

**APCC  
review of  
Legally  
Qualified  
Chairs and  
misconduct  
hearings**

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# ► Introduction

**Changes to the police disciplinary system have been often and varied in recent years, with one of those changes leading to the introduction of Legally Qualified Chairs (LQCs) in January 2016.**

The misconduct hearing process has run very well under LQCs, but 15 months after their implementation the Association of Police and Crime Commissioners felt a review of the systems and processes governing misconduct hearings was worthwhile given Police and Crime Commissioners' powers of oversight and the public interest in police conduct.

The review has been comprehensive and inclusive, covering all parties involved in the misconduct process, and our thanks go to all those who took part in the review. The subsequent recommendations impact on all parties, from the Home Office to LQCs themselves. A collective effort is required if we are to continue to improve the misconduct hearing process, both for officers involved in those proceedings, the reputation of policing in the round and of course the public too.

We hope this review leads to the changes that all those involved in the system agree are necessary, from short-term guidance on the selection process of LQCs to more detail set out in regulations about the roles and responsibilities of all parties, including clarity on issues such as data protection.

Our thanks go to LQCs for overseeing this important area of policing, and we hope the APCC and LQCs can continue to work together to ensure the police misconduct process is overseen and implemented thoroughly and fairly.

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# ▶ 1 Executive summary and key findings

**1.1** This report is based on a survey about Legally Qualified Chairs (LQCs), conducted by the APCC between July and September 2017. The survey was sent to LQCs themselves, police force Professional Standards Departments (PSDs) and Offices of Police and Crime Commissioners (OPCCs).

**1.2** This was a largely qualitative survey, based on perception and experience of the misconduct system from different perspectives.

**1.3** The overall impression given by the survey is that while the misconduct system is operating reasonably effectively, and LQCs are settling in to their role, there are a number of issues where consistent concerns have been raised and action could be taken to improve the misconduct arrangements. These include:

- A desire for more guidance about how the current system should operate – this view was strongly supported by LQCs and echoed by other respondents, as there is currently some confusion and a number of inconsistencies in how the system operates.
- The need for more detailed parameters setting out the LQC role and their interface with PSDs in the complaints and conduct system. However, as complaints arrangements will currently change once the Policing and Crime Act 2017 is implemented, it would make sense for new regulations to set out the Home Office's clear intentions in relation to the LQCs role to align with these developments, particularly in relation to:
  - greater consistency of process, particularly in regard to the nomination of LQCs to panels (with the fairest process thought to be a cab rank/rota system, rather than nomination on any other basis); and
  - the need for greater clarity on the role of LQCs in the pre-hearing process, and their wider role in managing the misconduct process. The fact that existing statutory guidance has not been fully revised to reflect the LQC role means that there is tension between current regulations and the old guidance (and there will be further tension when the new complaints and misconduct system is introduced). This should be addressed in the short term through the revised guidance on the current system, but in the longer term through revised regulations.
- Any new regulatory changes, as suggested above, would benefit from being accompanied by more detailed guidance on how the revised complaints and conduct system should operate in practice in relation to the role of LQCs.
- Greater consistency should be considered in the terms and conditions under which LQCs are appointed by PCCs – there was support for this from both LQCs and OPCCs. There was also support for providing greater transparency about the LQC role, subject to caveats protecting individual identities.
- Indemnity and data protection responsibilities for LQCs – a resolution to these issues is needed, as there is inconsistency in the current understanding of what is required and this is causing confusion within the system and is a matter of great concern to LQCs.
- A self-learning/knowledge network would be strongly supported by LQCs, although in practice we understand that, since the survey was circulated, LQCs have taken steps to form a national organisation.
- Both LQCs and OPCCs would welcome better engagement between them, but there seems most support for this to take place at regional level as a general rule.

**1.4** In light of these key findings, we make the following Recommendations to address the issues which have been raised:

#### **Recommendation 1**

**1.5** APCC and NPCC to work together to produce some urgent guidance in the short term, setting out how the current system should operate effectively to encourage more consistency in the application of the misconduct process in relation to the LQC role.

#### **Recommendation 2**

**1.6** Home Office to consider developing regulations setting out the underlying features of the LQC role in relation to the new complaints and conduct regime which will soon be implemented. HO to consider developing more detailed guidance to sit alongside new regulations, setting out how the revised complaints and conduct system should operate in practice in relation to the role of LQCs.

#### **Recommendation 3**

**1.7** PCCs, working with APCC, to consider developing more consistent terms and conditions of appointment for LQCs, and providing greater transparency about the LQC role, subject to caveats protecting individual identities.

#### **Recommendation 4**

**1.8** PCCs, APCC, Home Office and Information Commissioners Office to consider working together to provide consistency and clarity about LQCs' data protection responsibilities, both under current and future misconduct systems. PCCs, APCC and Home Office to consider how a consistent approach to LQC indemnity could be provided.

#### **Recommendation 5**

**1.9** OPCCs and LQCs to consider how regional level engagement between them might be improved and implemented.

#### **Recommendation 6**

**1.10** LQCs work with the APCC and other to instil and embed as much transparency into misconduct hearings as possible and proportionate, moving beyond the minimum standards as outlined the Home Office, with rationale for their approach with the media and public at the outset of each hearing.

## ▶ 2 Background, the role of LQCs and previous surveys

### Background

**2.1** In April 2017 the APCC's Transparency and Integrity Portfolio commissioned a survey to understand whether the Legally Qualified Chairs of Misconduct Panels that had been brought in to play a role in police misconduct hearings in January 2016 were working well, or whether there were problems or blockages to achieving this.

**2.2** Prior to circulating the APCC survey there had also been brief surveys conducted by both the Police Federation of their members and the NPCC Misconduct Portfolio of Police Standards Departments. However, these had been largely quantitative surveys and had not sought the views of Legally Qualified Chairs ('LQCs') themselves or looked at more qualitative issues.

### The role of LQCs

**2.3** LQCs were brought into being on 1 January 2016 (as a result of the Police (Conduct) (Amendment) Regulations 2015 ('the Regulations')). They are appointed by Police and Crime Commissioners (PCCs) – usually working together regionally – to serve in a pool of LQCs on which their force PSDs can draw to chair misconduct hearings.

**2.4** The Regulations state that:

- the misconduct panel chair must be an independent person who satisfies the judicial appointment eligibility conditions (S5);
- the LQC can require notice of hearings to be published containing information about the time, place, subject matter of the hearing and name of the officer concerned (subject to certain considerations) (S7);
- misconduct hearings should be in public, but the LQC may decide to hold all or part of the hearing in private, if there are compelling reasons for doing so (S9); and
- the LQC as chair of the misconduct panel can require notice to be published about the outcome of the hearing – e.g. officer's name, the subject matter of the case, the findings of the panel, and any disciplinary action imposed (S12).

**2.5** The most recent full revision of the Home Office Guidance on Police Officer Misconduct, Unsatisfactory Performance and Attendance Management Procedures was in July 2015. Unfortunately this was some months before the Regulations were laid before Parliament and do not take account of the LQC role. They focus on the management of the misconduct process under the previous arrangements, whereby the appropriate authority (i.e. Chief Constable) was in effect responsible for managing the whole misconduct process, including the hearing (though in practice the panel Chair was usually another senior force officer).

**2.6** The Home Office produced some more limited guidance later in 2015 to accompany the Regulations when they were brought into force. This does touch on the role of LQCs, but only to provide more details about the specific powers set out in the Regulations: excluding people from all or part of misconduct hearings; conditions imposed on attendance at hearings; public notice of hearings; etc. It also gave some guidance to PCCs on appointing LQCs.

