



Home Office

**Review of the Selection
and Appointments Process of**

Independent Members of Police Authorities

Kenneth Hamer
Chairman of the Review

Police Authorities

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of Independent Members of Police Authorities**

REPORT FOR THE HOME OFFICE

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Executive summary

- 1.1** This Review arises from the third round of appointments of independent members of police authorities. The Police and Magistrates' Courts Act 1994, and the Police Act 1996, made major changes in the composition of the membership of police authorities, and for the first time introduced the concept of independent members for the 41 police authorities in England and Wales outside London. The first round of appointments was made for 4 years from April 1995, followed by subsequent rounds in 1999 and 2003. There are currently 210 independent members of police authorities in England and Wales excluding the Metropolitan Police Authority, which has a different time-scale and where the next appointments round will take place in April 2004. This Review is concerned with evaluating the recent round of appointments outside London, lessons which may be drawn from the selection and appointments process, a consideration of the current legislation of provisions, and recommendations for improvements to enhance the skills base, diversity and fair practice of appointment of independent members to reflect the interests of a wide cross-section of the community in the police area.
- 1.2** In **Chapter 2** I outline my terms of reference given to me by Hazel Blears MP, Minister of State for Crime Reduction, Policing and Community Safety, my approach to the Review and the procedures which I have followed.
- 1.3** **Chapter 3** provides a brief historical introduction of police authorities prior to the Police and Magistrates' Courts Act 1994, and what the

legislation introducing independent members was meant to achieve. I describe the Government's aims of this major innovation, and set out extracts from the speeches in Parliament in 1994. As the Association of Police Authorities has said, the Government's proposals in 1994 to reconstitute police authorities, including by introducing independent members, were controversial and hotly disputed. Nevertheless, there is now near universal agreement that this was probably one of the most successful aspects of the reforms, and independent members have brought considerable added value to police authorities in the range of their expertise, and have also added crucially to the geographic, gender and ethnic balance.

- 1.4** The chapter also looks at the culture of police authorities, and the way police authorities are structured. It sets out in some detail evidence of a continuing culture and methods of work that closely image that of local authority governance, and indicates ways in which police authorities could modernise. I identify the time commitment required of members as a particularly major barrier preventing a wider cross-section of the community being appointed as independent members of police authorities, and offer solutions as to how police authorities can modernise.
- 1.5** In **Chapter 4** I review the arrangements made for publicising the recent round and discuss the effectiveness of the Joint Guidance issued by the Association of Police Authorities and the Home Office in August 2002, and the model application form and information pack sent to candidates. I describe what improvements can be made to advertising and publicising vacancies in order to open up the system of appointment of independent members to suitably qualified candidates from a wider range of social backgrounds and experience without discarding the fundamental principle of appointment on merit and ability. I also examine the occupational background of independent members and provide broad background data compiled from the application forms of independent members submitted to the Home Office during the recent round of appointments.
- 1.6** **Chapter 5** describes the role played by selection panels in the appointments process. I deal with the setting up of selection panels, their membership, how selection panels went about their tasks in the recent round, and issues which arose and ways to overcome them in the future. I describe differing ways in which applications can be sifted and candidates interviewed, and examine the benefits of a competency-based recruitment approach to the appointment of independent members as a more effective technique with a view to promoting diversity in police

authorities. I look at what lessons may be gained from the Commissioner for Public Appointments' Code of Practice, and describe the Cabinet Office Best Practice Guide model forms, and the NHS Appointments Commission model forms, used by appointments panels, and how applications for re-appointment of independent members should be dealt with.

- 1.7** In **Chapter 6** I describe the Home Office process, and its role and the task of Ministers under the Police Act 1996. I examine the work of officials during the recent round and the criteria applied by Ministers in compiling the short-list to be sent to the police authority concerned. I examine the case for removing the Home Secretary's role from the appointments process and replacing it with a power of veto over appointments made locally by a new appointments panel of the police authority. I consider how regulations should best be framed to govern the work of appointments panels in such circumstances. I look at the difficult and complex arguments surrounding the tenure of office of persons appointed as independent members of a police authority, and whether restrictions should be placed on how long they serve, and how best to stagger appointments to give the authority a degree of continuity.
- 1.8** **Chapter 7** deals with the final appointments stage and how this was handled in the recent round. I describe the need for independent scrutiny at all stages in the selection and appointments process.
- 1.9** In **Chapter 8** I deal with the handling of candidates who are unsuccessful in the selection process, and describe how better feedback and communication can be made with candidates; and what steps can be taken to ensure that they are not lost for other public service.

The scope for recommendations

- 1.10** My conclusions and recommendations are set out in **Chapter 9**. In broad terms I recommend that:
- Police authorities need to recognise their responsibilities to ensure that their membership is reflective of the community they serve whilst affording all suitably competent persons the opportunity to take part in the governance of the police authority.
 - The selection and appointments process should be streamlined and carried out locally by a single appointments panel with independent scrutiny with the Secretary of State having a power of veto over the final appointment of independent members. The guidance issued by the Commissioner for Public Appointments should be the foundation of the selection and appointments process.

- A competency-based framework for the recruitment of independent members is required as a more effective method to identify required skills and provide diversity whilst ensuring that appointments are made on merit and ability.
- The work and time commitment of members should be substantially reduced in order to attract a greater proportion of younger members and those with full-time commitments. Police authority secretariats should be professionalised and adopt modern business practices in order to leave members free to provide the strategic direction of the police authority.

- 1.11** Due to the nature of the Police Act 1996, which set the procedures for the selection process and appointment of independent members in primary legislation, my recommendations include both legislative changes as well as guidelines for best practice which may be adopted in the interim.
- 1.12** Whilst mindful of my terms of reference, I have identified many factors that contribute to the pressure on recruitment of independent members which stem from wider issues concerning the function and culture of police authorities. Where these tensions have been observed, I have made recommendations for these issues to be investigated further by the Home Office, the Association of Police Authorities, and the Office of Commissioner for Public Appointments where appropriate.
- 1.13** The results of this Review will feed into the wider consultation that is currently underway into the second wave of police reform. The consultation document *“Policing: Building Safer Communities Together”* was published by the Home Secretary on 4 November 2003 to draw comments from the public on issues of community engagement, civil renewal, accountability, and operational structures. It is hoped that this Review, based on extensive evidence collected from a large number and wide range of consultees will provide a sound basis for the consideration of better community involvement in local policing decisions through independent membership of police authorities.

The Review

The terms of reference

- 2.1** On 28th July 2003, I was appointed by Hazel Blears MP, Minister of State for Crime Reduction, Policing and Community Safety, as independent Chairman for the Review. My terms of reference were as follows:
- a. To report on the current legislative provisions and non-statutory guidance for appointing members and what these are meant to achieve.
 - b. To evaluate the recent round of appointments to police authorities to ascertain to what extent these intentions have been achieved in practice. To further identify whether any constraints in the current legislative provisions and non-statutory guidance best serve the appointment of individuals qualified to further the maintenance of an efficient and effective police force and to operate a challenging regime to achieve crime reduction in the police area.
 - c. To identify whether any avenues need to be explored in terms of enhancing the skills base, diversity and the fair practice of appointment of independent members and to what extent any improvements require legislative and non-legislative action. This should include considering models for selection and lessons learned that may be gained from the Commissioner for Public Appointments' Code of Practice.
- 2.2** In support of the above, I felt it appropriate to consider how selection panels attracted candidates, and applications from persons in their twenties and thirties, and from any local organisations or groups whose voice may presently not be reflected in the business of police

authorities. I was also interested to learn how the skills, diversity mix and performance of independent members dovetailed with that of councillor and magistrate members and how the performance of members of police authorities might best be assessed.

Preparations for the Review

- 2.3** Shortly after my appointment Miss Hazel Williams was appointed Secretary to the Review. She was of invaluable help and assistance at all times, and I would like to express my deep thanks and gratitude to her for her dedication, support and professionalism throughout the course of the Review. She gladly took on the job of dealing with the numerous and diverse issues that arose during the course of the Review, and acted throughout at all times with courtesy, efficiency and charm in dealing with all who came into contact with the Review. I am immensely grateful for all her hard work and helpfulness.
- 2.4** I wish to express my particular gratitude to Mrs Pamela Townsend and Mrs Janice Alexander of my Chambers, and Mrs Saira Morarji at the Home Office, who have done an immense job typing the many drafts of this Report, and I am grateful for their patience, dedication and cheerfulness.
- 2.5** Staff at the Home Office have been universally helpful in assisting my research for the Review. I have had total access to all documents I needed, and I particularly wish to express my gratitude to Stephen Rimmer, Director of Policing Policy, and Martin Parker, Head of Performance & Strategic Management Unit for ensuring that I was provided with the secretariat for the Review, and an office at 50 Queen Anne's Gate.
- 2.6** Dr Roger Moore, Chief Executive of the NHS Appointments Commission, acted as an adviser to the Review, and his knowledge, advice and support was of considerable help to me in conducting the Review. Dr Moore was able to provide useful insight into non-executive appointments outside of the policing field. The NHS model was helpful in identifying examples of best practice, and I am indebted to Dr Moore for his willingness to share his experience and to explore how it may benefit the process of appointment of police authority members.
- 2.7** Mr Graham Davey, Honorary Secretary of the Association of Police Authority Clerks, and Chief Executive of Devon and Cornwall Police Authority, was also an adviser to the Review, and of great assistance in helping me to understand the current trends and opinions amongst Police Authority Clerks. I am grateful for his insight into the current

situation and the efforts that are already being made to bring greater professionalism and effectiveness to police authorities.

- 2.8** However, I wish to make clear that I bear the sole responsibility both for the conduct of the Review, and the preparation of this Report, and the conclusions and recommendations are mine.

The conduct of the Review

- 2.9** I was asked to report to the Home Secretary by Christmas 2003. I therefore decided to conduct an initial written consultation exercise between August and the end of September, which was followed by a period of wider consultation and visits to police authorities to gather more in-depth evidence and comments. On 19th August 2003 I wrote to the Clerks of all 41 police authorities in England and Wales outside London sending a questionnaire seeking information, and inviting any additional comments police authorities might wish to add. A copy of my letter and questionnaire appear at Appendix 3. I am pleased to report that all 41 police authorities, together with the Metropolitan Police Authority to whom I sent a separate questionnaire, helpfully responded, and many took up my suggestion of also sending copies of their responses to an earlier survey carried out by the Association of Police Authorities, and much detailed additional material.
- 2.10** The Association of Police Authorities gave me a very comprehensive written submission, which helped enormously in giving me an overview of the selection and appointments process as it currently stands. I am grateful for the considerable amount of work that went into their evidence to the Review, in particular for the statistical data in evaluating the outcome of the 2003 selection round. I have been conscious of the wealth of knowledge and experience of the APA Secretariat and the Executive Committee, and the work that went into canvassing the views of their members before I began work on the Review.
- 2.11** Ms Fionnuala Gill of the Association of Police Authorities provided ongoing assistance to the Review. Her knowledge of the legislative background and developing role of the independent members was of considerable help, as was her understanding of the pressures police authorities are currently under.
- 2.12** The information collected from these responses proved to be invaluable in highlighting some of the common issues and concerns which have subsequently been assessed by this Review, as well as the differences in practice and expectations across police authorities. I am extremely

grateful to the police authorities and the APA for the time, careful thought and honesty that went into their comments.

2.13 I arranged during the course of the Review visits to six police authorities in order to gauge my own perspective and to speak to secretariat staff, police authority members, those involved in the selection panels and unsuccessful candidates from the last selection round. Police authorities were selected to represent a mix of geographical, rural and urban locations as follows:

- Lincolnshire Police Authority, 23 September 2003
- North Wales Police Authority, 29 September 2003
- Kent Police Authority, 2 October 2003
- Leicestershire Police Authority, 6 October 2003
- Greater Manchester Police Authority, 7 October 2003
- Thames Valley Police Authority, 8 October 2003

2.14 I am extremely grateful to Mr Jonathan Goolden, Clerk of Lincolnshire Police Authority, Mr Kelvin Dent, Clerk of North Wales Police Authority, Mr Michael Powis, Clerk of Kent Police Authority, Mr Robert Swinfield, Clerk of Leicestershire Police Authority, Mr John Willis, Clerk of Greater Manchester Police Authority, and Mr Mike Byfield, Assistant Clerk of Thames Valley Police Authority, for their generosity in giving Hazel Williams and myself time, office space, refreshments, and for organising a timetable of interviews. On many occasions, issues raised at these meetings threw light on fundamental concerns at the heart of the selection process.

2.15 On 9th September 2003 I wrote separately to the Home Secretary's appointed representative on each of the selection panels. Their responses provided an important insight into the initial stages of the selection round at local level, and I am grateful for those who took time to write to me, and to explore some of the issues further over the telephone and in person.

2.16 I sought a wide range of advice including views from the Office of the Commissioner for Public Appointments, the Cabinet Office, the Youth Justice Board, the Magistrates Association, the Confederation of British Industry, the United Grand Lodge of England, the Local Government Association, as well as suggestions and comments from various units within the Home Office such as the Performance & Strategic

Management Unit, the Sponsors Advisory Team, the Active Community Unit, and the Research, Development & Statistics Unit.

- 2.17** The Rt Hon John Denham MP, Minister of State for Crime Reduction, Policing and Community Safety at the time of the last selection round, submitted a very helpful and detailed letter of comments and suggestions regarding the current process. I am extremely grateful for his perspective of the Home Office stage of the selection process, and his overview of the process as a whole.
- 2.18** I should like to express my particular gratitude and appreciation to Mr Mark Turner and Mr Ravi Chand of Veredus Executive Resourcing who provided the Review with expert evidence on public appointments, and to Ms Sallie Blair of Better Times Limited who is a public relations and media specialist. Their thoughts were of great help in appraising the recent marketing and advertising campaign, the model application form, and the selection and interview process in the recent round. I have been immensely grateful to them for their assistance on best practice guidance, and their advice in relation to the selection and appointments process.
- 2.19** In all I consulted 146 consultees as set out in the list in Appendix 1. I am grateful to all for their help and comments. I have read approximately 5,000 pages of documents during the course of my Review.

The membership and changing role of police authorities

Introduction

3.1 The purpose of this chapter is to provide a general overview of the membership of police authorities as a background to the discussion in the following chapters. It sets out only to provide a brief historical introduction of police authorities, and the changes in their membership which are relevant to the present state. In the light of my terms of reference I propose to consider what the current legislative provisions for appointing independent members were meant to achieve, and to what extent these intentions have been achieved in practice.

3.2 The topics which I consider in this chapter are as follows:

- the administration of police authorities prior to the Police and Magistrates' Courts Act 1994;
- the aims of the 1994 Act and the Police Act 1996;
- the culture of police authorities, and the way police authorities are structured;
- the work of police authority members;
- conclusions.

The administration of police authorities prior to the Police and Magistrates' Courts Act 1994

3.3 From earliest times there existed in towns the town watch on which, in theory, all able-bodied inhabitants were, in their turn, liable to serve. The

town watch can be traced back to 13 Edw.1 (Statute of Westminster) (1285) c. 6 which required the establishment of a watch in all walled towns. It was customary for justices of the peace to swear a petty constable, or parish constable as he later became styled, into his office, and justices of the peace became involved in the administration of the police. If a parish failed to elect a constable, the local justices were empowered to appoint one. During the eighteenth century the police system based on the parish constable and the town watch fell into disrepute and by the end of the century, the position having become serious in urban areas, consideration was being given to its replacement; see Halsbury's Laws of England, 3rd edition (1959) vol 30, pages 43-44.

- 3.4** In 1822 a Select Committee, with Sir Robert Peel as Chairman, was appointed, but it issued a negative report on the ground that an effective police force might endanger freedom of the individual. Six years later, however, Peel, who served as Home Secretary from 1828 - 1830, secured the appointment to another Select Committee, which presented a report recommending a unified police force in the Metropolis. In London, police forces were established for the metropolitan police district in 1829, and for the City of London in 1839, under the authority of the Secretary of State.
- 3.5** So far as boroughs outside London were concerned Peel's Metropolitan Police Act 1829 was followed in large part by the Municipal Corporations Acts 1835 and 1882. These Acts required the appointment by local authorities of watch committees in boroughs to which those Acts applied, and the watch committees had to establish police forces. The watch committee consisted of the mayor, and not more than one-third of the members of the borough council. The watch committee was made up exclusively of members of the borough council. It had no justices unless a member happened to be a justice.
- 3.6** In counties, on the other hand, both justices and councillors were involved in the administration of the police authority. The County Police Act 1839, and subsequently the County and Borough Police Act 1856, provided for justices in quarter sessions to establish a police force for the whole county. On the establishment of administrative counties by the Local Government Act 1888, a standing joint committee composed of justices and members of the county council in equal numbers was substituted for the justices in quarter sessions as the police authority. Whilst the standing joint committee was a separate statutory body the clerk of the county council became recognised as the clerk of the standing joint committee. All expense which the standing joint committee determined to be required was paid out of the county fund,

and the county council was required to provide for such payment accordingly.

3.7 The size of a watch committee for a borough police force was limited to no more than one-third of the membership of the council as a whole, but there were no statutory provisions as to the size of the standing joint committee for a county police force. As a result there were wide variations in size of standing joint committees in different parts of the country. The Police Act 1946 permitted any two or more police areas to be combined if it appeared expedient for those areas to be amalgamated. Where this occurred the constituent authorities surrendered their police functions to a combined authority, but it became common practice to maintain in being the individual standing joint or watch committees which were the police authorities before the amalgamation took place. The retention of separate committees to administer a joint police authority often seemed to be confusing and unnecessary.

3.8 Thus the Royal Commission on the Police under the chairmanship of Sir Henry Willink ("the Willink Report") was able to report in its 1962 Final Report:

"152. The diversity which characterises the police system is nowhere more apparent than in the variety in composition and the functions of police authorities. There are five or six different types. In the Metropolitan force the police authority is the Home Secretary, and in the City of London it is the Common Council of the City. In English and Welsh counties it is the standing joint committee, a body composed of equal numbers of elected councillors nominated by the county council and justices of the peace elected by quarter sessions. In the cities and boroughs of England and Wales the police authority is the watch committee, a body composed of not more than one-third of the council."

3.9 The Willink Report considered that police authorities should have four main duties: to provide and equip an adequate police force; to constitute a body able to advise chief constables on local conditions; to appoint, discipline and remove senior officers of the force; and to play an active role in fostering good relations between the police and the public. The Willink Report considered that it was time to assimilate the historical differences between the composition of police authorities in England and Wales, and therefore recommended that police authorities throughout England and Wales consist as to two-thirds of members of the appropriate council, and as to one-third of co-opted justices.

3.10 The Willink Report recommended that police authorities should remain essentially committees of the local authority. The Report concluded that “a body associated with local government ought clearly to contain elected councillors”, and the issue for the Commission turned largely on whether the police authority should contain persons other than councillors, and in particular whether there was a case for continuing the long-standing arrangement under which justices were appointed to standing joint committees, but not watch committees.

3.11 The Police Act 1964 followed the recommendations of the Willink Report, and established that police authorities throughout England and Wales should consist as to two-thirds of members of the appropriate council, and as to one-third of co-opted justices; and that the justices be elected to county police authorities by quarter sessions, and in boroughs by the local body of justices. The 1964 Act provided for a unified system of local government involvement in policing in both rural and urban provincial forces of England and Wales, and established the tripartite structure of police governance between local police authorities, chief constables, and the Home Secretary.

The aims of the 1994 Act and the Police Act 1996

3.12 In June 1993 the Conservative Government issued a White Paper called “*Police Reform: A Police Service for the Twenty-First Century*.” In the preface to the Government’s proposals for the police service in England and Wales, Michael Howard MP, then Home Secretary, said that the proposals in the White Paper were designed to bring the framework and arrangements within which the police worked up to date, and to strengthen the role of police authorities in setting budgets and delivering local strategies by benefiting from a wider pool of local experience. The Government foresaw police authorities having an enhanced role in the future of policing, and in the support of the police service in the fight against crime. One of the principal aims of the Government’s proposals was to strengthen police authorities by making them strong local bodies, and provide an important local focus in ensuring that the police and local communities were working together. The Government expected police authorities to play a key part in forging a closer partnership between the public and the police.

3.13 These aims were subsequently enacted in section 6 (1) of the Police Act 1996 which provides that every police authority “*shall secure the maintenance of an efficient and effective police force for its area*”. Section 6 lays down the modern statutory duties of every police authority, and the White Paper stated that the main tasks of a police authority should be:

- To establish the local priorities for policing in consultation with the Chief Constable.
- To ensure that there are effective arrangements for consulting local communities about policing and for reflecting those views in local policing priorities.
- To set the total budget for policing for the year.
- To approve and publish a costed plan for policing. The police authority will need to ensure that the plan is designed to deliver both the Government's key objectives and those which are set locally.
- To monitor the financial and other performance of the police force during the year in terms of key and local objectives and targets.
- To maintain a dialogue with the Home Office about the achievement of key and local objectives for policing.
- To publish annual performance results in a standard form to allow comparison of performance against other forces.

3.14 A major innovation was the new constitution of membership for police authorities. The Government proposed that there should be broader local representation in the membership so that it was no longer confined to those who were able to go into local government or to sit on the bench. The Home Secretary proposed initially using a power of appointment to bring in people with relevant knowledge and experience which might not otherwise be available to the authority. Depending on the background and experience of the councillor and magistrate members, that might include people with management or financial experience, but the appointees would not necessarily be people from business backgrounds.

3.15 The Home Secretary proposed that local people from a wide range of different backgrounds would be appointed, and the White Paper stated that the aim was to ensure that each police authority contained within its overall membership a range of people with the experience, skills, motivation and energy which the authority needed. On 17th January 1994 the Home Secretary told the House of Commons that all applications would be considered in the first instance by one of six regional short-listing panels, each panel consisting of a professional recruitment consultant and two people independent of government. The Home Secretary would select those to be appointed as independent members of police authorities from the short-list.

3.16 These proposals and particularly the mechanism for appointing the new independent members of police authorities were heavily contested at the time as amply shown by the speeches in the House of Lords during the passage of the Police and Magistrates' Courts Bill between January-April 1994. Two former Home Secretaries from both sides of the political divide spoke against the appointment of independent members of police authorities. Viscount Whitelaw enquired whether it was "really wise to replace local authority members with the Home Secretary's nominees? Will the nominees really know more about local policing and more about their areas than the people from local authorities already do? It is extremely doubtful." (House of Lords Debates, 18th January 1994). Lord Callaghan of Cardiff questioned "as others have done, the proposals to alter the constitution and make-up of police authorities", and asked "Surely councillors and magistrates on police authorities at the present time represent very fully the ordinary members of the public?"

3.17 The aim of the intended legislation, however, was clear. Earl Ferrers on 15th March 1994 told the House of Lords:

"The basic feature of the selection process is that those to be appointed as independent members should represent the interests of a wide range of people in the police areas. That requirement is set out in paragraph 10 and is not subject to change."

3.18 The new proposal, which was largely followed in the legislation, was for independent members of police authorities to be appointed by the councillor and magistrate members of the authority. The statutory provisions were to include a self-contained schedule setting out the process for the appointment of independent members and it was the Government's intention that those appointed to selection panels should exercise independent judgment and should not be the delegates of those appointing them. As Earl Ferrers told the House of Lords, the task of the selection panel, within procedural regulations, was to provide for the Secretary of State a list of the most suitable names from among those who apply. The selection panel was to give four times as many names as there were vacancies, and the Home Secretary would then forward to the police authority a list containing half that number of names, representing those whom the Home Secretary regarded as best qualified to serve on the police authority. The police authority would then make its own selection from that list.

3.19 The procedure was at the time criticised as “exceedingly complex” by Lord McIntosh of Haringey who said:

“We may end up with a future Home Secretary asking whether it is necessary to go through all these procedures to obtain independent members of police authorities. I regret that the drafting of the amendments leaves a future Home Secretary with no choice in the matter. If the amendments had been drafted to enable the present Home Secretary to apply the procedures at the beginning and to do his best to ensure that they work and would work in future, that would be one thing. However, the amendments have been drafted in such a way that no future Home Secretary can short-cut the procedures without primary legislation.”

3.20 When the Bill returned to the House of Commons on 26th April 1994, Mr Tony Blair MP, then Shadow Home Secretary, described the procedure for the appointment of independent members as an “extraordinary rigmarole”, and asked why it was necessary “to secure the interpolation of people onto the police authority that nobody – not one single independent group of people – has ever said is necessary or wanted.”

3.21 In its written submissions to the Review, the Association of Police Authorities said this about the legislation and the effect it has had:

“The Government’s proposals in 1994 to reconstitute police authorities, including by introducing independent members, were controversial and hotly contested. Following a series of cross-party revolts in the House of Lords, the original proposals for independent members to be directly appointed by the Home Secretary were amended, resulting in the current legislative arrangements. Nevertheless, the introduction of independent members remained one of the most contentious provisions of the 1994 reforms with many critics arguing that it resulted in a “democratic deficit” on police authorities. However, there is now near universal agreement that this was probably one of the most successful aspects of the reforms. Independent members have brought considerable added value to authorities in the range of their expertise and have also added crucially to the geographic, gender and ethnic balance”.

3.22 The view that police authorities have benefited hugely by the introduction of independent members was supported by numerous consultees during the Review. Graham Davey, Honorary Secretary of the Association of Police Authority Clerks, and Chief Executive & Clerk of

Devon and Cornwall Police Authority said that independent members make a valuable contribution to the work of police authorities because they often have more time to contribute, and have made a conscious decision to apply and undergo the recruitment process. Mr Davey said that the selection of independent members was an opportunity to fully explore what was missing on each police authority and to recruit the skills that were needed. Kelvin Dent, Clerk to North Wales Police Authority, said that the mix of councillors, magistrates and independent members was “very good”, and Paul Leeming, Senior Policy Adviser of Greater Manchester Police Authority, said that independent members often put in a lot of effort.

3.23 There are now 217 independent members of police authorities amongst the 42 police authorities in England and Wales, excluding the City of London. Where a police authority consists of 17 members, nine members must be members of the relevant council, five must be independent members and three must be magistrates. Where a police authority consists of more than 17 members the balance of the members is adjusted. Devon and Cornwall, Thames Valley, Greater Manchester, Dyfed-Powys and South Wales Police Authorities each have 19 members, made up of 10 councillors, 3 magistrates and 6 independent members. The Metropolitan Police Authority has 23 members, made up of 12 Greater London Assembly members, 4 magistrates, and 7 independent members.

3.24 The overwhelming wish for police authorities to be reflective of the communities they serve remains the guiding principle today. In the Home Secretary’s foreword to the Government’s consultation paper *“Policing: Building Safer Communities Together”* (November 2003), David Blunkett MP said that as part of its programme of civil renewal the Government has a firm belief in strong empowered and active communities, and for police authorities to have a strong voice in shaping the services that affect the quality of life in their local areas. The consultation paper recognised that as they currently stand, police authorities are more representative of their communities than ever before, but that there was a need to explore ways of enhancing further the skills base and diversity of appointees to police authorities.

3.25 At Appendix 4 I list the composition of all police authorities by ethnicity and gender, and set out the occupational background in broad terms of independent members following the 2003 round of appointments. Some 9.3% of police authority members are drawn from black and ethnic minority communities, but the overwhelming majority of these are independent members of police authorities. 4.2% of the councillor members are drawn from black and ethnic minority communities, 4.7%

of magistrates are drawn from black and ethnic minority communities, and 21.5% of independent members are drawn from black and ethnic minority communities. Cumbria, Gwent, Lincolnshire, Norfolk and North Wales Police Authorities have no black or ethnic minority members, whereas some authorities, for example Cheshire, Gloucestershire, Northamptonshire, South Wales and West Mercia have a greater percentage of black and ethnic minority members compared to the black and ethnic minority population of the police authority area. Dr Ruth Henig, the APA Chairman, said following the recent round of appointments, in a press release dated 16 July 2003 that whilst the make-up of some police authorities around the country did not fully reflect the diversity of their local populations, “the overall picture is very encouraging”, and that “the APA is continuing to work with police authorities to ensure their membership reflects as fully as possible the cultural and ethnic mix of the communities they serve”.

3.26 In evidence to the Review the Association of Police Authorities said of the data:

“This demonstrates that police authorities have seized the opportunity offered to them by independent member vacancies to target recruitment and selection processes to secure a membership which (given their small size) is as reflective as possible of the diverse local communities they serve”.

3.27 Whilst this progress is to be welcomed, statistical information gathered by the Review shows that the overwhelming majority of successful candidates in the 2003 selection round come from a narrow age group with similar skills, knowledge and experiences. The majority have a public sector background, such as local government, education or the health service, or are retired with a business background. Only 4 successful candidates in the recent round were aged between 21-30 years, and a substantial number were aged over 50 years. The recent round attracted only a small number of applicants in their twenties and thirties, and in some areas there was a shortage of female candidates. Just under one-third of police authority members are women (31%). The composition of gender between authority members shows that 23% of councillor members are women, 39% of magistrate members are women, and 46% of independent members are women.

The culture of police authorities, and the way police authorities are structured

3.28 The Police Act 1996 provides that each police authority established by the Act for a police area shall be a body corporate. The intention of the

legislature was that each police authority should be constituted as a free standing corporate body with an independent status having statutory responsibilities which are divorced from the constituent local authority or councils concerned. A police authority established for an area is known by the name of the area with the addition of the words “Police Authority”. The Welsh Language Act 1993 provides for the use of alternative names in Welsh for police authorities in Wales. The police authority established for the metropolitan police district is called the Metropolitan Police Authority.

- 3.29** Despite police authorities being constituted in this way as free-standing corporate bodies, with each police authority setting its own budget, many consultees told the Review that there remains a deep seated local authority culture in the set-up and working methods of police authorities which continues to dominate much of the work of police authorities. Jonathan Goolden, Clerk to Lincolnshire Police Authority, said that police authorities had without question adapted to a local authority style, and there was a need to reduce the level of paperwork in order for members to focus more on the strategic role of the police authority. Alan Middleton, the Home Secretary’s appointed representative for the Lincolnshire Selection Panel told the Review that it was perhaps not surprising that police authorities had adapted an old style local government culture of committees and sub-committees considering the background of many of the members. There was, he said, a need for a change of culture, coupled with a substantial reduction in the time commitment members were expected to give to the business of the police authority.
- 3.30** Di Newton, an independent member of the Leicestershire Police Authority, likewise said that police authorities work on a local authority model, and this is often bureaucratic with members sitting on up to five committees (three main committees and two panels or groups) which meet every one or two months with members receiving large quantities of paper for each of the ten committees of the police authority. Kelvin Dent, Clerk to North Wales Police Authority, echoed these views and said that the local government ethos was present to some extent. He said that in order to move away from this culture police authorities had begun making greater use of “lead members” whose task would be to take the lead role, coupled if appropriate with delegated powers, for a specific project, and to take action where appropriate and to report back to the relevant committee or panel of the police authority.
- 3.31** Kent Police Authority has pioneered the use of an annually reviewable Work Plan whereby every member of the police authority has a job

description within a limited committee structure and is appointed by the police authority as lead member to represent it at force level and on community groups, and additionally is appointed an area lead member with specific duties in respect of a designated geographical area of the police authority. Michael Powis, Clerk to Kent Police Authority, and Malcolm Ford, Secretariat Manager, told the Review that whilst drawing up a Work Plan for every member of the police authority took considerable time it enabled the authority to overcome getting bogged down too much in a committee structure, and enabled members to better focus on problems. Michael Powis said that the authority in Kent had tried to avoid over reliance on paperwork, and committees were now more based around a presentation by the force on a subject agreed previously with the Clerk. This enabled members to get a better grip on particular subjects and enabled the police authority to focus on trends.

- 3.32** Graham Davey considered that the role of the lead member could be developed. He felt that, in some authorities, and under strict local control, it may occasionally be possible to assign two identified members with joint responsibility for a particular aspect of policing with delegated powers to make quick and summary decisions, and regularly reporting back to the committee of the police authority. The main authority should not debate decisions made at community level all over again. The Metropolitan Police Authority has a system of ‘link members’ and each member is expected to maintain regular contact and liaison with local police, the local authority, the community police consultation group and other local agencies, and to report back on local concerns.
- 3.33** It is clear that some police authorities are adopting a more businesslike approach but progress is slow and many police authorities are steeped in a local authority culture. Evidence that a local authority culture continues to dominate the operation and business of police authorities is demonstrated in a number of respects, viz:
- One-half of police authority clerks continue to be directly employed through a service level agreement with the local authority, and two-thirds of treasurers are employed through a service level agreement. Nearly half of clerks work only part time for the police authority when not otherwise engaged on local authority business.
 - Section 16 of the Police Act 1996 provides for police authorities to appoint a person to be the clerk to the police authority. The title *Clerk to the Police Authority* is similar to that of the former title of clerk to a local authority.

- There is considerable reliance on the committee structure model of local authorities with heavy reliance on paper and incessant reports.

3.34 During the Review, I also received a number of adverse comments on the effect of section 19 of the Police Act 1996, which provides that not less than one-half of the councillor members appointed to the police authority must approve any precept. This provision has in some authorities caused tension between independent and magistrate members on the one hand, and local authority members on the other hand, particularly at council election time when local councillors may be keen to hold down the level of council tax in the community of the police area. Many members saw these provisions as unhelpful and unnecessary, and one clerk remarked that councillor members in one police authority viewed independent members of less significance partly because of these provisions. The Association of Police Authorities said that from its formation in 1997, the APA's clear policy has been that all police authority members, whatever the basis or origin of appointment, have equal roles and responsibilities to fulfil save with one exception, namely, in relation to the setting of the precept.

