

DMPC Decision – PCD 1464

Title: Request for authorisation to recruit 15 additional Legally Qualified Chairs (LQCs) and 15 additional Independent Panel Members (IPMs) to serve on police misconduct panels

Executive Summary

- MOPAC's Strategy & Oversight directorate is seeking approval to commence the recruitment process for the appointment of 15 additional Legally Qualified Chairs (LQCs) and 15 additional Independent Panel Members (IPMs), and to commence with a tender process to identify a supplier who provides specialist services to undertake the recruitment process and onboarding of these specialist roles.
- The responsibility currently sits with MOPAC to compile and maintain a list of LQCs and IPMs to sit on misconduct panels in respect of the MPS misconduct hearings. LQCs and IPMs have an important role to play in upholding the standards that the public expect of our police officers and rebuilding public trust and confidence in London's police force.
- The total recruitment and onboarding costs are estimated in the region of £80,000.
- The contract is required to January 2024 by when the newly appointed LQCs and IPMs will be available to adjudicate on police misconduct panels.

Recommendation:

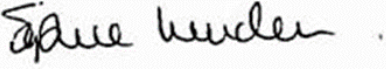
The Deputy Mayor for Policing and Crime is recommended to:

1. Authorise the onboarding costs of £80,000 for the appointment of 15 LQCs and 15 IPMs to serve on police misconduct panels
2. Approve funding up to £80,000 from the budget resilience reserve if there are insufficient underspends within the wider Strategy and Oversight budget to cover this unbudgeted expenditure
3. Provide approval to commence with a tender process using ITQ, - frameworks for suppliers who provide specialist services to undertake the recruitment process

Deputy Mayor for Policing and Crime

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

Signature 

Date 21/07/2023

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC

1. Introduction and background

- 1.1 The safety of all Londoners is the highest priority of MOPAC, and it implements this by supporting the MPS to provide a better police service for London.
- 1.2 Public confidence in the police is crucial and is dependent on police officers demonstrating the highest level of personal and professional standards of behaviour and when they do not, being held publicly accountable before a police misconduct panel. MOPAC supports the MPS in providing a better police service for London by ensuring an expeditious process for dealing with allegations of gross misconduct at misconduct hearings in our statutory role as a PCC.
- 1.3 Hearings must be a panel of three, constituted of a Legally Qualified Chair (LQC), an Independent Panel Member (IPM), and a police officer of superintendent rank or above. The responsibility currently sits with MOPAC to ensure sufficient numbers of LQCs and IPMs are recruited, as well as to compile and maintain a list of LQCs and IPMs to sit on misconduct panels, and thereafter appoint them in respect of MPS misconduct hearings.
- 1.4 Misconduct hearings represent the final stage in the disciplinary procedures for police officers who face an allegation of gross misconduct.
- 1.5 LQCs and IPMs therefore have a very public and independent responsibility. The over-arching purpose of misconduct proceedings is the maintenance of public confidence in the MPS by ensuring that MPS police officers measure up to the Standards of Professional Behaviour and the Code of Ethics.

2. Issues for consideration

- 2.1 Baroness Casey's review into the culture and standards of the MPS recommends that the MPS should embed and enforce the highest policing ethical values and standards across all of its systems and management, to include the misconduct process. Increases in the proportion of misconduct cases where action is taken, is the response required to ensure officers and staff, who breach the standards face the consequences the public would expect. The Commissioner's commitment to root out rogue officers have meant that the MPS are near doubling the misconduct cases completed and put forward to a misconduct hearing.
- 2.2 LQCs and IPMs play an important role in supporting MOPAC and the MPS to demonstrate their trustworthiness to the public, and in the rebuilding of Londoner's trust and confidence in their police service.
- 2.3 The current position is that 20 LQCs remain on MOPAC's list and 5 are not currently chairing panels due to indemnity issues. On 31 December 2025, 13 LQCs will have concluded two terms in office (10 years' service). The current position for IPMs is that 19 remain on MOPAC's list and 1 is not currently sitting due to concerns about indemnity. (Indemnity concerns is a national issue that is preventing a number of LQCs and IPMs sitting on panels.). In December 2024

eight IPMs will have completed the maximum ten years' service. Since 2022 IPMs also serve on Police Appeals Tribunals.

2.4 Currently, LQCs and IPMs are appointed for two terms in office, to maintain their independent status of not having any connection with the police force or be perceived this way by the public.

2.5 The MPS currently have in the pipeline over 200 misconduct hearings, a large percentage of which will be chaired by the existing LQCs, and this is a sharp increase when considering the figures from 12 months ago in June 2022 where the MPS had less than 100 misconduct hearings. In just a year the number of hearings has more than doubled. The pace of delivery of MPS investigation of misconduct allegations and the proactive work to root out rogue officers is placing unprecedented demand on the 14 LQCs that are chairing panels. There is a risk that unless the number of LQCs is increased it will not meet the MPS demand for chairs of misconduct hearings. As the demand to schedule more misconduct hearings continues, MOPAC expects to have difficulty allocating chairs to hearings if the number of LQCs on their list is not increased.