**2.7** Taken together, the effect seems to be that whilst regulations and guidance are clear about LQCs' role in managing the misconduct hearing, their role in the pre-hearing process is much less clear. It will be seen from the report which follows that this is causing some difficulties to the smooth running of the misconduct process.

### Previous surveys

#### The NPCC Survey

**2.8** The NPCC Survey had looked at outcomes from misconduct proceedings in all force regions during the period Jan 2015 to Dec 2016. This period of the survey covered the last year in which police force members chaired misconduct hearings and the first year in which LQCs chaired misconduct hearings, in order to give comparative outcomes for these different methods of managing misconduct proceedings.

**2.9** Generally this survey found that there was little statistically significant difference between the findings for gross misconduct or the dismissal outcome of officers found to have

committed misconduct, as between the previous regime and LQC chaired misconduct panels (except in Wales, where there seems to have been fewer dismissals under the LQC chaired regime). However, where there was a finding of gross misconduct, Assistant Chief Constables were generally somewhat more likely to dismiss individuals than either LQCS under the new regime or chairs of other ranks under the old. Far more significant was the statistical difference in dismissal outcomes on gross misconduct findings between regions (excluding fast track procedures), which ranged from 54.5% to 83.3%.

**2.10** In most regions there was also an upward trend for dealing with misconduct through fast track procedures, but this was a trend that had started under the previous conduct regime and was not concluded to be linked to the LQC regime. There was also a significant variation between regions about the percentage of cases dealt with through fast track arrangements.

### **The Police Federation Survey**

**2.11** The Police Federation Survey focussed more on LQCs, particularly how and by whom they are nominated to hearings, whether regional arrangements were in place, how many had been nominated to chair hearings, how many had resigned and who sets the timetable for the hearing.

**2.12** The survey found that in most areas the force/PSD selects the LQC from a pool of qualified people (although in three regions respondents thought the PCC's Office did this). These arrangements are generally based on a shared regional pool, although three forces either used LQCs from a pool which was for another area or used LQCs appointed for their area only. The majority of forces said they selected LQCs for individual hearings on a rotation basis (though the details were not specific), but four said they selected on availability only and five said they selected on a mixture of rotation and availability.

**2.13** There were some questions about the number of LQCs that had chaired hearings and

the number that had resigned. The question about the number of LQCs that had chaired hearings was relative to the number of LQCs available and the number of misconduct hearings, but it is difficult to draw comparisons or conclusions from this, as the hearings are listed by force, but the number of LQCs available will be regional. However, it is clear that only a few LQCs have resigned, mostly as a result of being appointed a circuit judge.

**2.14** Finally, there was also a question on whether hearing dates were decided before the LQC was nominated to a case. This seems to be the case in most areas, except for two regions and two forces in other regions. This is a fairly significant finding, which we will return to later in this report.

## ▶ 3 Methodology of the LQC survey

**3.1** We are grateful for the assistance of Peter Nicholls and Bronwyn McKenna for helping to circulate the survey to LQCs, for the assistance of Jackie Alexander and Nicola Thomas at the College of Policing for their help in circulating this to PSDs, and to all those that took the time to complete the survey.

**3.2** This survey was conducted in three parts, each part being aimed specifically at either LQCs themselves, Police Standards Departments ('PSDs'), or Police and Crime Commissioners Offices ('OPCCs') respectively. However, particularly in the case of the survey aimed at PSDs we tried not to repeat questions already asked in the previous two surveys referred to above, but to use the information already available from this work. Therefore fewer questions were asked of PSDs than of other groups.

**3.3** The survey questions were tailored to the experience and knowledge of each of the three groups to whom they were sent, which means that the questions were not identical, but sought to draw out specific themes from different perspectives. This was felt to be a more appropriate approach, bearing in mind that this survey is trying to gather more qualitative information, based on perception and experience of the misconduct system as seen through different lenses, relevant to different functions within the system.

**3.4** However, the survey questions included some questions seeking quantitative information from LQCs and OPCCs where this was within the knowledge of these groups, and could usefully be compared to quantitative information requested from PSDs/forces through earlier surveys.

**3.5** As stated above, the overall aim of the survey was to see which elements of the new system were working well, and which were poorly understood or were causing problems, in order to inform discussions and considerations about how the system could be improved.

**3.6** The specific questions addressed to each of the three groups are set out at Annex A.

**3.7** This report includes a detailed analysis of the answers to those three sets of questions at Annexes B, C and D respectively, which records responses to individual questions and compares the responses to each question within the same group (LQC, PSD or OPCC).

**3.8** However this covering report seeks to provide an analysis of the different questions across the three groups, and consider whether these raise key issues, problems or perceptions from a specific group, or whether these show common themes or significant differences between groups in answering similar questions.

**3.9** It concludes with a summary of how some of the main problems identified might be addressed.

### Different perspectives on common questions

**3.10** This section sets out some of the differences and commonalities evident in the answers to the questions asked about a number of key themes. These themes included:

- the process by which LQCs were nominated to misconduct cases;
- the degree of control LQCs were given by PSDs over the management of these cases; and
- the transparency of the misconduct process, and the extent to which LQCs were notified about case outcomes, such as appeals.

**3.11** We also asked OPCCs and LQCs about the consistency of terms and conditions on which LQCs were appointed, the support LQCs received for training, whether there was support for an LQC self-help network and the form this should take.

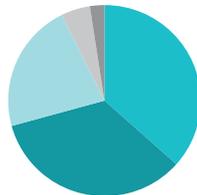
### Process by which LQCs are nominated to misconduct cases

**3.12** We asked both OPCCs and LQCs about how well they thought they understood the process used by forces to nominate LQCs to misconduct panels (see Annex B Q5 and Annex C Q1). The result of this below shows that

around 70% of OPCCs felt they had a strong or very strong understanding of this matter. However, it is evident from Figure 2 below that only about 22% of LQCs felt they had a strong or very strong understanding of how they were nominated to cases.

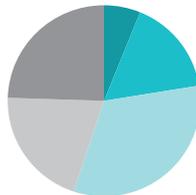
**Figure 1** Survey question asking OPCCs to rate their understanding PSD nomination of LQCs

- Very strong 34.1%
- Strong 36.6%
- Neither strong nor poor 22.0%
- Poor 4.9%
- Very poor 2.4%



**Figure 2** Survey question asking LQCs to rate their understanding of how PSDs nominate them

- Very strong 6.1%
- Strong 16.3%
- Neither strong nor poor 32.7%
- Poor 20.4%
- Very poor 24.5%

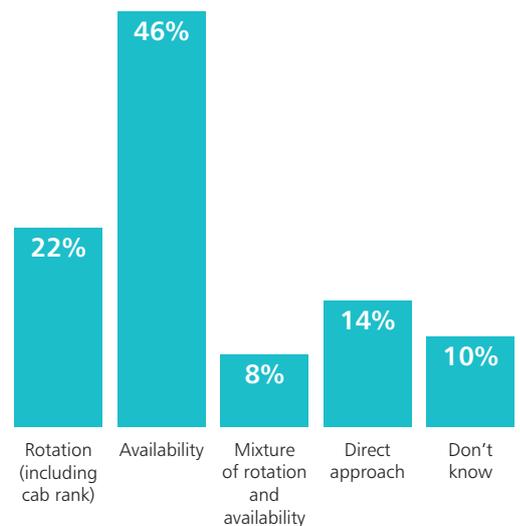


**3.13** More detailed questions were also asked of LQCs about the specific process used by forces to nominate them to misconduct cases (Annex B, Q6). This can be compared to the categories used in the Police Federation survey, requesting respondents to fill in a nomination category ('availability', 'rotation' or 'other').

