



Police & Crime
Commissioner
FOR HERTFORDSHIRE



PFCC
POLICE, FIRE AND CRIME
COMMISSIONER FOR ESSEX



EASTERN REGION POLICE AND CRIME COMMISSIONERS

LEGALLY QUALIFIED PERSONS OF POLICE MISCONDUCT PANELS

JOB DESCRIPTION

INTRODUCTION

In January 2023, the then Home Secretary launched a review into the process of police officer dismissals, designed to ensure that the system is fair and effective at removing those officers who are not fit to serve. Following completion of this, the Government announced a series of reforms to strengthen the disciplinary system on 31 August 2023 and published the final report on 18 September 2023

The report outlined a number of reforms that would be delivered in three tranches:

- Tranche 1 – Changes to the composition of misconduct panels.
- Tranche 2 – Wider changes to police misconduct, vetting and performance.
- Tranche 3 – Enabling chief officers to appeal to the Police Appeals Tribunal (as well as Police and Crime Commissioners (PCCs) where the officer concerned is the chief officer).

This document details the changes implemented under Tranche 1 which were laid on the 7th May 2024 and new role of a Legally Qualified Person.

The six local policing bodies ie Police and Crime Commissioners for each of the six police areas comprising the Eastern Region, namely Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk as well as the Ministry of Defence Police (MOD), have appointed legally qualified persons to a list of legally qualified persons for the purposes of Police Misconduct Panels (PMP) held within the Eastern Region.

The PMPs conduct misconduct hearings for officers, other than senior police officers, including special constables and are governed by police conduct regulations.

NATURE OF CASES

A PMP hears cases governed by police conduct regulations. The cases comprise allegations of misconduct by police officers. The severest outcome at a hearing would be dismissal from the police service without notice. Cases could include, for example, allegations of criminal acts, serious road traffic matters such as drink/driving or serious breaches of the standards expected of police officers, such as neglect of duty.

COMPOSITION OF PMPs

Where for the purposes of the Police (Conduct) (Amendment) Regulations 2024 (the 2024 Regulations) a non-senior officer case is referred to a misconduct hearing, that hearing must be conducted by a panel of three persons comprising -

- a chair, appointed by the appropriate authority, who must be a senior officer of the police force concerned.
- a person appointed by the local policing body, who –
 - has qualifications or experience relevant for the purpose of disciplinary proceedings; and
 - is selected on a fair and transparent basis from the list of candidates with such qualifications or experience maintained by the local policing body.
- a person appointed by the local policing body, who need not have such qualifications or experience, selected on a fair and transparent basis from the list of candidates maintained by the local policing body.

In addition to the appointment of the three persons detailed above. A person is to be appointed by the local policing body as an adviser to the chair and panel of persons conducting a misconduct hearing, selected on a fair and transparent basis from a list of legally qualified persons maintained by a local policing body.

The legally qualified person appointed must provide advice to the panel of persons conducting or to the person chairing a misconduct hearing upon request by the chair in respect of any legal or procedural issues relating to the misconduct proceedings. The panel of persons conducting or the person chairing a misconduct hearing must have regard to any advice given by the legally qualified person.

ROLE OF LEGALLY QUALIFIED PERSON

LQPs do not sit in a decision-making capacity. Their role instead is to advise the panel on legal and procedural issues relating to the misconduct proceedings. Whilst the LQP is expected to proactively provide advice where necessary throughout the proceedings, the chair may also require the LQP to provide advice to the panel on specific issues which arise. All panel members must have regard to any advice provided by the LQP.

LQPs should also sit in their advisory capacity during the pre-hearing stage, given that the pre-hearing is ordinarily where matters of law and procedure are discussed.

The chair may also require the LQP to provide advice relating to the outcome report prepared and may delegate responsibility for preparing that report to the LQP. Where the chair does so, the LQP must submit that report to the chair within 5 working days, beginning with the first working day after the hearing concludes. Where required, this period can be extended to 10 working days to enable the chair sufficient time to review the report.

MAIN ACTIVITIES

The primary legislation LQPs will need to be familiar with are The Police Act 1996, The Police Reform Act 2002 and the Policing and Crime Act 2017.

They will also need to be very familiar with The Police (Conduct) Regulations 2020, as amended by the Police (Conduct) (Amendment) Regulations 2024.

Part 3 of the the Police (Conduct) (Amendment) Regulations 2024. describes the role and responsibilities of the Chair of a misconduct hearing (i.e. an LQP).

The main activities of the chair of a PMP include:

- Reviewing papers
 - Reading and assimilating misconduct papers.
- Preparing for a hearing
 - Reading and assimilating misconduct papers before any hearing commences, including on occasions studying complex documentary evidence.
 - Support the PMP to enable hearings to be conducted in accordance with police conduct regulations.
 - Support the PMP during the pre-hearing stage in an advisory capacity.
- Conduct of hearings
 - LQPs do not sit in a decision-making capacity. The LQP will provide advice to the PMP members on legal and procedural issues relating to the misconduct proceedings.
- Determination of misconduct hearing
 - Provide advice to the PMP members so that a decision can be made as whether the conduct of the officer concerned amounts to gross misconduct, misconduct or neither, as well as providing advice on any disciplinary sanction as appropriate.
- Report writing
 - Provide advice relating to the outcome report prepared by the Chair.
 - The Chair may delegate responsibility for preparing the outcome report to the LQP.
 - Where the chair does so, the LQP must submit that report to the chair within 5 working days, beginning with the first working day after the hearing concludes. Where required, this period can be extended to 10 working days to enable the chair sufficient time to review the report.
 - The written report outlining the PMP decision must include –
 - The finding
 - The reasons for the finding
 - Any disciplinary action imposed
 - Any direction that the matter be dealt with under the reflective practice review process.

- The default position is that this report is then published by the Appropriate Authority, though this can be withheld in certain circumstances, or a redacted version may be published.
- Time Commitment
 - The length and complexity of cases is variable as is their frequency. No guarantee of case load can be given.

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