Mr Ransom.

3. Background to the appointment

- 3.1 Every PCC must have a Chief Finance Officer, who will also act as the Section 151 Officer.
- 3.2 The purpose of the post is to:
 1. Undertake all duties associated with the Section 151 officer to support the Police and Crime Commissioner
 2. Co-ordinate the joint independent audit committee with the force to ensure it operates efficiently and effectively
 3. Ensure effective monitoring of the Force and OPCC Budgets
 4. Ensure appropriate preparation and publishing of PCC and Group end of year accounts
 5. Formulate and monitor borrowing and investment strategies in connection with debt and investment
 6. Have statutory responsibility to report directly to the Commissioner and to external auditors
- 3.3 The role of Chief Finance Officer includes the Statutory Function of Section 151 Officer which requires the PCC to make arrangements for the proper administration of their financial affairs and requires one officer to be nominated to take responsibility for the administration of those affairs. Alongside the various functions required of the post the main duties of the Section 151 Officer are;
 - To act as treasurer and must be a qualified accountant belonging to one of the recognised chartered accountancy bodies.

- To hold a duty to report any unlawful financial activity involving the PCC (past, present or proposed) or failure to set or keep to a balanced budget.
- To hold a number of statutory powers in order to allow this role to be carried out, such as the right to insist that the local authority makes sufficient financial provision for the cost of internal audit.

4. The criteria used to assess the suitability of the candidate for the appointment

4.1 The candidate is known to the OPCC and joint working arrangements have been in place for other collaborative working between the OPCC and Fire and Rescue service.

The specific criteria considered for the role of Chief Finance Officer are as follows:

1. Skills and Experience.

Martyn is a highly motivated senior leader with strong interpersonal, leadership and communication skills. Credible at senior level with the ability to explain key financial messages in an easy-to-understand way. He is confident to provide sound independent advice on financial and procurement matters. Martyn demonstrates integrity, truth and loyalty that builds trust and creates an environment for continuous improvement and change. Martyn has demonstrated a history of continually developing individuals within his team by supporting formal studies and providing opportunities for informal development and provide financial awareness development for non-finance colleagues.

2. Financial Management.

Martyn is a Fellow Chartered Certified Accountant (FCCA) – with 25 years' experience in public sector finance. He is able to bring an analytical approach, provide a logical and balanced view, and support reasoning with evidence. Martyn is a pragmatic problem solver who can recognise the implications of an issue and assess the potential outcomes allowing him to effectively provide positive outcomes.

3. Partnership Working.

Martyn has a strong career history in public service working across Fire, Police and Health sectors. Since 2019 he has been working closely with the OPCC as deputy to our previous Chief Finance Officer and has a strong understanding of the requirements of this post.

4.2 Martyn Ransom's career includes the following:

Humberside Fire and Rescue Service/Humberside Fire Authority Jan 2011 – Present

Police and Crime Commissioner for Humberside Jan 2020 – Present

Joint Deputy Chief Finance Officer/Deputy S151 Officer Jan 2020 – Present

A high-profile role reporting directly to the Executive Director of Finance, providing strategic input to decision making and responsible for the overall management of the Finance and Procurement function at Humberside Fire and Rescue Service (HFRS) and providing strategic financial advice to the Police and Crime Commissioner (PCC) and Chief Executive. Deputises for the Executive Director of Finance as required. Leads, manages, and develops a finance and procurement team of 14.

Head of Finance
Apr 2017 – Dec 2019

A high-profile role, reporting directly to the Executive Director of Finance, and responsible for the overall management of the Finance and Procurement function at Humberside Fire and Rescue Service (HFRS). Deputised for the Executive Director of Finance as required. Lead, managed, and developed a finance and procurement team of 11.

Joint Head of Finance (Temporarily seconded to OPCC 3 days per week)
Jan 2019 – Jun 2019

Provided Technical Accountancy support to the OPCC to ensure that the PCC produced the statutory accounts in accordance with the statutory deadline of 31 May, continued to manage the Finance and Procurement functions at Humberside Fire and Rescue Service.

Finance Manager
Jan 2011 – Mar 2017

Responsible for the overall management of the Finance, Procurement and Stores functions at Humberside Fire and Rescue Service (HFRS). Deputised for the Executive Director of Finance as required. Lead, managed, and developed a finance, procurement and stores team of 14.

Association of Chartered Certified Accountants
Jul 2007 – Mar 2015

Assistant examiner/marker for the ACCA Financial Reporting paper.

Humberside Police – Principal Finance Officer (Accountancy)
Jul 2007 - Dec 2010

Responsible for production of the Forces Capital and Revenue budgets including assisting with the production of the medium-term financial plan and completing the production of the annual accounts in accordance with the statutory deadline. Managed the production of monthly financial information to the Corporate Management Team and other staff.