3.35 Dr Ruth Henig, Chairman of the Association of Police Authorities, told the Review that she felt police authorities had to modernise. She said that they needed to have a larger secretariat, and cannot possibly cope with the workload without a full time clerk. Lancashire now has a full time staff of eight, and appointed a Chief Executive in January 2003. Dr Henig estimated that half the number of police authorities still had a "Clerk" employed on a part time basis working for the police authority and the local authority. In her opinion, a modern police authority secretariat should have a full time Chief Executive and a minimum of five or six full time staff. Graham Davey, Honorary Secretary of APAC, and Chief Executive of Devon and Cornwall Police Authority told the Review much the same story. In Mr Davey's opinion the role of a police authority cannot effectively be fulfilled without a full time professional clerk, and he estimated that ten or more police authorities had now changed the title to Chief Executive to more accurately reflect the nature of the job, and to give the police authority a more professional appearance.

3.36 Fionnuala Gill of the Association of Police Authorities agreed that police authorities needed professional and appropriately skilled staff. At the moment some authorities did not have specialist staff such as police or performance advisers, and staff were acting as committee administrators rather than fulfilling the role of the secretariat. She considered that section 15 of the Police Act 1996 could act as a barrier to modernisation. The Police Act requires police authorities to obtain the agreement of the

Chief Constable before the employment of additional full-time staff. She is not alone in saying that many Chief Constables, whilst understanding the need for a proper secretariat, would say that the money could be better spent on more police officers on the beat.

3.37 This deep-rooted cultural link between the police authority and the local authority is, in my view, well illustrated by the employment arrangements of clerks and police authority staff, and accommodation arrangements for police authorities. *“The Police Authority Second Benchmarking Report 2001/02 and 2002/03”* published by the Association of Police Authority Clerks, the Police Authority Treasurers Society and the Association of Police Authorities provides a summary of key information and data relating to the costs, structures, activities and processes based on data provided by 37 police authorities in England and Wales. As can be seen from the statistics reprinted in Appendix 5 exactly half of police authorities identified said that their clerks were directly employed by the police authority, with the other half identifying that the clerk was employed by the local authority by a service level agreement. Seventeen police authorities who responded identified that their clerk was employed full-time. Thirteen clerks were employed part-time. The majority of treasurers were employed on a part-time basis under a service level agreement with the local authority. With one or two exceptions the majority of police authorities employed a handful of support staff, and over 40% of staff are engaged under a service level agreement.

3.38 *The Police Authority Benchmarking Report* also provides details of accommodation arrangements for police authorities. Most police authorities have shared premises with their force (37%), or own their own premises (24%). However, a fifth or 21% continue to rent space in local authority buildings. I visited six police authorities at random during the course of the Review and found that four shared premises with the police force – Lincolnshire, Leicestershire, Thames Valley and North Wales. Greater Manchester Police Authority occupied premises at Salford Civic Centre, some five miles distance from the headquarters of the force, and Kent Police Authority rented office premises in Maidstone separate from both the force headquarters and local authority premises.

3.39 Fionnuala Gill of the Association of Police Authorities told the Review that when police authorities were first established the Home Office tried to encourage them to think about locating their offices away from the local council buildings. Increasingly, some authorities have moved away, and in her opinion this had both advantages and disadvantages. Locating the police authority in the force headquarters, for example, was useful

for sharing facilities and convenient for meetings with staff and members of the local police force.

- 3.40** Graham Davey told me that Devon and Cornwall’s ten year lease of commercial premises having come to an end it is now moving to the force headquarter’s site where it will occupy a separate suite of offices. Whilst I found that the police authorities’ accommodation I visited was independent of the police force, Fionnuala Gill said that in some cases sharing premises has restricted police authority space, and the police authority has been treated as subordinate to the force, raising issues about the independence of the authority. In her view what was important was that authorities determined what worked best locally to facilitate efficient and effective conduct of business.
- 3.41** Fionnuala Gill considered that the committee structure of police authorities varied considerably. Some police authorities insisted on having representatives from each political party along with representatives from the magistrate and independent members on each committee in order that the work of the committee could be seen to be “representative” of the police authority. She agreed that this was not how the work of police authorities should operate although she considered that it was a matter for each authority to decide how best to structure its work, and said that many authorities were reviewing their committee structures as a result of Best Value reviews.
- 3.42** Sallie Blair of Better Times Limited, who has experience of advising Bedfordshire, Humberside and Nottinghamshire Police Authorities, told the Review that she felt there was a need to cut down the number of committees and create identifiable sub-groups with specific tasks that could feed information into each committee which in turn would feed into the full authority. In her opinion three main committees should be sufficient to embrace the work of a police authority under the headings “Performance and Best Value”; “Budget”; and “Consultation”. As the remit of these committees would be very large they may need to include specialised sub-groups. A small standards committee would additionally deal with any complaints and matters of behaviour as required by the Local Government Act 2000.

The work of police authority members

- 3.43** Particular issues here include:
- the time commitment for members;
 - the volume of paperwork;

- allowances and expenses;
- the timing and length of meetings;
- the learning curve for new members.

I discuss these problems below.

The time commitment for members

- 3.44** There can be little doubt that the time commitment required of members of police authorities has increased greatly in recent years. Michael Howard MP, told the House of Commons on 17th January 1994, during the passage of the Police and Magistrates' Courts Bill, that he envisaged the duties of independent members would require a minimum commitment of 18 days a year, with most commitments on weekdays, and on some occasions during the evenings. Mr Howard initially proposed that police authority independent members would not be paid, but would be entitled to receive an allowance and expenses relating to the work they undertook on the authority's business.
- 3.45** In evidence submitted to the Review by the APA, successful candidates have stated that there needs to be a realistic representation for the time commitment members need to make, and that the time commitment is "*at least 15 hours per week*". The APA told the Review that in its opinion "*police authority members need to be able to devote around 1.5 to 2 days a week to police authority business*". This means that on average an independent member can spend up to, and in some instances, more than 2 days a week on the business of police authorities. Other evidence submitted to the Review has borne this out.
- 3.46** Peter Holland, now an independent member of Hertfordshire Police Authority, said that he currently spends 2 days a week on police authority business. Mrs Catherine Conchie of Greater Manchester Police Authority said that when she first became an independent member in April 1999 she was told that the time commitment was 30 days a year. Although her then employers Kelloggs were understanding of this time commitment, she eventually took voluntary redundancy, and found flexible employment elsewhere, partly in order to continue as an independent member and because of domestic commitments. Roger Odd, an independent member of Kent Police Authority, said that the time commitment was more than the 7 to 10 hours each week specified in the APA's brochure. Mrs Penelope Elvin, Chair of Thames Valley Police Authority, said that whilst it was difficult to be exact about the time commitment of members, and it varied throughout the year, it could well be up to two days a week for some members on occasion. And Stephen Murphy, Chairman of Greater

Manchester Police Authority, said that he thought independent members spent an average of 12-15 hours per week on police authority business, some spending more because others spent less time. Peter Holland expressed concern that two of the younger appointees to Hertfordshire Police Authority had had to resign because they found they were not able to give enough time to fulfil their duties.

- 3.47** The APA said that the role and responsibilities of police authorities have increased significantly over the past 9 years, notably being extended in 1999 to encompass the duty to secure best value, and in 2002 by the Police Reform Act adding new responsibilities for each police authority to produce a three-year strategy plan, and the statutory membership of local crime and disorder reduction partnerships. In a relatively short time, said the APA, police authorities have matured into effective strategic bodies, and a number of issues such as health and safety, child protection, and best value now play a large part in police authority work. However, Dr Henig accepted that the increase in legislation over recent years had not by itself contributed to the level of increased time required of members for police authority business. Dr Henig said that other factors included the increasing importance attached to widespread community consultation and engagement and the need to exercise effective scrutiny of all aspects of policing.
- 3.48** Mr Alan Middleton, the Home Secretary's appointed nominee and Chairman of the Selection Panel in Lincolnshire considered that if independent members were spending as much as 15 hours per week on police authority business they were, in his opinion, effectively executive directors, or employees of the police authority. Mr Middleton considered that even for a business the size of a police authority a member should not need to devote more than 10 hours a month to be effective to do the job well. Dr Roger Moore, Chief Executive of the NHS Appointments Commission, said that the NHS Appointments Commission had recently sought to reduce the amount of time spent by non-executive members on hospital trust business from five days per month to 2.5 days per month. The reasons behind this were to prevent non-executives taking on an executive workload, and to encourage greater diversity in applicants. Dr Moore expressed concern at the increasing time commitment of members of police authorities and shared the views of Alan Middleton that the time commitment was likely to be a significant barrier to attracting independent members. He said that there was a pressing need for a change in approach by members and to the way police authorities operated.

3.49 Mrs Susan Anderson of the Confederation of British Industry said that the CBI has 13 regional offices which support a network of regional companies. The CBI fully recognised that under the law a member of a police authority was entitled under the Employment Rights Act 1996 to time off work for the purposes of attending meetings of the authority or a committee to the authority and for discharging functions in connection with the authority, but Mrs Anderson said that employers were more likely to be sympathetic, and indeed enthusiastic, to release staff if they could see that it was for a reasonable amount of time, and that the time involved could be juggled with the work commitments of the company and its employees. Mrs Anderson said that it was hard to be precise about the amount of time employers would be prepared to release employees for police authority business, but as a rule of thumb she thought that a company chairman, or partner in an accountancy firm in his mid-fifties would be willing to devote one day a week to police authority business, but for an average employee in their 30s or 40s a more realistic figure would be more like 2.5 days a month in line with the requirement for NHS non-executives. Mrs Anderson considered that it would considerably help if more could be done to manage the business of police authorities along modern business lines.

3.50 Fionnuala Gill of the APA pointed out that there were differences between police authorities and the NHS and businesses, and she felt that it would be wrong to classify members of police authorities as equivalent to non-executive members of a board or hospital trust. Specifically, she said that the wider obligations placed on police authorities to determine annually local policing objectives and to issue a local policing plan, to set the level of council tax for policing and determine the budget, and the statutory requirements to obtain community views on policing and to engage as statutory partners in community safety matters all added to the time commitment members needed to give to the work of a police authority.

The volume of paperwork

3.51 I received much evidence as to the methods by which police authority business was conducted. The majority of police authority members still regularly receive by post three or four large packets of documents a week, and I was told that easily 1000 pages of paper a month can be distributed to each member. Sallie Blair of Better Times Limited said that 1000 pages of material per month was not necessarily an under-estimate, and from her own experience members often requested increasing amounts of information. Mike Byfield, Assistant Clerk at Thames Valley Police Authority, said that the agenda papers for a recent meeting of the police authority were 250 pages, and that was on the light side. He said

that an average committee agenda would be 100 pages. This contrasts with the evidence of Graham Davey who told the Review that in Devon and Cornwall he would expect the average agenda for a police authority meeting to consist of no more than 20 pages plus the Chief Constable's report of 8 or 9 pages; and that the average committee meeting agenda would contain 40 – 45 pages.

3.52 Mrs Di Newton, an independent member of Leicestershire Police Authority said that the amount of paper was daunting, and could be a barrier to people coming forward as independent members. She felt it was unnecessary for members to receive copies of all papers and minutes from each of the ten committees of the police authority, and she considered that there was a danger of police authority membership becoming a second job. Mr Chris Drew, an independent member of North Wales Police Authority agreed, and said that the amount of paperwork was “crazy”, and “out of control”, adding that it was similar to the culture in local authorities. Mr Drew considered that members should learn to be selective about what they read, and that greater use should be made of communicating with members electronically. Most police authorities have begun to use electronic communication, but he felt more could be done. This could be achieved, for example, by supplying members with a CD Rom containing the agenda with hyperlinks to agenda papers, and hyperlinks to more detailed briefings that members may or may not need to read. Greater use could be made of broadband.

3.53 Mr Majid Hussain, an independent member on Greater Manchester Police Authority, told the Review that group e-mailing and video conferencing should be considered. Group e-mailing could enable decisions to be reached on non-pressing matters by members of the relevant committee, particularly if the size of the committee was reduced to 8 or 9 persons. Mr Hussain said that any uncontentious matters could be dealt with in this way by group e-mail, or video conferencing, particularly to assist members who were at work. The secretariat should also play a greater role in identifying what documents are urgent and require the attention of members, and what documents are for information only. Graham Davey said that all members of Devon and Cornwall Policy Authority have laptops and can be contacted by e-mail. The authority provides them with a free supply of paper for copying and printing, and cartridges, but no sum is provided by the authority to meet other expenses. I was informed that one local authority paid members £1,000 per annum towards computer expenses. This seems to me excessive. Kent Police Authority considered making a payment but this was rejected by the Remuneration Sub-Committee.

Allowances and expenses

3.54 Schedule 2, paragraph 25A of the Police Act 1996 provides the statutory basis for the payment of allowances and expenses for members. It provides that a police authority may make to its chairman, vice-chairman and other members such payments by way of reimbursement of expenses and allowances as the authority may determine. Appendix 5.4 contains details of expenses and allowances for the year 2002/03. These figures show that with one or two exceptions all police authority members whether councillors, magistrates or independent members now receive a basic allowance on average of some £7,000 per annum together with a special allowance for additional tasks such as chairman or vice-chairman of the police authority, or chairman of a committee or panel of the police authority. In some instances the sums are substantial, and aggregating the chairman's allowance with the basic allowance, some members of police authorities receive allowances in the region of £20,000 - £25,000 per annum, and in some instances over £30,000 per annum.

3.55 Jamie Thomas of the Home Office Active Community Unit told the Review that whilst the payment of members' allowances at this level may be intended to remove one barrier to public involvement, he felt that too great a sum for remuneration may actually be seen as a barrier in itself against recruitment because it gives the impression to many would-be applicants that the role requires expertise. In his view, £150 a day was as high a figure as a member of the public could expect to receive. Dr Roger Moore of the NHS Appointments Commission told the Review that non-executive members of hospital trusts were paid £5,000 per annum in line with the role of most non-executives in the private sector.

The timing and length of meetings

3.56 The Review received considerable evidence as to both the length of meetings and the starting time of meetings of police authorities. A number of parties referred to meetings lasting 2 or 3 hours, starting at 10 a.m. or 2 p.m. so that effectively a large part of the day was taken up. West Midlands Police Authority said that meetings are held every Thursday starting at 10 a.m. The Review was surprised to hear from David Saville that Leicestershire Police Authority had never actually considered moving the timing of meetings because only four or five of the 17 members had full time jobs. Mrs Penelope Elvin of Thames Valley Police Authority said that meetings were generally held during the day because members preferred it.

3.57 As Sallie Blair recognised, altering the time of meetings could be beneficial to some members, but pointed out the timing may not necessarily be convenient to others. She accepted, however, that the

current arrangements for some police authorities were inflexible and made it difficult for members who had a full time job. Mrs Catherine Conchie of Greater Manchester Police Authority felt strongly that the timing of meetings was a barrier to the recruitment of independent members, and she did not accept the argument advanced by other consultees that it would necessarily interfere with the time commitments of other members of the authority or police officers or staff. She said that as police officers and councillors are often required to undertake evening work, consideration should be given to holding occasional meetings outside office hours. This may be advantageous to independent members.

- 3.58** The House of Commons Select Committee on Public Administration in its report *“Government by Appointment: Opening Up the Patronage State”* drew particular attention to the need “to counter long-established traditions that prejudice efforts to recruit more widely”. Amongst other barriers it observed that meeting times and hours were often geared to the convenience of existing members, and recommended that the terms on which people serve on boards should be made more flexible. Majid Hussain of Greater Manchester Police Authority stressed the need for late afternoon/early evening meetings to accommodate those at work. Mr Hussain is a site manager with Remploy overseeing 130 employees, and whilst his employer is accommodating Mr Hussain said it is difficult sometimes to get away to meetings during the day.

The learning curve for new members

- 3.59** The learning curve for new members of police authorities was a matter debated by a number of consultees. The range given to the Review varied between 3 months and 5 years. Mrs Megan Lloyd-Williams, an independent member of North Wales Police Authority, considered that the sheer volume of work meant that it takes a new member the first four years to get to grips with it. Mrs Lloyd-Williams considered that in order to do the job of an independent member effectively, members need to read committee papers and background material, and in the absence of previous police or local authority work experience an independent member is bound to require a substantial period of time to become effective. Paul Leeming said that the first 12 months is the learning curve, and the next 12 months is getting to grips with police systems. Mrs Jean Davies, the third member of the North Wales Police Authority’s selection panel, told the Review that in her opinion it should take 2 years for an independent member to be on top of the job, whereas Di Newton said that whilst the learning curve was more complex than she expected, one should be able to play an effective role after 6 months if one has previous

experience of serving on similar bodies, or 12 months if one has no previous experience.

- 3.60** Dr Ruth Henig of the Association of Police Authorities felt that a new member would need one year to learn, and after two years might be capable of being considered for chairmanship or vice-chairmanship of a committee. Graham Davey of the Association of Police Authority Clerks felt that 12 to 15 months was ample to get a new member up to speed, and 18 months to hold a chairmanship of a committee.
- 3.61** Alan Middleton, the Home Secretary's appointed member and chairman of the Lincolnshire Selection Panel, pointed to the need for police authorities to provide proper induction courses for new members in order to shorten the learning curve. He said that with good induction the learning curve for most public appointments should be 6-9 months. I return to this subject in Chapter 6 where I have recommended that the next appointments round for independent members should be completed by mid-December 2006 in order to allow a period of 3 months initial training and mentoring for new members before taking up appointment on 1st April 2007.

Conclusions

- 3.62** The work of police authorities continues, in my view, to be heavily dominated by a culture of local government based not just on committees and sub-committees, but also working practices and status of the clerk and the secretariat. This invades much of the work, and I recommend that police authorities need to adopt a modern business approach in carrying out their functions. Greater attention needs to be paid to what the job of an independent member involves, and what it does not involve. It should not be viewed (as it is presently often viewed by many) as a second career. I consider it is unnecessary for members to see every piece of paper in order to do their job effectively, or to be able to question the Chief Constable. It seems to me that the role of the authority is to assist the Chief Constable to run the Force, not to run the Force itself. I conclude that an independent member, other than the chairman or vice-chairman of the authority, routinely spending 2 days or more a week on police authority business is not performing the proper function and role of an independent member, and in effect is an employee or Executive Director of the police authority. As Michael Powis of the Kent Police Authority said, the competencies are not orientated towards a non-executive role of holding the force to account.
- 3.63** The time commitment is, in my view, a major barrier to appointments and discourages younger persons or those with business or family

commitments being appointed as independent members of police authorities. Time and again I was told that this was a major factor standing in the way of increasing diversity in the membership of police authorities. I have little doubt that at present much of the work of police authorities is done by independent members because (1) the secretariat is small and often part time, and (2) councillor and magistrate members frequently have substantial other commitments. I recommend that a working party chaired by the Home Office and the Association of Police Authorities should urgently look at ways to reduce the time commitment of members of police authorities.

- 3.64** I conclude that the title *Clerk to the Police Authority* should be replaced with a more modern business title such as *Chief Executive* or *Executive Director*, and that section 16 of the Police Act 1996 should be amended to recognise the greater role played by the authority's clerk. The clerk should be employed full time by the police authority, and no longer hold part time employment combined with local government employment. Additionally, I recommend that clerks and support staff of police authorities should no longer be employed under a service level agreement with a local authority and that arrangements should be made to phase out existing agreements.
- 3.65** Police authorities need to have a greater identity that is separate from both the force and local councils. The siting of police authority offices is a factor, and I recommend that the present arrangements whereby some police authorities rent space in local authority buildings should cease. I see no objection to police authorities sharing premises with the force provided that they have a dedicated suite of offices of sufficient size for their purpose, and recognised exclusively for the business of the police authority.
- 3.66** I consider that committees need to be smaller. Six to eight persons is the optimum maximum as opposed to ten or more as I understand now often occurs. Police authorities also need to overcome getting bogged down in the committee structure rather than focusing on problems. The learning curve for independent members should be no more than 12 months. I conclude that an independent member should be able to play an effective part after 6-9 months, and be on top of the job within 12 months, 18 months at the very outside by which time he or she should be available for appointment as chair of a committee.
- 3.67** Coupled with this I recommend that all members of police authorities should each year work out with the Clerk or Chief Executive a Work Plan similar to that introduced by Kent Police Authority identifying the

committees the member is to sit on, and the subjects and geographical area for which the member is to be responsible. The member's portfolio should identify the force lead officer and the local authority contact as well as the Secretariat link in the police authority. The force and local authority should be made aware of the designated member appointed by the police authority. A copy of the Kent Police Authority's work structures appears at Appendix 6.

- 3.68** Police authorities should be encouraged to hold meetings in the late afternoon (starting at 4.30 p.m.) or early evening (starting at 6 p.m.) This will enable employees and those with other commitments to do at least most of a day's work. More should be done to actively publicise the availability of carers'/dependants' allowances to encourage carers and mothers with young children to put themselves forward to serve on police authorities.

Review and evaluation of the recent round of appointments

Introduction

- 4.1** In this chapter I review arrangements made in the recent round in the selection and appointment of independent members, and consider what improvements can be made to publicise vacancies and how to open up the system of appointments to suitably qualified candidates from a wider range of social backgrounds and experience without discarding the fundamental principle of appointment on merit, and ability.
- 4.2** The topics which I consider in this chapter are:
- the APA/Home Office Joint Guidance dated August 2002;
 - advertising and publicising vacancies;
 - the application form and information pack;
 - the occupational background of independent members.

The APA/Home Office Joint Guidance dated August 2002

- 4.3** In the recent selection round the Association of Police Authorities took the lead role in setting the framework and timetable for the appointments process; developing the Joint Guidance, producing national information and publicity material for use locally in a range of languages; setting up a dedicated microsite; and organising a briefing day for all those involved in the selection process. The APA said in their submissions to the Review that this work involved a considerable investment of resources with expenditure, not including staff time, amounting to some £80,000, representing approximately 9% of the APA's

budget for 2002/3. In addition, the APA secretariat staff provided on-going advice and support to selection panels, police authorities and the Home Office staff, as well as dealing with queries and information requests from prospective candidates.

- 4.4** In May 2002 the APA issued a circular to all police authorities detailing the action being taken by it to provide support to selection panels and authorities, and outlining the proposed timetable for the process. In June 2002 the APA commissioned independent marketing consultants to assist in the development of a communications strategy, to develop a model advertisement, and to develop and host a dedicated microsite, including an online application form.
- 4.5** There can be no doubt that the APA devoted a great deal of time and effort into the last round, and provided substantial expenditure and professional back-up and support which contributed greatly to the success of the selection process. The findings of the APA's own survey of July 2003, and replies received to the questionnaire I sent to all police authorities in August 2003, leaves me in no doubt that the Joint Guidance was well received by police authorities, and formed a useful tool for the selection and appointments process of independent members in the recent round. In its summary of survey findings, the APA said that police authorities felt the joint APA/Home Office guidance was *"an excellent reference tool which provided a valuable and clear summary of the appointments process"*. Similar comments were made to me by a number of authorities. For example, Derbyshire Police Authority considered that the APA and Home Office *"did excellent work in preparing for the third round of appointments. The Joint Guidance was comprehensive and remains relevant."*
- 4.6** The following unfavourable comments about the Joint Guidance were, however, made by a number of consultees:
- (i) The wording in section 5.3, "Re-Appointment of current members", was misleading because it raised the expectations of a candidate seeking appointment for a second or third term without indicating clearly the criteria that the Home Office Minister would adopt when considering the candidate's name for inclusion in the short-list, particularly in the case of a third-termer.
 - (ii) The selection procedure timetable in Annex D was unsatisfactory in that it did not tie in with the closing date for applications on the APA website. In order to avoid confusion with arrangements made by local police authorities, the APA should not have published the model application form and closing date on its website.

(iii) The promise by the Home Office to return the Minister’s short-list within four weeks after receipt of the long-list was unrealistic in many instances, and caused frustration to some police authorities who had geared their timetable and interview arrangements around a four week response from the Home Office.

4.7 I deal with the role of the Home Office in Chapter 6 where I consider the Home Office process in the appointment and selection of independent members, but in the light of these comments, and my terms of reference to consider what lessons may be gained from the Commissioner for Public Appointments’ Code of Practice, I asked the Commissioner for her views on the appointments process, and gave her office a copy of the Joint Guidance and other material used in the last round.

4.8 Mr Alistair Howie, Senior Policy Adviser, told the Review that the Commissioner’s role is to regulate, monitor, report and advise on the way in which Ministers make appointments to the boards of public bodies. Whilst many public appointments fall outside the Commissioner’s remit, as do the appointments of independent members to police authorities which are not direct Ministerial appointments, nevertheless, many Government departments do follow the OCPA and the Cabinet Office guidance as best practice when making public appointments. The Commissioner Dame Rennie Fritchie DBE was anxious to encourage as wide a variety of people as possible to apply to be considered for public appointments, and was pleased to see that much effort had been put into the wording of the Joint Guidance to reflect the Home Office’s and the Association of Police Authorities’ desire to do likewise by trying to attract more women, more people from ethnic minority backgrounds, more disabled people, and more young people. However, there were some aspects of the Joint Guidance where the Commissioner believed greater clarity could be achieved in the future.

4.9 Whilst section 4 in the Joint Guidance, “Attracting the Right Candidates”, was comprehensive Mr Howie noted that the independent members made up a small proportion (less than a third) of the total membership of each police authority. Whilst it was important that independent members should reflect the views and make-up of the community from which they were drawn, the Commissioner considered it was equally important that the diversity of a community was not merely reflected in the independent members of the police authority. It was important, therefore, that the “culture” of diversity was reflected in the other constituent members of the police authority, and hopefully the Review might have an influence on that as well.

- 4.10** The need for the total membership of the police authority to reflect the community was echoed by Dr Ruth Henig and Peter Holland of the Association of Police Authorities. Peter Holland, Vice-Chairman the APA, was concerned that under the present statutory arrangements police authorities have no say or control over the recruitment and appointments process of councillor members. Dr Henig, Chairman of the APA, suggested that councillors should go through a selection process similar to that of independent members. This could be done in one of two ways, for example, by relevant councils submitting a short-list to the police authority's selection panel or the selection panel making open invitations for application to all councillors within the police area for appointment of councillor members to the police authority. Under the Courts Act 2003 the selection and appointment of magistrate members will from April 2005 be carried out using a similar mechanism.
- 4.11** Jonathan Goolden, Clerk to Lincolnshire Police Authority, said that the magistrates' courts committee had worked closely with the police authority to ensure that they were recruiting to the same standards and skills. Mr Goolden had met the members of the magistrates' courts committee who had an understanding of the police authority and how it sought effectively to scrutinise the Force. To meet the concerns of the Commissioner, which I fully share, police authorities should recognise a responsibility to ensure that the overall make-up of the members of the police authority reflects so far as is reasonable the diversity and interests of a wide range of people within the community in the police area, and I therefore consider that information about the skills, knowledge and experience of the authority members, and the balance and make-up of the community of the police authority area are drawn to the attention of the relevant local authority or joint committee on the appointment of councillor members to the police authority.
- 4.12** Mr Howie considered that the sections on "Diversity" and "Geographic, social and environmental factors" in the Joint Guidance could be interpreted as promoting balance over merit. Mr David Dwyer of the Home Office said that this was not the intention, and that the Home Office would be happy to look again at the drafting. The Commissioner's concern was that there can sometimes be tension between the principle of appointment on merit, and the encouragement of greater diversity amongst members. Whilst it was important to take positive action to attract a greater diversity of applicants, all applicants needed to be aware that the process remains a competitive one, otherwise there was a danger of merely ending up with a more diverse list of disappointed applicants. The Commissioner reaffirmed to the Review that it was also important that greater diversity was not achieved to the detriment of merit as a quality outcome has to remain the objective.

Dr Roger Moore, Chief Executive of the NHS Appointments Commission, cautioned against an over-emphasis on inclusivity in public appointments at the expense of quality. Non-executive bodies can be charged with considerable financial/decision-making responsibilities, and Dr Moore said they should not be used as a focus group.

- 4.13** In my view, selection panels should ensure that merit remains the criteria for appointment with the objective that independent members are persons with suitable abilities, experience and qualities whilst reflective of the views and make-up of the community within the police area. Whilst there is a need for police authorities to reflect the diverse communities they serve it is doubtful whether 5 independent members (or in some police areas 6 independent members, or 7 in the case of the Metropolitan Police Authority) can fully cover or reflect the diversity of the whole community. A major issue facing any appointments body is to consider ways of recruiting independent members who are as reflective as possible of the communities which they serve. The term “reflective” is to be preferred to “representative” because independent members are not appointed to represent a section of society. There should be no barriers in the way of all suitable potential candidates, and merit should be the yardstick for the appointment of any individual.
- 4.14** What, though, is merit? In Canada, where the merit principle has also governed public appointments Beverley McLachlin, the Chief Justice of Canada, recently said that by its definition merit reflects a “very traditional ideal of excellence”, and has often operated to exclude many qualified candidates. Merit refers to *ability*, not “to whether a person comes from a particular background or group”. The view that appointment should be on *ability* was shared by Jeremy Mason of the Home Office Sponsors Advisory Team, who also stressed the need for clarity over the role of independent members, and for independent members to have a strategic oversight of the work of the police authority and not get involved in day to day detail.
- 4.15** The House of Commons Select Committee on Public Administration in its June 2003 Report entitled “*Government By Appointment: Opening Up the Patronage State*”, has stated that diversity and merit are mutually reinforcing goals. The more diversity the system achieves, the greater public confidence in its integrity grows. The Commissioner for Public Appointments has revised her working definition of merit to reconcile both goals. The revised OCPA Code of Practice now defines “merit” to allow public bodies to take into account “the balance of a board, in terms of skills, gender and background, when deciding the criteria against which candidates are assessed”.

- 4.16** In my view, selection panels should always have in mind that their overriding obligation is to ensure, so far as is reasonably practicable, that persons nominated by them reflect the interests of a wide range of people within the community in the police area, and that persons with suitable skills, knowledge and experience undertake the role of an independent member of a police authority. Appointment should be on merit, which in this context means ability having regard to the overall balance of the police authority. I endorse the conclusion of the APA that “it is crucial that any process for appointing independent members secures candidates of the highest quality, reflective of the ethnic and cultural mix of the communities which the authority serves”.
- 4.17** Annex C of the Joint Guidance, running from pages 25-37, contained a lengthy section produced by the Association of Police Authorities on the competency framework for members of police authorities. Section D set out a list of some 13 separate skills, abilities and personal qualities which the APA described as particularly relevant to the work undertaken by police authority members.
- 4.18** The list was criticised as being too detailed and more reflective of the abilities required of a managing director of a large international corporation rather than the skills, abilities, and personal qualities required of a (part time) police authority member. Mr Howie considered that too many supposed qualities were listed in the Joint Guidance and in section 13 of the APA glossy information brochure, and he said there was a need for both the Joint Guidance and the APA brochure to differentiate between essential and desirable skills. I share these criticisms, and consider that greater attention needs to be paid to reducing the essential skills to about six in number.
- 4.19** Mr Mark Turner of Veredus Executive Resourcing felt that there were two streams to a successful recruitment strategy: the first identifying the issues the authority wants to attract, and the second, measuring the competencies of each candidate against the issues by an effective appointments process. The APA has recently established a scheme for the improvement of police authorities called “Police Authority Improvement Programme”, whereby police authorities will be asked to undertake a self-assessment of their functions within an agreed framework. The aim of the assessment scheme is for police authorities to consider, analyse, and score their corporate governance against three main functions in order to provide direction to assist in the development of the police authority’s improvement action plan. The key functions of the Improvement Programme identified for a “model police authority” are:

- Leadership and strategic planning;
- Community engagement; and
- Performance management.

Mr Turner said that the three core functions outlined in the Improvement Programme for a model police authority should be reflected throughout all stages of the selection and appointments process in order to attract candidates with ability to carry through the programme. The Joint Guidance, the advertising and information pack, the application form, and the sifting and selection process should all reflect the strategy of the Improvement Programme so that candidates know the aims and direction of the policy authority.

- 4.20** In summary, the Joint Guidance forms an essential reference guide to supplement the current legislative provisions for appointing individual independent members. It should be reviewed and updated by the Home Office and the Association of Police Authorities in the light of the recent round of appointments. I recommend that a small working group chaired by the Home Office with representation from the Office of the Commissioner for Public Appointments should review the Joint Guidance every 2 years so that it remains up to date with best practice and guidance for the selection and appointment of independent members.

Advertising and publicising vacancies

- 4.21** The present statutory requirements to advertise are contained in the Police Authorities (Selection Panel) Regulations 1994. Regulation 4 provides that selection panels shall publish in at least two newspapers circulating in the police area a notice setting out the duties of membership including a requirement to attend meetings of the police authority and its committees, to keep abreast of developments in both local and national policing matters, to represent the police authority in discussions with interested parties, to attend at local police consultative groups, and to liaise with representatives of the local community on policing issues.
- 4.22** The matters to be included in a notice published under regulation 4 are detailed, and the regulations provide that if less than two years have passed since the date of publication of the last notice the obligation to re-advertise is not essential. However, I was told that most police authorities as a matter of good practice re-advertise in the event of a casual vacancy arising unless the vacancy is relatively new since a recent appointment, say, within six or nine months of appointment, or the four year cycle for the appointment of independent members will shortly

necessitate a new round of appointments to the police authority. Dr Moore told the Review that in the NHS every vacancy for a non-executive director of an NHS Trust was advertised in the local press.