**3.14** The figures below illustrate the differences in the two sets of responses, although caution is needed in drawing conclusions, as these results reflect one method used for each force, but may reflect LQC experience of different methods used in different areas. Nevertheless, it shows a stark difference in perception about the appointment methods used – notably a significant variance in the use of availability as a method of allocating LQCs.

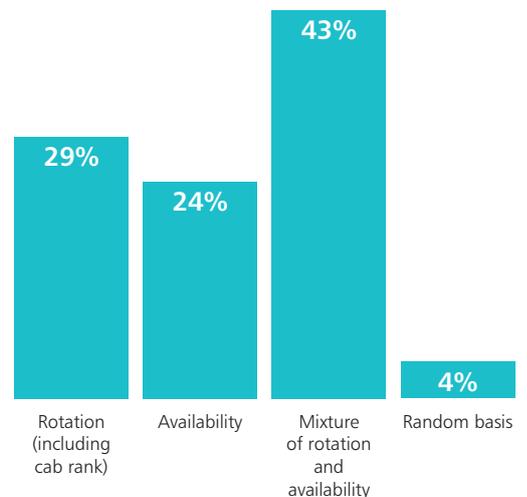
**Figure 3** LQCs were asked to list the processes used in nominating them to misconduct cases

Percentage of LQC responses where method of selection is cited



**Figure 4** Forces set out the processes they used in nominating LQCs to misconduct cases

Percentage of PSD responses



**3.15** It is worth noting that we also asked LQCs some supplementary questions about what they felt the best practice method of nomination was and whether there was any useful good practice in other sectors (Annex B, Qs 10 and 11). There was very strong support amongst LQCs for the cab-rank principle as the fairest method (which is one of the forms of ‘rotation’ that can be used), and a number of LQCs mentioned that the better organisations in other sectors used variations of this principle. It is also worth mentioning that at Annex B question 8 there was strong support from LQCs for a system of nomination to panels that was applied consistently across all forces.

**3.16** The most notable finding from the figure above is the inconsistent perceptions about the proportion of areas that select by availability. Where selection is by availability, it implies that PSDs have set the date of the misconduct hearing in advance of nominating the LQC. This interpretation is supported by other findings from the Police Federation Survey, referred to above, that (except for two regions and two forces in other regions) in most cases the date of the misconduct hearing is set before the LQC is nominated.

**3.17** However, it is evident from the detailed answers to subsequent questions (e.g. Q12 and Q22) that this is causing some problems, as LQCs often do not receive papers in a timely fashion or have a role in other pre-hearing decisions, which leads to subsequent delays in process (e.g. delays in giving directions, adjourned hearings), additional costs and, in some cases, LQCs being requested to block out several days for a hearing that only lasts one or two days, thus not making best use of their time.

**3.18** The current statutory guidance (which was developed before LQCs were introduced) does not cover this point specifically, and leaves an uncertain situation (see Chapter 2 on role of LQCs). It does raise questions about whether PSDs have fully thought through the role and responsibilities of the LQCs, and about whether revised guidance is needed to clarify the LQC role in the pre-hearing process.

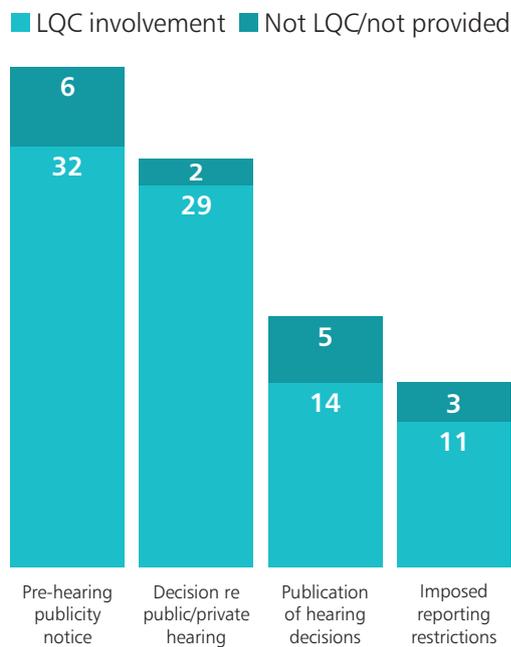
### **LQC control over the management of misconduct cases and transparency of proceedings**

**3.19** As noted, the response about the methods of LQC appointment imply that in some areas LQCs are not being given control over the misconduct process, particularly the pre-hearing process. Some elements of this, such as control over the transparency of hearings are written into legislation, but other elements (such as managing the timetable) are not. We asked LQCs some supplementary questions about this.

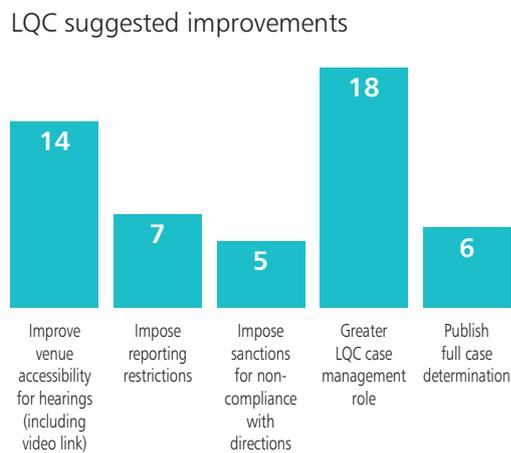
**3.20** The detailed responses are set out in Annex B at questions 12, 13 and 14, but it may be worth noting that, whilst some LQCs report constructive relationship with PSDs in relation to case management (even so, some are critical of late papers and shortened timescales), a significant number are critical that PSDs retain too great a control of process. Only a few LQCs were aware of fast track processes. One LQC summarised their experience thus: “the attitude of most AAs [i.e. Chief Officers as Appropriate Authority] and Officers’ representatives is that they do not welcome active case management and do not respond fully and adequately to directions given”.

**3.21** In relation to transparency of hearings (Annex B, question 13), more LQCs were satisfied that they engaged with the force constructively on this matter and were able to issue publicity orders, determine whether hearings should be private or public, and issue direction about the publication of hearing outcomes. However, there were still a significant number that felt hampered in ensuring transparency either by late receipt of papers, leaving inadequate time for notices to be given, or in relation to what they regard as inappropriate or intimidating venues for the public to attend (including in some cases, the use of a video link for the public, rather than presence in the same room).

**Figure 5** We asked LQCs about their involvement in the transparency of hearings, both before, during and after misconduct hearings. Whilst LQCs seem most involved in deciding the pre-hearing publicity notice, there remain some instances where decisions about this seems to be out of the LQCs hands



**Figure 6** We asked LQCs how they believed they could take better control of the transparency of proceedings



**3.22** We also asked OPCCs about their awareness of how PSDs were managing the misconduct process and engaging with LQCs (Annex C, Q4). There were mixed responses on this, with a spread between those that had no knowledge or did not consider this part of their role, to those who had frequent updates about this from PSDs.

**3.23** However, in asking OPCCs about transparency (Annex C Q5), 70% of OPCCs were satisfied that the misconduct process was transparent, although a small number thought it was too transparent, so that it dealt in public with matters which in other professions it was felt would be handled in private. This theme was echoed by some incidental comments in responses to other questions by PSD respondents.

### Notification of case outcomes

**3.24** We asked both LQCs and PSDs whether LQCs were notified about case outcomes (such as appeals). Around 43% of PSDs said that they did this always or frequently. This compares to about 32% of LQCs that thought they were notified always (none reported being notified frequently). Clearly there are some differences in perception here, most noticeable at the other extreme, where 37% of PSDs say they never notify LQCs of results, but 51% of LQCs think they are never notified. However, it is evident from Annex B Q18 that all the LQCs that are not notified of outcomes would like to be.