FTC Kaplan – Associate Tutor
Jan 2006 - Jul 2007

Responsible for providing training and support to students completing professional accountancy exams (ICAEW/ACCA/CIMA/AAT), specialising in financial reporting.

Preparing all class material for presentation in class and delivery to students. Counselling and supporting students also formed a key part of the role.

**Eastern Hull Primary Care Trust – Management Accountant
Sep 2003 - Dec 2005**

Provided Finance support for a number of budget holders with a value of £122m, suggested courses of action to manage variances such as cost saving and recovery of income. Management of the General Ledger to ensure timely and accurate production of Financial information.

5. The terms and Conditions on which the Candidate is to be appointed

- 5.1 The appointment will be offered on a secondment basis equating to 0.4 fte (2 days a week) the appointment will be covered through a legal collaboration agreement between Humberside Office of the Police and Crime Commissioner and Humberside Fire and Rescue.
- 5.2 The agreement covers a term of twenty years indicating that this is seen to be a collaboration that can be maintained.
- 5.3 The agreement also covers the secondment of an additional resource which was the post that Martyn Ransom previously held and will be recruited to in due course on 0.4 fte to provide additional resilience and operational expertise to support in holding the force to account.
- 5.4 Both secondees will continue to receive their current terms and conditions from Humberside Fire and Rescue as their employer.
- 5.5 Humberside OPCC will be responsible for paying 0.4 of the employee costs to Humberside Fire and Rescue. These costs are as follows;

	Post	Salary	Total	40%
<i>Martyn Ransom</i>	<i>Executive Director of Finance /S151 Officer</i>	£119,376	£156,383	£62,553
<i>tb</i>	<i>Deputy Chief Finance Officer/Deputy S151 Officer</i>	£68,226	£89,376	£35,750
Total				£98,303

7.

6. Recommendations

- 6.1 In accordance with the Police Reform and Social Responsibility Act 2011 the Panel is invited to review the proposed appointment of Mr Ransom as the Chief Finance Officer for the Office of the Police and Crime Commissioner for Humberside and subsequently make a recommendation to the PCC with regards the appointment.

**Jonathan Evison
Police and Crime Commissioner for Humberside**

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- Highly motivated senior leader with strong interpersonal, leadership and communication skills. Credible at senior level with the ability to explain key financial messages in an easy-to-understand way. Confident to provide sound independent advice on financial and procurement matters.
- Fellow Chartered Certified Accountant (FCCA) – with 25 years’ experience in public sector finance. I bring an analytical approach, provide a logical and balanced view, and support my reasoning with evidence. I am a pragmatic problem solver who can recognise the implications of an issue and assess the potential outcomes allowing me to effectively provide positive outcomes.
- I demonstrate integrity, truth and loyalty that builds trust and creates an environment for continuous improvement and change. I continually develop individuals within my team by supporting formal studies and providing opportunities for informal development and provide financial awareness development for non-finance colleagues.
- I am able to identify opportunities to instill a sense of purpose and set clear direction and boundaries to ensure colleagues can perform at their best and foster resilience within the team.

KEY SKILLS

- Strategic & financial planning
- People development
- Financial reporting
- Performance management
- Process and project management
- Negotiation
- Stakeholder Management
- Strong cognitive and analysis skills
- Continuous Improvement
- Proficient in Microsoft applications

EMPLOYMENT HISTORY

Humberside Fire and Rescue Service/Humberside Fire Authority	Jan 2011 – Present
Police and Crime Commissioner for Humberside	Jan 2020 – Present
Joint Deputy Chief Finance Officer/Deputy S151 Officer	Jan 2020 – Present

A high-profile role reporting directly to the Executive Director of Finance, providing strategic input to decision making and responsible for the overall management of the Finance and Procurement function at Humberside Fire and Rescue Service (HFRS) and providing strategic financial advice to the Police and Crime Commissioner (PCC) and Chief Executive. Deputises for the Executive Director of Finance as required. Leads, manages, and develops a finance and procurement team of 14.