- 4.23** I found that advertising in the recent round was patchy. Some police authorities limited themselves to the bare minimum requirement to advertise in two, or in some instances three, newspapers circulating in the community, whereas other authorities embarked on a more extensive programme of publicity and newspaper advertising. I take a few examples at random. Avon and Somerset Police Authority informed the Review that it placed advertisements in all local newspapers with the widest circulation, and had an extensive press campaign with press releases, including information being put on the web, and radio interviews were held. Leaflet distribution was extensive and included places of information, Citizens Advice Bureaux, Chambers of Commerce, and some 500 Parish Councils – with an article also appearing in the Bristol Chamber of Commerce magazine. An open evening attracted considerable interest, and as a result 271 application packs in all were sent out of which 116 were returned.
- 4.24** These efforts were closely followed by Merseyside Police Authority who sent out 406 application packs, and received 115 completed application forms resulting from an extensive advertising campaign. West Yorkshire Police Authority received 105 application forms as a result of its advertising campaign. Advertisements were placed in five main newspapers circulating in West Yorkshire, interviews were given by members of the selection panel on local radio, information was placed on the authority’s website, and posters and leaflets were distributed throughout West Yorkshire to colleges and universities of higher education, district and parish councils, community centres, and libraries.
- 4.25** It is noticeable that a number of authorities having sent out large numbers of application packs received comparatively few returned application forms. Greater Manchester Police Authority distributed 368 application packs but only 62 completed application forms were returned. Similarly, Lancashire Police Authority which sent out 226 application packs, and distributed 10,000 of the APA’s promotional leaflets in various languages to areas with high ethnic minority populations only received back 46 completed application forms.
- 4.26** At the other end of the scale Thames Valley Police Authority, the largest shire police authority in geographical terms, sent out only 35 application packs. Durham Police Authority sent out 57 information packs and received just 21 completed application forms; Cleveland and Cumbria

received 23 application forms each, and Suffolk had 24 application forms returned. Hampshire Police Authority ran advertisements in 14 local newspapers in Hampshire and on the Isle of Wight, and the selection panel contacted over 250 parish clerks to publicise the selection process, but only 44 application packs were distributed, and 25 completed forms were received.

- 4.27** This data, which I reproduce in Appendix 4 is not easy to reconcile, and I have not found it easy to establish any correlation between the amount of advertising and publicising vacancies, and the number of application packs distributed and completed application forms returned. However, there is no doubt that a number of candidates in the recent round came forward, and were ultimately successful, simply on the basis of seeing an advertisement appearing in the local newspaper.
- 4.28** Figures given to the Review by the Association of Police Authorities show that of the total expenditure incurred of just under £80,000 the APA spent over £57,000 on artwork and design, printing, mail-out costs, and translation costs. Over 26,600 copies of the APA's information booklet were distributed of which 14,130 were in English and the remainder were in Bengali, Chinese, Gujarti, Hindi, Punjabi, Urdu, and Welsh. 8,000 information booklets were printed in Chinese. Additionally, 18,000 A4 posters were printed in English, and 14,400 were printed in Gujarti, Hindi, Punjabi and Urdu.
- 4.29** Whilst I consider that such expense requires to be cost-effective, the APA information booklet might usefully have been available in a variety of alternate formats, such as audio tape or large print. The view that information should be made available in a variety of different formats to help the disabled was supported by Alistair Howie of the Office of the Commissioner for Public Appointments.
- 4.30** In my view, the current requirements to advertise in the structured manner prescribed by the Police Authorities (Selection Panels) Regulations 1994 should be relaxed in order to allow police authorities to advertise for independent members in a more user-friendly way. Advertising by newspaper is the standard method of publicising vacancies, and should be retained. Whilst I recognise the need for advertisements to state clearly the essential criteria in order to avoid raising people's expectations, and leading to subsequent disappointment if candidates are not selected, I recommend that the form advertisements take should not be written in stone, and police authorities should be allowed to advertise in such manner as they consider appropriate provided that any newspaper advertisement contains a brief statement

explaining the competencies required of applicants seeking appointment as independent members of police authorities, and a statement of equal opportunities.

- 4.31** Two consultees, Suffolk Police Authority and Hector McLean CBE, the Home Secretary's member of the Wiltshire Selection Panel, suggested that seeking feedback from enquirers who did not proceed to apply might be useful information. I agree, and recommend that every information pack should contain a brightly coloured stamped addressed (or pre-paid) postcard inviting comments and feedback should the enquirer choose not to proceed with the application.
- 4.32** I consider that police authorities should place greater emphasis on publicising vacancies. Various steps taken by some police authorities in the recent round included open evenings, local radio chat shows, local television, articles in the local newspaper, talks to local groups such as Women's Institute and Round Table, and so forth. Police authorities might usefully consider asking existing independent members to speak on local radio and television to explain the role of the police authority, and at open days at police stations and courts. Leaflets about the work of police authorities could be made available in jury waiting rooms at Crown Court centres. Supermarket notice boards were also suggested during the course of the Review as a possible place at which to attract candidates.
- 4.33** Sallie Blair of Better Times Limited told the Review that there was a need to sell police authority membership to companies by enhancing the importance of the authority's work to the companies themselves. She fully applauded the steps taken by Mark Sellwood, Clerk and Chief Executive of Cheshire Police Authority who wrote over 120 letters to companies in Cheshire which employed over 100 employees.
- 4.34** Peter Neyroud, Chief Constable of Thames Valley Police in *"Public Participation in Policing"*, 2001, said that public policing cannot succeed without wide public involvement, whether as witnesses, members of police authorities, local consultation groups, volunteers keeping open small rural police stations or assisting local beat officers as part of local crime prevention initiatives. The inclusiveness of policing, by reaching all groups in society, is particularly essential to develop public confidence, and to increase effectiveness by adding value and providing challenging voices.
- 4.35** By way of example, there are now over 160,000 Neighbourhood Watch groups in England and Wales, and Mr Roger Cullen of the Youth Justice Board told the Review that over 5,000 community volunteers had been

recruited and trained to become members of the newly established Youth Offender Panels. Mr Cullen said that panels are functioning effectively in all youth offender areas in England and Wales, and that a recent report on the numbers and composition of panels indicated that 65% of panel members were women, and panel membership was generally representative of the general population in terms of age, ethnic background and employment status. Recruitment of individual volunteers was essentially carried out at local level by 155 Youth Offending Teams who were briefed and encouraged to use local press and media for publicity.

- 4.36** Mr Cullen considered that local press was a particularly effective way of attracting recruits; and that 53% of volunteers in pilot areas had first heard about youth offender panels through a local newspaper. A broad range of advertising was also found to have an impact including the use of e-mail and circulars/newsletters to businesses. However, he said that mainstream national press publicity was found to be prohibitively costly, while leafleting appeared generally not to be cost-effective. One third of newly appointed panel members had never previously volunteered.
- 4.37** I recommend that police authorities should consider making greater use of the new website for public appointment vacancies launched by the Government on 27th March 2003, which provides details of current and forthcoming opportunities arising at local and regional levels across England. Individuals can search the site on the basis of topic, government department, and location of the body, and can access further information about specific vacancies, including how and where to apply. Elaine Webber, Head of the Public Appointments Unit in the Cabinet Office told the Review that the website has been extremely well received, attracting considerable interest from members of the public, with over 8,000 “visits” a day. The website address is www.publicappts-vacs.gov.uk.
- 4.38** In its introduction to *“Policing: Building Safer Communities Together”* the Government is committed to a national effort of community engagement and civil renewal, and the encouragement of local people to have a much greater involvement in local policing decisions and solutions. In my view, police authorities should consider how best to meet this responsibility and how to adopt better ways to make the membership of police authorities transparently more representative of the community. By engaging local people constructively and thoughtfully to play a role in the community the authority is well placed to encourage potential applicants to come forward as independent members of police authorities. There is a need to ensure consistent communication with community groups and the “hard to reach” groups throughout the four

year tenure of appointment of independent members, and not just when there is a selection process going to take place. Police authorities should ensure that members of the community can develop links with local policing through different schemes such as Neighbourhood Watch or the Special Constabulary, or as independent members of the police authority. Sallie Blair of Better Times Limited told the Review that greater visible activity by the police authority will lead to greater support and better community engagement. I agree. She also considered that the name “Police Authority” was too closely linked in the minds of the public with the police force, and there was a need for the authority to be visibly seen as independent of the police force. She said that “... Independent Community Police Board” would be a better name by which to identify the independence and community role of the police authority.

4.39 In its written submission to the Review the APA said that a key message from the recent round of appointments was that selection panels and authorities felt that local efforts to attract a greater and more diverse range of candidates would have been significantly enhanced by a nationally funded, appropriately targeted, publicity campaign. The APA said that it was of considerable disappointment, given the Home Secretary’s shared role in the process, that the Home Office was not prepared to assist or contribute funding to support any national publicity. The APA told the Review that such unwillingness to invest in national advertising by the Home Office was seen by many selection panels and police authorities as a lack of importance. Whether this is right or wrong, replies received from police authorities to my questionnaire indicated that police authorities would have liked a stronger nationally funded publicity campaign for the recent round of appointments.

4.40 Whilst a national campaign would no doubt have added to raising the profile of police authorities generally, I consider that advertising should essentially be done locally for appointments of independent members of police authorities. I consider that Ministers can play a part by giving greater public attention to the work of police authorities, and of independent members, and that the Government has a role in ensuring the public is made more aware that police authorities aim to be representative of the community they serve.

The application form and information pack

4.41 I deal firstly with the information pack. The APA brochure was described by many police authorities as being of excellent quality although it was criticised by a number of candidates as well as Mark Turner of Veredus Executive Resourcing, and Sallie Blair of Better Times Limited.

4.42 Specifically, consultees considered that it tried to sell the job without properly explaining what the job involved. A number of persons would have preferred photographs of independent members of police authorities rather than actors, with quotes explaining their experiences. I do not consider that the use of photographs of existing members would be likely to affect their application for re-appointment. Although I understand from the APA that the diary which appeared in the brochure was based on that of an authority member, many said that it bore no real resemblance to the workload, and that the time commitment was inaccurately understated as 7 to 10 hours a week. Sallie Blair commented on the lack of emphasis in the brochure design on what people got out of being an independent member, and that it did not give a clear guide as to what qualities were required; see *ante* para. 4.18.

4.43 The present statutory provisions relating to an application by a member of the public who wishes to be considered for appointment as an independent authority member are contained in regulation 5 of the Police Authorities (Selection Panel) Regulations 1994. The 1994 Regulations prescribe that an application form should set out the candidate's name and address; age; current occupation, if any, and any position held by the applicant up to ten years before the date of the application; relevant skills and experience; academic, professional and vocational qualifications, if any; and reasons why the candidate wishes to be considered.

4.44 The Review received a great number of comments on the model application form in the Joint Guidance which seeks to comply with the statutory requirements contained in the regulations. Concerns expressed included:

- (i) That the requirement to provide details of current employment, and work during the past 10 years would be a difficult section for candidates from non-traditional backgrounds. Alistair Howie of OCPA considered that the overall emphasis appeared to be on candidates applying with recognised full or part time "work" or employment. He said that disabled people, due to their life experiences, may be less able to demonstrate a full employment record or high educational achievement.
- (ii) That the requirement to specify academic, professional or vocational qualifications could have a potentially adverse impact. The APA said that this requirement in the regulations could deter candidates from particular socio-economic backgrounds or minority ethnic communities.

- (iii) That the model application form did not sit well with a competency-based approach to the selection and appointments process. Sallie Blair of Better Times considered that the application form should contain a section for candidates to provide a short self assessment (100 words) of the skills and competencies of the applicant.
- (iv) That the application form failed to provide a link to the key functions of a Model Police Authority identified at paragraph 4.19 above, or to the essential skills and criteria for appointment.

4.45 These comments were expanded upon during interviews with a number of consultees including those with professional experience of appointments processes such as Mark Turner of Veredus Executive Resourcing and Sallie Blair of Better Times Limited, but also with members of police authorities. Mr John Palmer, Chairman of Kent Police Authority, said that he felt there was no connection between the skills and abilities specification identified in the Joint Guidance and the application form submitted by candidates, and that the gap could mean the loss of a good potential applicant. Mrs Judith Higgins, a former local government officer, and a successful candidate, said that the form took quite a time to fill in, and she felt it was like a job application. It took her 3 or 4 hours to complete. Mrs Di Newton of Leicestershire Police Authority, and an independent assessor for the Welsh National Assembly, said that she would like to see a competency-based application form where candidates were asked to give examples of experience against specific competencies.

4.46 Mark Turner of Veredus recommended that the pack sent to applicants should be more personalised, and suggested that a covering letter from the Minister, or chairman of the police authority acknowledging the applicant's interest and encouraging the candidate to apply can often make a real difference. Mr Turner considered that some of the questioning contained in the model application form, such as question 2, "Why do you want to be an independent member?" could be better asked at interview because it is often impossible to weigh an applicant's answer at the paper sift stage. Ms Kalapana Shannon, a candidate in Kent who was not short-listed said much the same thing, and felt that the application form asked questions that could more sensibly be picked up at interview. She said that the application form needs to be better designed and more focused on skills and personality rather than being work-orientated.

4.47 Mark Turner commented that question 3, "What skills and experiences do you have?" could be better linked to the core competencies which

should be clearly defined, and that candidates could be asked to give specific examples of having demonstrated these skills. For example:

“Give a specific example of a way that you have engaged effectively with community groups and networks in your area”.

Or

“Give an example from your experiences of everyday life where you have been able to demonstrate common sense, an ability to think strategically, undertake complex issues and make decisions”.

- 4.48** Both Mark Turner and Sallie Blair expressed concern at the emphasis placed on question 4, “Work history for last 10 years”, and the need for referees in section 6 of the application form to state their “position”. Alistiar Howie of OCPA felt that the section on references implied that references would only be accepted from an applicant’s current or previous employer. The section on work commitments had no “not applicable” box for anyone who was not currently employed. Mr Howie also said that the “disabled” section should be updated and provide a definition of the word “disabled”. There is no longer a formal requirement for disabled persons to register their impairment with the Department for Work and Pensions.
- 4.49** Mr Turner considered that candidates should be asked about their experience in a broader sense, and Sallie Blair said that it would be helpful to allow or encourage candidates to attach any testimonials, or other information relevant to their application, and the form should have a section in which candidates can detail specifically non-employment commitments that impinge on their time. At present the section on voluntary work and activities is jumbled up with skills and experience in question 3.
- 4.50** I conclude that the model application form used in the recent round needs a radical rethink. The application form should be standard throughout the country (and additionally in Welsh for police authorities in Wales). It should give the candidate a better opportunity to talk about himself/herself with examples of life experience, leaving the selection panel with the simple question: *“Does the candidate have the ability to meet the criteria for appointment?”*. The application form needs to concentrate on the core competencies so that there is a seamless stream throughout the selection process. It should contain a specific section on community links, and applicants should be encouraged to provide a

short self-assessment of their skills against listed criteria. The whole emphasis should be towards a competency-based appointments process rather than an appointments process based on past experience.

- 4.51** Alistair Howie of OCPA said that, in short, the application form should be designed to ensure that skills and experience of candidates matched the criteria. The application form should be competency-based and forward looking as to the candidate's capabilities in the future, not just what skills/experience the candidate has demonstrated in the past.
- 4.52** To this extent I agree with the submission by the Association of Police Authorities that there is no overriding necessity for the application form to include details of any work position held by the applicant during the past 10 years, or to specify the applicant's academic, professional and vocational qualifications, if any. However, I do not consider such material to be wholly irrelevant, and these may be an aspect of merit. I agree with Dr Moore that it is impracticable for public bodies to ignore such information if a candidate has such qualifications. Mark Turner of Veredus Executive Resourcing considered that a short page of biographical information was still useful and appropriate for the police authority to obtain from candidates so long as panel members were clear that the information was by way of background and did not replace the essential criteria for appointment.
- 4.53** The Nolan Committee on Standards in Public Life recommended that all applicants for a public appointment should declare any significant political activity. It is common practice for candidates to indicate any political activity they have undertaken during the past 5 years by ticking an appropriate box and providing details of involvement. During the course of the Review concerns were expressed from a number of quarters on the ability of persons with political affiliations being selected and appointed as independent members of police authorities. I consider that independent members should be apolitical, and I recommend that a candidate who has undertaken significant political activity during the past 5 years should not be eligible for appointment. Appendix 9 contains a model political activity question approved by the Office of the Commissioner for Public Appointments.
- 4.54** The present application form contains no declaration of interests save to require that the applicant states that the information is true and complete. Mr Alistair Howie of the Office of the Commissioner for Public Appointments considered that a declaration of interests was appropriate and should be included on every application form. Such a declaration is practically universal in the case of public appointments, and I

recommend that the application form should contain a declaration in the following or similar terms:

“Do you have any business or personal interests that might be relevant to the work of [the police authority], or might cast doubt on your ability to act independently, impartially and with integrity, and which would lead to a real or perceived conflict of interests were you to be appointed?”

The entire application is confidential, and should not be released to other candidates.

4.55 During the Review the question of disclosure of Masonic links by persons seeking appointment as independent members of police authorities was raised. It was suggested that Freemasonry might have played a part in the appointment of an independent member to an authority. I investigated the matter and am satisfied that the suggestion was without merit. However, I considered it appropriate to seek the views of the United Grand Lodge of England on the issue of disclosure of Freemasonry, and the Review is grateful to Mr RA H Morrow, Grand Secretary, for explaining the approach of the United Grand Lodge of England to this issue. On 16th October 2003 Mr Morrow wrote to me saying:

“Freemasons have no objection to declaring an interest. Indeed, they know that if they are in a situation where there is even a remote perception that Freemasonry might be involved they must declare an interest, and then, in accordance with the standing orders or by-laws of the organisation concerned either remove themselves from the discussion, or continue, having made the declaration, as appropriate. Failure to do so would lead to their becoming subject to our disciplinary system, with penalties ranging from admonishment, through suspension of membership, to irrevocable expulsion from the organisation.

What we do find objectionable is the singling out of Freemasonry for forced declaration, as is currently the case in the Criminal Justice system whereby when anyone accepts a position within that system he is required, as a condition of accepting the post, to declare whether or not he is a Freemason. We regard that as being discriminatory and contrary to human rights legislation. It also suggests that there is something suspicious about Freemasonry that the public should be concerned about, an imputation we would strongly deny.

A [declaration of interests] would not be seen as discriminatory. We encourage our members to be open about their membership, and certainly have no rules preventing them disclosing their membership. I would assume that at the interview stage a candidate would be asked about outside interests and would expect a Freemason to mention his membership at that stage, but as being one of his hobbies rather than “as a potential, real or perceived, conflict of interests”. As explained in my first paragraph above, a Freemason appointed to a Police Authority would, if a subject came up for discussion in which there was even a remote perception of Masonic involvement, declare an interest and then abide by the rules of the Authority.”

- 4.56** Mr Morrow stated that between 1995 and 1999 the Local Government Ombudsman received 76,976 allegations of mal-administration, of which only 26 involved a claim of Masonic interference. In 25 of those 26 cases, the allegations proved to be unfounded. In the one case where the Ombudsman found that the Chairman of a Planning Committee had not declared a number of interests, including Freemasonry, the Committee Chairman was held by the United Grand Lodge of England to have brought Freemasonry into disrepute and his membership of Freemasonry was suspended for twelve months.
- 4.57** I do not consider it is necessary, or indeed desirable, in all the circumstances to single out Freemasonry for declaration by applicants applying for appointment as independent members of police authorities, or for a register of Freemasons to be maintained by police authorities. Dr Moore told me that NHS Trusts do not ask for a declaration of interests such as Freemasonry.
- 4.58** Question 8 of the model application form under the heading “Convictions” asked candidates to state whether they had any unspent convictions. The Review was told by Stella Yarrow and Andy Myhill of the Home Office Research, Development & Statistics Department that during the course of work on “*The role of police authorities in public engagement*” views were expressed by one focus group of men in south London about criminal records excluding people from being considered as independent members of police authorities.
- 4.59** In my view, a previous conviction may be relevant, and I was told that checks are routinely made on applicants. One clerk told me that checks were made on all applicants applying for appointment whether included on the long-list for submission to the Home Office or not. I consider it appropriate for checks to be carried out despite the burden that it may

place on police forces, and I consider that checks should be carried out before any letter inviting a candidate for interview, or notifying him that his name has been short-listed. The present disqualification contained in Schedule 2 of the Police Act 1996 disqualifying a person from being appointed as a member of a police authority if he has within 5 years before the date of appointment received a sentence of imprisonment (whether suspended or not) for a period of not less than three months follows the same disqualification provision applicable to local authority councillors contained in section 80 of the Local Government Act 1972. I see no reason to recommend any change to the provisions contained in the Police Act 1996.

- 4.60** The Joint Guidance stated that following legal advice it would be contrary to the Rehabilitation of Offenders Act 1974 to ask applicants to give details of spent convictions. The Deputy Chief Constable of Greater Manchester queried this guidance in a letter to the police authority. The Deputy Chief Constable pointed out that Schedule 1 Part II of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended by the 1986 Orders, provides a list of offices and employments which require full disclosure of previous convictions. One exception requiring full disclosure relates to *“persons employed for the purposes of, or to assist”* constables of a police force, and the Deputy Chief Constable said that this exemption was understood by Greater Manchester Police to cover all police staff and those who come to work on police premises or who had access to the force’s systems. The Deputy Chief Constable recognised that no contractual arrangements exist for independent members, but they received remuneration for their role. It seems to me curious that, for example, a cleaner employed by a police authority would be required to declare a conviction for theft 15 years previously where a community based sentence was passed whereas an independent member sent to prison for 18 months for the same offence would not need to make a disclosure of the conviction.

The occupational background of independent members

- 4.61** One aim of the new legislation in 1994 introducing independent members to police authorities was to enable the appointments process to bring in people with relevant knowledge and experience which might not otherwise be available to the authority. The Government’s White Paper of June 1993 *“Police Reform: A Police Service for the Twenty-First Century”* stated that the selection of independent members would provide for greater representation from a wide range of different backgrounds including teachers, farmers and shopkeepers than had been the case before, and depending on the background and experience of

councillor and magistrate members, people with management or financial experience.

- 4.62** Dr Ruth Henig told the Review that in the 1995 round the Home Office put particular emphasis on recruiting members from a financial and business background. She said that the advertisements specifically mentioned this. The second round was completely open. However, during the recent 2003 round the Home Office had placed a much stronger focus on community involvement. Section 5.1 of the Joint Guidance reflected the impetus of the Home Office, although Fionnuala Gill told the Review that the APA supported the recent emphasis on active community involvement as a criteria for assessing candidates.
- 4.63** In 1997 Professor Tim Newburn produced a broad background analysis of independent members at that time. In *“Accountability After the Act: The View from the Police Authorities”* he said that general information about the occupational and professional background of independent members selected in the first round to serve on the new police authorities showed a significant number with a background in private sector business or commerce. When this was added to independent members with a professional background, such as accountants, solicitors and doctors, the result was that some 55% of independent members came from a management, business, commercial or professional background. In the next largest representation, 15% were from the fields of education with a number of retired or currently serving head teachers, other school teachers, academics and college lecturers. A further 6% had experience as civil servants or local government officers. Overall the findings included a significant number of retired people, in which case they were categorised by their former profession or occupation.
- 4.64** Professor Newburn stated that while there appeared on the surface to be an absence of variety among the independent members in some authorities, it was important to remember that even in these cases, the broad categorisations hid a diversity of experience. Overall, Professor Newburn considered that most police authorities had obtained a greater balance of occupational/professional backgrounds than some of their critics.
- 4.65** The Review has sought to produce an up to date picture of the occupational background of independent members. The detail appears in Appendix 4.7. It must be stressed, however, that, like Professor Newburn’s survey, the data is only a broad background compiled from application forms submitted to the Home Office during the recent round

of appointments. The table shows a continuing significant number of retired people, and whilst the largest group have a background in management, business and commerce (30%), the combined total having a public sector background including local government, education and the health service is over 35%. People categorised as having a background in the not-for-profit sector including charity workers, care workers and trade associations represent 10% of independent members on police authorities.

- 4.66** There is little doubt that independent members are perceived, not simply by the public but by many involved in the police service and the work of police authorities, as “male, pale, and stale”. The statistical information in Appendix 4 of ethnicity, gender and occupational background of independent members does not support such a sweeping analysis, although the legislative intentions contained in Schedule 3, paragraph 10 to the Police Act 1996 have not in my view been achieved in practice. The overwhelming majority of independent members are drawn from a narrow band of society, and do not reflect the diversity of skills, knowledge or experience of persons within the community. Whilst many able people have been appointed there is a need to appoint persons with ability from a wider spectrum in society so as to ensure greater participation from the community. For example, the recent round attracted only a small number of applicants in their twenties and thirties, and in some areas there was a shortage of female candidates. Sallie Blair of Better Times Limited considered there was a need to ensure more consistent and improved representation of rural areas, particularly where the rural community often covered a major proportion of the landmass of the police area.
- 4.67** The House of Commons Select Committee’s Report “*Government By Appointment: Opening Up the Patronage System*”, stated that in the debate about diversity, the Government has been judged largely by its success in raising the proportions of women, people from ethnic minorities and people with a disability on public bodies to the proportions of these groups in the population at large. The Committee’s concerns ranged wider, and it concluded that: “*socio-economic background is a significant barrier across the board: that is, that socio-economic background affects not only the representation of women and minorities on public bodies, but also leads to an unduly narrow recruitment of white males.*”
- 4.68** The Select Committee heard evidence on the way in which the conventional criteria for recruiting people onto public bodies can frustrate the goal of increasing diversity. The Chairman of the NHS

Appointments Commission considered that detailed criteria set by the Secretary of State for Health for the appointment of non-executives can unintentionally limit the diversity of people who made it onto NHS hospital trusts or public bodies. Concentrating too heavily on knowledge and skills as the conventional criteria for recruiting people onto public bodies can create a self-perpetuating group which precludes large numbers of people who equally have the competency to carry out the role. Julie Mellor, chair of the Equal Opportunities Commission, told the Select Committee that in looking for competence and skills one is more likely to find a variety of people who may not have a traditional experience profile but actually do have the skills and expertise to contribute, and hence merit, and what is required to fulfil and make a difference to public appointments.

4.69 In written evidence to the Select Committee, Dame Rennie Fritchie, Commissioner for Public Appointments, said that the calibre and experience of people needed to perform differing roles on differing public bodies varied, but experience suggested that there are certain core competencies which each member of a board should have:

To be capable of original thinking

The ability to give a balanced view

The ability to keep an open mind and offer dispassionate advice

An appreciation of working within the public sector

The ability to make an effective contribution to the work of the body

A commitment to the aims of the body

An ability to negotiate

Leadership qualities

Sound judgment

Influencing skills

Public speaking skills

4.70 Dr Roger Moore told the Review that the NHS Appointments Commission was developing a competency-based framework for interviews which it would hope would be standard for use by all panels. In the next Chapter I will examine in greater detail how such a competency-based framework could be adapted for the selection and appointment of independent members of police authorities. I conclude that there is a need for a fundamental shift in attitudes in the selection

and appointments procedure of independent members. In order to ensure that persons appointed truly represent the interests of a wider cross-section of people within the community, police authorities should reconsider the existing assumptions for measuring merit based heavily on past work experience in the interests of a competency-based recruitment approach based on wider skills of competence and less rigid expertise. I conclude that the emphasis by the Home Office in the first round on recruiting members with a financial and business background, and the emphasis in the recent round focusing on experience of community involvement were both misplaced, and that such an approach can limit the field of potential competent candidates. Both carry the risk of recycling the same kind of narrowly-based candidates, albeit drawn from different sectors within the community of the police area.

The role of selection panels

Introduction

5.1 I now consider the role played by selection panels in the appointments process and look at how selection panels went about their tasks in the recent round, and what lessons may be learned for the future.

5.2 The topics covered by this chapter are as follows:

- the membership of the selection panel;
- the need for independent scrutiny;
- the introduction of a competency-based framework;
- the sifting exercise;
- interviewing candidates;
- dealing with applications for re-appointment of independent members.

The membership of the selection panel

5.3 The current statutory provisions contained in Schedule 3 to the Police Act 1996 provide for there to be a separate selection panel for each police area, and that each selection panel shall consist of three members. One member is appointed or designated by the police authority for the area; a second is appointed by the Secretary of State (the Home Secretary's nominee or appointed person); and the third member of the panel is chosen by the other two members. The legislation provides that the member of the selection panel designated by the police authority

shall be appointed from among the councillor or magistrate members of the police authority, and shall not be an existing independent member of the police authority.

- 5.4** The Review consulted all 41 police authorities in England and Wales outside London to establish how the designated member appointed by the police authority came to be appointed to the selection panel, and what criteria were applied for choosing and appointing this individual; and how the choice for appointing “the third member” of the selection panel was made. A high proportion of police authorities in the recent round chose the chairman of the authority to be chairman of the selection panel, or in the event of the chairman being an independent member, the deputy chairman of the police authority was chosen to join the selection panel. A handful of police authorities appointed a magistrate on the basis, as Chris Harding, Clerk to Cambridgeshire and Norfolk Police Authorities put it *“it was felt that a Justice of the Peace had a degree of “independence” and non-political alignment which would be appropriate in the recruitment of independent members”*. Some police authorities looked for a councillor member or magistrate member with special experience and training in selection processes.
- 5.5** The Review received a number of comments as to the suitability of appointing the chairman of the authority as chairman of the selection panel. On the one hand, the chairman of the authority can have wide knowledge of the police service and the work of the police authority, and, particularly in the case of a councillor member, may often have had long experience in the process of appointing senior officers to local authority posts. On the other hand, deep concern was expressed as to the potential influence that the chairman of the police authority might exercise over the selection process, particularly towards independent members seeking re-appointment to the authority. As Tony Hendry of the Home Office Police Personnel Unit said, it is possible for the selection panel to be dominated by the representative from the police authority, who may also be the chair and come from the majority party within the local authority.
- 5.6** Both Alistair Howie of the Office of the Commissioner for Public Appointments, and Dr Roger Moore, Chief Executive of the NHS Appointments Commission, expressed the view that the chairman of the police authority should not chair the selection panel. They considered there were benefits in the chairman being a member of the panel. Dr Moore said that the NHS Appointments Commission had considered having selection panels without the chairman at all, but this was not

considered appropriate, and the chairman should be present in order to give an overview of the public body.

- 5.7** Sally Dickinson, Chief Executive of the Magistrates Association, told the Review that although the Magistrates Association's policy was that no magistrate member should stand as chairman of the police authority because of the high public profile that office can sometimes entail, the Magistrates Association had no problem with a magistrate member being appointed as chairman of the selection panel.
- 5.8** I am conscious that the decision by the Home Secretary to order a Review of the selection and appointments process was prompted in part by concerns expressed about the composition of the selection panel and the way it exercised its functions, as well as how the process was conducted within the Home Office. I am satisfied that the views expressed by Alistair Howie and Dr Moore should prevail, and I recommend that that the chairman of the police authority should not chair the appointments panel but there are benefits in the chairman being a member of the appointments panel.
- 5.9** The appointment of the Home Secretary's nominee to the selection panel is in the hands of the Home Office, and appointments have in the past been made from the Cabinet Office database of those who have expressed an interest in public appointments, or from the list held by the Home Office Sponsors Advisory Team. Jeremy Mason, the head of the Home Office Sponsors Advisory Team concerned with public appointments, told the Review that the present list system of retaining names of potential applicants was to be replaced with an advertising system for each public appointment using the Cabinet Office and Home Office websites. This would improve the diversity of applicants and make the system more transparent. There remains, however, the possibility of retaining a specialist list within the Home Office for those posts which require particular expertise and knowledge of the police service.
- 5.10** The Association of Police Authorities considers that the Home Office should adopt a more open approach to the process of appointing the Home Secretary's nominee, and that the criteria on which the selection of the appointed person were made should be available to police authorities, together with any information the Home Office may provide to the nominee about the role.
- 5.11** The APA said that overall most authorities were very happy with the appointment of the Home Secretary's nominee, and the personal

qualities and abilities of the appointed person, but there were a few instances where police authorities had expressed concern about the nature and suitability of the appointee, particularly with respect to their lack of local connections and knowledge, and understanding of the role.

- 5.12** On the other hand, some representatives appointed by the Home Secretary expressed concern to the Review about the selection process, and its operation locally in the recent round. Whilst the overwhelming majority had the highest praise for the excellent support they received from the authority's secretariat, and said that the panel worked well, concerns were expressed to me by some appointees about the designated member of the police authority, and of a lack of meaningful discussion by the chairman of the selection panel on the procedures to be followed, and the criteria to be applied for short listing candidates. Many said there was a need for a national criteria to be adopted for the selection and appointment of independent members, and some felt that the member appointed by the police authority was not competent to do the task.
- 5.13** Universal dismay was expressed by almost all nominees that the Home Secretary's appointed person presently played no role in the final appointments process. One described the limited role of the Home Secretary's nominee in the initial sift stage of the process as "weird".
- 5.14** In my view, the process by which the third member of the selection panel is appointed is unclear, and no guidance is given in the legislation or the Joint Guidance issued by the APA/Home Office. Whilst some police authorities told me that the third member was "head hunted", or that a short list of names was drawn up and approaches were made to suitable candidates, the reality, in many instances, I suspect, is that the clerk to the police authority, either alone or in conjunction with the chairman of the authority simply looked around for a suitable person who was free to sit on the selection panel. No police authority advertised for the post of the third member, and there was not an open selection process. A majority of police authorities appointed someone with experience in local government or the public sector, such as teaching or the health service. Outside of the public sector, appointments included the treasurer of a large charitable foundation, a senior officer from a utility authority, a retired deputy chief constable, a former editor of a local newspaper, the senior manager of a large clearing bank, a Bishop, a High Sheriff and a Lord Lieutenant.