### Rate of appeals

**3.25** We asked a follow up question in the survey to PSDs (see Annex C, Qs 11-12) about whether they were aware of any indication that the rate of appeals had changed since LQCs were put in place (which might in itself indicate a level of dissatisfaction with LQC decisions). The answers confirmed that there had been no significant change in the number of appeals.

### LQC terms and conditions

**3.26** We asked some questions about the consistency and transparency of LQC terms and conditions (see Annex B, Q 15 and Annex C, Qs

7&8). There was general support amongst both OPCCs and LQCs to bring greater transparency to this process (95% and 72% respectively), with some caveats. LQCs were not in favour of publishing information about individuals, including expenses, fees and decisions, but generally supported more generic information being published, such as information about their role, process of appointment and training. OPCCs were overwhelmingly in favour of greater transparency, but some were nervous about publishing information on fee structures without national rates being agreed.

**3.27** The fees paid to LQCs are broadly governed by Home Office Guidance (though some areas have their own arrangements) and most LQCs are appointed on a regional basis with one OPCC in the lead role. In relation to the question asked of OPCCs about whether they would support greater consistency in this respect (i.e. in relation to fee structure, payment for training, expenses for travel, training), 76% confirmed that they would.

### **Support for LQC training**

**3.28** We asked questions of both OPCCs and LQCs about training and development support (Annex B Qs 24 and 25, Annex C Qs 14 and 15). 56% of OPCCs said that they made some provision for training and support of LQCs, although a number referred to the training provided by the College of Policing, and some thought this was a PSD responsibility. 70% of LQC respondents confirmed they had access to training from other sectors (such as the Judicial College), but 91% of LQCs thought it would be helpful to supplement this with an LQC knowledge/self-learning network (e.g. to gain access to legal databases), although only 34% of OPCCs would be prepared to contribute financially to supporting such a network.

### **LQC engagement**

**3.29** OPCCs and LQCs were both asked about their preferences for better engagement (see Annex B Qs 20, 25 and 26 and Annex C Qs 12 and 13). LQCs were roughly evenly split between their preference for a national or regional

mechanism (48% and 43% respectively). LQCs were also asked which bodies they would like to engage with. The majority suggested Police Federation, PCCs and Home Office as their top three. The majority of OPCCs indicated a desire to engage with LQCs more (69%), but the general preference (51%) was for a regional mechanism. LQCs were more split on the issue of engagement with PSDs, some felt this could compromise their independence, while others considered it might be helpful to have a forum to give feedback and suggest process improvements.

### **Equality impact statements**

**3.30** We asked some questions about equalities and diversity in appointing LQCs (see Annex B Q 27, Annex C Qs 9 and 10, and Annex D Q9). The questions to OPCCs and PSDs were framed in terms of conducting equality impact statements. 84% of OPCCs confirmed that neither they nor their force had conducted an equality impact process. 94% of forces said that they had not completed one – largely on the grounds that they believed this was the OPCCs' role. Various reasons were given by OPCCs that had not conducted one, some citing the regional recruitment arrangements for LQCs and some to confirm they had considered the public sector equalities duties in recruiting LQCs as per a normal process. LQCs were asked whether they considered themselves a member of a protected group within the equalities legislation – 30% confirmed that they did.

### **Guidance**

**3.31** Whilst only LQCs were asked specifically about guidance (Annex B, Q19), this phrase cropped up several times in answers to a range of other questions in both the OPCC and PSD surveys, and clearly there is a demand for greater guidance on the LQC role. 75% of LQCs supported the development of such guidance.

## ▶ 4 Different themes

**4.1** Some specific issues were raised by survey respondents which were not addressed by other groups. These are outlined below.

### LQC perspective: key themes

**4.2** Most of the issues raised by LQCs have already been covered in the previous section. However, we asked LQCs to rank their main concerns (see Annex B, Q21). The results are summarised and ranked below:

- 1 Indemnity
- 2 Hearing management
- 3 Process of nominating chairs to panels
- 4 Data protection
- 5 Other.

**4.3** The indemnity issue relates largely to protecting LQCs personally from the possibility of legal proceedings which might flow from their decisions as misconduct panel chair. Data protection relates to clarifying their role and liabilities in handling personal data as a result of their position in misconduct proceedings. The remaining two points should be self-explanatory.

### OPCC perspective: key themes

**4.4** A couple of additional issues were raised which do not sit in the earlier comparative session.

#### PCC oversight role

**4.5** The first of these was a question put to OPCCs about the PCC role in the oversight of LQC nomination (Annex C, Q3). The majority of OPCCs (66%) would support a stronger role for the PCC in this process (reasons cited for this included bringing greater independence and greater transparency to the process). However, 34% did not support the proposals, citing either their belief that this was an operational matter, or the potential conflict problems that might arise once the PCC takes over the role of complaints appeals (currently dealt with by Chief Constables), an element of complaints reform due to take place from next year.

#### Public feedback

**4.6** We also asked OPCCs about public contact/feedback from misconduct panels, now that the majority of hearings are open to the public (Annex C, Q16). We asked a similar question of PSDs (Annex D, Q13). Only 14% of OPCCs and 26% of PSDs had received any public feedback. There was a mixture of positive and negative feedback. On the positive side they tended to congratulate the transparency of process and on the negative side they tended to complain that: the hearing was in public, there were defects in holding hearings by video link to the public, the venues are inaccessible or the decisions are too lenient.

### PSD perspective: key themes

#### LQC decision making

**4.7** Prior to this and other surveys there was anecdotal evidence of a perception amongst forces that LQCs were more lenient in their findings than was the case under the previous (force managed) regime. The NPCC survey looked at the statistical picture in this regard and found that there was no statistically significant evidence of this (except perhaps in Wales). However we asked the question in the APCC survey about PSD perceptions and it seems to be the case that a substantial minority still have this perception (Annex D, Q6) – 42% believe LQC decision making is too lenient. On the other hand, when asked at Annex D Q8 whether there was any evidence that the variability in LQC terms and conditions affected their availability or effectiveness, 95% said there was none.

**4.8** However, it is clear from the detailed responses to one question on the OPCC survey (Annex C, Q6), that some forces have complained to PCCs about LQC leniency or lack of understanding about force processes/culture, although it is not clear what specific issues spurred these complaints. Again, this may be an argument for clearer guidance to both LQCs and forces.

# ► 5 Conclusions and next steps

## Conclusions

**5.1** The overall impression given by the survey is that while the misconduct system is operating reasonably effectively, and LQCS are settling into their role, there are a number of issues where concerns have been raised and action could be taken to improve the misconduct arrangements.