- Presenting Financial information to Humberside Fire Authority, the PCC and at the Governance, Audit and Scrutiny Committee.
- Leading the production of the Medium-term Resource Strategy and liaising with the Executive Director of Finance in the calculation of the Precept and the production of the Authority’s/PCCs Medium-Term Resource Strategy, providing options and impact of Precept decisions for Humberside Fire Authority Members/PCC
- Management of the finance function, including monitoring of performance against key performance indicators. Responsible for the development of individuals in the finance team, team resilience and performance. Instilling finance knowledge to non-finance personnel from budget owners to executive directors
- Management of the procurement function including providing support and guidance on the tendering process, the achievement of value for money and compliance with the Authority’s Constitution and relevant legislation
- Management of the closedown of the accounts on an annual basis followed by the production of the Statement of Accounts in accordance with the CIPFA Code of Practice
- Overseeing the provision of monthly/quarterly corporate financial information and support to Members, the Executive board/PCC, Directors, budget holders and other relevant staff. Providing relevant training and advice in relation to financial management

- Managing the development and maintenance of financial information systems in order to ensure accuracy of transactions, appropriate control procedures are in place and the provision of timely relevant reports and returns
- Analysis and interpretation of the implications of new legislation and external developments in relation to finance and recommending suitable action to Executive Director of Finance
- Ensuring that the Authority's Pension function operates effectively and in compliance with regulations
- Implementation of the Authority's/PCCs Treasury Management Policy including regular contact with the Authority's/PCCs Treasury Management Advisors
- Compliance with relevant legislation and policies and procedures of Humberside Fire Authority/OPCC including acting in compliance with the provisions of equal opportunities, data protection and health and safety legislation

Key achievements

- Continuous improvement and development of a professionally qualified finance and procurement function
- Ensured the medium-term financial planning process is resilient and risks are mitigated
- Supported and advised on the development of HFR Solutions (CIC) and Emergency Services Fleet Management (ESFM) joint company between Humberside Police and Humberside Fire and Rescue Service
- Unqualified Audit Opinion since 2010
- Strategic financial planning for HFRS (£52m Revenue) and PCC for Humberside (£233m Revenue). Maintained a stable financial position with adequate levels of reserves

Head of Finance

Apr 2017 – Dec 2019

A high-profile role, reporting directly to the Executive Director of Finance, and responsible for the overall management of the Finance and Procurement function at Humberside Fire and Rescue Service (HFRS). Deputised for the Executive Director of Finance as required. Lead, managed, and developed a finance and procurement team of 11.

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Jan 2019 – Jun 2019

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Jul 2007 – Mar 2015

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FTC Kaplan – Associate Tutor

Jan 2006 - Jul 2007

Responsible for providing training and support to students completing professional accountancy exams (ICAEW/ACCA/CIMA/AAT), specialising in financial reporting. Preparing all class material for presentation in class and delivery to students. Counselling and supporting students also formed a key part of the role.

Eastern Hull Primary Care Trust – Management Accountant

Sep 2003 - Dec 2005

Provided Finance support for a number of budget holders with a value of £122m, suggested courses of action to manage variances such as cost saving and recovery of income. Management of the General Ledger to ensure timely and accurate production of Financial information.

Hull and East Yorkshire Hospitals NHS Trust – Finance Trainee

Nov 1998 - Sep 2003

Worked in all areas of the Finance function such as payroll, financial accounts, management accounts and purchase accounts on a rotation basis. Completed Association of Accounting Technicians qualification.

Humberside Police - Finance Assistant (Accounts)

Mar 1998 – Nov 1998

Purchase Accounts

EDUCATION, TRAINING & PROFESSIONAL ACCREDITATIONS

Association of Chartered Certified Accountants (ACCA)

Fellow, 2010; Member, 2005

Advanced Leadership Programme (Humberside Fire and Rescue) - Grimsby Institute of Further and Higher Education - 2015

NVQ Diploma in Management

2013

CMI Diploma in Management and Leadership

2013

INTERESTS

I am a keen supporter of Hull City, coach junior cricket, enjoy walking, jogging and spending time with my family.

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Humberside Fire and Rescue Service

Executive Director of Finance & Section 151 Officer

RECRUITMENT PACK



HUMBERSIDE
Fire & Rescue Service



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Fire Officer Phil Shillito

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Background reading

FIRST GLOBAL
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1. Foreword



A message from our Chief Fire Officer Phil Shillito

Thank you for considering the role of Executive Director of Finance and section 151 Officer for Humberside Fire and Rescue Service. This is an exciting and varied role that is integrated with the Office of the Police and Crime Commissioner for Humberside, where you will also perform the role of Chief Finance Officer and section 151 Officer for the Police and Crime Commissioner for Humberside. This role is essential to

the organisation as we deliver our Strategic Priorities and look to continue to manage our resources effectively to keep communities in the Humber area safe, keep our firefighters safe and contribute to the emergency response capabilities of the United Kingdom.

This is an exciting and challenging role which offers an opportunity to influence, shape and secure the future of the Service. I hope we can engage your interest and provide more information as we go through the process to help you decide if this role with Humberside Fire and Rescue Service is right for you.

The Executive Director of Finance/S151 Officer is a role in the Strategic Leadership Team and you will be a core member of that team. You will support both myself and the Deputy Chief Fire Officer in the efficient and effective management of Humberside Fire and Rescue Service by providing strategic leadership and direction.