The need for independent scrutiny

- 5.15** The Commissioner for Public Appointments' Code of Practice sets out a regulatory framework for the public appointments process and is based upon a number of principles. The Code of Practice aims to provide public bodies with a clear and concise guide to the steps they must follow in order to ensure a fair, open and transparent appointments process that produces a quality outcome and can command public confidence. The chief principle underpinning the Code is that all public appointments should be based on merit, by the well-informed choice of individuals who through their abilities, experience and qualities match the public body in question.
- 5.16** However, an equally vital principle for any selection process is that of *independent scrutiny*. Mr Alistair Howie, Senior Policy Adviser to the Commissioner, considered that there was a need for independent scrutiny or over-view by someone totally independent from the police authority at each stage of the selection process. Mr Howie's concern about the present lack of independent scrutiny during the long-list and short-list stages of the process was particularly strengthened at the final selection stage when the appointment of independent members is made solely by the councillor and magistrate members of the police authority. Mr Howie said that the public needs to be reassured and confident that the process at each and every stage is entirely open and transparent, with equal opportunity being available to all applicants. He strongly recommended that the presence of an independent assessor at all stages of the process, or some other means of independent overview, would be beneficial to the credibility and fairness of the process.
- 5.17** In my view, the current statutory provisions that govern the arrangements for the selection panel are a weak point in the appointments process. The selection process was devised under the Police and Magistrates' Courts Act 1994, and prior to the appointment of the Commissioner for Public Appointments on 23rd November 1995. The Police Act 1996 as its long title says was a consolidating Act, and no thought appears to have been given at that time to the need for revised legislation arising from the Nolan principles, and the essential requirement of independent scrutiny in the selection and appointment of independent members of police authorities. Whilst the appointment of independent members of police authorities is not a direct ministerial appointment, I have no doubt that police authorities should abide by and follow the principles and good practice promulgated by the OCPA Code of Practice, and the Cabinet Office Best Practice Guide for Making Public Appointments dated July 2001.

- 5.18** Tony Hendry of the Home Office was involved in the second round of appointments as well as the initial appointments round of independent members to the Metropolitan Police Authority. He raised the interesting point as to whether it was time for selection panels to be placed on a regional footing and not tied directly to one police authority. This option was considered by the Government at the time of the original legislation, and Michael Howard MP, then Home Secretary, told the House of Commons on 17th January 1994 that he was considering that all applications for appointment of independent members might be scrutinised in the first instance by one of six regional panels. He said that each regional panel would consist of a professional recruitment consultant and two people independent of Government.
- 5.19** The idea of setting up regional short-listing panels was not pursued by the Government, and I reject it as impracticable and likely to lead to the appointments process of independent members being further removed from the ownership of the police authority. I also reject, largely for the same reasons, the setting up of a national appointments board for the selection and appointment of independent members similar to the NHS Appointments Commission for non-executive directors of hospital trusts. Dr Moore told me that there are currently some 4,000 non-executive directors of NHS Trusts, and that the NHS Appointments Commission makes around 1,200 appointments a year, although in 2001/2002 it made about 1,800. This compares to a total of only 217 appointments of independent members of police authorities in England and Wales.
- 5.20** In my view, whilst the Home Secretary has a legitimate interest in the composition of police authorities and the appointments process generally, I consider that each police authority should make the core decision locally for the selection and appointment of independent members. The selection and appointments process should however follow the Commissioner for Public Appointments' Code of Practice.
- 5.21** I recommend that there should be a new appointments panel for each police area, and that the appointments panel should consist of 5 members, rather than the present 3 members of the selection panel. Three should be drawn from the police authority, and 2 should be independent, one being appointed by the Home Secretary and the other being an independent assessor trained and accredited by the Office of the Commissioner for Public Appointments. OCPA said that whilst a panel of 3 is the norm there may in special cases be a need to increase this to 4, or exceptionally to 5 members. I consider that a single appointments panel comprising 5 persons is appropriate in the case of the appointment of independent members of police authorities.

- 5.22** The Home Secretary's appointed person should play a greater role in the process, and be appointed to hold office as a member of the appointments panel for a term of 5 years, rather than the present 2 years. He or she should hold office for a maximum of two terms totalling 10 years. The Home Secretary's nominee should be someone of standing and maturity of judgment with experience of appointments whether in the public or private sector, and who is likely to command respect in the community. Without being too prescriptive Mr Howie of OCPA considered it would be useful for the Home Secretary's nominee to be someone detached from local government or the police field. I share that view.
- 5.23** I recommend that the appointments panel should always have an independent assessor trained and approved by the Office of the Commissioner for Public Appointments. OCPA maintains a central list of independent assessors which was set up in January 2002 following an open competition. There are currently 22 names on the central list, and the Commissioner says that this diverse and high-quality group has been used for a number of very high-profile appointments, as well as for appointments sponsored by departments which do not have their own list of independent assessors. The Home Office itself also maintains a list of independent assessors, and I recommend that no appointment should be made without the involvement of an independent assessor approved by OCPA or the Home Office throughout the process.
- 5.24** The Police Act 1996 provides that the designated member of the police authority appointed to the selection panel for independent members should be a councillor member or magistrate member of the police authority. Similarly, under the Courts Act 2003 it is envisaged that from April 2005 the designated member of the police authority for the selection of lay justice members should be a councillor member or independent member of the police authority.
- 5.25** Sallie Blair of Better Times Limited told the Review that it was better for an independent member not to sit on the appointments panel for the appointment of new independent members to avoid, as she put it, the possibility of partiality. She felt that the judgment of a retiring independent member may be adversely affected by the views of someone who, in effect, would be his or her successor. Mark Turner of Veredus Executive Resourcing did not share this view, and nor do I. Mr Turner considered that the appointments panel would be strengthened by the presence of a retiring independent member of the police authority provided that all members of the panel were suitably trained and qualified to take part in the exercise. Derbyshire Police

Authority in their response to my questionnaire said that independent members should not be excluded from the appointments committee where they have no personal interest. I agree.

- 5.26** I do not consider there to be any inherent problem with a retiring independent member being part of an appointments panel of 5 particularly where 3 are from the police authority, and the remaining 2 panel members are in the shape of the Home Secretary's nominee and an independent assessor. The core element of the appointments process will be carried out locally by the police authority, and the panel should in my view be entrusted with making the appointment of independent members to serve on the police authority subject to a power of veto over the final appointment by the Secretary of State. The OCPA and Cabinet Office best practice guidance should be the foundation of the selection and appointments process.
- 5.27** Accordingly, I recommend that 3 members of the police authority should be designated to serve on the appointments panel, and ideally the authority members should comprise a councillor member, a magistrate member, and a retiring independent member of the police authority. I see no objection to the chair of the police authority being a member of the panel, but I consider it should be chaired by one of the other two police authority members, or the Home Secretary's nominee. This is consistent with the practice in industry where the managing director is not usually appointed as chairman of the nomination committee, and the task is left to an alternative senior executive director in the company. It would not be appropriate for the independent assessor at any stage to chair such a panel.
- 5.28** Finally, on this topic, I turn to the question of training for the police authority designated members of the appointments panel, and the Home Secretary's representative on the panel. A recent report from the Office for Public Management called "*Rubber Stamped? : The Expectations and Experiences of Appointed Public Sector Governors*" pointed out that appointment procedures assess the skills and key questions required for good governance, and appointment procedures need to be more rigorous, and the people involved in the selection and appointments process may need appropriate training. Some consultees raised the question of training during the Review. One Home Office appointee wrote to me stating that there was a cultural difference between panel members and some of the candidates, and wondered whether panel members should be given some training to ensure a certain level of understanding of cultural differences. Mr Sidney McFarlane MBE, a candidate in the recent round at Lincolnshire Police Authority and a

member of the Race Equality Council in Lincolnshire considered that someone on the panel should have “a portfolio on diversity issues”, but it was not essential for the panel to comprise someone from the black or ethnic minority community. Dr Roger Moore considered that the lay members of the panel should receive some kind of training, and I note that the Joint Guidance issued by the Association of Police Authorities and the Home Office draws attention to the need for panel members to be aware of race and equal opportunities legislation.

- 5.29** I recommend that the Association of Police Authorities should arrange training for persons who are likely to sit on appointments panels. The training should cover all aspects of the selection and appointments process, and be a one-off session lasting up to one day.

The introduction of a competency-based framework

- 5.30** The Association of Police Authorities told the Review that one of the findings of its June 2003 survey was the recognition that the key criteria for the appointment of police authority members should be reduced in number, and more clearly linked to the assessment process. South Yorkshire Police Authority told the Review that the failure to link the application form with the key criteria in the APA information brochure raised problems with the selection panel members when judging each candidate against the criteria in the brochure and the Joint Guidance issued by the APA/Home Office. This caused members of the South Yorkshire selection panel to have to make a lot of judgments, and was only resolved at the end by combining the key criteria.
- 5.31** In the absence of a national criteria for assessing applicants selection panels were left to their own devices in compiling the long-list. Members took into account, for example, relevant skills and experience measured against the role description, community involvement and representation, length of residence or workplace, ethnicity, gender and geographical location. The selection panel members met having individually studied the applications and discussed them and then decided on the long-list. Whilst no doubt panels were conscious of the need to seek a good cross representation it is clear that there is uncertainty as to the correct approach. Some panels reported that gender and minority ethnic representation were taken into consideration as well as geographical spread, but these were a lesser priority compared with other criteria.
- 5.32** Whilst the APA held a briefing day in London on 5th September 2002, it is plain that selection panel members would have preferred a national matrix and an assessment form to have been published as part of the Joint Guidance. I consider it unfortunate that this did not occur. The

Review is, therefore, an opportunity to refine the selection and appointments process so that the needs of the police authority can more closely be matched by a skills profile and competency-based framework against which candidates for appointment can be measured.

- 5.33** I concluded in Chapter 4 that there was a need for a fundamental shift in attitudes in the selection process for appointment of independent members, and that police authorities should in future measure merit against a competency-based selection methodology in order to attract greater diversity, and to ensure that all those in the community with the abilities, experience and qualities may be considered for appointment.
- 5.34** The first step towards developing a competency-based framework is to understand in more detail the roles and responsibilities of the police authority. The Association of Police Authorities has been successful in identifying the issues and functions confronting a “Model Police Authority” in its recent proposals to pilot an assessment and improvement framework for police authorities. The second step is to draw up an appropriate competency-based framework for selecting and appointing independent members to carry through these functions, and for those responsible for the process to achieve a national criteria for the appointment of members of police authorities.
- 5.35** The NHS Appointments Commission is developing a competency-based framework for the appointment of non-executive members to NHS Trusts. Jeremy Mason of the Home Office Sponsors Advisory Team said that all Home Office appointments are now on the basis of merit using a competency-based interview approach. I note too that the Department for Constitutional Affairs last year for the first time introduced a competency-based appointments process for junior judicial appointments at the district judge level in the Court Service.
- 5.36** The NHS Appointments Commission has recognised the need to improve its recruitment techniques by this methodology, and by enabling the selection panel to focus on the attributes of a candidate rather than on their previous career history it will also widen the field of people from whom non-executives can be selected. The Appointments Commission is moving towards greater reliance upon a blend of competencies and attributes based on the personal qualities and governing abilities of applicants. The personal qualities and values of candidates are at the heart of the framework and successful non-executives need to demonstrate self belief and drive, intellectual flexibility, and patient and community focus and integrity. The governing abilities required to be demonstrated by non-executives are evidence of strategic direction,

holding to account, team working, and effective influencing, and communication skills.

The sifting exercise

- 5.37** The Cabinet Office has issued a best practice guide which aims to give practical and helpful guidance to the process of making public appointments. *Making Public Appointments: A Best Practice Guide for Departments* was published by the Cabinet Office in July 2001. Whilst the guide is aimed essentially to assist Departments with the process of making public appointments it provides useful advice about delivering high quality in diverse public appointments. The guidance allows a continuing sharing of good practice and new ideas which I consider should help police authorities to run efficient and effective selection processes for the appointment of independent members, and in due course the selection of lay justice members of police authorities. The guidance has been developed as a result of considerable research and analysis carried out both with departments and other organisations, and consists to a great extent of the distilled knowledge of those people.
- 5.38** Amongst the basic principles of good practice the Guide recommends that in achieving a good quality outcome, appointments bodies will have:
- (i) Thought carefully about the qualities and skills that the successful candidates should bring and prepared criteria that reflect these.
 - (ii) Thought about the balance of the body or board as a whole and in particular how the appointments under consideration can improve that balance.
 - (iii) Thought and considered the competencies required across the board, not just for the post in question.
 - (iv) Considered the diversity of the board and the importance of ensuring that members are drawn from across the whole population that the particular body serves.
 - (v) Attracted the widest possible field of suitable candidates.
 - (vi) Adopted procedures that comply with OCPA's principles that would encourage public confidence in the appointments system.
 - (vii) Designed a selection process that is appropriate to the appointment, proportionate and which has fully and fairly explored the skills and attributes of all candidates.
 - (viii) Recorded all decisions so that the whole process is available to audit, and conducted a review at the end of the process to see if improvements can be made.

5.39 The Guide offers advice on the sifting process, and stresses that sifting should be done on merit and against clear criteria. The Guide says that the key is to interpret “*merit*” widely and remember that, for example, formal qualifications, traditional work experience and/or specialist knowledge form only one aspect. Other aspects could include demonstrable involvement within the community, practical experience of relevant issues, and transferable skills gained in a variety of ways, for example, communicating, negotiating and influencing, and an ability to think strategically. The Guide states that as good practice selection panels should “*think about diversity as part of the merit criterion, not replacing it*”, remembering that while discrimination is illegal, positive action is permissible. The Guide recommends the use of an evidence-based competence approach to selection.

5.40 The Guide offers advice in conducting the sift, and identifies good practice as follows:

- (i) If there are a large number of applications to sift, the panel should consider a pre-sift to weed out applicants who do not meet the minimum selection criteria or are disqualified.
- (ii) Whilst the pre-sift can be carried out by officials or consultants the results must be submitted to each member of the sift panel and the process must be overseen by an independent assessor.
- (iii) The sift-panel should agree the criteria for both initial and subsequent sifts in advance, ideally when preparing the specification and information pack, and advertising the vacancy.
- (iv) The sift-panel should remember to record the reasons for striking out any candidate at each stage of the process. Not only is the OCPA Code of Practice very clear on this point, but it will also help the police authority should a query arise at some later stage or if the candidate requires feedback.
- (v) A standard sifting pro-forma helps to ensure that all candidates are treated consistently, and considered against the stated criteria. The form will also record the decisions made and their basis.

5.41 At Appendix 7 I produce copies of model sift and interview assessment forms provided by the Cabinet Office, together with a model performance appraisal form for candidates seeking re-appointment. Appendix 8 contains NHS Appointments Commission model forms, together with a draft competency-based application form, sift and interview forms, and a standard interview question form.

- 5.42** These documents identify and set out in a clear and easily understandable way the qualities required for appointment. The forms enable the sifting panel to decide whether to interview or not interview the candidate judged against the published criteria and qualities required for appointment. Provision is made for any additional local qualities required for appointment to be considered by the sifting panel, and the forms provide for the panel to set out its general comments and reasons for coming to the decision whether to interview or not interview the candidate, and the overall assessment made by the panel of the application.
- 5.43** Importantly, each member of the panel should sign the form as well as the independent assessor so that the form in its entirety is available as feedback to an unsuccessful candidate. The interview forms likewise record the interviewing panel's decision whether to appoint or not appoint the candidate to the post and the overall assessment of the candidate by the members of the panel.
- 5.44** I recommend a national matrix should be used by the panel responsible for the appointment of independent members of police authorities in a form to be agreed by the Home Office and the Association of Police Authorities. I recommend that it should be based on the model assessment forms issued by the Cabinet Office and used by the NHS Appointments Commission focusing on the attributes of the candidate and using a competency-based selection methodology rather than relying on the previous career history of the candidate. The forms when complete following a selection round should be made available to the Home Office to enable the Secretary of State to determine whether or not to approve the proposed appointment.

Interviewing candidates

- 5.45** The Joint Guidance issued by the APA/Home Office stated that it was clear from previous rounds of appointments that where selection panels did not interview candidates before submitting the long-list, the quality of some short-listed candidates when interviewed was often disappointing. The Joint Guidance said: "Having sifted all applications, selection panels are therefore strongly encouraged to interview those candidates that they feel may be most suitable or promising at the long list stage". Whilst the Joint Guidance recognised the significant additional time commitment it stressed the advantages of interviewing at the first stage in the selection process where the panels should be able to test more fully whether candidates meet the qualities and skills identified in the competency framework.

- 5.46** I was, therefore, surprised to learn that in the recent selection round 20 selection panels decided not to interview candidates before submitting a long-list to the Home Office. 21 selection panels interviewed candidates before long-listing.
- 5.47** In its written submissions to the Review the APA recognised the limitations of a paper consideration of candidates. The APA said that short-listing by the Home Secretary at the second stage of the process was “*necessarily based only on paper consideration of the candidates*”. David Dwyer of the Home Office Performance & Strategic Management Unit, and one of the officials responsible for making recommendations to the Minister, said that generally speaking the long-list provided by selection panels was extremely helpful as an administrative instrument by which Home Office officials could recommend a short-list of candidates to the Minister. He said that it was of particular help where the local selection panel had provided a preference list of candidates either individually or by grouping them. Surprisingly, said Mr Dwyer, there were numerous instances where selection panels had not interviewed candidates. This made the task of officials more difficult with the Home Office having to provide its own view on a paper exercise. Mr Dwyer considered that if the police authority had interviewed, the Home Office might have felt more confident about the quality of the candidates on the long-list.
- 5.48** I have been anxious to establish the reasons why almost 50% of selection panels chose not to interview candidates as opposed to 50% who chose to interview candidates. The Association of Police Authorities has helpfully compiled a list of reasons given by selection panels in deciding not to interview, namely:
- The volume of applicants and the time constraints made it impracticable.
 - Unless everyone on the selection panel could attend it would be unfair.
 - The previous round of appointments – when there had not been any interviewing prior to long-list stage – had gone well and it was therefore not considered necessary to carry out interviews in this round.
 - The application form was well constructed to reveal sufficient information for long-listing purposes.
 - Knowledge that short-listed candidates would be interviewed by the police authority’s appointments panel.

- An unsuccessful candidate would have been subjected to two interviews leading to frustration, alienation etc.
- It was felt that a knowledgeable appointments panel knew exactly the qualities that the police authority needed at local levels.

5.49 I am bound to say that I find some of the reasons put forward for not interviewing candidates difficult to accept. The most important stage in any interview process, as Ravi Chand of Veredus Executive Resourcing succinctly pointed out to the Review, is often the first stage. Indeed, under the present statutory provisions the only stage in the process that can truly be said to involve a degree of independent scrutiny or outside over-view by anyone independent from the body itself or involved in policing is the initial selection panel process. It seems to me that the comments made by the APA about the Home Office stage are of equal weight where the selection panel had not interviewed candidates. If the selection panel and the Minister are each reduced to a paper sift exercise there is, in my view, the danger of leaving someone who might be an unsuitable candidate in the process too long, with all the frustrations that that can cause both to the candidate and the authority. And a good candidate might be lost by oversight and failure to interview.

5.50 I conclude that it would have been better during the last round for each selection panel to have carried out an initial sifting exercise to reduce the volume of applicants to a suitable number and then interviewing that number before long-listing. Whilst it would not have been necessary or desirable to have interviewed all candidates, I consider that it would have been beneficial in the interests both of the candidates and the appointments process had the selection panel for each police authority interviewed a sufficient number of candidates who on paper appeared to be suitably qualified to fit the criteria for appointment thereby giving the long-list transparency and accountability.

5.51 A number of consultees raised with the Review the form in which interviews were taken, and whether it was appropriate to ask set questions of each candidate. Joe Rayner, the Home Secretary's member of the Cleveland Selection Panel, with many years experience in the public and private sector in terms of selection procedures contrasted the different ways in which interviews are conducted. He told the Review that the public sector presents candidates with a standardised set of questions, and whilst part of the reason for this was to avoid discrimination he felt that nonetheless a good candidate for the position may sometimes be lost by a rigid standard interview and selection technique, particularly in the case of a police authority where a crucial

role for members is to provide strategic direction for the authority whilst being both supportive and challenging to the police force. I raised this matter with Alistair Howie of the Office of the Commissioner for Public Appointments. The OCPA Code of Practice for ministerial appointments to public bodies provides that whilst a degree of flexibility of approach may be permitted, public bodies should adopt a clear policy on interviewing in order to ensure a consistent approach within and between individual competitions. This approach must be documented. Good practice dictates that interviewing should be done on merit and against clear criteria which is set out in the job specification and available to the candidate prior to interview.

- 5.52** Suggestions were also made to the Review as to the use of presentations or discussion groups as a basis for interviewing candidates to enable a panel to get a sense of the candidate's approach and understanding of the role and duties of an independent member of a police authority. An assessment or development approach using practical exercises to test knowledge and skills is frequently used by industrial or commercial companies. The introduction of this approach dates from the War Office Selection Boards which were introduced in 1942 in an attempt to correct the failures which were attributed to the interview system then employed as a method of judging "Officer quality". There has been a rapid growth in their use in the private sector, but both Sallie Blair of Better Times Limited and Mark Turner of Veredus Executive Resourcing felt that using exercises, particularly in the case of candidates who have no experience of a police authority, might isolate the very people the authority was trying to target. A similar view was expressed by Pam Cooke of the Office of the Commissioner for Public Appointments.
- 5.53** I conclude that appointments should be by interview, and that the interview should be a two-way process whereby the candidate can gather information about the job as well as demonstrating his or her competencies.

Dealing with applications for re-appointment of independent members

- 5.54** I found that almost universally panels asked candidates seeking re-appointment the very same questions as candidates seeking a first term appointment as independent members of the police authority. A number of reasons were put forward to me to explain the need for standard questions to be asked of new candidates and those seeking re-appointment as independent members of the police authority. It was felt that asking different questions to one group would be unfair; that the Joint Guidance issued by the Association of Police Authorities and the

Home Office stipulated that members applying for re-appointment should be treated in exactly the same way as other applicants; and that both groups were required to complete application forms and submit them to the selection panel within the deadline given in the local advertisement.

- 5.55** There is no doubt in my mind that many members seeking re-appointment found it disconcerting to submit themselves to the same selection process as new candidates. In many ways, the interview had an air of unreality about it with the candidate knowing full well the likely questions he or she was going to be asked, and in any event the candidate had a better understanding of how to answer any question raised by the selection panel. Many authorities were keen to get existing members re-appointed, and as the APA told the Review the biggest disappointment in the process was when this did not occur. The APA said that many authorities were keen to see existing members with particular expertise and skills re-appointed where they felt the member could continue to add value to the work of the authority.
- 5.56** It is clear that candidates seeking re-appointment in the recent round were not in fact treated in the same way as candidates applying for a first appointment. In the case of existing members, in 19 areas, the chairman of the police authority provided either a written or verbal report or the authority member on the selection panel gave feedback and comments on performance of the independent member seeking re-appointment to the authority. In a number of instances the clerk to the police authority prepared an objective appraisal including information on the level of attendance and activity of the independent member as well as details of any office held. However, in 7 areas, the selection panel refused to seek the opinion of either its clerk or the chairman of the authority, and based its assessment purely on evidence provided on the application form and in interviews with the candidate.
- 5.57** I was told that in one authority the matter of taking account of past performance of existing members was a matter of contention by the selection panel. The chairman of the selection panel and a member of the authority, was anxious to give an assessment of the existing members seeking re-appointment, and the value they had added to the authority's work and performance. However, the other two members of the selection panel were not prepared to take these assessments into account.
- 5.58** Mr Alistair Howie told the Review that in a case of an open competition performance assessment should not be taken into account by the panel as it would mean the panel having information available to it on one

candidate which they did not have for other applicants. In such circumstances, the panel would not be considering “like for like” and there would not be a level playing field for all candidates.

- 5.59** The Commissioner’s Code of Practice recognises that there are advantages in offering a first re-appointment to members of public bodies without the need for an open competitive process. These advantages include an element of continuity for the body itself, and the retention of acquired experience and knowledge of the member himself. A first re-appointment may therefore be made subject to a satisfactory performance assessment process that provides robust evidence that the candidate has performed satisfactorily during the current term.
- 5.60** The Cabinet Office Best Practice Guide provides that no re-appointment is or should be seen as automatic or a foregone conclusion, and no-one must be re-appointed unless there is evidence that they have performed satisfactorily during their current term which is demonstrated by an effective performance appraisal system.
- 5.61** In my view, it is of the highest importance that every police authority should formally review both its individual and collective performance. Members seeking re-appointment should be assessed using a technique similar to the model performance assessment form issued by the Cabinet Office Best Practice Guide, a copy of which appears at Appendix 7. I recommend that a standard re-appointment assessment form should be used to ensure a consistent approach for candidates seeking a second term appointment. The chairman of the police authority is probably best placed to conduct a performance appraisal, but it is also likely to involve the Chief Executive and the secretarial staff. Should the chairman be seeking re-appointment, then the assessment should be carried out by the vice-chairman of the authority.

The Home Office process

Introduction

- 6.1** The purpose of this chapter is to consider the role of the Home Secretary in the appointments process and the need for him to make regulations and issue non-statutory guidance governing the procedures to be followed for appointing independent members of police authorities. In this chapter I also evaluate the part played by the Home Office and Ministers in producing the short-list in the recent round, and consider the length of term an independent member appointed to a police authority should serve.
- 6.2** In this chapter I deal with the following topics:
- the Home Secretary's role;
 - compiling the short-list;
 - how long should they serve?
 - conclusions.

The Home Secretary's role

- 6.3** The intention of the Government's White Paper "*Police Reform: A Police Service for the Twenty-First Century*" was that the Home Secretary should have a statutory power of appointment to bring in people with relevant knowledge and experience which might not otherwise be available to the police authority. The Government did not initially propose to establish any formal procedures for selecting those members who would be appointed by the Home Secretary. The Home Secretary

wished, however, to appoint people who lived and worked in the police area and who were able to contribute to all aspects of the police authority's work. Each authority area was to be asked to put forward the names of particular persons who could bring something of value to the local police area.

- 6.4** These proposals which envisaged a ministerial appointment of independent members gave way after debate in Parliament to the current statutory provisions set forth in Schedule 3 to the Police Act 1996. Schedule 3 provides for the Secretary of State to make regulations as to the procedures to be followed for the nomination of candidates and the conduct of the proceedings of selection panels (paragraph 11), and for the preparation of a short-list of candidates by the Secretary of State of persons nominated by the selection panel for final appointment by the police authority concerned (paragraph 12). Provision is made for the remote possibility where the selection panel is unable to put forward a list of a sufficient number of people for the vacancies which require to be filled, and for the Home Secretary in such circumstances to himself nominate candidates equal to twice the number of vacancies for consideration by the police authority.
- 6.5** As previously stated, Earl Ferrers, Minister of State at the Home Office, told the House of Lords that the task of the selection panel, within the procedural regulations, was to provide for the Secretary of State a list of the most suitable names from among those who apply. The selection panel was to give four times as many names as there were vacancies, and the Secretary of State would then forward to the police authority a list containing half that number of names, *“representing those whom the Secretary of State regards as best qualified to serve on the police authority”*. The police authority would then make its own selection from that list. Lord McIntosh of Haringey expressed concern both as to the “complex arrangements”, but also the power on the part of the Secretary of State to impose conditions by regulation on the procedures to be followed, and the criteria to be applied by the selection panel, and the consideration of choice made by the Home Secretary. Lord McIntosh told the House of Lords that the Secretary of State could, if he wished to do so, make regulations which could secure political objectives, and which could influence the membership of police authorities. To that extent Lord McIntosh considered that the proposed legislation was defective although he accepted that paragraph 11 (4) provides that a statutory instrument containing regulations under Schedule 3 shall be subject to annulment in pursuance of a resolution of either House of Parliament.

6.6 The Association of Police Authorities in its written submissions to the Review seeks both to replace the 1994 Selection Panel Regulations with non-statutory guidance, and to remove the Home Secretary's role from any part of the appointments process. The APA says:

“Much of the way in which selection panels carry out their responsibilities is governed by secondary legislation. The APA generally considers the content of the existing regulations sensible but considers that the same outcomes could be achieved equally effectively, but in a less prescriptive way, through guidance. This would allow greater flexibility at local level. **The APA suggests that the current regulations governing the work of selection panels should be replaced by guidance to allow greater local flexibility.**” (Emphasis added by the APA.)

Further:

“The APA recognises that the current legislative provisions, which seek to give a role to both the Home Secretary and the local police authority, are the result of a compromise on the original proposals for direct central appointments. However, consistently from the first round of appointments in 1994 through to the current round, police authorities have strongly questioned the necessity for, and the added value of, this stage of the process. Certainly, it is the Home Secretary's role in short-listing candidates which creates the most disquiet and tension amongst selection panels and police authorities, and this was particularly evident during the most recent appointments round. Inevitably, both Home Office officials and Ministers alike, can have only limited knowledge and understanding of the particular needs of each police authority in terms of the appropriate balance and mix of membership being sought and the particular skills and expertise which will add value to the authority through the independent Member appointments. Moreover, authority membership when the short-listing process is undertaken can only ever represent a snapshot in time, as there may be subsequent alterations to both magistrate and councillor membership, particularly given that many magistrate appointments also run on the same four year cycle and the councillor membership must inevitably be reviewed in the light of local government elections. Locally, both selection panels and authorities have a much clearer picture, not just of the make-up of the authority as a whole, but also of any potential changes in councillor and magistrate membership which may arise at around the same time as independent members are finally appointed.”

The APA concludes:

“In the light of the above, the APA considers that the Home Secretary’s role in the appointments process should be limited to nominating a member of the selection panel. The APA is not convinced that the Home Secretary should continue to play a role in short-listing candidates for selection as independent members. This stage adds unnecessarily to the length, complexity and current lack of transparency around appointments without, in our view, adding value to the process. It is also at odds with the views recently expressed by the Home Secretary and Police Minister about empowerment of local communities and greater local accountability for policing. **The APA considers that the Home Secretary’s role in the appointments process should be limited to appointing a member of the local selection panel and that the legislation should be amended to remove the Home Secretary’s role in short-listing applicants. This would produce a simpler, shorter and more locally responsive appointments process, as well as being fairer and more accessible to candidates.**” (Emphasis added by the APA.)

6.7 In summary, the Association of Police Authorities makes two key points:

- (i) An independent element to any local recruitment process is needed and this is best fulfilled by local selection panels operating within a national framework of minimum standards laid down in guidance.
- (ii) The Home Secretary’s role in the appointments process can best be served by continuing to nominate a member of the local selection panel. The Home Secretary’s role in short-listing candidates adds little value, but rather makes for a process which is unnecessarily complex and lengthy and lacks transparency.

6.8 I canvassed the views of the Home Secretary’s nominees on the selection process. A number expressed to the Review confusion between their role as members of the selection panel representing the interests of the Home Secretary, and the Home Secretary’s own choice of candidates in the appointments process thereafter. This duplication of roles was particularly marked in those authorities where the selection panel had interviewed candidates prior to submitting the long-list to the Home Office. Peter North, the Home Secretary’s member of the Norfolk Selection Panel, told the Review he was surprised by the revised list produced centrally which was at considerable variance with the carefully developed list presented to the Home Office by the local panel. He said it seemed odd that the considered decisions of local representatives

appointed to a task could be ignored to such an extent. Mrs Bronwen Curtis, the Home Secretary's representative on the Northamptonshire Selection Panel, wrote to the Review stating that whilst she understood the principle of Ministerial choice in public appointments she nonetheless felt that, given the level of these appointments, there was a case for easing bureaucracy and increasing local input. Mrs Curtis felt that more could be done to assist those representing the Home Secretary on the Selection Panel by a specific briefing on particular issues or concerns which the appointee should respond to when identifying the pool of independent members.

- 6.9** Agnes Grunwald-Spier, the Home Secretary's member of the South Yorkshire Selection Panel, thought that perhaps the Home Office could reject the applications of those not regarded as suitable at an earlier stage, and give clear reasons. There was something very unsatisfactory, she said, about lengthy deliberations at the local level being countermanded by the Home Office in what appears to be an arbitrary manner. If this had occurred at an earlier stage it would have appeared less of a rebuff to the selection panel.
- 6.10** These views were repeated in many of the responses I received to the questionnaire I sent to police authorities. Devon and Cornwall Police Authority wrote that they could not understand why the whole process could not be undertaken locally without the involvement of the Home Secretary. Essex Police Authority stated that generally it was felt that the whole process was too lengthy and bureaucratic and needed to be streamlined. They pointed to a five month gap between advertisement and the date of final interview. Gloucestershire Police Authority reported that the detailed involvement of the Home Office made it impossible to keep to planned programmes. This was not a criticism of the staff, who clearly had a peak of work to deal with, but of the process which was inordinately convoluted. They questioned the need for Ministerial involvement in the process of selection of independent members, and said that it clearly added considerable complexity and expense to the process.
- 6.11** Similar views were expressed by Hertfordshire, Humberside, Merseyside, Northamptonshire, Staffordshire, West Mercia and West Midlands Police Authorities. Lancashire Police Authority said that whilst in theory the current process balanced local and Home Office interests in the appointments, it produced a lengthy and confusing process for potential candidates. Lancashire said it would be preferable for police authorities to be free to make their own appointments of independent members, subject to national guidance and monitoring by the Home Office.

6.12 On the other hand, it is fair to point out that a number of authorities had no criticism of the role played by the Home Office and felt that the appointments process went well. In many instances the short-list returned from the Home Office did not greatly differ from the recommendations made by the selection panel. The Association of Police Authorities reported to the Review that in 10 cases out of 41, the short-list returned from the Home Office included candidates who were not part of the selection panel's "top ten". In a further 8 cases where the list differed from the long-list submitted by the panel the change was not regarded as substantial. Where there was a difference, this was generally the removal of a candidate who would have served a third term had the applicant been successful, even though the candidate had the full support of the panel and had been highly recommended.