**5.2** Chief among the issues to address/improve seem to be:

- A desire for more guidance about how the current system should operate – this view was strongly supported by LQCs and echoed by other respondents, as there is currently some confusion and a number of inconsistencies in how the system operates.
- The need for more detailed parameters setting out the LQC role and their interface with PSDs in the complaints and conduct system. However, as complaints arrangements will currently change once the Policing and Crime Act 2017 is implemented, it would make sense for new regulations to set out the Home Office’s clear intentions in relation to the LQCs’ role to align with these developments, particularly in relation to:
  - Greater consistency of process, particularly in regard to the nomination of LQCs to panels (with the fairest process thought to be a cab rank/rota system, rather than nomination on any other basis)
  - Greater clarity is needed on the role of LQCs in the pre-hearing process, and their wider role in managing the misconduct process. The fact that existing statutory guidance has not been fully revised to reflect the LQC role means that there is tension between current regulations and the old guidance (and there will be further tension when the new complaints and misconduct system is introduced). This should be addressed in the short term through the revised guidance on the current system, but in the longer term through revised regulations.
- Any new regulatory changes, as suggested above, would benefit from being accompanied

by more detailed guidance on how the revised complaints and conduct system should operate in practice in relation to the role of LQCs

- Greater consistency should be considered in the terms and conditions under which LQCs are appointed by PCCs – there was support for this from both LQCs and OPCCs. There was also support for providing greater transparency about the LQC role, subject to caveats protecting individual identities.
- Indemnity and data protection responsibilities for LQCs – a resolution to these issues is needed, as there is inconsistency in the current understanding of what is required and this is causing confusion within the system and is a matter of great concern to LQCs.
- A self-learning/knowledge network would be strongly supported by LQCs, although in practice we understand that, since the survey was circulated, LQCs have taken steps to form a national organisation.
- Both LQCS and OPCCs would welcome better engagement between them, but there seems most support for this to take place at regional level as a general rule.

## Next steps

**5.3** While the three main sectors involved in the misconduct system locally – OPCCs, PSDs and LQCs – will no doubt want to work together to see how they can improve the system at that level, this report has specifically set out five key recommendations as follows:

### Recommendation 1

**5.4** APCC and NPCC to work together to produce some urgent guidance in the short term, setting out how the current system should operate effectively to encourage more consistency in the application of the misconduct process in relation to the LQC role.

### Recommendation 2

**5.5** Home Office to consider developing regulations setting out the underlying features

of the LQC role in relation to the new complaints and conduct regime which will soon be implemented. HO to consider developing more detailed guidance to sit alongside new regulations, setting out how the revised complaints and conduct system should operate in practice in relation to the role of LQCs.

### **Recommendation 3**

**5.6** PCCs, working with APCC, to consider developing more consistent terms and conditions of appointment for LQCs, and providing greater transparency about the LQC role, subject to caveats protecting individual identities.

### **Recommendation 4**

**5.7** PCCs, APCC, Home Office and Information Commissioner's Office to consider working together to provide consistency and clarity about LQCs' data protection responsibilities, both under current and future misconduct systems. PCCs, APCC and Home Office to consider how a consistent approach to LQC indemnity could be provided.

### **Recommendation 5**

**5.8** OPCCs and LQCs to consider how regional level engagement between them might be improved and implemented.

### **Recommendation 6**

**5.9** LQCs work with the APCC and other to instil and embed as much transparency into misconduct hearings as possible and proportionate, moving beyond the minimum standards as outlined the Home Office, with rationale for their approach with the media and public at the outset of each hearing.

**5.10** We understand that the Home Office is planning to update both the regulations and guidance on the complaints process to tie in with the implementation of the new complaints provisions set out in the Policing and Crime Act 2017. This could pick up on the issues raised in relation to LQC role in misconduct hearings.

**5.11** However, new regulations and guidance could be some months away, so Recommendation 1 suggests that the APCC and NPCC should work together to develop some interim guidance in relation to the key issues emerging from this survey under the existing misconduct system, particularly nomination of LQCs to panels, LQC role in managing misconduct cases, and transparency of proceedings.

**5.12** Recommendation 3 suggests more consistency should be developed in the terms and conditions of appointment for LQCs, as this is currently inconsistent and is resulting in confusion between areas about what is appropriate, and difference in treatment for LQCs serving more than one region.

**5.13** Recommendation 4 deals with two specific issues which are a key concerns for LQCs, as demonstrated by the survey – indemnity and data protection. A common view, understanding and practice is needed in this area, where currently there are inconsistencies and variations.

**5.14** Finally Recommendation 5 is substantially for local OPCCs and LQCs to consider how better regional engagement mechanisms between them can be built.

### **APCC**

December 2017

# ► Annex A List of survey questions

If you would like the embedded content of this annex as a separate document, please contact the APCC at the address on the back page.

## **Integrity and Transparency Group**

### **Item 5.1 Annex A**

#### **List of Survey Questions**

##### **LQCs**

1. By how many forces have you been used as a Legally Qualified Chair?
2. Which forces have used you as a Legally Qualified Chair?
3. How many times have you been approached to chair a misconduct hearing?
4. How many misconduct hearings have you chaired?
5. How would you rate your understanding of how Professional Standards Departments (PSDs) are appointing Legally Qualified Chairs (LQCs) to misconduct hearings?
6. In your experience, what process has been used by police force Professional Standards Departments to approach you to chair a misconduct hearing? Please provide specific examples of the process(es) used.
7. Do you believe that the process used by police force Professional Standard Departments to approach you to chair misconduct hearings could be improved? If your answer is 'yes', please describe the improvements you believe could be made in the Comments box below.
8. Would you like to see a selection process that is agreed centrally, and consistent across all force areas? Please add any further comments below.
9. Do you support the principle that those who chaired recent meetings go to the back of the 'cab rank'? Please use the space below to provide any further comment.
10. To what extent do you believe that the 'cab rank' principle is accepted as best practice amongst PSDs? Please add any further comments below.
11. Please describe below any other examples of good practice which may be used by other regulatory bodies or tribunals to appoint Chairs of meetings.
12. Please describe your experience of how Professional Standards Departments engage with you on making decisions about the management of the misconduct process.

You may wish to refer to the following in your description:

- The use of fast-track mechanisms.
- The level of contact with you in relation to managing misconduct processes.
- The level of flexibility you are given to manage hearings.

13. Please describe the involvement that you have in ensuring the transparency of proceedings both before and during hearings? You may wish to refer to the following points:
  - How hearings are publicised.
  - How journalists are informed.
  - The accessibility of the venues where the panel is held.
  - Restrictions placed on the evidence heard in public.
  - Information published following hearings.
14. How do you believe that LQCs could take better control of the transparency of proceedings?
15. Would you support an approach in which OPCCs, as a transparency measure, published more details about your role, fee structure, expenses, outcomes and other such information on the

website for their OPCC? Please note, this would not include details which might identify you, such as names or addresses. Please use the space below to provide any further comment.

16. Do you believe there are safeguarding measures which should be considered to protect LQC security? If your answer is 'Yes', please provide further details below on what these should be.
17. Are you notified of the outcomes of cases which you chair? Please use the space below to make any other comments.
18. If your answer to Q17 was 'No', would you like to be notified of the outcomes of cases which you chair? Please use the space below to make any other comments.
19. Do you think that additional guidance would help to improve the process of managing the misconduct process/hearings? If your answer is 'Yes', please describe below what you believe the additional guidance should cover.
20. Please describe any suggestions you may have for improving engagement between Professional Standards Departments (PSDs) and Legally Qualified Chairs (LQCs)
21. Please rank your most serious concerns about your role as an LQC in order of priority, ranking the most important as 1 and the least important as 5.
22. Would you like to see a more consistent approach to case management? If your answer is 'Yes', please describe below what key features this more consistent approach should have.
23. Do you have access to any training, support of learning from other sectors? If your answer is 'Yes', please describe below.
24. How helpful do you think a knowledge/self-help network or similar amongst the LQCs would be? For example, this could take the form of a centralised electronic knowledge hub, a Dropbox system, or a system to circulate LQC decisions and relevant case law. Please use the space below to add any further comments.
25. In relation to engagement about wider issues, which of the following would be most preferable? If you answer is a 'national arrangement', please describe below how you believe LQC representatives should be selected.
26. In relation to LQC engagement on wider issues, which partners/organisations would need to be involved in either a regional or national arrangement?
27. Do you regard yourself as being a member of a protected group within the context of the Equalities legislation? If your answer is 'Yes', please provide further details below.
28. Please use the space below to let us know any other comments you have regarding this survey or the issues raised in it.