We are fortunate to live and work in an area which has something for everyone - whether that be the vibrancy of city life, peaceful countryside or stunning coastlines, our region has it all! With good schools and low house prices, we really believe our area is something of a hidden gem. We are committed to being an inclusive employer with a diverse workforce, whilst making a real and valuable difference to the safety of everyone who lives, works, travels or visits our area.

This role offers a fantastic opportunity for you to influence and inform how we deliver those services whilst developing your own skills and experiences. Details of the role and an application form are included in this pack. I look forward to receiving your application and can promise a rewarding job in a positive, energetic, and progressive organisation.

Phil Shillito
Chief Fire Officer

2. The advert

Executive Director of Finance and Section 151 Officer

Contract Type: Permanent Contract

Three days per week with Humberside Fire Authority and two days per week with the Office of Police and Crime Commissioner (OPCC) for Humberside

Job Function: Strategic Leadership Team

Closing Date: Monday 28 August 2023 at 23:59

Salary: £119,376

An exciting opportunity has arisen to join Humberside Fire and Rescue Service, an innovative, high performing organisation which has ambitious plans for the service it provides to the communities of Hull, East Riding of Yorkshire, North-East Lincolnshire and North Lincolnshire. The Fire and Rescue Authority are seeking to appoint an ambitious, innovative and forward-thinking individual, with a proven track record at senior strategic level, to the position of Executive Director of Finance and section 151 Officer.

The successful applicant will form part of the Authority's executive team and the Police and Crime Commissioner's leadership team, supporting the Chief Fire Officer and Chief Executive/Police and Crime Commissioner, providing strategic leadership, influencing the vision and direction of both organisations.

Benefits package:

- Attractive salary
- Relocation Assistance Package
- Access to an Employee Assistance Programme
- Sports and Welfare Association with free use of gym

We are seeking a values driven individual who is confident in a corporate environment, has a supportive and inclusive leadership style and a high level of emotional intelligence. You will have extensive experience of providing professional financial strategic direction, hold a recognised accountancy qualification and be a current member of a relevant body. You will possess excellent communication skills with the ability to build and maintain strong working relationships with a range of stakeholders. The ideal candidate will also be credible, driven and self-motivated with excellent political acumen and an ability to drive forward continuous improvement.

Appointment is subject to satisfactory pre-employment checks which includes completion of the Non-Police Personal Vetting (NPPV) Level 3 clearance and Security Clearance (SC) vetting and references. Please note this appointment is politically restricted.

3. Recruitment timetable process

Timetable:



Appointment is subject to satisfactory pre-employment checks which includes completion of the Non-Police Personal Vetting (NPPV) Level 3 clearance and Security Clearance (SC) vetting and references. Please note this appointment is politically restricted.

For an informal discussion about the role please contact Maxine Sleight, PA to Chief Fire Officer, Phil Shillito, on 01482 567509.

Humberside Fire and Rescue Service is an equal opportunities employer. We value diversity and welcome applications from candidates from all backgrounds. We particularly welcome applications from sections of the community that are currently under-represented within Humberside Fire and Rescue Service, including women, ethnic minorities and applicants with disabilities.

Applications

Applications will be via the submission of an application form, outlining suitability for the role against the criteria set out in the person specification. We recommend that you read all sections of this recruitment pack and familiarise yourself with the Community Risk Management Plan, 2021-2024. Completed applications should be returned to the HR team by emailing: hr@humbersidefire.gov.uk by 23:59 on 28 August 2023.

4. Role Outline and Person Specification

Job title

Executive Director of Finance and Section 151 Officer

Job purpose and summary

The Executive Director of Finance is responsible to the Chief Fire Officer (along with other Members of the Executive Team) and Chief Executive of the Police and Crime Commissioner for providing strategic leadership and direction to achieve the objectives of Humberside Fire and Rescue Service. To be the finance lead in the Executive Board for Humberside Fire and Rescue Service and the Leadership Team for the Office of the Police and Crime Commissioner and perform the role of Section 151 Officer for Humberside Fire Authority and for the Police and Crime Commissioner for Humberside.

Salary

The Executive Director/S151 Officer's salary is determined by Humberside Fire Authority as 70% of the Chief Fire Officer/Chief Executive's salary and is currently £119,376

Reports to

- Chief Fire Officer and Police Crime Commissioner

Job location

- Three days per week at Humberside Fire Headquarters based in Hull
- Two days per week at Police and Crime Commissioner for Humberside based in Cottingham.
- Although the post is based at two organisations, agile working opportunities are available.

Key accountabilities

- Provide effective leadership to the finance function, including the development and support of staff, with clear section and individual objectives, priorities and performance standards.