Compiling the short-list

6.13 Before continuing with consideration of the role of the Home Secretary in the appointments process it may be pertinent to see how the short-list stage was managed by the Home Office during the recent round. The Joint Guidance issued by the APA/Home Office in August 2002 contained an intended selection procedure timetable. The proposed timetable was as follows:

Advertising and other publicity	20th September-31st October 2002
Selection panel to consider applications and produce long-list	31st October-30th November 2002
Selection panel to submit long-list to the Home Office	1st December 2002-15th January 2003
Home Office to return Home Secretary's short-list	4 weeks after receipt of long-list
Final selection by councillor and magistrate members	Before 15th March 2003

6.14 It is clear that the timetable was not always followed by the APA, police authorities, or the Home Office. The APA's omission to remove information from its website until after the closing date of 31st October 2002 caused confusion, and meant that some police authorities felt obliged to accept late applications into November. Some authorities chose, no doubt wisely, to re-advertise due to a lack of initial response which thereby extended the process. The posting of the model application form on the APA's website differed from the local form used by many police authorities, and in four areas, applicants who had completed the application form from the APA's website were asked by the local police authority to then complete a second, local form.

- 6.15** The Joint Guidance made clear that the Home Office would “endeavour” to return the Home Secretary’s short-list within 4 weeks of receipt of the long-list. Unfortunately, this was interpreted by some authorities as a promise, or cast-iron guarantee. Be that as it may, the Association of Police Authorities said that in many instances there were variations in the length of time between the selection panel submitting its long-list to the Home Office and the receipt of the short-list. This varied from a turnaround of 2.5 – 3 weeks as the shortest period up to a maximum of 13 weeks in the worst case. In those instances where the Home Office was not able to return the short-list within 4 weeks, this led to frustration by police authorities, and in some instances to practical difficulties for authorities in having to re-schedule interview dates as well as prolonging the appointments process for candidates.
- 6.16** David Dwyer of the Home Office Performance & Strategic Management Unit was an executive officer responsible for the day to day receipt of long-lists submitted by selection panels to the Home Secretary. He was also responsible for fielding within the Home Office any queries about the Joint Guidance, or about the appointment or selection of independent members during the recent round. Mr Dwyer had to process a great number of individual applications as well as dealing with a large number of calls from police authority clerks who were understandably anxious about the receipt of the short-list. Mr Dwyer told the Review that generally speaking the long-lists provided by selection panels were extremely helpful as an administrative instrument by which Home Office officials could recommend a short-list of candidates to Ministers. It was of particular help where the local selection panel provided a preference list of candidates either individually or by grouping them. He said that some selection panels divided candidates into groups such as “Group 1 – Excellent”; “Group 2 – Good”; “Group 3 – Fair”; and Group 4 – Adequate” but who the selection panel did not recommend for final interview.
- 6.17** Mr Dwyer said that from his working experience of the process he preferred selection panels to number the candidates in order of preference such as 1 to 20, or provide a point scoring system. He said that the setting of clear national criteria, and a matrix or model sifting assessment form for each candidate on the long-list would have been helpful in terms of initial investigation by officials within the Home Office. He added that if that had happened the Home Office could then see where the police authority was coming from. Mr Dwyer praised the work of many clerks who provided a covering note or letter, but felt that a sifting assessment form would have been a better instrument and framework for taking forward the process to the next stage.

- 6.18** In that there were problems with the long-lists submitted, Mr Dwyer felt that they partly emanated from those police areas which had not attracted a particularly large number of applicants. This left selection panels and Ministers with little room for manoeuvre, and in a few instances this was reflected in the quality of some of the candidates on the long-list. In terms of the receipt of the long-list a large number arrived at the same time very shortly before the Christmas break and shortly afterwards. This meant that the small team of officials engaged in the process faced a large amount of work in order to get submissions to Ministers within a reasonable time in order to meet the 4 week deadline.
- 6.19** The initial sifting was carried out by David Dwyer, and Lucy Thomas, executive officer, with Peter Haddock, senior executive officer, overseeing the process to ensure compliance with the legislation and the terms of the Joint Guidance. At this time, Mr Dwyer said, a vast amount of additional work was being dealt by the Rt. Hon. John Denham MP on police reform, and this sadly meant that a number of short-lists were not turned around within the time envisaged by the Joint Guidance.
- 6.20** The compilation of the short-list process involved 4 stages:
- (a) An initial consideration of the long-list by either the executive officer, or higher executive officer, who drafted a covering submission to the Minister with recommendations and attached application forms and curriculum vitae.
 - (b) A check on all submissions to the Minister by the senior executive officer to ensure compliance with agreed format and to check the quality of drafting as well as to take a second look at the recommendations.
 - (c) Submissions were then sent to the Minister for the Home Secretary's decision on the short-list.
 - (d) Notification of short-listed candidates were then sent to the clerk of the police authority concerned.
- 6.21** David Dwyer said that when considering applications for short-listing, Home Office officials gave emphasis to the balance of skills of the candidates, the ability to be genuinely independent, and to show good management, financial and commercial skills. Emphasis was also given to active participation within the community of the police area, for example, voluntary activities, school governors etc. as laid down in the APA/Home Office Joint Guidance. Additionally, where there was no difference in quality between candidates, emphasis was given to the

expressed objective of improving diversity of membership, and consideration of geographical representation within the police area.

6.22 The Rt. Hon. John Denham MP, was Minister of State for Crime Reduction, Policing and Safety at the time of the last selection round, and was responsible for the Secretary of State's short-list of candidates for sending to the police authority concerned. I am extremely grateful for his perspective from the Home Office stage of the selection process, and his overview of the process as a whole. On 11th November 2003 Mr Denham wrote to me a detailed letter of comments with helpful suggestions regarding improvements to the current process, and I gratefully set out his letter in full:

“Having been involved in the procedure last year, I have to say that I found it deeply unsatisfactory. As a minister I was meant to take responsibility for making these appointments. However it became very clear throughout the process that many people involved believed that the ministerial role should be to rubber stamp the preferences of one or other of the groups involved in proposing candidates. In general there was a presumption that the minister should support the preferences of the Police Authority, particularly where this was supported also by officials. On other occasions the assumption was that ministers were bound to go along with official recommendations. In a few occasions there was the belief that the minister should be able to respond to lobbying on behalf of certain named individuals, even though they had been excluded by the Police Authority or not recommended by officials.

Given that it is virtually impossible for ministers to have detailed knowledge of the qualities of the individuals under consideration, I believe that this approach puts the minister in an invidious situation and is likely to lead to unsatisfactory outcomes at all levels.

Without looking back at the files, I could not give you chapter and verse on each of these individual instances. However, very early in the process I did decide that I would only appoint candidates for a third term under exceptional circumstances. I took the view as a minister that it is undesirable for independent members to hold positions in perpetuity on police authorities and that limiting service to two terms under normal circumstances was one way of ensuring a reasonable turnover of members. I applied this approach with as much consistency as I could, only making exceptions as I recall for serving

chairman (in one case as acting chair) and one case where there would otherwise have been no minority ethnic candidate on the police authority.

This approach was popular with some police authorities, who were pleased to see the back of members who had overstayed their useful role. With other police authorities, this approach was deeply unpopular and there were certainly some police authorities who thought that the minister had absolutely no right to go against the preferences of the police authority. Needless to say, those who were content with my decisions tended to be less vocal than those who were not.

At various times there were also suggestions that a ministerial decision could be judicially reviewed. Given the almost impossible position in which the ministers find themselves – having only limited biographical information about individual candidates – I am sure that a minister might find themselves vulnerable to a judicial review.

It follows from my experience that significant changes are needed to the current system.

First, the police authority role in filtering and vetting candidates for independent membership should be ended. It is this procedure that gives police authorities the idea that independent appointments are effectively within their gift. Not only does this make a mockery of the whole notion of independent appointments, but it is also tending to produce unimaginative, conservative and inwardly looking police authorities, which are not fully capable of meeting the challenges of raising police performance.

Secondly, consideration could be given to removing the ministerial role altogether. This would be in accordance with the practice now adopted within the NHS. However if this is to be done then greater imagination needs to be shown in finding potential candidates for membership of police authorities. The procedure in the NHS is tending to produce a very look-alike selection rather than embracing the diversity which is required.

Thirdly, any serious management organisation would select non executive directors in order to address the particular weaknesses within the organisation. I think that there is a strong case for profiling the performance of police forces and ensuring that independent members are found with the skills to address perceived shortcomings.

For example, if economic management or personnel issues were the weaknesses of a force then expertise should be found in these areas. If the weaknesses lay in public communications, the fear of crime etc then these should be addressed. Such a managerial approach, drawing on the insights of the Inspectorate, the Police Standards Unit and the new Performance Assessment Regime would be most valuable.

I hope you find these views of use.”

How long should they serve?

- 6.23** Schedule 2 to the Police Act 1996 provides that a person appointed as a member of a police authority shall be appointed to hold office for a term of four years, or such shorter term as the body appointing him or her may determine in any particular case. In the case of an independent member, the approval of the Secretary of State is needed to appoint an independent member for less than four years.
- 6.24** Neither the 1996 Act, nor the Government’s White Paper which introduced the concept of independent members of police authorities, gives assistance or help to those responsible for the appointments process as to the maximum number of years a member of a police authority, whether a councillor member, magistrate member or independent member, should serve.
- 6.25** Not surprisingly strong views were expressed to the Review as to how long a member of a police authority should serve. One police authority considered that the first term of office is very much a steep learning curve for independent members, that the second term enables the independent member to begin to make an effective contribution to the work of the authority, and that the third term allows the independent member to consolidate the community work he/she is involved in and provide support and assistance to less experienced members in a developmental role. Many examples were given to me where, in particular, a councillor member had served, often with great dedication and to the benefit of the community, for many years on the police authority. It was pointed out that, provided the member concerned was a person who was able to contribute and to continue to bring something of value to the police authority, the loss of such experience and wisdom by an arbitrary rule limiting the length of service would be regrettable.
- 6.26** On the other hand, as the Rt. Hon. John Denham MP said in his letter to the Review, it is undesirable for independent members to hold positions in perpetuity on police authorities. No doubt the same could be said of councillor and magistrate members.

6.27 Surprisingly, a number of independent members told me that a maximum period of service would increase public confidence in the work of the police authority. One independent member currently serving a second term said:

“There should be turnover, and two terms of four years is quite fair. Everyone wants new blood coming in as long as it’s not their old blood going out. The longer you do the job the harder it is to step down.”

An independent member recently appointed for a first term said that members should be appointed for a five year term with no option for re-appointment. On the other hand another said that it would be a waste to prevent independent members serving a third term once they had been trained and undergone the steep learning curve.

The Nolan Principles

6.28 In recent years there has been a move towards laying down a maximum period or number of terms that persons holding public appointments should serve. In 1995 the Nolan Committee which led to the creation of the Office of the Commissioner for Public Appointments made a series of recommendations intended to increase public confidence in the way in which appointments to public bodies are made. Public bodies are diverse and appointees come from all walks of life. They are selected on competence and for their ability to make a contribution to the effective running of the body, and whilst the terms of appointment may vary considerably, some requiring a full time commitment, others just a few hours each month, the Nolan Committee recommended a maximum period of 10 years appointment to be applied in the case of ministerial appointments to public bodies.

6.29 The Commissioner for Public Appointments’ Code of Practice for Ministerial Appointments to Public Bodies thereafter provided that the number of terms an individual may serve will normally be restricted to two terms. The length of these terms will be determined by any statutory constraints or be a matter for discretion by Ministers. In total, though, the Code of Practice provides that the maximum period of office must not exceed 10 years on the same board. Only in exceptional circumstances will the Commissioner agree to an extension of service beyond the ten-year limit. Even then, the individual will be expected to compete for the appointment through full and open competition.

- 6.30** As mentioned previously in this report, the Office of the Commissioner for Public Appointments was not created by Order in Council until 23rd November 1995. This was after the coming into force of the Police and Magistrates' Courts Act 1994, and little or no thought was given by Parliament for new legislation when the statutory provisions for the appointment of independent members were re-enacted and consolidated with other legislation in the Police Act 1996.
- 6.31** Whilst the appointment of independent members of police authorities are not ministerial appointments in the sense that the ultimate appointment decision is made by the police authority, the present legislation involves the Secretary of State playing a role in a public appointments process, and even if that role were to be reduced or removed altogether it is, in my view, an issue whether public confidence in the system should dictate a similar provision of two terms of 10 years maximum, and whether the time has now come for all members of a police authority whether appointed as councillor members, magistrate members, or independent members, to be subject to the same rules as those laid down by the Commissioner's Code of Practice for ministerial appointments to public bodies.
- 6.32** Closely related to the question of whether there should be a restriction on the length of service of an independent member of a police authority are two further issues to be resolved, namely, how long should each individual term of office last, and whether it would be better for the appointments round of independent members to start later in the year, say in September or October, and after the local government elections usually held in May, in order to better see what gaps there may be in the skills and experience of the new intake of councillor and magistrate members.
- 6.33** Alistair Howie and Pam Cooke of the Office of the Commissioner for Public Appointments considered that retaining the present four year term of office was sensible if it took 12-18 months for independent members of a police authority to become fully competent. Dr Roger Moore of the NHS Appointments Commission agreed, and said that from his experience of seeing non-executive directors of NHS Trusts, appointments should be made for four years with the option of re-appointment based on good report.
- 6.34** I raised with consultees the alternative of a three year, or five year, term of office. Jonathan Goolden, Clerk to Lincolnshire Police Authority was attracted to the idea of a three year term as was Robert Swinfield, Clerk to Leicestershire Police Authority. Jonathan Goolden said that whilst four

year appointments were healthy bearing in mind the learning curve, he felt it might be easier to recruit new applicants because psychologically it would seem less of a commitment. Unsuccessful candidates too might be more willing to keep in touch with the police authority and re-apply. A three year term would also be more feasible for younger people to commit themselves. This view was shared by Susan Anderson of the CBI.

6.35 Robert Swinfield said that three terms of office of three years' duration had an appeal, and got close to the OCPA rule of a maximum of ten years' service on the public body. However, Mr Swinfield was concerned that a term of less than 4 years for independent members might denigrate the role of the independent member of a police authority compared to that of councillor and magistrate members. Sally Dickinson of the Magistrates Association said that the term of office should be standardised for all members, be they magistrates, councillors or independent members. Tenure should be across the board, and the Magistrates Association favoured two terms of four years for magistrate members of police authorities.

6.36 The start date for the round of appointment of independent members, and whether there should be a rolling programme with, say, one half the membership retiring every two years was a topic of lively debate during my Review. Graham Davey said that members of the Association of Police Authority Clerks had commented about the problem of having too many new members at one time. APAC would prefer a rolling programme for the appointment of independent members, and not have a situation where all independent members retired together. Mr Davey saw merit in a staggered programme where half the independent members retired every two years, but appreciated that the majority of police authorities had five independent members rather than six, and with an odd number it would be administratively difficult to stagger the appointments process so that one half of the membership retired every two years. He pointed out that there would need to be provision that if a vacancy occurred less than six months prior to the start of a selection round the vacancy would require to be carried forward into the next round.

6.37 In its response to the Review, one police authority said that if some independent members were appointed for two years initially, this would allow for better continuity. The authority considered that there was no reason in principle why there should not be different lengths of tenure amongst independent members, and an independent member could be appointed initially for two years, followed then by two terms of four years up to a maximum period of 10 years. This would create a rolling

programme, and whilst it might be cumbersome to operate it might be to the advantage of the police authority.

6.38 A number of clerks pointed out when council elections coincided with the four year cycle for independent members there can be significant changes in the make-up of the police authority membership. Dorset experienced seven changes out of its seventeen members in 2003, and Greater Manchester Police Authority experienced a similar turnover in numbers. Stephen Murphy, Chairman of Greater Manchester Police Authority, was concerned that with an annual budget of £460 million one half of the membership of the police authority had changed in the last twelve months. Along with five of Greater Manchester's six independent members being appointed in 2003 were two new magistrate members, and three new councillor members. Mrs Penelope Elvin, Chairman of Thames Valley Police Authority, was concerned at the potential for high turnover, and said that this year Thames Valley faced the possibility of six out of nineteen members being replaced by new appointments. Mrs Elvin said there was merit in staggering the appointments process of independent members, and like Mr Davey she favoured one-half being replaced every two years.

6.39 Graham Davey said that the selection of independent members was an opportunity to fully explore what was missing on the authority and for the selection panel to recruit persons with the necessary skills and experience of work or life that were needed. Some consultees therefore thought there might be merit in moving the appointments process to a later date in the year, and after the local government elections. This view was favoured by Ben Simpson, a magistrate member of Thames Valley Police Authority. Mrs Penelope Elvin, however, considered that because the authority's financial year and annual plan begin on the 1st April it would be better for independent members to start at the beginning of a financial year rather than half-way through. But Dr Roger Moore said that not all non-executives in the NHS start at the same time of the year, and he considered that when the financial year began should not be a factor one way or the other. He said that the important point was to avoid the mid-summer period when people were away, and Christmas.

Conclusions

6.40 My conclusions in this chapter are under the following headings:

- the 2002/03 timetable;
- tenure of office and the start-time for the appointments round;
- a maximum of 8 years;
- a rolling programme, or not?;

- the Home Secretary's veto;
- the case for regulations.

The 2002/03 timetable

- 6.41** Many of the difficulties that arose during the recent round, particularly over whether to carry out an initial interview and the turn-around of the Home Secretary's short-list were, in my view, brought about largely by the fact that the process started too late. All parties were rushing to get final appointments completed by 15th March 2003, less than 3 weeks before independent members were to take up office. In my view, it would have been better had the process started 3-4 months earlier, and the Joint Guidance been published in the Spring of 2002 rather than in August 2002. The launch of the APA's national and local campaign in September 2002 was also too late.
- 6.42** I consider that had the process begun, say, in early March 2002, and a less rigid timetable been laid down, the process would have run more smoothly. Advertising and publicising vacancies should have been in the spring, leaving selection panels with sufficient time to sift, conduct preliminary interviews, and submit their long-lists to the Home Office by, say, 31st July 2002. This would have involved much work by the secretariat of the police authority and members of the sifting panel in a short space of time, but I am convinced that it would have been better had all selection panels sifted and conducted preliminary interviews with suitable candidates prior to submitting the long-list. Sallie Blair of Better Times Limited told the Review that interviewing by police authorities at the first stage is time well spent. I agree.
- 6.43** In my view, a turn-around by the Home Office of all 41 long-lists within 4 weeks was an ambitious programme, and was likely to come unstuck particularly with Christmas and New Year intervening during the last round. David Dwyer told the Review that with the benefit of hindsight 6-8 weeks would have been a better time-frame. I appreciate that submitting the long-list by 31st July would involve Home Office officials preparing short-lists of candidates during August and September which might interfere with holiday arrangements for both officials and Ministers. However, I think the process needs to be completed before the start of the party conference season, and before Ministers become immersed in work for the next Parliamentary term. Overriding these matters, in my judgment, it is important to complete the whole process, and for candidates to know where they stand, by mid-December.

- 6.44** It is important for this reason. Had the final selection and appointment of new independent members been completed by mid-December 2002, rather than by 15th March 2003 as envisaged by the timetable in the Joint Guidance, police authorities and the APA would have had 3 months in which to undertake training for new members before taking up appointment on 1st April 2003. A number of independent members pointed to a lack of training by the APA and police authorities, and many said that they would have liked this opportunity prior to taking up office. I recognise that some authorities have put in place visits, advice on the structure of committees, and an induction course for new members. However, as one successful candidate put it, to really contribute members need before taking up office a thorough briefing about the authority's committee structures, the aims/objectives and purpose of meetings, and advice on what has been tried in the past, what has worked or failed, and what is expected of a new member.
- 6.45** I consider that the three month period January - March 2003 would have been an ideal opportunity for the APA and police authorities to have put in place such a programme as well as affording new independent members an opportunity before taking up appointment to see the authority in action during the period when the budget is set and the annual policing plan is discussed. It would have been a better time for mentoring and guidance by current members and the secretariat of the authority before the new appointee becomes engrossed in the work of the authority. It would have been beneficial, moreover, for those police authorities which experienced a large turnover of members during 2003. It would be sensible for magistrate members appointed by the new machinery introduced by the Courts Act to receive induction training before taking up appointments in April 2005.

Tenure of office and the start-date for the appointments round

- 6.46** In my view, a sufficient case has not been made out for changing the present start-date for the appointments round from 1st April for independent members. Nor has a sufficient case been made out for altering the tenure of office from 4 years save with the approval of the Secretary of State.
- 6.47** I recognise that a case can be made for the start-date to be moved to later in the year after the local government elections, and that this could allow selection panels to dovetail the skills and experience of appointees with those of councillor members recently appointed to the police authority. However, it seems to me that whatever start-date is chosen an argument for some other date in the calendar can be made. If the appointment of new members was geared to start in the autumn the selection procedure

timetable would need to be re-jigged so that independent members of the authority were appointed by the early summer to enable training of new members to be undertaken before the holiday season begins. This would require candidates to be interviewed and appointments made at a time when councillor members may be facing re-election to the local authority, and re-appointment to the police authority. On balance I consider it better for independent members to be selected and interviewed in the autumn, and appointed by Christmas to enable them to come to terms with the work of the police authority alongside existing members before taking up appointment on 1st April.

- 6.48** The Commissioner for Public Appointments recommends that public appointments should normally be for between 3-5 years, and I have already concluded that the Commissioner’s Code of Practice should be the foundation for the appointments process of independent members of police authorities. I confess that at one point I favoured a 3 year term largely for the reasons put forward by Jonathan Goolden and Robert Swinfield. A 3 year term has the merit of creating a shorter period of time whilst keeping alive the interests of “near misses”. It may also help those interested in building better community engagement to work their way up the ladder of civil renewal from being volunteers at a local level, or special constables, wardens, or members of a Neighbourhood Watch, progressing to work with community safety partnerships such as the Crime and Disorder Reduction Partnerships, and appointment as independent members of the strategic policing board.
- 6.49** These are powerful arguments, but under the present arrangements whereby councillors are elected to local authorities for 4 years, and the Magistrates Association favours a 4 year appointment for magistrate members of police authorities, it seems to me that independent members should be appointed for a standard period of 4 years as well. However, whatever the tenure of office for which independent members are appointed, the opportunity for community engagement should not be lost. I do not consider that a 4 year tenure of office for independent members should undermine the opportunity for new recruits of ability to be appointed. It should be the responsibility of selection panels and police authorities to encourage suitable candidates in the community to take part in all aspects of the governance of policing in the police area.
- 6.50** The practice of the Home Office has been to discourage appointments for less than 4 years, and on 9th May 2001 the Home Office wrote to Kent Police Authority, with a copy for information to the Association of Police Authorities stating that where occasional vacancies arose, and requests were made to the Home Secretary for appointments to be for a

term of office shorter than 4 years, such requests were generally only agreed to in exceptional circumstances, and Ministers would not normally approve a term of appointment of less than 3 years. I conclude that the present statutory provisions for the appointment of independent members for 4 years should be maintained with the present proviso giving the Secretary of State an opportunity in a particular case to sanction an appointment for a shorter period, which, in my view, should not be less than 3 years.

- 6.51** Mrs Susan Anderson of the CBI told the Review that a 3 year term is more likely to be attractive to persons in their twenties and thirties, and I do not consider that the rules should be fixed rigidly to assume that one size fits all. A provision whereby an independent member is appointed for a term of 4 years with a shorter term with the approval of the Secretary of State allows a measure of flexibility. This proviso is also helpful to fill a casual vacancy to achieve stability for the next appointments round, a subject I deal with below. I do not favour reducing the period of appointment universally to 3 years, or increasing it to 5 years.

A maximum of 8 years

- 6.52** I recognise that the re-appointment of current independent members of police authorities for a second, and particularly a third 4 year term in the recent round raised a number of difficulties. The Association of Police Authorities said that:

“it is not overstating the case to say that there was considerable anger and dismay amongst both selection panels and police authorities when it subsequently emerged that, in practice, it appeared that an additional unstated criteria had generally been applied by Ministers that the only candidates who had already served two terms to be short-listed would be those who were also chairman of their authorities”.

However, it is fair to say that the Joint Guidance, as well as previous Home Office circulars, stressed that the short-listing function was not and could not be a rubber stamp exercise, and that Ministers had their own views on what was the right balance of factors to be taken into account at that stage of the process, and would exercise their own judgment just as other parties involved in the selection process exercised theirs.

- 6.53** I have dealt previously in Chapter 5 with how applications for re-appointment by current members seeking a second 4 year term should be handled. It was naturally only in this recent round that difficulties arose in relation to independent members seeking a third term appointment, and in his letter addressed to the Review dated 11th November 2003 the Rt. Hon. John Denham MP set out his approach to such applications, which was popular in some instances and in other instances was unpopular with police authorities.
- 6.54** In my view, there is a strong case for independent members to hold office continuously on the same police authority for no longer than two terms each of four years' duration. Ravi Chand of Veredus Executive Resourcing said that rotation was a good thing as it brought new ideas and perspectives to an authority, and that police officers in specialist roles routinely rotate subject to agreed tenures. In my view there is also a limit to the possible impact a member can have after say 8-10 years. Graham Davey of the Association of Police Authority Clerks said that if a limitation is to be set on the length of service for independent members, it logically also needs to be applied to the other members of the police authority. He queried how there could be different standards for different types of members, and he recognised that if an appraisal scheme were to be introduced for independent members seeking a second term it followed that an appraisal scheme would need to be introduced for councillor members and magistrate members seeking a second term. Some authorities had tried but failed to implement an appraisal scheme due to members' resistance, and sadly this had often been caused by the resistance of councillor members.
- 6.55** I conclude that independent members should serve no more than two terms. Candidates should know that if appointed for 4 years they have a fair chance of being re-appointed for a second period of 4 years subject to satisfactory performance and appraisal. I consider that an appraisal scheme should be introduced to ensure that independent members seeking re-appointment meet the benchmarking standard, but on the understanding that an existing member does meet this, then in my view he/she should have a reasonable prospect of being re-appointed for a second term (see para 5.60). I recommend that persons applying for appointment as independent members should be told at the outset that the standard maximum period of service on the police authority is 8 years, and no more.
- 6.56** The Commissioner's Code of Practice provides for a 10 year maximum tenure. I have considered whether scope should be made for a final 2 year term of office after an independent member has served two terms

of 4 years, or alternatively adopting the proposal of one police authority that an initial 2 year probationary period should be built into the appointments process before the start of two 4 year terms.

- 6.57** Alistair Howie and Pam Cooke of the Office of the Commissioner for Public Appointments pointed out that an appointee seeking a second term re-appointment after 8 years would need to go through the process of open competition, and third term appointments are not met with great enthusiasm by OCPA. Dr Roger Moore said that appointments of non-executives of NHS Trusts were for 4 years, and after two terms it was possible for non-executives to apply for re-appointment for a further two years, bringing them up to a total of 10 years, but Dr Moore said that many are simply not re-appointed after 8 years service.
- 6.58** I conclude that 8 years should be regarded as the maximum period for independent members to serve, but in exceptional circumstances, and with the agreement of the Secretary of State, the second term of office might be extended up to a further 2 years solely to assist the police authority to maintain a programme of making a small number of appointments at one time. This will avoid all appointments expiring at once, or all appointments expiring at different times during the four-year cycle.
- 6.59** I have given consideration to whether a person appointed as an independent member for 8 years on a police authority should after a period of grace be entitled to seek re-appointment, or alternatively be eligible for appointment as an independent member of another authority. Dr Roger Moore saw nothing wrong in principle with a person having served 8 years on one authority being appointed to a different area. He said that people get stale serving on the same authority after 8 years meeting the same problems and people, and facing the same tasks. However, a different authority would present different issues, and there might be some value in the cross-fertilisation of issues and experience which an independent member from one authority could bring to another authority. Obviously though it would be a matter for the selection panel of the new authority concerned. Accordingly, I conclude that there should be no bar to an independent member having served on one police authority seeking appointment to another police authority, but the circumstances under which a member is likely to be appointed will probably be rare and exceptional.
- 6.60** I also see no objection with an independent member having served 8 years on a police authority seeking re-appointment to the same authority after a gap of 4 years, or for that matter, being appointed as a councillor

member or a magistrate member of the same police authority. It would, however, be inappropriate for an independent member (or any other class of member) to be re-appointed after 8 years on the same authority in a different guise without at least a break of 4 years.

A rolling programme, or not?

- 6.61** A total of 178 independent members were appointed in the recent round out of a total of 210 independent members of police authorities in England and Wales outside London. The recent round affected 41 police authorities, and the Metropolitan Police Authority is due to appoint 7 independent members under a separate timetable in 2004. Arrangements in the City of London are governed by a different statutory provision.
- 6.62** As stated previously, it has been the practice of the Home Office to fill a casual vacancy through resignation, death or disqualification of an independent member by appointment of a new member for a term of 4 years, rather than to fill the unexpired period of the previous appointment. This practice has, in my view, been beneficial, and has resulted in the authority retaining a rolling programme of appointments and a measure of continuity of membership. It will mean, though, that over a period of time the number of appointments required to be filled at each 4 year anniversary of the original statutory provisions will be reduced. Appendix 4 gives details of the expiry dates of independent member appointments. Of the 210 appointments, 32 are “out of sync”. 3 are pending appointments since April 2003, 9 will fall due in 2004, a further 9 in 2005, and a further 11 in 2006. Over a generation fewer and fewer appointments will coincide in time, and one may end up with a police authority having all of its independent members having different dates of appointment. Mrs Penelope Elvin of Thames Valley Police Authority rightly, in my view, said if all members were out of sequence it may not be an efficient way of doing things. Such a situation would be likely to place heavy demands on the secretariat and selection panel members and could distract from the business of the authority, quite apart from the cost of advertising involved for each vacancy.
- 6.63** It seems to me, therefore, that police authorities should be allowed a measure of discretion in order to undertake the exercise of new appointments in an orderly manner. This should be done by combining, where possible, two or perhaps three vacancies at one time, by means, for example, of allowing a vacancy not to be filled for up to six months, or, depending on special circumstances, having a shorter appointment or an extended second term as previously discussed. I do not consider that a rigid system whereby one-half the membership automatically retires every two years is appropriate where the number of independent

members is relatively small, and casual vacancies caused through resignation, death or disqualification could affect such a rolling programme. I recommend that the current regulations providing for advertising should be amended in order to better regulate what is likely to be a recurring trend of casual vacancies, and to ensure that the work of police authorities is brought to the attention of the public. I recommend that police authorities should advertise where vacancies are likely to arise over the next 2 year period.

The Home Secretary's veto

- 6.64** Finally, I turn to the question of what role the Home Secretary should play, and the case for regulations in the selection and appointments process. I consider that the Home Secretary has a legitimate interest in the composition of police authorities and the appointments process. The Home Office's involvement stems from the well-established tripartite arrangement involving the Home Secretary, police authorities, and chief constables in policing matters. However, the participation by Ministers in the detailed consideration of appointments is relatively new, and was introduced by the Police and Magistrates' Courts Act 1994. Hitherto, as John Willis, the experienced Clerk of Greater Manchester Police Authority reminded the Review, the Home Secretary played no part prior to 1994 in the selection and appointment of any member of a police authority; and he still plays no part in the appointments process of councillor and magistrate members. If the Home Secretary is to retain an overseeing role in the appointment of independent members, I consider that the basis upon which Ministers exercise their judgment in the selection process should be clearly made known in advance.
- 6.65** I have considered whether a model similar to that used for the appointment of a Chief Constable, Deputy Chief Constable, or an Assistant Chief Constable would be appropriate in the case of the appointment of independent members of police authorities. The appointment of senior officers is made by the police authority, but subject to the approval of the Secretary of State and to regulations made under the Police Act 1996. A Senior Appointments Panel has been established under the chairmanship of Sir Keith Povey with representatives from the APA, ACPO and the Home Office. Graham Davey of the Association of Police Authority Clerks told me that the police authority advertises the appointment concerned and passes all application forms to the Senior Appointments Panel. The Panel then has the power to remove names from the list. The Home Secretary sees the final list and has a power of veto before the police authority decides who to interview from the list.

6.66 Jeremy Mason of the Home Office Sponsors Advisory Team considered that any power of veto by the Home Secretary should likewise be exercised prior to interview in the case of the appointment of independent members of police authorities. He said one improvement to the present system might be for selection panels after advertising and an initial sift to inform the Home Office of those whom it proposed to interview in order to seek confirmation whether the Home Secretary had any objection to anyone on the list, or was content for the police authority to appoint from amongst the list. Jeremy Mason felt that the intervention by the Home Secretary prior to interview would be better and cause less anxiety than if the Home Secretary chose to exercise a veto after interview by the selection panel. Either way, Mr Mason stressed that any veto must be transparently used and be exercised in accordance with best practice and the OCPA guidelines. Claire Willerton of the Home Office Performance & Strategic Management Unit considered that it would be preferable for any veto by the Home Secretary to be exercised after interview, and after the selection process had been completed at a local level by the police authority in accordance with the Commissioner's Code of Practice.

6.67 Mr Hector McLean CBE, the Home Secretary's member for the Wiltshire Selection Panel, in the course of most helpful written submissions to the Review said that the Home Office should no longer be involved in the selection process. He considered that instead the selection panel should not only undertake the paper sift as at present, but also be involved in every step of the process including the final selection and appointment of independent members by the police authority. It should be part of the Home Secretary's appointee's responsibility to safeguard his interests, and to ensure that legislation and policy considerations were being adhered to. Mr Khalid Aziz LVO, the Home Secretary's appointed member of the Hampshire Selection Panel, visited me at the Home Office and said that, in his view, the selection panel should comprise the chairman of the authority, and two truly independent persons who should interview candidates and recommend the most suitable name or names for final appointment. Mr Aziz said that the Home Secretary's power should be that of a veto. He did not consider it right that the councillor members and magistrate members of the authority should have the final say in the process without there being independent scrutiny. He said that the process should be conducted with independent persons being present throughout, and the Home Office having a power of veto over any name nominated by the selection panel.