## **OPCCs**

1. Which PCC Area are you employed by?
2. How would you rate your understanding of how Professional Standards Departments (PSDs) are nominating Legally Qualified Chairs (LQCs) to misconduct hearings?
3. Do you believe it is part of the PCC's role to oversee the process of appointing LQCs to misconduct panels? Please make any further comments in the box below.
4. Are you aware of how PSDs are making decisions about the management of the misconduct process, e.g. the use of fast track mechanisms, their engagement with LQCs in relation to the misconduct process, and how much flexibility they give LQCs in managing hearings?
5. Are you concerned about the levels of transparency surrounding public misconduct hearings?

# ► Annex B LQC survey: LQC analysis

If you would like the embedded content of this annex as a separate document, please contact the APCC at the address on the back page.

LQC Survey LQC analysis

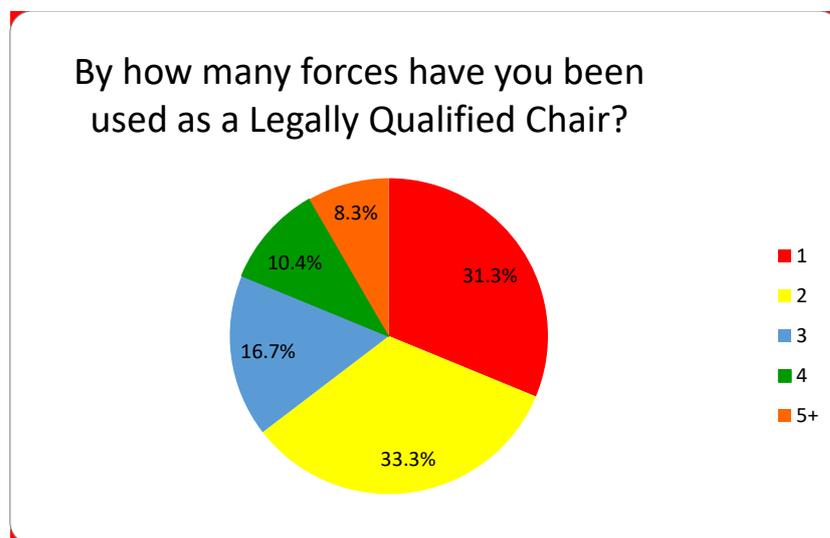
## Review of Legally Qualified Chairs (LQCs) - Questions for LQCs

### I. Misconduct Hearings: Section Overview:

The survey was answered by 49 respondents in total. The majority of respondents (64.6%) had served as an LQC for 1 or 2 forces (Fig 1). The respondents have served in a range of police areas across England, although as can be seen in Fig 2 below, LQCs who have served in urban areas (GMP, MPS) are overrepresented, also only one respondent has served as an LQC in Wales (in Gwent). Figs 3 and 4 display the number of times that respondents have been approached to chair a panel, and the number of times they have done so, respectively.

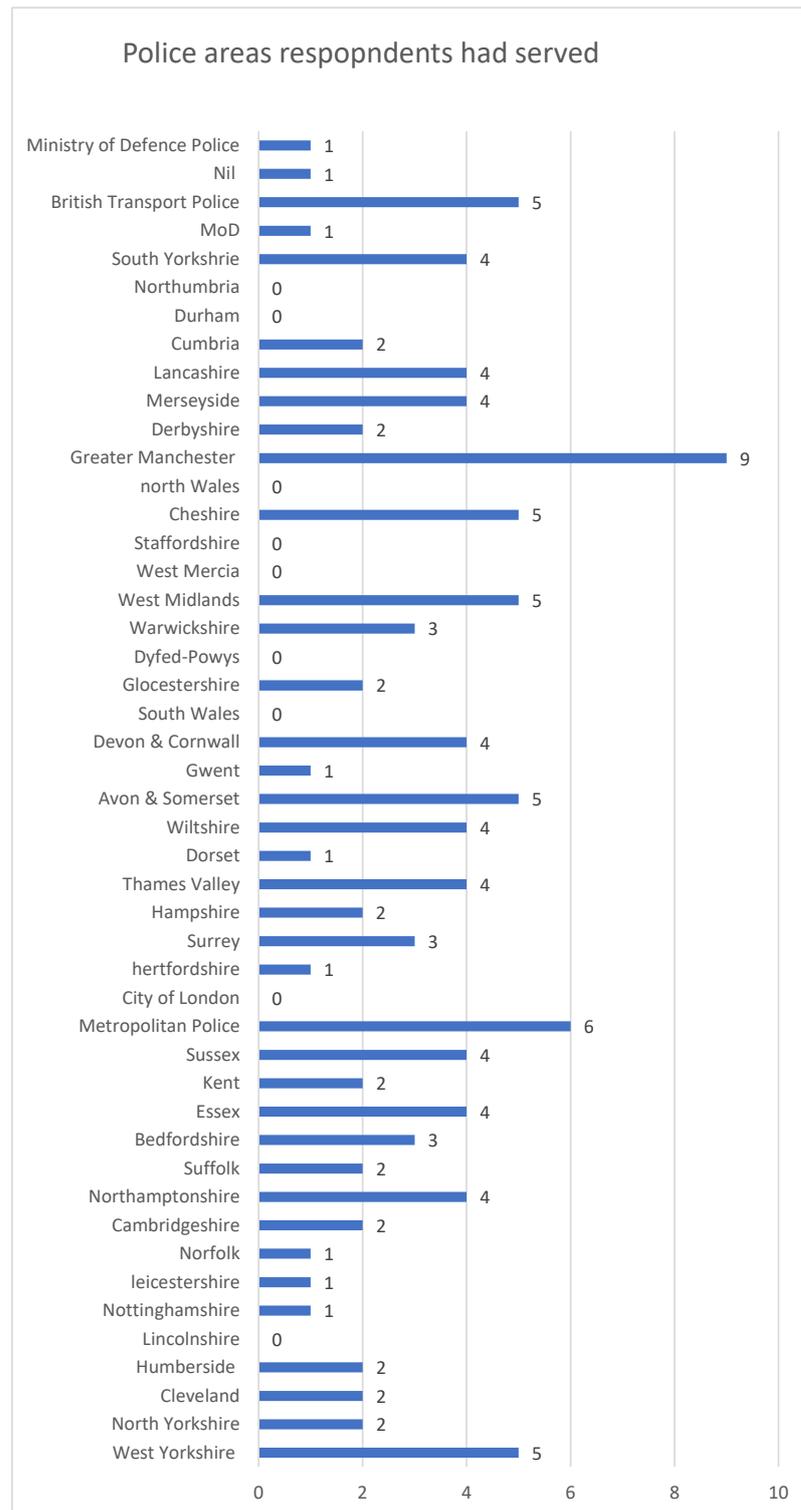
#### 1. By how many forces have you been used as a Legally Qualified Chair?