- The Section 151 Officer is the financial advisor to the Fire Authority and the Police and Crime Commissioner and has a statutory responsibility to carry out functions under section 151 of the Local Government Act 1972, and Section 114 of the Local Government Finance Act 1988, ensuring that the financial affairs of the Fire Authority and the Police and Crime Commissioner are properly administered having regard to their probity, legality and appropriate standards.
- Lead the effective delivery of annual accounts, medium-term resource planning, the development of medium-term capital programmes, annual budgeting, budget monitoring and forecasting, payments, income recovery, payroll and pensions.
- The development of an efficient and effective procurement function and ensuring compliance with relevant regulations and legislation.
- Leading on finance's input to published Efficiency and Productivity Plans.
- Work closely with executive colleagues of the HFRS Strategic Leadership Team, the OPCC Leadership Team and the Chief Constable's Head of Finance/Section 151 Officer to support the strategic priorities of these organisations.
- Make the necessary arrangements for maintaining effective external and internal audit relationships in accordance with statutory requirements and best practice.
- The effective identification and mitigation of key financial risks facing the Fire Authority and the PCC including the provision of effective insurance arrangements.
- Report to the Fire Authority and the PCC and the external auditor any unlawful, or potentially unlawful expenditure and when it appears that expenditure is likely to exceed the resources available to meet that expenditure.
- Advise the Fire Authority and the PCC on the robustness of the budget in relation to the fire and rescue service/police force and adequacy of financial reserves.
- Determine the accounting records and control systems for Fire Authority and the Police and Crime Commissioner and lead on the ongoing review and development of the Code of Corporate Governance.
- Develop relationships with internal and external stakeholders such as: Fire Authority members; Police and Crime Panel members; members of the Joint Independent Audit Committee (JIAC/Police) and Governance, Audit and Scrutiny Committee (GAS/Fire); Pension Board members; Police Accountability Board; His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS); other Fire and Rescue Services; the Monitoring Officer; Home Office; Department for Levelling Up, Housing and Communities (DLUHC); National Fire Chiefs' Council (NFCC); Police and Crime Commissioners' Treasurers Society (PACCTs); Treasury Management Advisors; Finance system providers; Hull City Council (day-to-day treasury management); East Riding of Yorkshire Council (payroll and Local Government Pension Scheme); West Yorkshire Pensions Authority (Firefighter Pensions administration); tax advisors; funding formula advisors.

- Advice, modelling and consultation on the proposed annual precept for the Fire Authority and the Police and Crime Commissioner liaising with four Billing Authorities in the process.
- Scheme Manager for the Firefighters' Pension Scheme administration for Humberside Fire Authority.
- Setting the annual Treasury Management Strategy and Prudential Indicators for the Fire Authority and the Police and Crime Commissioner in line with the CIPFA Code of Practice including counterparty selection for investments and decisions on the requirement for and the timing of long-term borrowing.

Essential criteria

Experience	Assessed by
• Senior financial leadership experience in a large complex environment	A&SP
• Demonstrable experience as a Section 151 Officer or Deputy Section 151 Officer	A&SP
• Comprehensive experience of leading and delivering the full range of financial and management accountancy services in a public sector organisation	A&SP
• A track record of building positive relationships and providing advice and support to Elected Members/the PCC on financial issues (desirable)	A&SP
• An understanding of the social, economic and political environment of the Police and/or Fire Service.	A&SP
• A demonstrable track record of developing financial plans and forecasts to monitor income and expenditure	A&SP
• A proven track record in service development and achieving improvements in standards and performance while reducing costs	A&SP
• Experience of the successful leadership and development of finance team members	A&SP
• Experience in the development and successful implementation of collaborative working approaches (desirable)	A&SP
Qualifications	Assessed by
• Accountancy qualification from a designated CCAB body, or CIMA, and current member of one of the designated accountancy bodies with significant post qualification experience.	A
• Educated to degree level (desirable)	A
• Evidence of continuous professional development	A