6.68 It follows from the earlier discussion in this chapter, and these additional comments, that there is a near universal view that the Home Secretary's

role should be reduced if not completely removed from the selection and appointments process. I consider that the present procedures are unnecessarily cumbersome, and that the involvement of the Home Secretary in the ongoing process as presently laid down by the Police Act 1996 unnecessarily extends the process. I share the views expressed by many that the present system is unsatisfactory, and I conclude that the core element of the appointments process should be carried out locally by an appointments panel of 5 members made up as to 3 from the police authority concerned, the Home Secretary's appointed person, and an independent assessor.

- 6.69** I conclude that the Home Secretary should retain an overseeing role in the appointments process limited to a power of veto over the appointment of candidates who have been sifted and interviewed by the appointments panel. In accordance with OCPA good practice there should be a proper paper trail. The sift and interview record sheets of the chosen candidates should be sent to the Home Office and be available to Ministers after interview together with a report signed by all members of the panel explaining to the Home Office the processes carried out and the reasons for the proposed appointment or appointments. In the event that the Home Secretary is dissatisfied with any name on the proposed list of appointments, then the next name in order of preference should be chosen and reasons given for the Home Secretary's veto being applied, except in the case of a breach of confidentiality, ongoing police or other inquiries, or national security.

The case for regulations

- 6.70** Whilst I recommend that the Home Secretary's role in the selection and appointments process should be limited to appointing a member of the local appointments panel, and that the Home Secretary should have a power of veto, I cannot accept the further suggestion by the Association of Police Authorities that regulations governing the work of selection panels, or the procedure for the appointment of independent members, should be replaced by guidance "*to allow greater flexibility*".
- 6.71** The appointment of independent members of police authorities is, in my view, a most serious task to be undertaken, and if the role of the Home Secretary is largely to be removed from the process, the procedure should be replaced with clear guidelines promulgated by statutory instrument to be placed before Parliament. Schedules 2 and 3 of the Police Act 1996 currently contain much detail that could more easily be covered by regulations. I recommend that any future legislation should contain the aims of the selection process and the setting up of an appointments panel to carry out those aims, and provide for the

Secretary of State to make regulations after consultation with the organisations representing the interests of police authorities as to the composition, functions and procedures to be followed by appointments panels.

6.72 Members of police authorities are responsible for large budgets, and it is in the public interest that there should be clear statutory guidelines to regulate the appointments process. I recommend that regulations should cover the procedures to be adopted including the requirements to advertise and publicise vacancies, the contents of the application form, and the use of model sifting and candidate interview record forms by the appointments panel. In this way a paper trail is available for the police authority and Ministers, and perhaps most importantly of all, to candidates, and each stage of the process is transparent and accountable.

The final appointments stage

- 7.1** The current statutory provisions for the appointment of independent members provide that the final appointments stage shall be made by the councillor and magistrate members of the police authority concerned. Schedule 2 of the Police Act 1996 says that independent members of a police authority shall be appointed “*by the members of the police authority*” appointed as councillor or magistrate members, and from among persons on the short-list prepared by the Secretary of State and sent to the police authority concerned.
- 7.2** The Association of Police Authorities strongly argued for the retention of the final appointment stage by the councillor and magistrate members of the police authority on the basis that the authority should be entitled to retain ownership of the appointments process. In its written submissions to the Review the APA said:
- “The APA is of the view that the current legislative provisions under which the final appointments are the responsibility of the councillor and magistrate members of the authority is satisfactory. We do not consider it appropriate for independent members (not subject to selection) to play a part in the appointments process.”
- 7.3** Dr Ruth Henig, Chairman of the Association of Police Authorities, said that police authority members should definitely be involved in the final interview because there needs to be local ownership of appointments. The final interview was a two-way process whereby candidates could see

if they wished to spend 4 years working with the councillor and magistrate members, and vice versa.

7.4 Alistair Howie of the Office of the Commissioner for Public Appointments expressed concern to the Review that there was no element of independent scrutiny in this stage of the process. He said:

“My concern about a lack of independent scrutiny during the process is strengthened when I see that the final selection of Independent Members is made from the short-list by the councillor and magistrate police authority members. This choice is made either by them all, or by a small committee of members whose decision is then endorsed by all the councillor and magistrate members. Such an “internal” selection process could give a perception of cronyism or could lead to later difficulties if the Independent Members felt beholden to the other membership for their appointment. It might also lead to the selection of “clones” of the existing members or the selection of members who hold similar views on key issues rather than encouraging a spread and variety of views. Whilst I am entirely confident that the probity of the magistrate and local councillor members is in no doubt, this might not always be the public perception of such a process where there is no independent scrutiny of this crucial final selection stage. The public need to be reassured and confident that the process is entirely open and transparent, with equal opportunity being available for all applicants. The presence of an Independent Assessor at all stages of the process, or some other means of independent overview would be beneficial to the credibility and fairness of the process.”

7.5 A not dissimilar view was expressed by the Rt. Hon. John Denham MP in his letter dated 11th November 2003 which I have already set out at paragraph 6.22 in Chapter 6. Mr Denham considered that the police authority’s role in filtering and vetting candidates for independent members should be ended, and it was this procedure that gave police authorities the idea that independent appointments were effectively within their gift.

7.6 It may be pertinent at this stage to see what happened in the last round. Fionnuala Gill of the Association of Police Authorities said that in the recent round many police authorities handled the final appointments stage differently, and there was no uniform pattern. Some final panels were made up of all councillor and magistrate members of the police authority, whereas other authorities used a sub-committee whose

recommendations were then ratified by the full police authority.

Ms Gill said it was the responsibility of the APA to recommend effective procedures, but the process should not be prescribed by the APA. There was a need for minimum standards/guidance, but ultimately the APA considered that the process should be decided locally by each police authority consistent with the provisions in the Police Act 1996.

- 7.7** The APA said that 24 police authorities used a small, mixed panel of councillors and magistrates to interview short-listed candidates and make the final appointments. This panel then made recommendations to all councillor and magistrate members of the police authority. However, in 13 police areas, all councillor and magistrate members carried out the interviews. This meant that the interview committee comprised 12 councillor and magistrate members of the police authority. In the remaining 4 cases, the police authority chose to split the final appointments stage into two groups of 6 councillor and magistrate members. Each candidate was interviewed by both groups.
- 7.8** These procedures involving large interviewing panels, or two groups interviewing each candidate, were not wholly welcomed by the candidates. One woman candidate told me she felt intimidated by being interviewed by an all male 11-man panel. Another said he found the final interview stage by two groups traumatic, and another candidate expressed a similar view. He said “it was a bit over the top” to be interviewed twice on the same day, and that one of the other candidates he met before they swapped over was a bundle of nerves at having to go through another interview. Later he discovered that the other candidate was an existing member of the police authority who was re-appointed!
- 7.9** Even in those cases where all existing councillor and magistrate members took part in the interview it was a lottery who turned up on the day. Not all councillor and magistrate members attended although invited to do so. For example, in the case mentioned above, the 12th member of the authority apparently was not available to attend.
- 7.10** Concerns were expressed to the Review by many of the Home Secretary’s representatives at the lack of any role by them in the final selection stage. Some were not even informed of the outcome. Joe Rayner, the Home Secretary’s member of the Cleveland Selection Panel, and Mrs Susan Carmichael, the Home Secretary’s member of the Merseyside Selection Panel, both expressed surprise at not being involved in the complete process, which Mrs Carmichael pointed out was not in line with the practice she had experienced with panels on which she had served elsewhere where the selection panel remained

consistent throughout. Similarly, Christopher Crook, the Home Secretary's member of the Sussex Selection Panel, thought that it would have been helpful if he or the third member of the panel had been involved in the final interviewing stage.

- 7.11** The APA told the Review that in 25 police areas, the councillor and magistrate members of the police authority during the final appointment stage had no engagement at all with any members of the earlier selection panel which had drawn up the long-list because *"this was not considered to be appropriate"*. The APA said that there was a widely shared view that councillor and magistrate members in making the final appointments *"should remain independent and not be influenced by the selection panels"*. However, in 15 cases, the designated member of the police authority who sat on the selection panel also took part in the final selection process. This was said to provide *"some link and continuity"*. In only one authority was there any significant engagement between the members of the original selection panel and the councillor/magistrate members of the final appointments panel, and this was achieved through a rigorous examination and challenge of the recommendations on the short-list.
- 7.12** Hector McLean CBE, the Home Secretary's member of the Wiltshire Selection Panel, told the Review that he considered the selection panel should be involved in every step of the appointments process including the final selection by the police authority. There should, he said, be *"independent involvement at every stage"*. The findings from the APA's survey also show that some councillor/magistrate members appreciate the need for there to be external involvement in the final appointments stage as in the earlier long-listing process, and that there is a possibility of political bias when final interviews are undertaken by only councillor and magistrate members of the authority. John Willis, Clerk to Greater Manchester Police Authority, considered that if the Home Secretary gave up his involvement in the short-list stage there might be an argument for the Home Secretary's nominee to sit on the final interview panel.
- 7.13** From this brief review of the final appointments stage I conclude that this part of the process was not handled satisfactorily in the recent round. Firstly, it lacked any form of independent scrutiny. Secondly, it must have been intimidating for many people to be interviewed by a panel of up to 12 councillor and magistrate members, and equally upsetting for many candidates to undergo two final interviews before separate panels. I do not accept the APA's case that the final appointment of independent members must remain the sole responsibility of the councillor and magistrate members of the police authority.

- 7.14** It follows from the conclusions I have reached, and the recommendations I have made in Chapters 5 and 6 that, in my view, the selection and appointments process of independent members of police authorities should be handled throughout by a new appointments panel for each police authority responsible for ensuring that the appointment of independent members reflects the wide range of people within the community of the police area. The procedure should throughout be conducted in the spirit of the Commissioner's Code of Practice and the Cabinet Office Best Practice Guide for making public appointments. Appointments should be made on merit and ability judged against a competency-based framework of criteria to compliment the existing range of skills, knowledge and experience of the councillor and magistrate members of the police authority. Each police authority should have an appointments panel of five members, three of whom shall be appointed from among the existing councillor, magistrate and independent members of the police authority, one of whom should be appointed by and represent the interests of the Home Secretary, and one of whom should be an independent assessor trained and approved by the Office of the Commissioner for Public Appointments. The Secretary of State should retain a power of veto after selection and interview by the panel members and prior to appointment of any individual as an independent member of the police authority.
- 7.15** If appointments proceed along these lines it will result in a speedier process whereby the selection and appointment of independent members is handled at one stage locally by the police authority with independent scrutiny. Dr Roger Moore of the NHS Appointments Commission considered that two interviews were in any event probably too much. A second interview following one by the selection panel might prevent some candidates applying for appointment as independent members of police authorities. Alistair Howie and Pam Cooke with their long experience of public appointments said that a two interview process can be daunting. It is difficult, they said, to get people to put their names forward in the first instance, and the whole approach of the police authority should be to make the process as easy as possible for people to apply. I consider that many could be put off by the prospect of two interviews, firstly by the selection panel in its present format, and then by all councillor and magistrate members of the authority. Such difficulties will, however, be avoided by the introduction of a new appointments panel on the lines I have recommended.

Dealing with unsuccessful candidates

Introduction

8.1 In this chapter I consider the handling of candidates who are unsuccessful in the selection process. I review the degree to which there was adequate feedback to candidates during the recent round of appointments, whether successful or otherwise, and whether there is scope for improvement in the future. I also consider what form of redress should be available to candidates who are dissatisfied with the process.

8.2 The topics covered in this chapter are:

- communicating with candidates;
- the form any complaints procedure should take.

Communicating with candidates

8.3 The Joint Guidance issued by the Association of Police Authorities and the Home Office omitted to provide any advice of best practice concerning the treatment of unsuccessful candidates. This omission was compounded by the number of separate stages in the selection process where different panels and individuals made decisions concerning candidates that were not necessarily communicated effectively to each other, let alone to the candidates themselves. The main result of this lack of communication may often lead to the discouragement of the very people police authorities and government are trying so hard to encourage to volunteer for public service. Many police authorities failed to provide any feedback to candidates unless they requested it. Not

untypical was the response of Lancashire Police Authority who told the Review:

“The authority did not pro-actively seek to give feedback to unsuccessful candidates at this stage. However, had any of the candidates asked for feedback, it would have gladly been provided.”

- 8.4** One unsuccessful candidate informed me she was told that the reasons for her lack of success in the recent round “could not be divulged”. Such experience is hardly unique and was echoed by a number of unsuccessful candidates I interviewed. Having taken the initiative to put themselves forward for a relatively stringent selection process, this lack of information on their performance inevitably leads to self-doubt and has the potential for candidates to be far harsher on themselves than their performance actually warranted.
- 8.5** Many candidates complained of the long wait to know if they were on the long-list, and then on the short-list. Although there was correspondence in many instances from the police authority to say when a decision would be announced, they often wondered if anything was going on “behind the scenes” as one described it. Another said that whilst the secretariat of the police authority were very friendly, pleasant and helpful, the rejection letter offered no feedback or suggestion of other areas of public service. Another said it would have been useful if the rejection letter had contained a reference to other options such as voluntary work in the public sector. The findings of the APA’s survey show that such comments as the APA received from unsuccessful candidates included the need for a better response from police authorities, and that more feedback would have been appreciated by unsuccessful candidates.
- 8.6** These comments, however, need to be viewed against the efforts made by some police authorities following the last round. North Yorkshire Police Authority, for example, has recently approached all unsuccessful candidates with a view to their engaging with the authority as part of its focus group activity, and Carol Hogg told me that the authority’s budget committee has had a preliminary meeting to approve expenditure for this. Surrey Police Authority has encouraged candidates to engage in its extensive network of local groups, such as the Neighbourhood Watch and Custody Visiting Schemes.
- 8.7** Mr John Willis, Clerk of Greater Manchester Police Authority, commented on the changing expectations of the public towards the selection process since 1996, stating that there was now a much greater awareness

of what applicants were entitled to in terms of clarity of process and feedback. It goes without saying, therefore, that feedback, or lack of it, can prove crucial to a candidate's confidence and have an impact on the willingness of candidates to re-apply in a future round, or to apply for other areas of public service. Whilst the APA was critical of "the quality and paucity" of feedback provided by the Home Office to police authorities in areas where changes had been made to recommendations on the long-list, it is equally clear to me that few police authorities had formulated any policy to address the need for feedback to candidates at the first or third stages of the process.

- 8.8** I consider there was a failure on the part of the Association of Police Authorities to pay regard to the handling of unsuccessful candidates in the recent round. The briefing day arranged by the APA on 5th September 2002 made no mention of this topic, nor did the APA's information brochure tell candidates how they could obtain feedback from the selection process. Additionally, I find that the Home Office failed to provide any mechanism whereby clerks were able to pass on any constructive feedback to candidates from the short-listing stage. Mr Robert Swinfield, Clerk of Leicestershire Police Authority, referred to a "mysterious letter" received from the Home Office, which provided the list of candidates to be interviewed, but gave no reasoning behind the Minister's choices.
- 8.9** Mr Sidney McFarlane MBE, a candidate for Lincolnshire Police Authority, highlighted that a lack of constructive feedback could be particularly detrimental to encouraging applicants from the black and minority ethnic communities. As a leading member of the black and minority ethnic community in Lincolnshire, Mr McFarlane noted that other people may be discouraged from applying in the future having seen his candidacy fail for no obvious reason. Whilst he acknowledged that there may have been a perfectly fair reason why others were selected above him, the lack of explanation merely confirmed the impression that police authority membership was a "closed shop". As police authorities will hopefully become more successful in recruiting from a wider cross-section of the community, it is crucial to ensure that this is not reflected merely by a greater number of discouraged candidates.
- 8.10** The Cabinet Office "*Best Practice Guide for Making Public Appointments*" (July 2001) says that applying for a public appointment can be a stressful exercise. Amongst the advice it gives to those involved in making public appointments are these points:

- Being courteous to those who have put themselves forward for public appointments is not only desirable in itself: it also benefits the public body concerned.
- Good practice requires public bodies to keep in touch with candidates throughout the process, and keep them in the picture on timing.
- An outline timetable should be sent with the application form and information pack showing how and when candidates can expect to be contacted. If an unavoidable delay occurs, a letter should be sent to explain the delay and to reassure candidates of their positions.
- Ask for feedback from both successful and unsuccessful applicants in order to use this information to plan future appointment processes.
- Unsuccessful applicants should be informed as soon as you are clear that they will not be appointed.
- You should expect to send letters at least twice during the course of the process – once when the short-list for interview has been agreed, and once following the interviews.

8.11 Additionally, I consider that candidates who are invited for interview should be informed of the name and position of the members of the appointments panel. Firstly, they should know in advance how big the interviewing committee will be. Secondly, it affords an opportunity for any candidate who may know a member of the interviewing committee to say so beforehand.

8.12 The Office of the Commissioner for Public Appointments recommends that the summary assessment form for each candidate giving reasons for acceptance/rejection should be retained both for audit purposes, and to deal with any complaint and to provide feedback to the individual candidate involved. The Cabinet Office and NHS Appointments Commission model forms at Appendices 7 and 8 include sifting/short-listing and interview forms which may easily be adapted for use by police authorities. Whilst the process must be open and transparent and police authorities should handle all papers including personal details carefully and securely, they should bear in mind that an individual may ask to see the records held on them (and has the right to do so).

8.13 A professional but personal touch to an unsuccessful candidate is never amiss, and where the number of candidates allows, they should be contacted by telephone. Such personal contact in the words of the Cabinet Office guidance *“can make the difference between a candidate who is “lost” forever and one who will be encouraged to try for another appointment.”*

- 8.14** I conclude that the APA needs to give guidance to police authorities on providing feedback, and that procedures should be put in place to ensure feedback is available in a fair and balanced way to all candidates seeking appointment as independent members of police authorities. I recommend that feedback from each stage of the selection process should be conducted personally by the Clerk or his deputy so that candidates have a central point of contact, and feel that their application was treated seriously.
- 8.15** The NHS Appointments Commission states that where possible, any letter of rejection should provide one or two items of positive feedback as well as identifying the areas in which the candidate was not highly rated or not as highly rated as other candidates. In some cases, it may be difficult to identify areas of particular weakness, in which case the competitive nature of the process should be highlighted, the candidate should be encouraged to apply again, and it should be suggested that the candidate be included on the mailing list to receive details of future vacancies in his/her area.
- 8.16** It must be acknowledged that some candidates will not have the requisite ability to take on the role of independent member, but may be ideal for other posts. Equally, as the number of applicants increases there will be more perfectly able candidates than there are vacancies. I therefore recommend, as suggested by the Cabinet Office, that the rejection letter sent to candidates includes a paragraph asking their permission to keep their details on file for other vacancies. The suggested wording is as follows:
- “With your permission, we would very much like to retain your name and details on our database as available for similar appointments in the future and would be grateful if you could confirm that you are content for this to happen.”
- 8.17** The rejection letter should also be used as an opportunity to make candidates aware of other public service opportunities outside of the police authority. I recommend that all candidates be referred to the Cabinet Office’s public appointments website on the following address: www.publicappts-vacs.gov.uk. This site pulls together vacancies available across the whole of the UK and allows candidates to search by area of interest, government department and location.

The form any complaints procedure should take

- 8.18** The NHS Appointments Commission defines a complaint as an expression of grievance, concern, displeasure or resentment. Any

correspondence that appears to be of this nature should be logged as a complaint. If there is any doubt as to whether a piece of correspondence is a complaint, then for the sake of caution, the item should be logged. A complaint of this nature should be contrasted with a request by an unsuccessful candidate for information, or a request for feedback. The NHS Appointments Commission aims to provide full written responses to all complaints within a maximum period of twenty working days from the date of receipt. If the time scale is not possible then a letter is sent explaining the situation and giving a realistic time scale for a full response.

- 8.19** I recommend that the Clerk of the police authority should have the central responsibility for co-ordinating any complaints and responses, and maintaining a central register of complaints or central file to ensure that complaints are dealt with in a proper time scale. Should the complaint concern the Clerk then the responsibility for ensuring that it is dealt with in a proper and timely basis should be that of the Chair of the police authority.
- 8.20** All complaints should be acknowledged on receipt. The Cabinet Office *“Best Practice Guide for Making Public Appointments”* provides that one must always keep the complainant informed of progress. Staff should make file notes regarding any conversation that appears to be contentious or in the nature of a complaint, and if a serious allegation or complaint is made over the telephone the caller should be encouraged to put his or her concern in writing to the police authority.
- 8.21** I have considered the merits of introducing an appeals process. Dr Peter Yorke, a candidate for North Wales Police Authority, said that there should be an appeals procedure at the end of the process and before the appointment of independent members of the police authority are confirmed. Dr Yorke considered that there might be a national appeals panel with an independent chairman to ensure that national standards were followed in the selection and appointment of independent members of police authorities. In my view, an appeals body would be unwieldy and increase both the bureaucracy and time-scale of the appointments process. I also consider that many of the concerns expressed concerning the present lack of transparency in the selection and appointments process will be addressed by the introduction of a new appointments panel with independent scrutiny, a proper paper trail throughout the process, and a complaints procedure as I have recommended.

- 8.22** I recommend that if a complainant is not satisfied with the response he/she receives locally from the police authority concerned, there should be an opportunity to refer the complaint to the Home Office requesting that the matter be further investigated. If, as recommended by this Review, the Home Secretary is no longer directly involved in the detailed stages of the appointments process, but has been sent copies of the sifting and interview summaries for each candidate and a report on the process, he will then be in a position to investigate any particular complaints as they arise. In the first instance, I consider that a complaint should be directed to the Director of Policing Policy, or the Permanent Secretary.
- 8.23** The Commissioner for Public Appointments routinely instructs outside auditors on her behalf to carry out visits to evaluate whether Ministerial appointments to public bodies have been made in accordance with the Commissioner's Code of Practice. PricewaterhouseCoopers LLP act as OCPA's independent auditors. Visits undertaken by auditors involve reviewing any departmental guidance covering appointments to the public body, and testing a sample of appointments processes undertaken during the year for compliance with the Code of Practice. Compliance testing may involve a detailed examination of files supporting the appointments processes and discussions with those responsible for undertaking them.
- 8.24** As indicated previously in this Review the Commissioner's remit does not extend to appointments of independent members to police authorities as these are not Ministerial appointments. Nevertheless, I have recommended that the OCPA Code of Practice should be the foundation upon which appointments are made in the future. Consistent with that, therefore, I recommend that should the Director of Policing Policy or the Permanent Secretary consider it appropriate in any instance, an independent auditor should be appointed to investigate a complaint.

Summary of conclusions and recommendations

Legislative provisions

- 1.** The legislative intentions contained in Schedule 3, paragraph 10 to the Police Act 1996 have not been achieved in practice. The overwhelming majority of independent members have a background in local government, education and the public sector, or in management, business, commerce and the professions. A significant number are retired. This skills mix does not reflect the diversity of skills, knowledge or experience of persons within the community and is not sufficiently reflective of a wide cross-section of people in the community (para 4.66).
- 2.** The current legislation for the selection and appointment of independent members involving a long-list by the selection panel, a short-list by the Secretary of State, and a final appointments stage by the police authority is unnecessarily cumbersome, and time consuming (para 6.68).
- 3.** I recommend that the selection and appointments process should be streamlined and carried out locally by a single appointments panel, with independent scrutiny and with the Secretary of State having a power of veto over the final appointment of independent members (paras 5.21 and 6.69).
- 4.** The present appointments process lamentably fails to comply with the Commissioner for Public Appointments' Code of Practice, or the Cabinet Office Best Practice Guide on Making Public Appointments. The current appointments regime stems from provisions contained in the Police and Magistrates' Courts Act 1994, which was passed prior to the Office of the

Commissioner for Public Appointments being created by Order in Council on 23rd November 1995 (para. 5.17).

5. Whilst the appointment of independent members to police authorities are not Ministerial appointments, and therefore do not fall within the Commissioner's role to regulate and monitor, I recommend nevertheless that the guidance issued by OCPA and the Cabinet Office should be the foundation of the appointments process (paras 5.20 - 5.26).

Engaging the local community in the membership of police authorities

6. Police authorities need to recognise their responsibilities to ensure that their membership is, so far as is reasonably practicable, reflective of the diversity and interests of a wide range of people within the community in the police area whilst ensuring that appointment is on merit and ability (para 4.16).
7. Whilst many able people have been appointed, there is a need to appoint persons with ability from a wider spectrum in society so as to achieve greater community participation in the governance of the police authority whilst maintaining the principle of appointment on merit and ability. The recent round attracted only a small number of applicants in their twenties and thirties, and in some areas there was a shortage of female candidates (paras 4.65 - 4.66).
8. Police authorities should ensure that all suitably competent persons are afforded the opportunity to take part in the governance of the police authority, whether through schemes such as Neighbourhood Watch or the Special Constabulary, or as independent members of the police authority (paras 6.48 and 8.6).

The culture of police authorities, and the way police authorities are structured

9. Whilst some police authorities have adopted a more modern approach of late, progress is slow and many police authorities are steeped in a local authority culture which continues to dominate the business and outlook of the police authority (paras 3.33 and 3.62).
10. At present much work of police authorities is done by independent members because (1) the secretariat of police authorities is small and often part-time, and (2) councillor and magistrate members frequently have substantial other commitments (para 3.63).

11. The time commitment required of members is, in my view, a major barrier to appointments and discourages younger persons or those with business or family commitments being appointed as independent members of police authorities. In evidence submitted to the Review by the Association of Police Authorities successful candidates said that the time commitment of independent members was “*at least 15 hours per week*” (paras 3.45 and 3.63).
12. Time and again I was told that this was a major factor standing in the way of increasing diversity in the membership of police authorities. I recommend that a working party chaired by the Home Office and the Association of Police Authorities should urgently look at ways to reduce the time commitment of members of police authorities (para 3.63).
13. I recommend that the title *Clerk to the Police Authority* should be replaced with a more modern business title such as *Chief Executive*, or *Executive Director*, and that section 16 of the Police Act 1996 which requires police authorities to appoint “a Clerk” is a barrier to modernisation (para 3.64).
14. I recommend that the Clerk should be employed full-time by the police authority, and no longer hold part-time employment combined with local government employment. Additionally, I recommend that Clerks and support staff of police authorities should no longer be employed under a service level agreement with a local authority, and that arrangements should be made to phase out existing agreements (para 3.64).
15. I recommend that the present arrangements whereby some police authorities rent space in local authority buildings should cease. I see no objection to police authorities sharing premises with the force provided that they have a dedicated suite of offices recognised exclusively for the business of the police authority (para 3.65).

The role of selection and appointments panels

16. I recommend that a new appointments panel for each police area should select and appoint independent members of the police authority. The appointments panel should consist of 5 members, rather than the present 3 members of the selection panel. Three should be drawn from the police authority, and two should be independent, of which one should be appointed by the Home Secretary, and one should be an independent assessor approved by OCPA or the Home Office (paras 5.21 and 5.23).

- 17.** I recommend that the appointments panel should be made up of three members from the police authority, comprising a councillor member, a magistrate member, and an existing independent member in his second term of office who is not seeking re-appointment to the police authority. The chairman of the police authority should not chair the appointments panel but there are benefits in the chairman being a member of the appointments panel (paras 5.8 and 5.27).
- 18.** The Home Secretary's representative should play a greater role in the process, and be appointed to hold office as a member of the appointments panel for a term of 5 years, rather than the present 2 years, with a maximum of 10 years (para 5.22).
- 19.** The Association of Police Authorities should arrange training for persons who are likely to sit on appointments panels (paras 5.28 - 5.29).
- 20.** The Joint Guidance issued by the Association of Police Authorities and the Home Office to assist selection and appointments panels is an essential reference guide, and I recommend it be reviewed and updated every two years so that it remains up-to-date with best practice and guidance for the selection and appointment of independent members (para 4.20).
- 21.** There needs to be a fundamental shift in the selection and appointments procedure of independent members, and in future police authorities should measure merit against a competency-based selection framework in order to attract greater diversity, and to ensure that all those in the community with the necessary abilities, experience and qualities may be considered for appointment (paras 4.70 and 5.33).
- 22.** I recommend that model sifting and interview assessment forms should be agreed by the Home Office and the Association of Police Authorities for use by all appointments panels. The documents should identify and set out in a clear and easily understandable way the qualities required for appointment. Each member of the panel should sign the form as well as the independent assessor so that the forms are available to the Home Office before appointment, and to the unsuccessful candidate as feedback (paras 5.44 and 8.12).
- 23.** The appointments panel should also complete a separate form explaining how it went about its task, and what considerations were given, for example, to the geographical location of candidates, age, diversity factors, skills, etc. (para 5.44).

24. Candidates seeking a second period of appointment should be assessed on a different basis to candidates applying for a first term. I consider that it is unrealistic to expect existing independent members to go through the same procedure, and be asked the same questions as candidates applying for a first appointment. I recommend the use of a standard re-appointment assessment form, and that the Cabinet Office Best Practice Guide for Making Public Appointments and the Commissioner for Public Appointments' Code of Practice on applications for a first re-appointment should be followed (paras 5.60 and 5.61).

Advertising and publicising vacancies

25. Advertising was patchy in the recent round. Some police authorities limited themselves to the bare minimum requirement to advertise in two, or in some instances three, newspapers circulating in the community, whereas other authorities embarked on a more extensive programme of publicity and newspaper advertising (para 4.23).
26. The current requirements to advertise in the structured manner prescribed by the Police Authorities (Selection Panels) Regulations 1994 should be removed, thereby allowing police authorities to advertise for independent members in a more user-friendly way. Advertisements should state clearly the essential criteria for appointment in order to avoid raising people's expectations, and leading to subsequent disappointment if candidates are not selected (para 4.30).
27. Greater attention needs to be paid to publicising vacancies in additional ways to newspaper advertising. Greater use should be made, for example, of articles and letters to newspapers, meetings with the local business community, local radio chat shows, phone-ins, local television, police and court open days, and information should be made available in jury waiting rooms. Supermarket notice boards have also been suggested as a possible way in which to attract candidates (para 4.32).
28. Advertising should essentially be done locally for the appointment of independent members, but Ministers can play a part by giving greater public attention to the work of police authorities, and the work done by independent members of police authorities (para 4.40).

The application form and information pack

29. The information pack sent to applicants can be improved. The APA brochure used in the recent round, though seemingly attractive, sought more to sell the job, rather than to explain the job. It contained photographs of actors rather than members of police authorities, and had no quotes from independent members. It did not properly identify

the critical as distinct from desirable skills required, and the time commitment was inaccurately stated as 7 to 10 hours a week (para 4.42).

30. The model application form used in the recent round needs a radical re-think. The application form needs to concentrate on the core competencies for appointment so that there is a seamless stream throughout the selection process. Candidates should provide a short self-assessment of their skills against the listed criteria. The emphasis should be towards a competency-based appointments process rather than an appointments process based on past experience (para 4.50).
31. The application form should be standard throughout the country (and additionally in Welsh for police authorities in Wales) (para 4.50).
32. The application form is confidential, and under no circumstances should it be released to other candidates or made available to the public (para 4.54).
33. The application form should contain a declaration of interests, and each candidate should complete a political activity questionnaire in the form approved by the Office of the Commissioner for Public Appointments (paras 4.53 and 4.54).
34. A brightly coloured stamped addressed (or pre-paid) postcard inviting comments and feedback should be included with the application pack to enable persons to say why they are not proceeding with the application (para 4.31).
35. I do not see any reason to change the present disqualification provisions relating to criminal convictions, or the requirement for candidates to disclose previous convictions. Police checks on candidates should be carried out prior to a decision to interview, and not after the candidate has been interviewed (para 4.59).

The work of police authority members

36. Before turning to the next stage in the selection and appointments process, it is convenient to reflect on the present workload of councillor, magistrate and independent members of police authorities. As previously stated, I conclude that the time commitment of members is a major barrier to recruiting candidates.
37. The present arrangements in many authorities whereby members regularly receive by post three or four large packets of documents a week, and easily 1,000 pages of paper a month, should be discouraged. Greater attention should be paid to the use of putting publicly available

documents on the police authority website, supplying members with a disc containing agenda papers, and making greater use of modern electronic communication methods (para 3.51).

38. Police authorities should make available to members a free supply of paper for copying and printing, cartridges and the like, or meet the cost of such items, but not other office equipment expenses (para 3.53).
39. I consider that committees need to be smaller. Six to eight persons is the optimum maximum as opposed to ten or more as now often occurs. Police authorities also need to overcome getting bogged down in the committee structure rather than focusing on problems (para 3.66).
40. The learning curve for independent members should be no more than 12 months. I conclude that an independent member should be able to play an effective part after 6-9 months, and be on top of the job within 12 months, 18 months at the very outside, by which time he or she should be available for appointment as chair of a committee (para 3.66).
41. I recommend that all members of police authorities should each year work out with the Clerk or Chief Executive a Work Plan similar to that introduced by Kent Police Authority identifying the committees the member is to sit on, and the subject and geographical area for which the member is to be responsible (para 3.67).
42. I recommend that better training and mentoring needs to be given to new members (paras 3.61 and 6.44).
43. Police authorities should be encouraged to hold meetings in the late afternoon (starting at 4.30 pm) or early evening (starting at 6 pm). This will enable employees and those with other commitments to do at least most of a day's work (para 3.68).
44. More should be done to actively publicise the availability of carers'/dependants' allowances to encourage carers and mothers with young children to put themselves forward to serve on police authorities (para 3.68).