1. By how many forces have you been used as a Legally Qualified Chair?						Response Percent	Response Total	
1	1					31.25%	15	
2	2					33.33%	16	
3	3					16.67%	8	
4	4					10.42%	5	
5	5+					8.33%	4	
Analysis	Mean:	2.31	Std. Deviation:	1.24	Satisfaction Rate:	32.81	answered	48
	Variance:	1.55	Std. Error:	0.18			skipped	5



#### 2. Which forces have used you as a Legally Qualified Chair?

LQC Survey LQC analysis

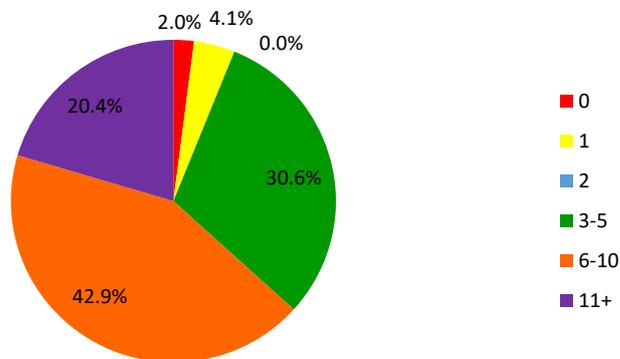


**3. How many times have you been approached to chair a misconduct hearing?**

						Response Percent	Response Total	
1	0					2.04%	1	
2	1					4.08%	2	
3	2					0.00%	0	
4	3-5					30.61%	15	
5	6-10					42.86%	21	
6	11+					20.41%	10	
<b>Analysis</b>	Mean:	4.69	Std. Deviation:	1.05	Satisfaction Rate:	73.88	answered	49
	Variance:	1.11	Std. Error:	0.15			skipped	4

3.

**How many times have you been approached to chair a misconduct hearing?**

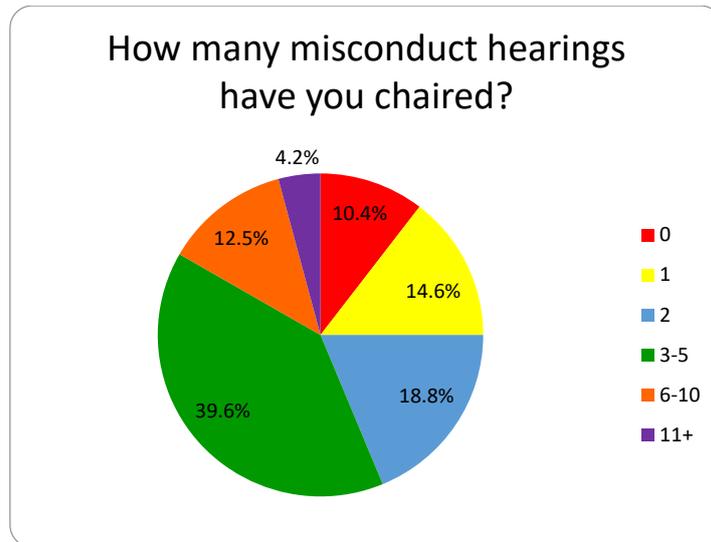


4. How many misconduct hearings have you chaired?

LQC Survey LQC analysis

4. How many misconduct hearings have you chaired?								
						Response Percent	Response Total	
1	0					10.42%	5	
2	1					14.58%	7	
3	2					18.75%	9	
4	3-5					39.58%	19	
5	6-10					12.50%	6	
6	11+					4.17%	2	
<b>Analysis</b>	Mean:	3.42	Std. Deviation:	1.29	Satisfaction Rate:	48.33	answered	48
	Variance:	1.66	Std. Error:	0.19			skipped	5

LQC Survey LQC analysis

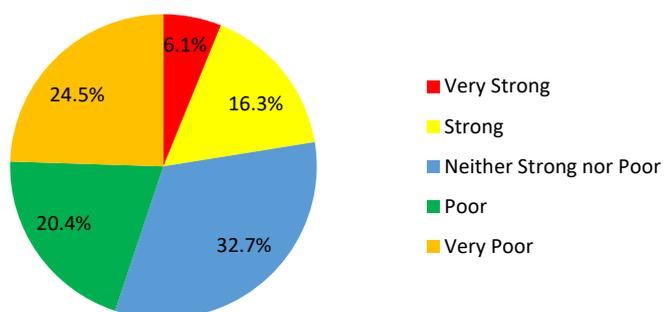


**II. Process to appoint LQCs**

**5. How would you rate your understanding of how Professional Standards Departments (PSDs) are appointing Legally Qualified Chairs (LQCs) to misconduct hearings?**

5. How would you rate your understanding of how Professional Standards Departments (PSDs) are appointing Legally Qualified Chairs (LQCs) to misconduct hearings?					Response Percent	Response Total
1	Very Strong	<span style="color: red;">■</span>			6.12%	3
2	Strong	<span style="color: yellow;">■</span>			16.33%	8
3	Neither Strong nor Poor	<span style="color: blue;">■</span>			32.65%	16
4	Poor	<span style="color: green;">■</span>			20.41%	10
5	Very Poor	<span style="color: orange;">■</span>			24.49%	12
<b>Analysis</b>	Mean:	3.41	Std. Deviation:	1.19	Satisfaction Rate:	60.2
	Variance:	1.43	Std. Error:	0.17		
					answered	49
					skipped	4

How would you rate your understanding of how Professional Standards Departments (PSDs) are appointing Legally Qualified Chairs (LQCs) to misconduct hearings?



**49 answered**

44.9% of respondents stated that they have a poor or very poor understanding of how PSDs appoint LQCs to chair misconduct hearings, as opposed to 22.4% who said their understanding was strong or very strong.

**6. In your experience, what process has been used by police force Professional Standards Departments to approach you to chair a misconduct hearing? Please provide specific examples of the process(es) used.**

**In the main, responses could be grouped into the following:**

- a. Direct approach
- b. Cab rank
- c. Quasi-cab rank
- d. First come first serve/Based on availability
- e. Other
- f. Responses unclear.

**a. Direct approach**

10 respondents made reference to a direct approach being used directly to chair a misconduct panel. An LQC operating in two forces reported being approached directly from the Professional Standard Department on all three occasions they had chaired a hearing.

LQC Survey LQC analysis

Another respondent who reported that they received emails asking about their availability for a particular date, highlighted in their response that this approach “does not reflect the requirements of regulations”. Meanwhile, another respondent reported that they believed they were picked specifically as a “safe pair of hands”.

**b. Cab rank**

12 respondents reported that the ‘cab rank’ rule was in place in their areas. Merseyside, and Avon & Somerset were cited as areas where the ‘cab rank area is in use’. One respondent, who did not indicate which areas had used them as an LQC, reported that initially LQCs had been chosen by the PSD, however a rota system was adopted after the LQCs made a request for such a system to be instated.

**c. Quasi-cab rank**

4 respondents either described a process that sounds like the cab-rank rule, but did not refer it as such, or thought that cab-rank principle was in place but weren’t entirely sure.

**d. First come first serve / appoint who is available**

16 respondents reported being approached on a first come/first serve basis. One respondent reported being told by a police force in the southeast region that they used the first-come-first-serve system as they believed that this was the most impartial way of selecting LQCs

Many of these respondents reporting that a mass email was sent out to all LQCs, asking who was available, with the chair being given to whoever responds first.

**e. Other feedback**

Two respondents mentioned that regulations were not being adhered to: that PSDs are setting dates without reference to the availability of chairs. Another respondent highlighted that it should be LQCs who prescribe the timetable.

One LQC cited that she was on a list of exclusively female LQCs, and that she felt it was problematic for LQCs to be selected on gender.

**f. Response Unclear**

10 responses were unclear.

7.

