

## **Legally Qualified Chairs and Independent Panel Members**

On this page you will find more information about legally qualified chairs who serve on police misconduct hearing panels.

### **What is a Police Misconduct Hearing?**

A police misconduct hearing panel is likely to be arranged to hear allegations of serious cases of misconduct by police officers or special constables. The maximum outcome at a hearing would be dismissal from the police service without notice. Cases would include for example, allegations of criminal acts, serious road traffic matters such as drink/driving and other serious breaches of the standards of professional behaviour expected of police officers, such as neglect of duty. Misconduct hearings can also be convened to consider the final stages of action under performance regulations, where police officers can be dismissed for unsatisfactory performance or attendance.

### **Why do we have Legally Qualified Chairs for Police Misconduct Hearings?**

Following a public consultation led by the Home Secretary in the autumn of 2014, changes were made to the police disciplinary system for the purposes of more transparency, independence and justice. This included holding police misconduct hearings in public (from May 2015) and replacing Chief police officers (as Chairs), with independent legally qualified chairs (from January 2016).

### **Who are Legally Qualified Chairs?**

Chairs must satisfy the judicial-appointment eligibility condition on a 5-year basis as set out in section 50 of the Tribunals, Courts and Enforcement Act 2007. A Chair is selected from a list of independent legally qualified persons appointed by Police & Crime Commissioners (PCCs) to conduct misconduct hearings for special constables and police officers (but not senior police officers) and is governed by Police Conduct Regulations

### **Composition of Police Misconduct Hearings?**

A misconduct hearing panel consists of three people: the Chair, a police officer of the rank of superintendent or above, and an independent member.

As a general principle, selection of a Chair for a particular hearing will be conducted on a rota basis, with the next person on the list being appointed to Chair the hearing.

This is to ensure that the process is fair.

### **What is the role of the Chair?**

When hearing cases, the Chair will be expected to have read the papers in advance. At the end of the hearing, they are required to provide full reasons in writing for the misconduct hearing panel's decision.

The key responsibilities include:

- Reading and assimilating misconduct papers before any hearing commences which may include studying complex documented evidence;
- Making and documenting pre-hearing decisions on whether witnesses are permitted to be called to give evidence at the hearing and whether to require notice of the hearing as well as any other legal issues raised before the hearing including whether all or part of the hearing should not be in public;
- Ensuring that the police officer, or special constable (who are not always legally represented) are able to present their case and have it considered fully and fairly;
- Ensuring that hearings are conducted efficiently and effectively in a manner compatible with the interests of natural justice;
- Ensuring the procedure that is followed complies with the Regulations.
- With the other misconduct hearing panel members, deciding the outcomes - for example whether the conduct of the officer concerned amounts to misconduct or gross misconduct (or neither), and imposing any disciplinary sanction as appropriate, or in the case of a finding of no misconduct, to take no further action.

### **What is the role of the Independent Panel Member?**

The role of an IPM is to assist misconduct hearing panels in reaching a fair and evidence-based judgement about a particular officer's conduct and deciding on an appropriate sanction. They also ensure that there is an independent and impartial voice on such panels and provide assurance to the community that conduct matters are treated seriously and that misconduct proceedings are being properly investigated and adjudicated.

### **Where are Hearings held?**

In Lancashire, Misconduct Hearings are usually held in Ormskirk or Preston, however, there may be opportunity to Chair hearings across the country should we receive a request from another PCCs office, for example if they cannot source an available LQC locally.