Essential criteria

Skills and Knowledge	Assessed by
<ul style="list-style-type: none"> An ability to plan, direct and evaluate performance in all areas of business activity 	A&SP
<ul style="list-style-type: none"> Possession of a thorough understanding of the political and economic context of the fire and rescue service and/or Police in terms of government, governance, stakeholders and the community (desirable) 	A&SP
<ul style="list-style-type: none"> Motivational, emotionally intelligent with a supportive and inclusive leadership style 	A&SP
<ul style="list-style-type: none"> A demonstrable track record of being an influential leader that can work collaboratively with key stakeholders to translate financial requirements across the organisation 	A&SP
<ul style="list-style-type: none"> Highly driven, credible and self-motivated, with resilience and tenacity 	A&SP
<ul style="list-style-type: none"> An effective and balanced decision maker who leads by example, using innovative thinking to achieve the best outcomes 	A&SP
<ul style="list-style-type: none"> Highly effective communication and interpersonal skills 	A&SP
<ul style="list-style-type: none"> Able to demonstrate a leadership and management style which is innovative and forward thinking 	A&SP
<ul style="list-style-type: none"> To be self-assured, confident, assertive and approachable 	A&SP
<ul style="list-style-type: none"> Appreciation of, and a track record in, embracing equality, diversity and inclusion 	A&SP
Work Related Circumstances	Assessed by
<ul style="list-style-type: none"> An ability to work effectively across organisational boundaries 	A
<ul style="list-style-type: none"> An ability to work effectively and flexibly in working hours, to meet the needs of the two organisations 	A
<ul style="list-style-type: none"> An ability to work outside normal hours on occasions 	A
<ul style="list-style-type: none"> A current, full, UK driving licence 	A

Key:

A = Application form **SP**= Selection Process

5. About us

Founded in 1974, Humberside Fire and Rescue Service serves the communities of East Riding of Yorkshire, Hull, North East Lincolnshire and North Lincolnshire. With a population of almost one million people, spread over more than 1,360 square miles, our area comprises of isolated rural settlements and farms, market towns and larger urban areas such as Hull, Scunthorpe and Grimsby.

We serve the Port of Grimsby and Immingham, located on the south bank of the Humber Estuary. The combined Port of Grimsby and Immingham handles 12% of all the UK's cargo; it is the busiest port by tonnage in the whole of the UK and the fifth largest trading estuary in Europe.

The River Humber is one of the major deep water estuaries in the UK. The deep water channel is 22 miles (35kms) long from the open sea at Spurn Point to Hull. The Humber starts at the juncture of the River Ouse and the River Trent and increases in width until, at its mouth, it is approximately 8 miles (13kms) wide between North Lincolnshire and East Yorkshire. The Humber has many canals and tributaries (including the rivers Hull, Ancholme, Derwent, Ouse and Trent).



The Yorkshire Wolds, a broad crescent of rolling chalk hills and valleys, arcs from the coast at Flamborough, towards Malton and then south to the Humber Bridge. The ancient market town of Beverley lies on the lower ground.

Businesses thrive in our area owing to the strategic coastal location and global connectivity. Business sectors include:

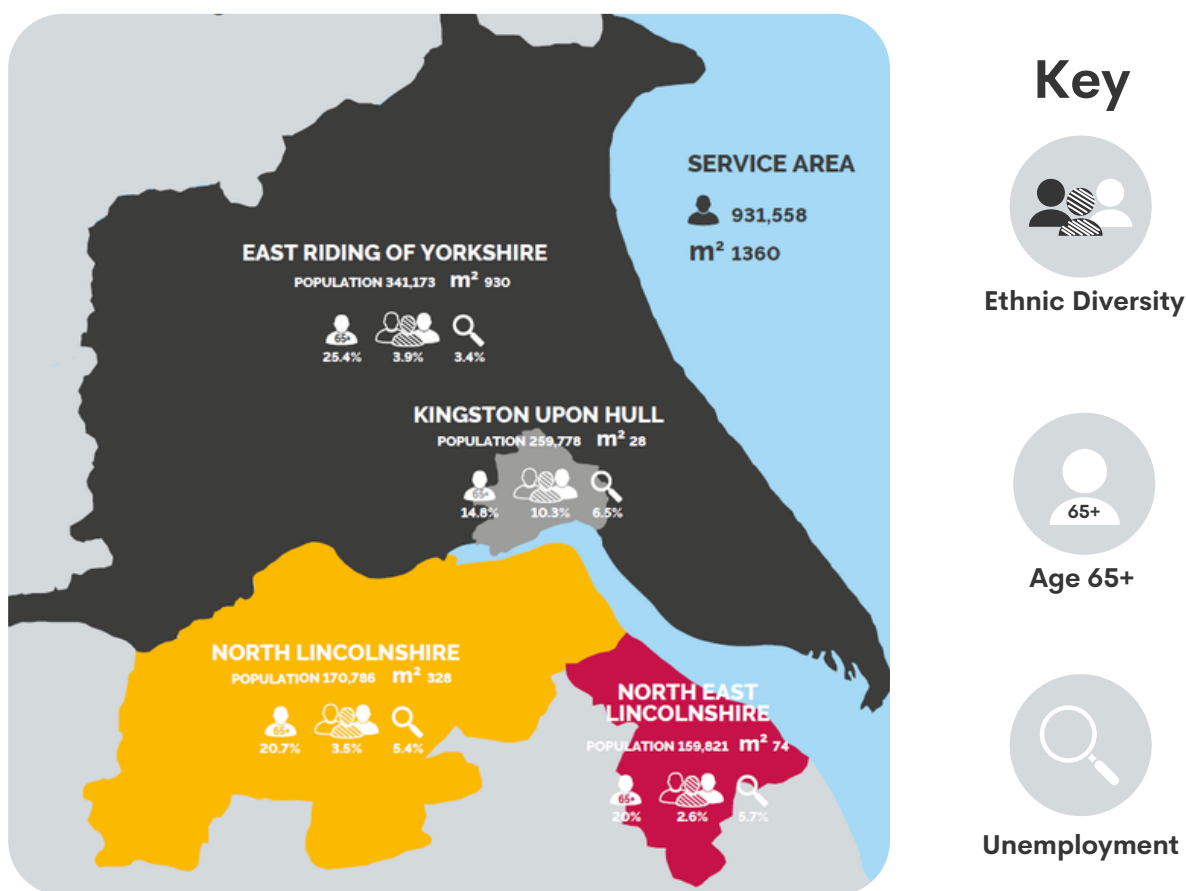
- Chemical
- Agriculture
- Food Manufacturing / Processing
- Ports and Logistics
- Energy & Renewables
- Advanced Manufacturing
- Visitor Economy and Tourism