The Home Office process

45. The Home Secretary has a legitimate interest in the composition of police authorities and the appointments process. The Home Office's involvement stems from the well established tripartite arrangement involving the Home Secretary, police authorities, and chief constables in policing matters (para 6.64).

- 46.** However, the participation by Ministers in the detailed consideration of the appointments process of independent members of police authorities is relatively new, and was introduced by the Police and Magistrates' Courts Act 1994. Hitherto, the Home Secretary played no part in the selection and appointment of members of police authorities; and he still plays no part in the appointments process of councillor and magistrate members. If the Home Secretary is to retain an overseeing role in the appointment of independent members the basis upon which Ministers exercise their judgements in the selection process should clearly be made known (para 6.64).
- 47.** Difficulties that arose during the recent round were brought about largely by the fact that the process started too late, and the involvement of the Home Secretary lengthened the ongoing process. It would have been better had the Joint Guidance issued by the Association of Police Authorities and the Home Office been published in the Spring of 2002, rather than in August 2002 (para 6.41).
- 48.** It would have been better had the process been brought forward so that final interviews had been completed by mid-December 2002. Independent members appointed in December would then have had an opportunity to receive initial training and familiarise themselves with the work of the police authority before taking up their appointments on 1st April 2003 (para 6.44).
- 49.** I conclude that the present statutory provisions whereby independent members hold office for 4 years should be maintained with the existing proviso for a shorter period (not less than 3 years) in special circumstances with the approval of the Secretary of State. I do not recommend reducing the period of appointment generally to 3 years, or increasing it to 5 years (paras 6.46 - 6.51).
- 50.** I do not favour independent members holding appointments for more than two consecutive 4 yearly terms of office. A candidate should know that if appointed for 4 years he/she has a fair chance of being re-appointed for a second period of 4 years, subject to satisfactory performance and appraisal. I recommend that candidates applying for appointment as independent members should be told at the outset that the standard maximum period of service on the police authority is 8 years, and no more (para 6.55).
- 51.** In the event of a casual vacancy occurring, police authorities should be allowed a measure of discretion in order to undertake the exercise of a new appointment in an orderly manner combining where possible two,

or perhaps three, vacancies at one time (para 6.63). Solely to achieve continuity this may necessitate extending a second term of office of an independent member up to a further 2 years with the agreement of the Secretary of State (para 6.58).

52. Police authorities should advertise where vacancies are likely to arise over the next two years (para 6.63).
53. It would be inappropriate for an independent member (or any other class of member) to be re-appointed after 8 years to the same police authority in a different guise without a break of at least 4 years. There should be no bar to an independent member having served on one police authority seeking appointment to another authority, but such an appointment is likely to be rare and exceptional (para 6.60).
54. It was forcefully pressed upon me that the Home Secretary's role in the appointments process is unnecessary, particularly if the selection panel contains a person appointed by the Home Secretary and an independent assessor. I conclude that there is considerable force in these submissions, and recommend that the Home Secretary should allow the core decision for the appointment of independent members to be made locally by the police authority (para 6.68).
55. I conclude that the Home Secretary should have an overseeing role in the appointments process limited to a power of veto over the appointment of candidates sifted and interviewed by the appointments panel of the police authority (paras 5.26 and 6.69).
56. I recommend that any future legislation should contain the aims of the selection process and the setting up of an appointments panel to carry out those aims, and provide for the Secretary of State to make regulations after consultation with the organisations representing the interests of police authorities as to the composition, functions and procedures to be followed by appointments panels. Regulations should cover all aspects of the process including the requirements to advertise and publicise vacancies, the contents of the application form and the use of nationally agreed model sifting and candidate interview record forms by the appointments panel. In this way a paper trail is available for the police authority and Ministers, and most importantly of all, to candidates, and each stage of the process is transparent and accountable (paras 6.71 and 6.72).

The final appointments stage

- 57.** The final appointments stage in the recent round was not handled satisfactorily. Firstly, it lacked any form of independent scrutiny as the panels were made up exclusively of existing councillor and magistrate members of the police authority. Secondly, in those cases where all councillor and magistrate members were invited to attend it must have been intimidating for candidates to be interviewed by a panel of up to 12 members of the police authority. It was also equally upsetting for many candidates to undergo two final interviews before separate panels (para 7.13).
- 58.** It follows from the conclusions I have reached, and the recommendations I have made, that the selection and appointments process of independent members should be streamlined and carried out locally by a single appointments panel with independent scrutiny, but with the Secretary of State having a power of veto over the final appointment of independent members (para 7.14).

Dealing with unsuccessful candidates

- 59.** It is unfortunate that neither the Association of Police Authorities nor the Home Office issued guidance to police authorities to address the need for feedback to unsuccessful candidates during the recent round (para 8.8).
- 60.** Procedures need to be put in place to ensure feedback is available in a fair and balanced way to all candidates seeking appointment as independent members of police authorities (para 8.14).
- 61.** Members of appointments panels should bear in mind that candidates may ask to see the records held on them (and have a right to do so). Unsuccessful candidates should be informed that they can telephone or meet with the Clerk to the police authority to discuss why they were not successful. Candidates should be asked whether they wish to put their name forward for other public appointments, and be made aware of such opportunities (paras 8.12 - 8.16).
- 62.** A complaints procedure should be adopted by police authorities to deal with any grievance, concern, displeasure or resentment from the process (paras 8.19 - 8.20).
- 63.** If a complainant is not satisfied with the handling of his or her complaint locally by the police authority the complainant should have an opportunity to ask the Home Office to investigate the complaint further.

If appropriate the Home Office should instruct outside auditors to carry out any investigation (paras 8.22 - 8.24).

KENNETH HAMER

Henderson Chambers
2 Harcourt Buildings
Temple
London EC4Y 9DB
19th December 2003

List of consultees

Abdul, Shabir	Candidate, Greater Manchester Police Authority
Ahsunollah, Faroque	Candidate, Kent Police Authority
Alcock, Clive	Clerk, Cumbria Police Authority
Allison, Samantha	Councillor, Norwich City Council
Allwood, Pauline	Home Secretary's Representative, Warwickshire Police Authority Selection Panel
Anderson, Susan	Confederation of British Industry
Association of Police Authorities	
Avon & Somerset Police Authority	
Aziz, Khalid	Home Secretary's Representative, Hampshire Police Authority Selection Panel
Beckford, Laura	Home Secretary's Representative, Thames Valley Police Authority Selection Panel
Befordshire Police Authority	
Bers, Lesley	Home Secretary's Representative, North Yorkshire Police Authority
Blair, Sallie	Better Times Limited

Byfield, Mike	Assistant Clerk, Thames Valley Police Authority
Cambridgeshire Police Authority	
Carmichael, Susan	Home Secretary's Representative, Merseyside Police Authority Selection Panel
Chand, Ravi	Veredus Executive Resourcing
Cheshire Police Authority	
Clark, Charles OBE	Home Secretary's Representative, Devon & Cornwall Police Authority Selection Panel
Cleveland Police Authority	
Conchie, Catherine	Independent Member, Greater Manchester Police Authority
Cooke, Pam	Office of the Commissioner for Public Appointments
Cooper, Claire	Association of Police Authorities
Crook, Chris	Home Secretary's Representative, Sussex Police Authority Selection Panel
Croydon, Bill	Kent Police Authority Selection Panel
Cullen, Roger	Youth Justice Board
Cumbria Police Authority	
Curtis, Bronwen	Home Secretary's Representative, Northamptonshire Police Authority Selection Panel
Davey, Graham	Chief Executive & Clerk, Devon & Cornwall Police Authority; Honorary Secretary, Association of Police Authority Clerks
David, Patricia	Home Secretary's Representative, Gwent Police Authority Selection Panel
Davies, Jean	North Wales Police Authority Selection Panel
Davies, Omri	Home Secretary's Representative, Dyfed-Powys Police Authority Selection Panel
Denham, Rt Hon John MP	

Dent, Kelvin	Clerk, North Wales Police Authority
Derbyshire Police Authority	
Devon & Cornwall Police Authority	
Dickinson, Sally	Chief Executive, Magistrates Association
Dorset Police Authority	
Drew, Chris	Independent Member, North Wales Police Authority
Durham Police Authority	
Dwyer, David	Performance & Strategic Management Unit, Home Office
Dyfed-Powys Police Authority	
Elvin, Penelope	Independent Member & Chair, Thames Valley Police Authority
Essex Police Authority	
Ford, Malcolm	Secretariat Manager, Kent Police Authority
Fowler, Gary	Assistant Clerk, Gwent Police Authority
Frost, Jenni	Candidate, North Wales Police Authority
Fry, Alan	Chief Executive & Clerk, South Wales Police Authority
Gill, Fionnuala	Association of Police Authorities
Gloucestershire Police Authority	
Goolden, Jonathan	Clerk, Lincolnshire Police Authority
Greater Manchester Police Authority	
Grizzard, Paula	Home Secretary's Representative, West Yorkshire Police Authority Selection Panel
Grunwald-Spier, Agnes	Home Secretary's Representative, South Yorkshire Police Authority Selection Panel
Gwent Police Authority	
Haddock, Peter	Performance & Strategic Management Unit, Home Office

Hales, Stephen	Home Secretary's Representative, Essex Police Authority Selection Panel
Hampshire Police Authority	
Harding, Chris	Clerk, Cambridge & Norfolk Police Authorities
Harvey, Peter	Clerk, Dorset Police Authority
Hendry, Tony	Police Personnel Unit, Home Office
Henig, Ruth	Chair, Association of Police Authorities
Hertfordshire Police Authority	
Higgins, Judith	Independent Member, Kent Police Authority
Hogg, Carol	Secretariat, North Yorkshire Police Authority
Holland, Peter	Vice-Chair, Association of Police Authorities
Houssein, Ann	The Sponsors Advisory Team, Home Office
Howie, Alistair	Office of the Commissioner for Public Appointments
Humberside Police Authority	
Hussain, Majid	Independent Member, Greater Manchester Police Authority
Jackson, Christopher	Clerk, Suffolk Police Authority
Kent Police Authority	
King, John	Assistant Clerk, Lincolnshire Police Authority
King, Malcolm	Chair, North Wales Police Authority
Leeming, Paul	Senior Policy & Administrative Officer, Greater Manchester Police Authority
Leicestershire Police Authority	
Lewis, Rosemary	Candidate, Leicestershire Police Authority
Lincolnshire Police Authority	
Lloyd-Williams, Megan	Independent Member, North Wales Police Authority
Mason, Jeremy	The Sponsors Advisory Team, Home Office

McFarlane, Sidney MBE	Candidate, Lincolnshire Police Authority
McLean, Hector CBE	Home Secretary's Representative, Wiltshire Police Authority
Meadows, Sandra	Home Secretary's Representative, Surrey Police Authority Selection Panel
Merchant, Prabodh	Home Secretary's Representative, Greater Manchester Police Authority Selection Panel
Merseyside Police Authority	
Metropolitan Police Authority	
Middleton, Alan	Lincolnshire Police Authority Selection Panel
Moore, Roger	Chief Executive, NHS Appointments Commission
Morrow, Robert	United Grand Lodge of England
Murphy, Stephen	Chair, Greater Manchester Police Authority
Must, Rodney	Independent Member, Lincolnshire Police Authority
Myhill, Andy	Research Development & Statistics, Home Office
Needham, Greta	Deputy Clerk, Warwickshire Police Authority
Newton, Di	Independent Member, Leicestershire Police Authority
Norfolk Police Authority	
North Wales Police Authority	
North Yorkshire Police Authority	
North, Peter	Home Secretary's Representative, Norfolk Police Authority Selection Panel
Northamptonshire Police Authority	
Northumbria Police Authority	
Nottinghamshire Police Authority	
Odd, Roger	Independent Member, Kent Police Authority
Palmer, John	Chair, Kent Police Authority

Payne, Derrick	Candidate, Thames Valley Police Authority
Powis, Michael	Clerk, Kent Police Authority
Rayner, Joe	Home Secretary's Representative, Cleveland Police Authority Selection Panel
Reichelt, Paul	General Manager, Northamptonshire Police Authority
Richardson, Brian	Home Secretary's Representative, Hertfordshire Police Authority Selection Panel
Robinson, Elaine	Home Secretary's Representative, Nottinghamshire Police Authority Selection Panel
Roe, Dennis	Vice-Chair, Leicestershire Police Authority
Saville, David	Independent Member & Chair, Leicestershire Police Authority
Sellwood, Mark	Clerk & Chief Executive, Cheshire Police Authority
Shadbolt, Dennis	Home Secretary's Representative, Northumbria Police Authority Selection Panel
Shannon, Kalapana	Candidate, Kent Police Authority
Simpson, Ben	Magistrate Member, Thames Valley Police Authority
Smith, Jo	Deputy Clerk, Humberside Police Authority
Smith, John	Principal Administrator, West Midlands Police Authority
South Wales Police Authority	
South Yorkshire Police Authority	
Staffordshire Police Authority	
Suffolk Police Authority	
Surrey Police Authority	
Sussex Police Authority	
Swinfield, Robert	Clerk, Leicestershire Police Authority

Tainsh, Jackie	Active Community Unit, Home Office
Taylor, Pam	Independent Member, Greater Manchester Police Authority
Thames Valley Police Authority	
Thomas, Jamie	Active Community Unit, Home Office
Thomas, Lucy	Performance & Strategic Management Unit, Home Office
Thompson, Liz	Home Secretary's Representative, Gloucestershire Police Authority Selection Panel
Tinlin, Robert	Chief Executive, South Northamptonshire Council
Turner, Mark	Veredus Executive Resourcing
Waites, Thomas	Home Secretary's Representative, Durham Police Authority Selection Panel
Warwickshire Police Authority	
Webber, Elaine	Head of the Public Appointments Unit, Cabinet Office
West Mercia Police Authority	
West Midlands Police Authority	
West Yorkshire Police Authority	
Wilkinson, Bill	Clerk, South Yorkshire Police Authority
Willerton, Claire	Performance & Strategic Management Unit, Home Office
Willis, John	Clerk, Greater Manchester Police Authority
Wiltshire Police Authority	
Woodd, Maureen	Home Secretary's Representative, Suffolk Police Authority Selection Panel
Wotherspoon, Ian	Clerk, Gloucestershire Police Authority
Yarrow, Stella	Research Development & Statistics, Home Office
York, Peter	Candidate, North Wales Police Authority

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Letter sent to police
authority clerks and
questionnaire



Performance and Strategic Management Unit
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50 Queen Anne's Gate, London SW1H 9AT
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www.homeoffice.gov.uk

Clerks to police authorities

Our Ref
Your Ref
Date

19 August 2003

Dear Colleague

REVIEW OF THE PROCESS OF SELECTION OF INDEPENDENT MEMBERS TO POLICE AUTHORITIES

As you are probably aware, following what has been the third round of appointments of independent members, the Home Secretary has decided that it is time for a review of the process of selection and appointment of independent members of police authorities to see what lessons may be learnt. I have been appointed as an independent Chairman and will lead the review. Biographical details are Annex A. I will shortly let you have details of the full review team, which will include input from the Association of Police Authorities.

The terms of reference for the Review given to me by Hazel Blears, the Minister of State for Crime Reduction, Policing and Community Safety, are as follows:

- a. To report on the current legislative provisions and non-statutory guidance for appointing independent members and what these are meant to achieve.
- b. To evaluate the recent round of appointments to police authorities to ascertain to what extent these intentions have been achieved in practice. To further identify whether any constraints in the current legislative provisions and non-statutory guidance best serve the appointment of individuals qualified to further the maintenance of an efficient and effective police force and to operate a challenging regime to achieve crime reduction in the police area.
- c. To identify whether any avenues need to be explored in terms of enhancing the skills base, diversity and the fair practice of appointment of independent members and to what extent any improvements require legislative and non-legislative action. This should include considering models for selection and lessons learned that may be gained from the Commissioner for Public Appointments Code of Practice.

I intend to report back to the Home Secretary by Christmas. My report and his response will then be circulated to police authorities and to selection panels. I am keen to press on and gather basic data and initial views and would be grateful if you would complete the enclosed questionnaire I have drafted and return it to me care of the secretary to the review, Hazel Williams. (Please find enclosed a paper copy of the questionnaire as well as an electronic version.) There are a number of specific questions, but also some more general ones.

Whilst it is obvious I have been commissioned by Ministers, I would like to stress again my independence of judgement in conducting the review. Any additional comments you may wish to add will be greatly welcomed. I appreciate the amount of work involved and that you have recently supplied some similar information for the APA, but it would help the review enormously if you were able to reply by **19 September 2003**. Please feel free to supply a copy of your reply to the APA in answer to any specific questions covered by the questionnaire. Needless to say, the input of authorities at this stage and throughout the review will be crucial to the review's success. Please do not hesitate to correspond with me following the questionnaire stage.

Questionnaires should be returned to the following address. A reply by e-mail would be preferable:

Hazel Williams
Performance and Strategic Management Unit
Home Office
6th Floor
50 Queen Anne's Gate
London SW1H 9AT

020 7273 8156

Hazel.Williams3@homeoffice.gsi.gov.uk

As I explained earlier, I shall shortly write again to update you on the membership of the review team.

I look forward to your reply.

Yours faithfully

Kenneth Hamer
Chairman of the Review

Annex A

Kenneth Hamer - biographical details

Kenneth Hamer, aged 58 years, is a Barrister and a Recorder of the Crown Court. He specialises in regulatory and disciplinary work, and sits regularly in the Crown Court trying cases of serious and substantial crime. In 1999-2000 he was leading junior counsel at the Southall and Ladbroke Grove Rail Accident Inquiries representing the interests of injured passengers and bereaved families. In March 2001 he was appointed to the panel of Standing Counsel to represent the Professional Conduct and Complaints Committee of the Bar in disciplinary matters, and in July 2002 as a Legal Assessor to the General Medical Council fitness to practice committees. He is also an Accredited Mediator and a Fellow of the Chartered Institute of Arbitrators.

Review of the Selection Process of Independent Members of Police Authorities

QUESTIONNAIRE FOR RESPONSE BY POLICE AUTHORITIES

1. General

- (a) What are the deficiencies, if any, in the current arrangements for appointing independent members to police authorities?
- (b) Please identify any particular lessons learnt from the recent round of appointments.
- (c) What more can be done to attract candidates, and promote and ensure that independent members are more reflective of the local community without reducing quality?

2. Membership of Selection Panels

- (a) Please explain how the member appointed by the police authority came to be selected, and what criteria were applied by the police authority for choosing and appointing this individual. If the person so appointed is a designated member of the authority, please state whether they are a councillor or magistrate.
- (b) What was the process for selecting “the third member” of the selection panel? Was the post advertised, or otherwise open to the public? Please give brief personal details about the third member, and why he/she was chosen.
- (c) Is there an issue around continuity (more than one selection round) for the member of the panel selected by the police authority, and the third member?

3. Functions of Selection Panels

- (a) What processes were followed by the selection panel in attracting candidates for appointment as independent members of the police authority? The Review should be grateful for details of specific steps taken and how the selection panel sought to draw both on the diversity of the population of the police area and to achieve an appropriate skills mix amongst candidates.
- (b) Please identify the newspapers in which advertisements were placed, and why they were chosen, and the response received. The Review would be pleased to learn whether any additional steps

were taken over and above the statutory requirement to advertise. For example, please say whether recourse was made to:

- (a) local radio (often a popular medium with younger people);
 - (b) websites, nationally and locally;
 - (c) leaflet/literature distribution in public places e.g. libraries, main post offices, courts (particularly jury waiting rooms and at open days at court centres), shopping centres, and the like;
 - (d) voluntary and community organisations, local industry, and chambers of commerce in the police area; and
 - (e) colleges and universities of higher education in the police area.
- (c) Were any difficulties encountered in attracting candidates in your police authority?
- (d) What steps do you consider could be taken locally in the next round to attract applications from persons in their twenties and thirties, and any ethnic minority group under-represented on the police authority?

4. Monitoring Information

- (a) Please provide statistical information from the recent round of applications received including as far as possible:
- (a) the number of applications received, including any known sources for the applications;
 - (b) a breakdown of the age of candidates in the ranges 20-30, 30-40, 40-50, 50-60, over 60;
 - (c) a breakdown of the ethnicity if possible divided between applicants of different ethnic origins;
 - (d) a breakdown of the gender of candidates;
 - (e) the number of disabled candidates;
 - (f) a breakdown or summary of the geographical location of candidates within the police area.
- (b) Do you consider that the recent round attracted a sufficient number of candidates to achieve the right balance in terms of diversity, skills mix, and geographical locations of independent members in the police area? To what extent did it fail to attract a sufficient number of candidates to achieve the right balance?

5. Compiling the Long List

- (a) Please detail how did the selection panel set about compiling the long list.
- (b) What criteria were applied? Did the selection panel consider it appropriate to interview/not interview the candidates?
- (c) How was the selection panel inducted in the Joint Guidance issued by the APA and the Home Office?
- (d) Did the selection panel make use of any assessment of performance of existing members who were re-applying for appointment as independent members?
- (e) What account was taken by the selection panel about whether a two-term maximum should be used as a benchmark?
- (f) To what extent did the selection panel consider how the skill and diversity mix of the long list of independent members prepared for the Secretary of State dovetailed with the mix of councillor and magistrate members on the police authority at the time the long list was compiled?

6. The Short List and Unsuccessful Candidates

- (a) Was the police authority satisfied with the shortlist compiled by the Secretary of State?
- (b) Was the police authority satisfied with the role played by the Home Office in the selection process?
- (c) Was any feedback available to unsuccessful candidates? Was this by telephone, in writing, or in person at a meeting?
- (d) What methods do you consider should be adopted for ensuring redress for disappointed candidates?

7. The Final Selection

- (a) Was this carried out by all councillor and magistrate members of the police authority, or by a sub-committee of the police authority? The review would like to know whether the final selection went smoothly.
- (b) The Review would be pleased to receive details of the scheme for the payment of allowances and expenses to members of the authority and to members of the selection panel.

Statistical data from the
2003 appointments round

4.1 Applications issued and received

Police Authority	Packs issued	Number of applications received (by gender, ethnicity and age)										
		Total	M	F	BME	21-30	31-40	41-50	51-60	61-70	71+	N/S
Avon & Somerset	271	116	80	36	6	2	11	19	51	31	0	2
Bedfordshire	170	83	57	26	24	5	10	19	32	14	3	0
Cambridgeshire	100+	28	19	9	3	0	1	7	12	5	3	0
Cheshire	186	88	70	18	4	0	6	12	42	23	5	0
Cleveland	47	23	20	3	0	0	1	1	8	12	1	0
Cumbria	60	23	17	6	0	0	2	3	8	9	1	0
Derbyshire	120	89	69	20	5	1	7	16	41	22	2	0
Devon & Cornwall	213	86	73	13	2	0	3	7	38	27	11	0
Dorset	54	38	32	6	3	0	2	2	14	12	4	4
Durham	57	21	17	4	4	0	1	2	11	7	0	0
Dyfed-Powys	131	57	42	15	2	2	3	8	23	21	0	0
Essex	109	49	39	10	8	2	3	6	15	20	3	0
Gloucestershire	130	82	69	13	7	1	7	12	35	24	3	0
Greater Manchester	368	66	40	26	11	5	10	12	20	14	5	0
Gwent	50	34	28	6	1	0	3	9	8	13	1	0
Hampshire	44	25	20	5	2	0	1	1	12	10	1	0
Hertfordshire	118	53	N/K	N/K	N/K	N/K	N/K	N/K	N/K	N/K	N/K	N/K
Humberside	120	54	40	14	1	1	5	14	13	21	0	0
Kent	240	73	55	18	8	0	2	17	32	15	6	1
Lancashire	226	46	28	18	10	2	9	8	16	11	0	0
Leicestershire	78	28	20	8	7	0	1	5	13	8	1	0
Lincolnshire	169	45	35	10	4	1	1	8	11	19	5	0
Merseyside	406	115	87	28	7	1	12	19	45	30	8	0
Norfolk	100+	30	24	6	0	0	1	3	14	12	0	0
North Wales	65	33	24	9	0	0	2	3	14	10	4	0
North Yorkshire	83	50	40	10	2	1	3	5	19	19	3	0
Northamptonshire	146	60	48	12	6	0	8	6	21	23	2	0
Northumbria	120	41	27	14	4	1	4	4	18	12	2	0
Nottinghamshire	300+	96	N/K	N/K	N/K	N/K	N/K	N/K	N/K	N/K	N/K	N/K
South Wales	160	65	47	18	5	1	3	9	21	26	5	0
South Yorkshire	180	42	36	6	6	0	4	6	18	11	3	0
Staffordshire	120	64	48	16	6	2	11	9	20	20	2	0
Suffolk	50	24	16	8	4	0	1	4	6	12	1	0

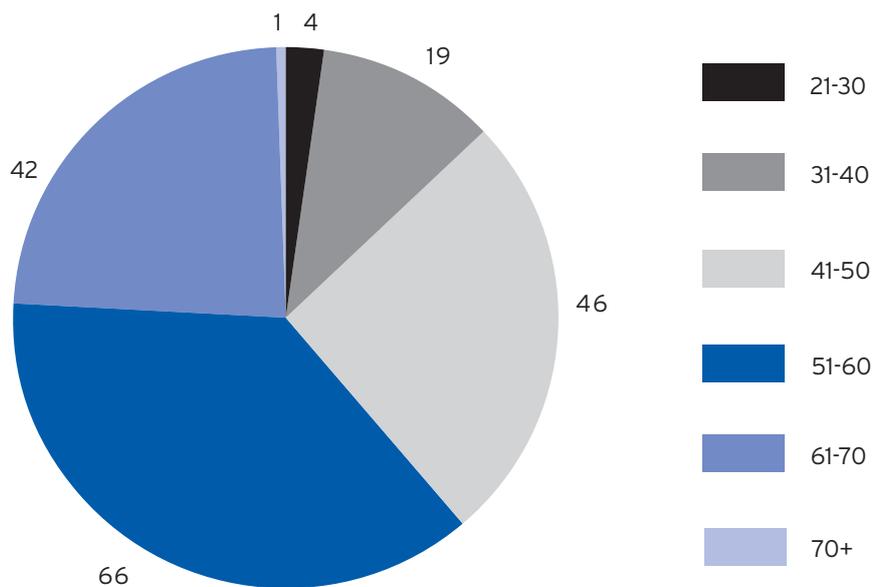
Police Authority	Packs issued	Number of applications received (by gender, ethnicity and age)										
		Total	M	F	BME	21-30	31-40	41-50	51-60	61-70	71+	N/S
Surrey	91	46	33	13	0	0	4	7	14	17	4	0
Sussex	120	42	32	10	3	0	1	7	12	17	5	0
Thames Valley	35	32	28	4	3	0	1	8	16	7	0	0
Warwickshire	40	34	27	7	2	0	1	5	14	10	4	0
West Mercia	124	74	52	22	4	1	3	12	33	22	2	1
West Midlands	150	86	56	29	32	3	17	16	22	17	3	8
West Yorkshire	324	105	77	28	17	8	13	27	41	16	0	0
Wiltshire	100	64	60	4	3	1	4	7	23	25	4	0

4.2 Successful candidates

Police Authority	Number of vacancies	Successful candidates (by gender, ethnicity and age)								
		M	F	BME	21-30	31-40	41-50	51-60	61-70	70+
Avon & Somerset	3	1	2	1	0	1	1	0	1	0
Bedfordshire	5	2	3	2	0	1	1	3	0	0
Cambridgeshire	4	2	2	0	0	0	1	2	1	0
Cheshire	5	2	3	2	0	0	1	3	1	0
Cleveland	3	2	1	0	0	0	0	0	3	0
Cumbria	5	0	5	0	0	1	2	2	0	0
Derbyshire	3	0	3	1	0	1	0	1	1	0
Devon & Cornwall	5	3	2	1	0	0	2	0	3	0
Dorset	5	4	1	1	0	1	0	2	1	1
Durham	4	2	2	1	0	0	0	3	1	0
Dyfed-Powys	6	3	3	0	2	0	1	1	2	0
Essex	4	2	2	0	0	0	2	2	0	0
Gloucestershire	5	3	2	2	0	1	2	2	0	0
Greater Manchester	6	2	4	2	1	1	2	1	1	0
Gwent	5	3	2	0	0	0	1	1	3	0
Hampshire	3	2	1	1	0	0	1	2	0	0
Hertfordshire	5	2	3	1	0	1	3	1	0	0
Humberside	2	2	0	0	0	0	2	0	0	0
Kent	4	2	2	1	0	0	2	2	0	0
Lancashire	3	2	1	2	0	1	1	1	0	0
Leicestershire	4	2	2	0	0	0	0	2	2	0
Lincolnshire	5	3	2	0	0	0	1	1	3	0
Merseyside	4	3	1	2	0	0	1	3	0	0
Norfolk	5	2	3	0	0	0	2	1	2	0
North Wales	4	2	3	0	0	0	1	2	1	0
North Yorkshire	4	2	2	1	0	0	1	1	2	0
Northamptonshire	5	4	1	0	0	2	1	2	0	0
Northumbria	5	2	3	1	0	2	1	0	2	0
Nottinghamshire	4	2	2	1	0	1	1	1	1	0
South Wales	4	4	0	2	0	0	2	1	1	0
South Yorkshire	5	3	2	1	0	1	1	1	2	0
Staffordshire	5	3	1	0	0	1	0	2	2	0
Suffolk	5	2	3	1	0	0	2	2	1	0

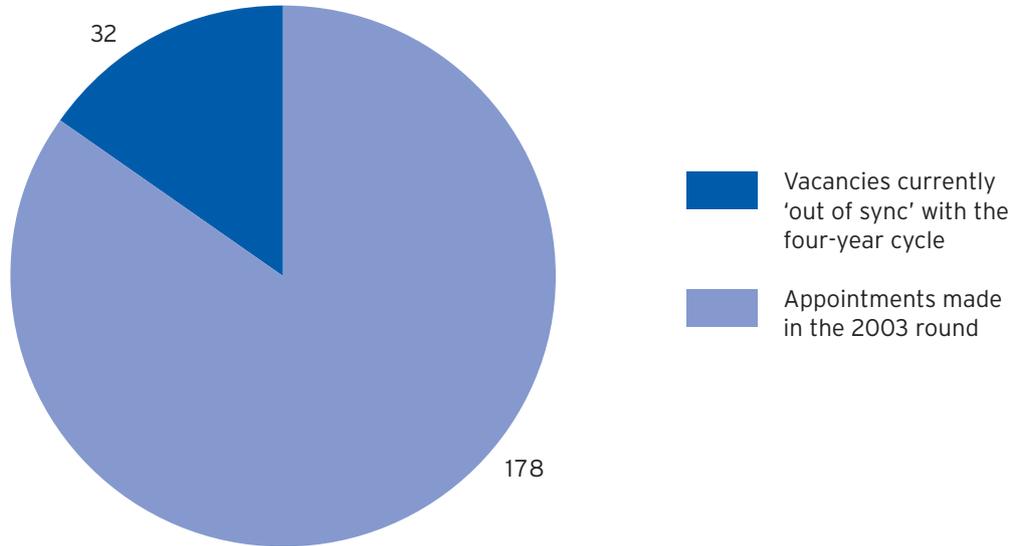
Police Authority	Number of vacancies	Successful candidates (by gender, ethnicity and age)								
		M	F	BME	21-30	31-40	41-50	51-60	61-70	70+
Surrey	3	1	2	0	0	0	2	1	0	0
Sussex	4	1	3	0	0	0	0	4	0	0
Thames Valley	5	3	2	1	0	0	2	2	1	0
Warwickshire	4	3	1	1	0	0	0	2	2	0
West Mercia	4	2	2	1	0	0	1	3	0	0
West Midlands	4	2	2	2	1	1	1	1	0	0
West Yorkshire	5	1	4	2	0	2	1	2	0	0
Wiltshire	5	4	1	0	0	0	0	3	2	0
TOTAL	178	92	86	34	4	19	46	66	42	1

4.3 Age breakdown of successful candidates

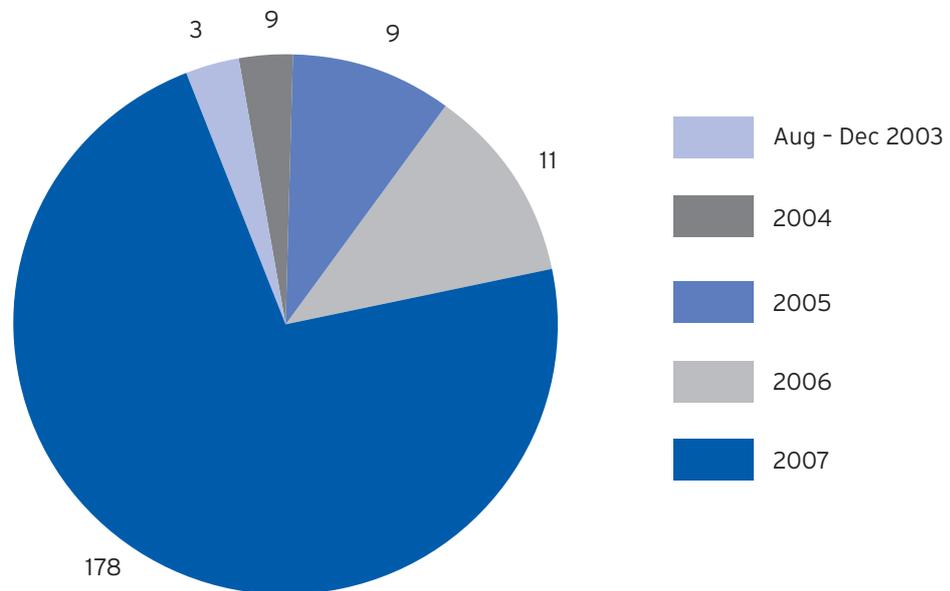


4.4 Occurrence of independent member vacancies

'Out of sync' independent member vacancies



Expiry date of independent member appointments



4.5 Police authority membership by ethnicity 2003

Police Authority	Councillor members		Magistrate members		Independent members		% BME members on police authority	% BME population in police authority area
	BME	White	BME	White	BME	White		
Avon & Somerset	1	8	0	3	1	4	11.8	3.38
Bedfordshire	3	6	0	3	2	3	29.4	13.68
Cambridgeshire	1	8	0	3	0	5	5.9	5.44
Cheshire	0	9	0	3	2	3	11.8	1.68
Cleveland	0	8	0	3	1	4	6.3	2.93
Cumbria	0	9	0	3	0	5	0	0.73
Derbyshire	0	9	0	3	1	4	5.9	4.04
Devon & Cornwall	0	10	0	3	1	5	5.3	1.17
Dorset	0	9	0	3	1	4	5.9	1.85
Durham	0	9	0	3	1	4	5.9	1.21
Dyfed-Powys	0	10	0	3	0	6	0	0.98
Essex	1	8	0	3	0	5	5.9	3.18
Gloucestershire	0	9	0	3	2	3	11.8	2.85
Greater Manchester	1	9	0	3	2	4	15.8	8.94
Gwent	0	9	0	3	0	5	0	1.91
Hampshire	0	9	0	3	0	3	0	3.13
Hertfordshire	0	9	1	2	1	4	11.8	6.32
Humberside	0	9	0	3	1	3	6.3	1.78
Kent	0	9	0	3	1	4	5.9	3.48
Lancashire	0	9	0	3	2	3	11.8	6.59
Leicestershire	1	8	0	3	1	4	11.8	14.5
Lincolnshire	0	9	0	3	0	5	0	1.35
Merseyside	0	9	0	3	1	4	5.9	2.87
Metropolitan	1	11	2	2	4	3	30.4	28.86
Norfolk	0	9	0	3	0	5	0	1.51
North Wales	0	9	0	3	0	5	0	1.01
North Yorkshire	0	9	0	3	1	4	5.9	1.38
Northamptonshire	0	9	0	3	2	3	11.8	4.87
Northumbria	0	9	0	3	1	4	5.9	2.67
Nottinghamshire	0	8	0	3	1	4	6.3	5.88
South Wales	0	10	0	3	3	3	15.8	3.3
South Yorkshire	0	9	0	3	1	4	5.9	4.84
Staffordshire	1	8	0	3	0	5	5.9	3.02

Police Authority	Councillor members		Magistrate members		Independent members		% BME members on police authority	% BME population in police authority area
	BME	White	BME	White	BME	White		
Suffolk	1	8	0	3	1	4	11.8	2.76
Surrey	0	9	1	2	1	4	11.8	5
Sussex	0	9	0	3	1	4	5.9	3.44
Thames Valley	1	9	0	3	1	5	10.5	8.46
Warwickshire	1	8	0	3	1	4	11.8	4.42
West Mercia	0	6	1	2	2	3	21.4	2.3
West Midlands	3	6	0	3	3	2	35.3	20.05
West Yorkshire	0	9	0	3	2	3	11.8	11.37
Wiltshire	0	9	1	2	0	5	5.9	2.55
TOTAL	16	365	6	121	46	168	9.27	5.04
PERCENTAGE	4.2	95.8	4.7	95.3	21.5	78.5		

Combined police authority membership as at July 2003.