2.6 An additional 15 LQCs and 15 IPMs are required to maintain enough to ensure an expeditious process for dealing with allegations of gross misconduct and support the Casey recommendations by providing available independent and transparent police misconduct panels. We propose to appoint a recruitment agency from the existing GLA recruitment framework.

2.7 The Home Office is currently undertaking a review of the police disciplinary process which may impact on the role of an LQC. MOPAC will prepare to begin recruitment, acknowledging the risk of the Home Office making changes to the composition of panels, but recognising the pace of reform. The Home Office terms of reference of the review will address the indemnity concerns of the LQCs.

3. Financial Comments

3.1 This decision seeks approval to recruit 15 LQCs and 15 IPMs together with related onboarding costs at an estimated cost of £80,000. This will include the contract with the recruitment agency, advertising costs and associated training costs.

3.2 The 2023/24 budget does not provide for this specific expenditure. However, the Strategy and Oversight Directorate is expected to manage this additional cost within existing resources through the management of budget underspends. In the event this isn't possible it is recommended that, subject to DMPC approval, up to £80,000 of funding is allocated from the budget resilience reserve to meet the cost of recruitment of 15 LQCs and 15 IPMs.

4. Legal Comments

4.1 LQCs were first introduced as Chairs in police misconduct hearings on the 1st January 2016. Their introduction was brought about by an amendment to the Police (Conduct) Regulations 2012 ("PCR 2012"), namely the Police (Conduct) (Amendment) Regulations 2015 that made provision for LQCs to chair misconduct hearings relating to allegations of gross misconduct arising on or after the 1st January 2016, replacing the senior officer who previously

chaired misconduct hearings. The Police (Conduct) Regulations 2020 (“PCR 2020”) increased the role of LQCs. As well as giving LQCs increased case management powers, it extended their jurisdiction to cover misconduct proceedings brought against Senior Officers *i.e.*, officers of and above the rank of Assistant Chief Constable.

4.2 MOPAC, as a Local policing body, appoints IPMs to Police Misconduct Hearing Panels as required under The Police Reform Act 2002 (as amended).

4.3 Disciplinary matters involving police officers and special constables are dealt with by a system set out in regulations made by the Home Secretary. The current police disciplinary arrangements are set out in the Police (Conduct) Regulations 2020.

4.4 In line with the MOPAC Scheme of Consent and Delegation, paragraph 5.5, MOPAC Chief Executive has the delegated responsibility to approve business cases for revenue or capital expenditure for MOPAC expenditure of £50,000 to £499,999.

4.5 In line with the MOPAC Scheme of Consent and Delegation, paragraph 5.12 MOPAC Chief Executive has the delegated responsibility to approve the procurement strategy for all MOPAC revenue and capital contracts of a total value of between £50,000 and £499,999.

5. Commercial Issues

5.1. The recruitment agency will be procured via a compliant tender process, managed by TfL using the GLA Recruitment Framework Agreement in liaison with MOPAC HR

6. GDPR and Data Privacy

6.1. MOPAC will adhere to the Data Protection Act (DPA) 2018 and ensure that any organisations who are commissioned to do work with or on behalf of MOPAC are fully compliant with the policy and understand their GDPR responsibilities.

7. Equality Comments

7.1 It is felt that the recruitment of 15 LQCs and 15 IPMs would benefit from the use of a recruitment agency to support us in attracting the right candidates for these specialist roles. MOPAC’s goal is to make appointments that are representative of the diverse communities of London, with the specific requirement for IPMs to live in London themselves.

7.2 To be successful, applicants must show awareness of equality and diversity issues that arise in policing.

<p>Public access to information</p> <p>Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC website following approval.</p> <p>If immediate publication risks compromising the implementation of the decision it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.</p>
<p>Part 1 Deferral:</p> <p>Is the publication of Part 1 of this approval to be deferred? YES</p> <p>If yes, for what reason:</p> <p>Publication of Part 1 should be delayed until the outcome of a tender process is advised to the bidders</p>
<p>Part 2 Confidentiality: Only the facts or advice considered as likely to be exempt from disclosure under the FOIA should be in the separate Part 2 form, together with the legal rationale for non-publication.</p> <p>Is there a Part 2 form – NO</p>

ORIGINATING OFFICER DECLARATION		<i>Tick to confirm statement (✓)</i>
Financial Advice: The Strategic Finance and Resource Management Team has been consulted on this proposal.		✓
Legal Advice: Legal advice is not required.		
Equalities Advice: Equality and diversity issues are covered in the body of the report.		✓
Public Health Approach Due diligence has been given to determine whether the programme sits within the Violence Reduction Unit's public approach to reducing violence. This has been reviewed and supported by a senior manager within the VRU.		Delete this row for MPS originated decisions
Commercial Issues The Contract Management Team has been consulted on the commercial issues within this report. The proposal is in keeping with the GLA Group Responsible Procurement Policy.		✓
GDPR/Data Privacy <ul style="list-style-type: none"> GDPR compliance issues are covered in the body of the report. A DPIA will be explored within the contract arrangements with the chosen supplier. 		✓
Drafting Officer Yvonne Peart has drafted this report in accordance with MOPAC procedures.		✓
Director/Head of Service: The Head of MPS Oversight – Workforce and Professionalism has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.		✓

Chief Executive Officer

I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.

**Signature****Date 18/07/2023**