Hull University is home to approximately 16,000 students, drawing students from all over the world.

Our region attracts around 19m visitors every year.

a. Service area

The area has a total population of 931,558 people and covers a geographical area of 1360 square miles. Each of the four Unitary Authorities is very different, and this makes the Service area very diverse, consisting of urban, rural and coastal communities providing many different challenges to HFRS.



The least deprived ward in Humberside is South Hunsley in the East Riding of Yorkshire.

Deprivation in North East Lincolnshire has worsened over the last 8 years.

North Lincolnshire is the only area not to have any wards in the 20% most deprived in Humberside.

Hull is number 3 in England for the number of neighbourhood areas that are in the most deprived 10% nationally. The most deprived ward in Humberside is Orchard Park and Greenwood in Hull.

[For more information about the way we resource risk in the area click here for our CRMP.](#)

b. Living and working in the Humberside area

Humberside, is a former administrative county in eastern England, bordering the River Humber estuary and the North Sea. The area comprises parts of the historic counties of Yorkshire and Lincolnshire to the north and south of the Humber, respectively.

The area north of the Humber, sometimes known as North Humberside, forms the geographic county of East Riding of Yorkshire, which is divided administratively into the unitary authorities of East Riding of Yorkshire and Kingston upon Hull. Kingston upon Hull is the region's largest city and commercial centre. South Humberside, on the south side of the estuary, is part of the geographic county of Lincolnshire and is divided administratively into the unitary authorities of North Lincolnshire and North East Lincolnshire.

The websites below give a good idea of what each of the respective unitary areas have to offer:




[The 'EastYorkshh!re' campaign provides some useful information on living, socialising and working in the area. Click here to access.](#)

6.