4.6 Police authority membership by gender 2003

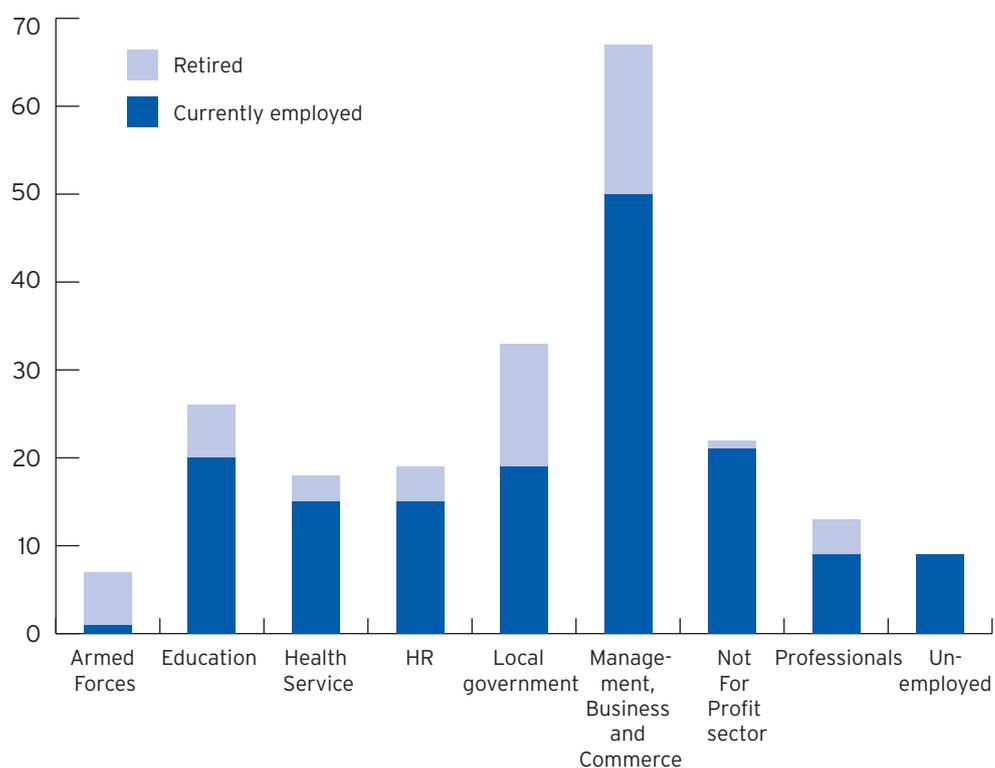
Police Authority	Councillor members		Magistrate members		Independent members		Total male	Total female
	Male	Female	Male	Female	Male	Female		
Avon & Somerset	9	0	1	2	3	2	13	4
Bedfordshire	9	0	1	2	2	3	12	5
Cambridgeshire	5	4	2	1	2	3	9	8
Cheshire	8	1	1	2	2	3	11	6
Cleveland	7	1	3	0	3	2	13	3
Cumbria	8	1	1	2	0	5	9	8
Derbyshire	7	2	1	2	1	4	9	8
Devon & Cornwall	6	4	3	0	4	2	13	6
Dorset	5	4	2	1	4	1	11	6
Durham	6	3	3	0	2	3	11	6
Dyfed-Powys	9	1	3	0	3	3	15	4
Essex	8	1	2	1	3	2	13	4
Gloucestershire	8	1	2	1	4	1	14	3
Greater Manchester	8	2	3	0	2	4	13	6
Gwent	6	3	2	1	3	2	11	6
Hampshire	7	2	1	2	2	1	10	5
Hertfordshire	8	1	2	1	2	3	12	5
Humberside	8	1	3	0	2	2	13	3
Kent	7	2	2	1	3	2	12	5
Lancashire	7	2	2	1	2	3	11	6
Leicestershire	7	2	2	1	3	2	12	5
Lincolnshire	9	0	1	2	3	2	13	4
Merseyside	5	4	2	1	4	1	11	6
Metropolitan	6	6	2	2	5	2	13	10
Norfolk	7	2	2	1	2	3	11	6
North Wales	9	0	3	0	2	3	14	3
North Yorkshire	7	2	2	1	3	2	12	5
Northamptonshire	6	3	2	1	4	1	12	5
Northumbria	8	1	3	0	2	3	13	4
Nottinghamshire	7	1	1	2	3	2	11	5
South Wales	9	1	2	1	4	2	15	4
South Yorkshire	6	3	3	0	3	2	12	5
Staffordshire	7	2	2	1	4	1	13	4

Police Authority	Councillor members		Magistrate members		Independent members		Total male	Total female
	Male	Female	Male	Female	Male	Female		
Suffolk	6	3	3	0	2	3	11	6
Surrey	5	4	3	0	2	3	10	7
Sussex	8	1	2	1	1	4	11	6
Thames Valley	6	4	2	1	4	2	12	7
Warwickshire	7	2	3	0	4	1	14	3
West Mercia	4	2	3	0	3	2	10	4
West Midlands	5	4	2	1	3	2	10	7
West Yorkshire	9	0	3	0	1	4	13	4
Wiltshire	4	5	2	1	4	1	10	7
TOTAL	293	88	90	37	115	99	498	224
PERCENTAGE	76.9	23.1	70.9	39.1	53.7	46.3	69	31

Combined police authority membership as at July 2003.

4.7 Occupational background of independent members 2003

Occupation background	Currently employed	Retired	Total	%
Armed Forces	1	6	7	3.22
Education including school teachers, careers advisers, lecturers	20	6	26	11.98
Health Service including NHS/private sector, pharmacists, opticians, social workers, psychiatrists, etc	15	3	18	8.29
Human Resources including trainers, recruiters	15	4	19	8.76
Local government	19	14	33	15.21
Management, Business & Commerce including managers, business owners, management consultants	50	17	67	30.88
Not For Profit sector including charity workers, care workers, trade associations	21	1	22	10.14
Professionals including accountants, lawyers, surveyors	9	4	13	5.99
Unemployed	9	0	9	4.15
Unknown	3		3	1.38
	162	55	217	100



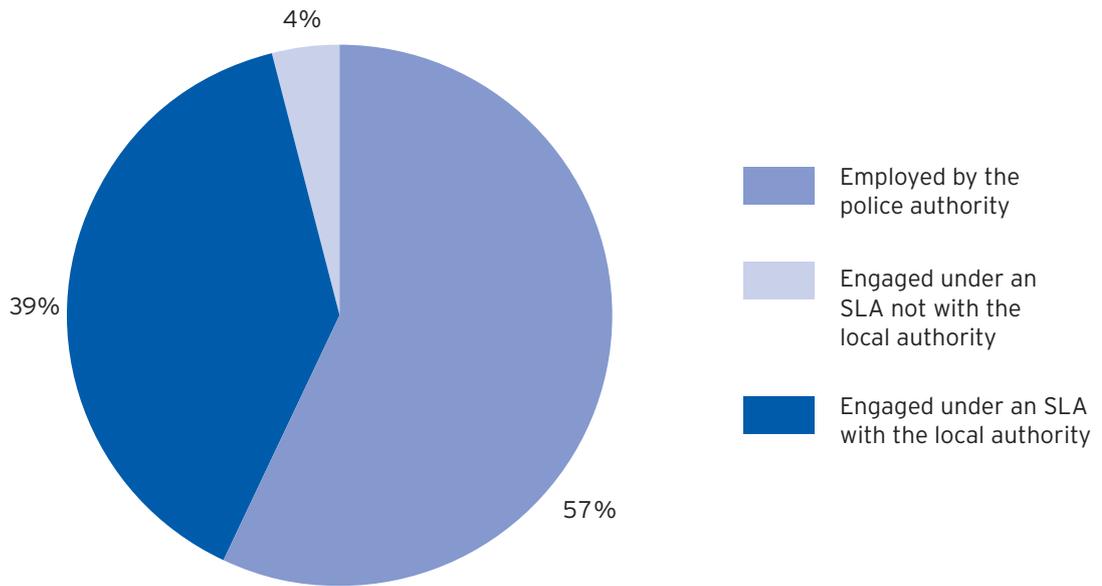
Police authority employment data and members' allowances

5.1 Employment status of clerks and treasurers

	Directly employed by the police authority	Employed under a service level agreement	Full time	Part time
Clerks	17	17	17	13
Treasurers	11	23	1	29
Joint clerk/treasurer	1	1	0	1
Authorised deputy	5	6	3	7

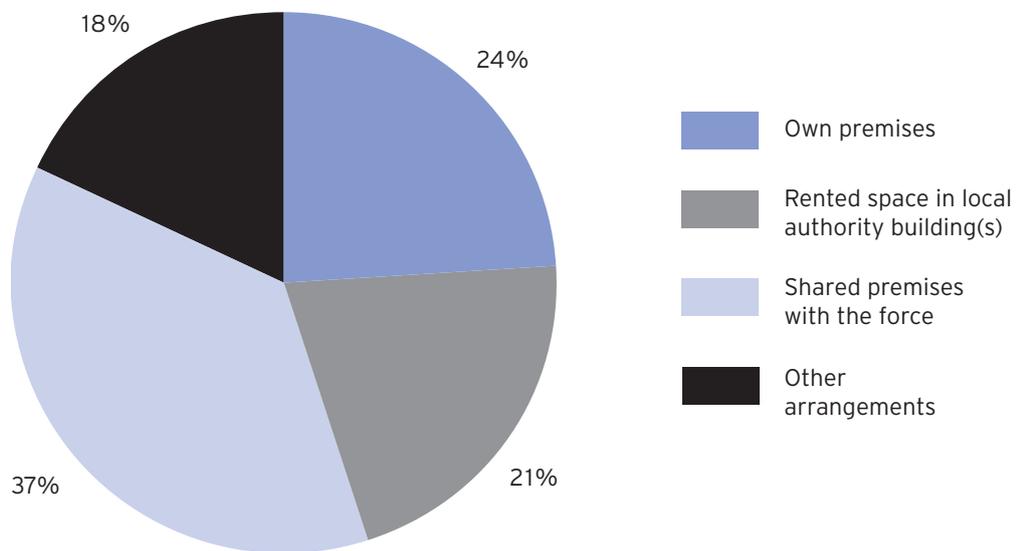
Police Authority Second Benchmarking Report 2003, based on data provided by the Association of Police Authorities

5.2 Employment status of support staff



Police Authority Second Benchmarking Report 2003, based on data provided by 37 police authorities of England and Wales to the Association of Police Authorities

5.3 Location of police authority headquarters



Police Authority Second Benchmarking Report 2003, based on data provided by 37 police authorities of England and Wales to the Association of Police Authorities

5.4 Members' allowances (per annum, 2002-3)

Police Authority	Basic	Chair	Vice-Chair	Committee Chair/Lead	Carer
Avon & Somerset	7,500	22,500	15,500	12,500	Yes
Bedfordshire	8,271	20,679	15,510	12,408	Yes
Cambridgeshire	6,000	13,500	9,000	10,500	Yes
Cheshire	6,204	15,510	10,340	8,272	Yes
Cleveland	7,500	15,000	11,250	7,500	Yes
Cumbria	7,755	17,061	12,925	11,891	Yes
Derbyshire	7,248	25,860	21,207	12,828	Yes
Devon & Cornwall	6,000	20,000	15,000	13,000	Yes
Dorset	5,000	13,000	7,000	8,500	Yes
Durham	3,618	15,924	10,857	7,236	Yes
Dyfed-Powys*	3,000	3,000	3,000	3,000	No
Essex	8,250	18,050	14,450	12,400	Yes
Gloucestershire	7,000	15,400	10,500	10,500	Yes
Greater Manchester	9,306	23,880	15,510	14,472	Yes
Gwent	6,000	17,500	12,000	11,000	Yes
Hampshire	8,790	20,680	15,510	12,925	Yes
Hertfordshire	4,000	16,000	12,000	12,000	Yes
Humberside	7,473	20,552	14,946	7,473	Yes
Kent	5,850	15,500	10,925	6,850	Yes
Lancashire	8,275	19,550	14,480	12,410	Yes
Leicestershire	5,170	16,545	10,340	7,240	Yes
Lincolnshire*	7,500	9,500	11,250	7,500	Yes
Merseyside	9,306	20,680	9,306	12,408	Yes
Norfolk	6,000	13,500	9,000	10,500	Yes
North Wales	6,721	20,163	12,098	10,082	Yes
North Yorkshire	7,210	14,420	10,815	7,210	Yes
Northamptonshire	7,000	14,000	10,500	8,500	Yes
Northumbria	8,000	16,000	8,000	8,000	Yes
Nottinghamshire	9,000	22,000	9,000	11,000	Yes
South Wales	6,204	18,095	6,204	11,374	Yes
South Yorkshire	9,306	20,680	14,993	13,959	Yes
Staffordshire	7,738	22,214	18,595	11,874	Yes
Suffolk	6,200	16,540	12,400	12,400	Yes
Surrey	9,250	21,350	17,250	13,150	Yes

Police Authority	Basic	Chair	Vice-Chair	Committee Chair/Lead	Carer
Sussex	7,240	19,900	14,475	8,270	Yes
Thames Valley*	10,000	22,500	12,500	12,500	No
Warwickshire	4,500	15,400	10,500	10,500	Yes
West Mercia	7,500	15,400	10,500	10,500	Yes
West Midlands	9,306	21,714	11,891	11,891	Yes
West Yorkshire	9,306	20,680	15,510	12,408	Yes
Wiltshire	5,000	13,000	7,000	8,500	Yes

Note: Where there is a sliding scale of allowance, the maximum payable is quoted.

*Dyfed-Powys: plus £20/hr (internal), £30.39/hr (external)

*Lincolnshire: maximum payable, based on £20/hr allowance

*North Wales: maximum payable, based on distance from HQ

*Thames Valley: maximum payable, based on £20/hr allowance

Kent Police Authority work structures

Member Work Plan June 2002 - May 2003

Name

1. To attend at least 3 of the 4 meetings of the Authority and participate in its debates.
2. To Chair the (*enter the committee name*) Committee,
 - Attending all (*type number*) meetings
3. To attend at least 2 of 3 meetings of the (*enter the committee name*) Committee and participate in its debates.
4. As Lead Member for (*type subject here*):
 - to meet with the (*type Force contact/s here*) at least quarterly and supply a record of each discussion to the Clerk.
 - to represent the Authority on the (*type any related Boards/Groups and/or reason*)
5. As Area Lead Member for (*type Area here*):
 - (with the Area Commander or senior officer) to attend at least 4 meetings each year with a group broadly representative of a significant section of the local community e.g. local councillors, neighbourhood watch, parish councils, victim support, as well as more

specialist groupings such as ethnic minorities or chambers of commerce.

- be available to join with the Area Commander in attending any meeting organised or requested by a local group of people to raise a specific concern about policing in the area.
 - chair the public meetings instigated and arranged by the Authority.
 - discuss (at least once a year) with the Area Commander, the Area's performance, its business plan for the coming year and the meetings to be attended by the Member, and submit a report via the Clerk to the Policing Performance Monitoring Sub-Committee
 - meet with local authority members and any other appropriate representatives of organisations in the Crime and Disorder Reduction Partnerships to consider progress against the local CRDP and any proposed changes to the policies set out in the CRDP
6. To keep informed of national and local policing issues and develop the skills needed for the role of Police Authority Member (including reading, conference attendance and training events)

CDRP/Area Lead Members

Thanet	D Cleworth
Dover	W Hayton
Shepway	A Barnes
Canterbury	K London
Ashford	M Hill
Tunbridge Wells	R Odd
Tonbridge & Malling	G Rowe
Maidstone	B Wood
Sevenoaks	R Norman
Dartford	S Clarke
Gravesham	J Cribbon
Swale	T Glücklich
Medway	A Prodger

Lead Member HQ Portfolios - June 2003

Member	Portfolio	Force lead	Secretariat link
SF Bacon	Area Policing	CS Matthews	B Willis
A Barnes	HR	ACC Thomas	M Powis
S Clarke	Training	Supt B Roberts	M Powis
D Cleworth	Strategic Crime Reduction and Police Family	Supt Pankhurst	M Powis
J Cribbon	Member Development and Support	-	S Summerfield
T Glucklich	Finance	S Redman	T Herbert
W Hayton	FCC and Area Ops HQ functions	CS Eyre	B Willis
J Higgins	Criminal Justice	DCC	M Powis
M Hill	Central Ops	ACC	B Willis
K London	Complaints, Force Security and Custody	CS Ross	
ACC Philpott	M Ford		
R Norman	Frontier Policing and Special Branch	Supt York	B Willis
R Odd	Media and Consultation	M Pugash M Gilmartin	M Powis/ H Knight
A Prodger	Property	-	T Herbert
G Rowe	Health and Safety	ACC Thomas	M Ford
B Sangha	Policing Performance	M Gilmartin	M Powis
B Wood	Diversity IS	DCC S Redman	M Powis T Herbert

Cabinet Office Best Practice Guide model forms

7.1	Model sifting assessment form	170
7.2	Model interview assessment form	172
7.3	Model performance appraisal form	174

7.1 Model sifting assessment form

Name of Candidate: _____

Address: _____

Sifting Panel Members

Name & Organisation Political Activity

Chair: _____

Panel Member(s): _____

Independent Member: _____

Date of assessment: _____

Rank the candidate's performance under the following headings on a scale of 1-4 by circling the appropriate box.

A= High/Exceptional B=Good C=Fair/Average D=Poor/Low

Essential Criteria

- | | |
|--------------------------|---------|
| 1. [List as appropriate] | A B C D |
| 2. | A B C D |
| 3. | A B C D |
| 4. | A B C D |

Desirable Criteria

- | | |
|--------------------------|---------|
| 1. [List as appropriate] | A B C D |
| 2. | A B C D |
| 3. | A B C D |
| 4. | A B C D |

Other Requirements (details eg time constraints/ regional requirements etc) Met

[List requirements] Yes/No

Is the candidate suitable for appointment/ to be invited to interview Yes/No

Brief reasons (indicating why candidate should be rejected, if appropriate)

Are there any areas of real/potential conflict of interest Yes/No

If Yes, please give details?

Any other comments?

Signatures of panel members

Chair _____ **Date** _____

Member(s) _____

Independent Assessor _____

7.2 Model interview assessment form

Name of Candidate: _____

Address: _____

Panel Members

	Name & Organisation	Political Activity
Chair:	_____	_____
Member(s):	_____	_____
Independent Member:	_____	_____
Interview Date:	_____	

The Assessment Form should be completed by the Interview Panel Chair

Please rank the candidates performance under the following headings on a scale of A-D by circling the appropriate box.

A = High/Exceptional B= Good C= Fair/Average D = Poor/Low

Criteria

[Essential and desirable criteria should be listed separately and should reflect the role and person specifications and the criteria used in any earlier sifts; listed below are some examples of non-role specific criteria for you to consider]

- | | | | | | |
|-----------|--|----------|----------|----------|----------|
| 1. | Strong personal commitment | A | B | C | D |
| 2. | A good communicator | | | | |
| | Demonstrates verbal ability to present well ordered arguments possibly with the ability to represent the Board in public and promote its achievements. | A | B | C | D |
| 3. | Demonstrates an ability to contribute to the work of the board | | | | |
| | Demonstrates ability to analyse complex data and challenge and produce clear ideas. | A | B | C | D |
| | Demonstrates ability to prioritise and think strategically | A | B | C | D |
| | Demonstrates understanding of financial constraints and willingness to work practically to overcome obstacles. | A | B | C | D |

Demonstrates willingness and ability to work as a member of a team. **A B C D**

4. Committed to the public service values of accountability/probity/openness and equality of opportunity.
 Demonstrates an understanding of the constraints and commitments of public service. **A B C D**

5. Demonstrates leadership and motivation skills.
 Demonstrates necessary understanding and/or experience of issues and people management to lead a board. **A B C D**

Summary

(all comments should be supported by specific examples)

Any area of real/perceived conflict of interest? **yes/no**

Comments

Overall assessment of the candidate

Signatures of panel members

Chair	_____	Date	_____
Member(s)	_____		_____
Other Member/s	_____		_____
Independent Panel Member	_____		_____

7.3 Model performance appraisal form

*Assessment of performance/board contribution for
[name of body]*

Name of Board Member _____

Name of Body _____

Date appointment started _____

Current term of appointment ends _____

PLEASE DISCUSS THIS ASSESSMENT WITH BOARD MEMBER

(please circle as appropriate) **Low Adequate Good Very Good**

Attendance and Commitment
(Please give examples in space provided)

(a) Board meetings **1 2 3 4**

(b) Attendance at training/development activities **1 2 3 4**
(please detail specific responsibilities)

1. _____
2. _____
3. _____

Team Working

Comments **1 2 3 4**

Ability to constructively challenge within the Board 1 2 3 4

Comments

(please circle) **Low Adequate Good Very Good**

Contribution to strategy/policy formulation 1 2 3 4

Comments

Ambassadorial role on behalf of the Board 1 2 3 4
(Ability to build constructive relationships outside the organisation and to represent the Board)

Comments:

Other specific areas of contribution and assessment for that responsibility

Please detail specific responsibility

1. _____ 1 2 3 4

2. _____ 1 2 3 4

3. _____ 1 2 3 4

Comments:

Overall assessment

Does the individual consider themselves as a potential Chair? YES/NO

Do you consider the individual as a potential Chair? YES/NO

Is he/she suitable for reappointment (if applicable)? YES/NO

Additional Comments (Please provide specific reasons for any comments on reappointment/non-reappointment)

**At this stage the form should be signed by: The Chair
Second Assessor
Board Member
concerned (who is also invited to make comments)**

Signature of Board Member

_____ **Date** _____

Comments (if desired)

Signature by Chair

Signed _____ **Date** _____

Signature by Second Assessor

Signed _____ **Date** _____

NHS Appointments Commission model forms

8.1 Short-listing and interview forms	178
8.2 NHS competency-based forms (November 2003 draft)	183

8.1 Short-listing and interview forms

PLEASE DO NOT DESTROY
THIS FORM IS REQUIRED FOR AUDIT
PURPOSES. RETURN TO THE NHS
APPOINTMENTS COMMISSION.



CANDIDATE SHORT LISTING RECORD

Name:		Campaign no:	
NHS organisation:			
Consider for interview		Do not consider for interview	
A = Probable	B = Possible	C = Near miss	D = Weak application
Qualities required		A	B
Demonstrate an interest in healthcare issues and a strong personal commitment to the NHS			
Be able to demonstrate a commitment to the needs of the local community			
Be able to demonstrate an ability to contribute to the work of the board			
Be able to demonstrate common sense, an ability to think strategically, to understand complex issues and make decisions			
Be a good communicator			
Be able to demonstrate an understanding of public service values of accountability, probity, openness and equality of opportunity and a commitment to them			
For Chair positions			
Be able to demonstrate leadership and motivation skills			
Additional local qualities required			
Lives in the area served by the board (or, for PCTs, is registered with a GP in the area served by the PCT)		YES	NO
General comments			
Overall assessment	A	B	C
Please sign and date in black ink			
Panel Chair:		Panel member:	
Independent member:		Date:	

THIS FORM IS REQUIRED FOR AUDIT PURPOSES. PLEASE DO NOT DESTROY BUT RETURN TO THE NHS APPOINTMENTS COMMISSION



SHORT LISTING SUMMARY FORM

Campaign no:	
list for (position):	
NHS organisation:	

Name	Overall assessment				Interview
	A	B	C	D	Yes / No
	A	B	C	D	Yes / No
	A	B	C	D	Yes / No
	A	B	C	D	Yes / No
	A	B	C	D	Yes / No
	A	B	C	D	Yes / No
	A	B	C	D	Yes / No
	A	B	C	D	Yes / No
	A	B	C	D	Yes / No
	A	B	C	D	Yes / No
	A	B	C	D	Yes / No
Signed:					
Name:				Date:	

This form should be returned by [date] to:

Name and addresses of campaign co-ordinator

A telephone conference is arranged for [date and time]. Please let me know a contact telephone number where you can be reached.

Contact number:

PLEASE DO NOT DESTROY
THIS FORM IS REQUIRED FOR
AUDIT PURPOSES. RETURN TO
THE NHS APPOINTMENTS
COMMISSION.



CANDIDATE INTERVIEW RECORD

Name:		Campaign no.	
Post:		NHS organisation:	
Appointable		Not appointable	
A = Very Good B = Good		C = Near miss D = Weak application	
Qualities required			
			A
			B
			C
			D
Demonstrate an interest in healthcare issues and a strong personal commitment to the NHS			
Able to demonstrate a commitment to the needs of the local community			
Able to demonstrate an ability to contribute to the work of the board			
Able to demonstrate common sense, an ability to think strategically, to understand complex issues and make decisions			
Good communications skills			
Able to demonstrate an understanding of public service values of accountability, probity, openness and equality of opportunity and a commitment to them			
Local qualities required			
			A
			B
			C
			D

CANDIDATE INTERVIEW RECORD

(contd)

Name:		Campaign no.	
For Chair positions		A	B
Able to demonstrate leadership and motivation skills			
Overall Assessment of Candidate			
Strengths:			
Weaknesses:			
Overall Summary:			
Overall assessment		A	B
Able to meet time commitment		Yes	No
Are there any possible areas of conflict?		Yes	No
(if yes, give details)			
Signed			
Panel Chair			
Panel Member			
Independent Assessor			
Date			
Candidate feedback on appointment process			



INTERVIEW SUMMARY FORM

Campaign no:	
Date:	
Post interviewed for:	
NHS organisation:	

Panel details

	Name	Organisation	Political Activity
Chair			
Panel member			
Independent assessor			

Candidates

Name	Overall assessment				Candidate Ranking
	A	B	C	D	
	A	B	C	D	

Preferred candidate

Name	
Justification (if not apparent from assessment)	
Signed:	Panel Chair:
Panel member:	Independent:

8.2 NHS competency-based forms (November 2003 draft)

Application Form

1. Please outline (in around 100 words) what, in your view, are the key issues facing the NHS in your area. (You may draw from your own experience as a user or carer, or from what you have read or heard.)

2. Over the next few years what 3 key improvements do you think could realistically be made in local health provision?

3. Can you describe an occasion when you have had to obtain consensus from a wide group of people?

4. Can you give an example where you have successfully worked as a member of a team? What was your role?

5. What particular strengths would you bring to an NHS board?

Sifting Form

	Evidence		
	Strong	Some	Not demonstrated
Self Belief and Drive			
Intellectual flexibility			
Patient and community focus			
Strategic direction			
Holding to account			
Team working			
Effective influencing			
Written communication skills (from the application form)			

Recommend for Interview?

Yes Maybe No

Interview Form

	Rating				
Personal qualities	Very strong	Strong	Acceptable	Weak	No evidence
Self Belief and Drive					
Intellectual flexibility					
Patient and Community focus					

Governing Abilities

Strategic Direction					
Holding to account					
Team working					
Effective influencing/ communication					
Written communication skills (from application form)					

ACCEPTABLE/NOT ACCEPTABLE

Standard Interview Questions

- 1.** Describe/explain your interest in the NHS.

Tests:

Self Believe and Drive

Intellectual Flexibility

Patient and Community Focus

- 2.** What, in your view, are the biggest challenges facing our local community (could be health, education, transport etc)?

Tests:

Intellectual Flexibility

Patient and Community Focus and Integrity

- 3.** Tell me about an occasion when you have had to stand up for a point of view, or a course of action. What did you do? How did it affect you?

Tests:

Self Belief and Drive

Effective Influencing

- 4.** Describe an occasion when you have made a big change in the way something was done. How did you go about it?

Tests:

Self Belief and Drive

Strategic Direction

Effective Influencing

5. Describe an occasion when your personal values have been challenged. How did you respond?

Tests:

Patient and Community Focus and Integrity

Holding to Account

Team Working

6. Tell me about an occasion when you had to completely change the way you did something. How did you feel about it?

Tests:

Self Belief and Drive

Intellectual Flexibility

Team Working

7. Describe a situation where you have been involved in planning a major change in how something was done. What steps did you take? What happened? What would you do differently next time?

Tests:

Strategic Direction

8. Tell me about a time when you have needed to persuade people to your point of view or to do something. How did you do it?

Tests:

Self Belief and Drive

Effective Influencing

9. Tell me about an occasion when you have needed to rely on someone else to do something on your behalf? How did it work out?

Tests:

Holding to Account

Team Working

Effective Influencing

10. Describe an occasion when you have needed to deal with someone else's poor performance. How did you tackle it? What was the outcome?

Tests:

Holding to Account

Team Working

Effective Influencing

11. Describe an occasion when you worked as a team member. What was your role?
How did you interact with other team members?

Tests:

Team Working

Effective Influencing

Political activity declaration

All applicants for a public appointment should complete the question below. This question is asked as it enables the monitoring of political activity of candidates for a public appointment in so far as it is already in the public domain. Neither activity nor affiliation is a criterion for appointment (except where statute dictates specific representation).

If you are successful, the information provided will be published with the announcement of your appointment.

Please indicate which of the following activities you have undertaken during the past five years by ticking the appropriate box and by providing details of your involvement. Name the party or body for which you have been active. If you have been or are an independent or have sought or obtained office as a representative of a particular interest group, you should date this. You should tick all relevant categories.

a.

- Obtained office as a Local Councillor, MP, MEP, etc.
- Stood as a candidate for one of the above offices
- Spoken on behalf of a party or candidate

b.

- Acted as a political agent
- Held office such as Chair, Treasurer or Secretary of a local branch of a party
- Canvassed on behalf of a party or helped at elections

c.

- Undertaken any other political activity which you consider relevant

d.

- Made a recordable donation to a political party¹
- None of the above activities apply

Name of Party for which activity undertaken:

Name _____ **Signature** _____

Date _____

Note: This form is for monitoring purposes only and therefore will be detached from your application and will not be seen by any selection panels. However, it is appreciated that such activities may have given you relevant skills including experience gained from committee work, collective decision making, resolving conflict and public speaking. If, therefore, you have had such experience and you consider it relevant to your application for this post, you should include it separately in the main body of your application form.

Details of involvement:

¹ The Political Parties, Elections and Referendums Act 2000 requires the Electoral Commission to publish a register of recordable donations (donations from any individual totalling more than £5,000 in any calendar year, or more than £1,000 if made to a subsidiary accounting unit such as a constituency association, local branch, women's or youth organisation). These provisions became effective from 16 February 2001.