Background reading



 **HFRS Ethical Principles and Behaviours**




 **HFRS Equality and Inclusion Priorities 2021-2024**



 **HFRS Strategic Plan 2021 - 2024**




 **HFRS CRMP 2021 - 2024**



 **Police and Crime Plan 2021 - 2025**

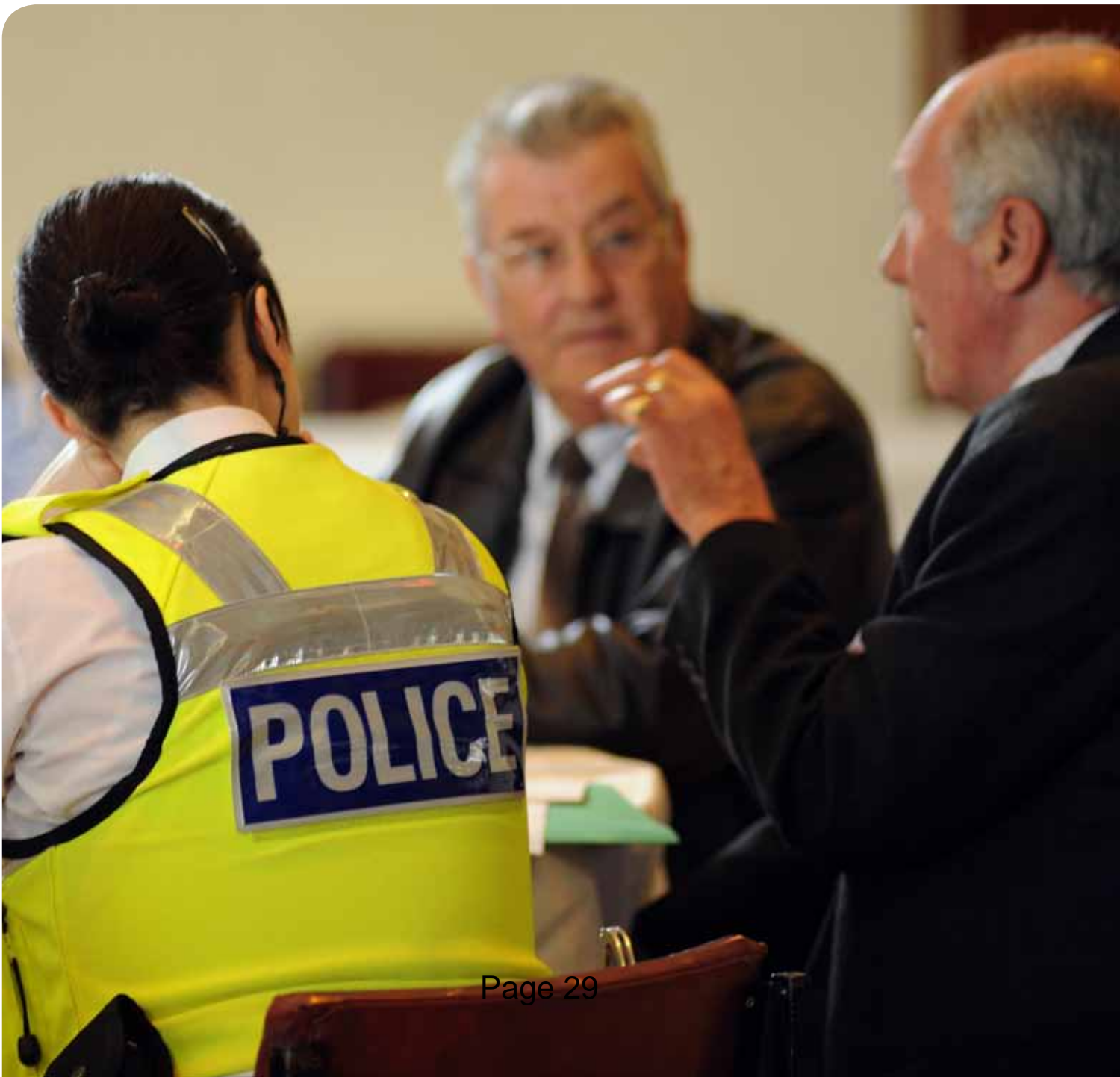


 **PCC Annual Report 2021 - 2022**

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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 Act¹ 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 2011².

Under the Act³, 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.

¹ Referred to in this guidance as 'the Act'

² 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'⁴) 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 Committee⁵ 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 date⁶. 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.

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

⁵ 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>

⁶ 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 commissioners⁷. It states that the PCC must notify the panel of such a ‘proposed senior appointment’⁸, 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 appointed⁹.

Once this notification has occurred, the panel must review the senior appointment¹⁰, and make a report on it to the PCC¹¹, which must include a recommendation as to whether or not the candidate should be appointed¹².

This must all happen within a period of three weeks, beginning on the day that the panel receives the notification from the PCC¹³. 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’¹⁴.

In response to the panel’s report, the PCC must then notify the panel whether they will accept or reject the recommendation¹⁵. There is no duty for the PCC to give reasons for their decision.

⁷ Paragraph 9(1) of Schedule 1

⁸ Paragraph 9(2) of Schedule 1

⁹ This will include the candidate’s salary

¹⁰ Paragraph 10(2) of Schedule 1

¹¹ Paragraph 10(3) of Schedule 1

¹² Paragraph 10(4) of Schedule 1

¹³ Paragraph 10(5) of Schedule 1

¹⁴ Paragraph 11(2) of Schedule 1

¹⁵ 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 veto¹⁶ over the appointment of the chief constable. The panel may recommend that the PCC does not make the appointment¹⁷, but in the event of a veto then the candidate must not be appointed¹⁸. What happens once the veto has been exercised will be subject to regulations¹⁹, 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 appoint²⁰.

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**.

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

¹⁷ Regulation 4(4) of Schedule 8

¹⁸ Paragraph 8 of Schedule 8

¹⁹ Paragraph 9 and 10 of Schedule 8 (Regulations to be issued)

²⁰ 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 carefully²¹.

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.

²¹ 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.



Local Government Association

Local Government House
Smith Square
London SW1P 3HZ

Telephone 020 7664 3000

Fax 020 7664 3030

Email info@local.gov.uk

www.local.gov.uk

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For a copy in Braille, larger print or audio,
please contact us on 020 7664 3000.
We consider requests on an individual basis.