**7. Do you believe that the process used by police force Professional Standard Departments to approach you to chair misconduct hearings could be improved? If your answer is 'yes', please describe the improvements you believe could be made in the Comments box below.**

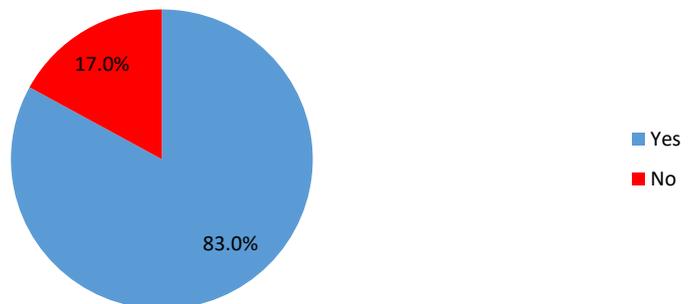
			Response Percent	Response Total
1	Yes		82.98%	39

**7. Do you believe that the process used by police force Professional Standard Departments to approach you to chair misconduct hearings could be improved? If your answer is 'yes', please describe the improvements you believe could be made in the Comments box below.**

							Response Percent	Response Total
2	No						17.02%	8
<b>Analysis</b>	Mean:	1.17	Std. Deviation:	0.38	Satisfaction Rate:	17.02	answered	47
	Variance:	0.14	Std. Error:	0.05			skipped	6

**Do you believe that the process used by police force Professional Standard Departments to approach you to chair misconduct hearings could be improved? If your answer is 'yes', please describe the improvements you believe could be made in the Comments box**

Do you believe that the process used by police force Professional Standard Departments to approach you to chair misconduct hearings could be improved? If your answer is 'yes', please describe the improvements you believe could be made in the Comments box



47 respondents answered this question, 39 of them answered 'yes' and 8 answered 'no'.

8 responses specifically referenced that **a cab rank, or rota system should be adopted.**

#### LQC Survey LQC analysis

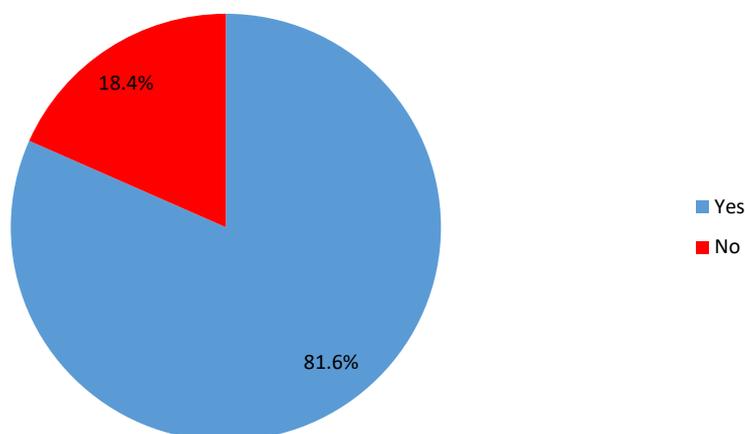
A consistent comment was that **not enough consideration is given to the availability of LQCs**: several respondents mentioned that the date of the meeting should be fixed once the chair has been appointed.

Respondents appeared to believe that there needs to be greater **transparency and fairness** in the system: 11 separate responses cited the need for greater fairness and transparency.

3 responses cited the need for a single unified approach across all PSDs; one respondent called for a single chairs script to be used at all hearings around the country.

**8. Would you like to see a selection process that is agreed centrally, and consistent across all force areas? Please add any further comments below.**

Would you like to see a selection process that is agreed centrally, and consistent across all force areas? Please add any further comments below.



All respondents answered, 40 answered yes; 9 answered No.

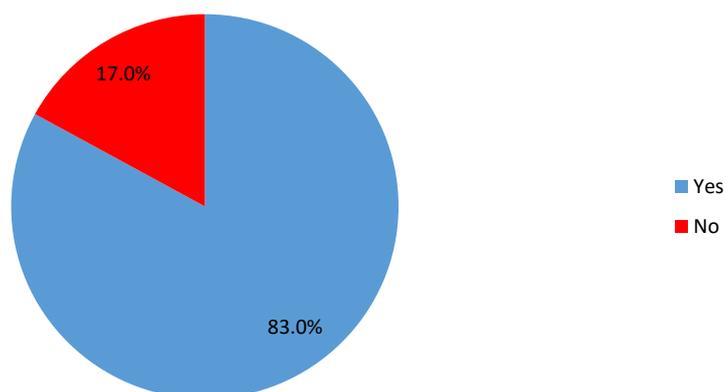
1 respondent commented that consistency would increase the perception of fairness, another highlighted that a centrally agreed selection with give an assurance of transparency, fairness and consistency.

Several respondents prioritised fairness and perceptions of independence over the needs for a selection process which is centrally agreed.

One respondent however, stated that that there was no need to make the process more “bureaucratic”.

**9. Do you support the principle that those who chaired recent meetings go to the back of the 'cab rank'? Please use the space below to provide any further comment.**

Do you support the principle that those who chaired recent meetings go to the back of the 'cab rank'? Please use the space below to provide any further comment.



47 respondents answered: 39 yes, 8 no.

**The cab rank principle received broad support:** in the further comments one respondent said that this would give all chairs an equal opportunity to sit; another commented that it seems fair and common sense; another said it would maximise the chance of truly random selection.

However, **a consistent point raised was experience of the LQC:** one respondent cited that force should be permitted to take account of the individual experience of an LQC, another respondent stated that that specialist knowledge of chairs should be considered. Another respondent stated that the experience of chairs should be considered when it is known that a challenging legal issue would arise; another said that some hearings required more experienced LQCs, and that the selection process should reflect that. Another stressed the need for someone who is prepared to chair a multi-day hearing to have previously chaired a one-day hearing.

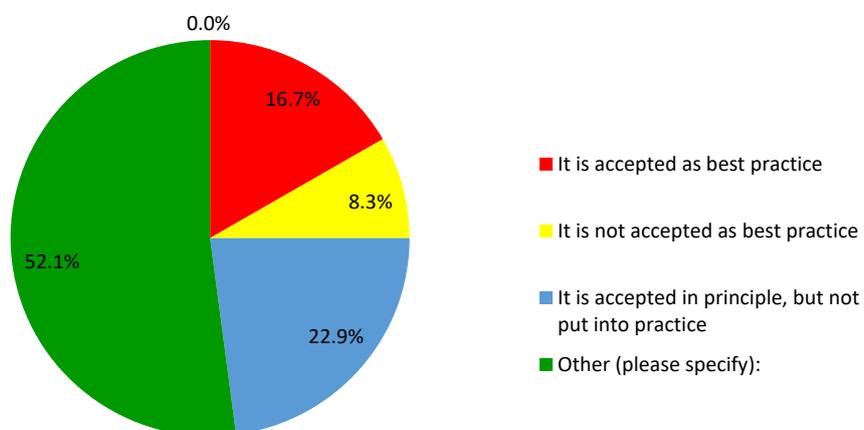
**10. To what extent do you believe that the 'cab rank' principle is accepted as best practice amongst PSDs? Please add any further comments below.**

LQC Survey LQC analysis

**10. To what extent do you believe that the 'cab rank' principle is accepted as best practice amongst PSDs? Please add any further comments below.**

		Response Percent	Response Total					
1	It is accepted as best practice	16.67%	8					
2	It is not accepted as best practice	8.33%	4					
3	It is accepted in principle, but not put into practice	22.92%	11					
4	Other (please specify):	52.08%	25					
<b>Analysis</b>	Mean:	3.1	Std. Deviation:	1.12	Satisfaction Rate:	70.14	answered	48
	Variance:	1.26	Std. Error:	0.16			skipped	5

To what extent do you believe that the 'cab rank' principle is accepted as best practice amongst PSDs? Please add any further comments below.



48 answered

It is accepted as best practice	16.7%	8
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LQC Survey LQC analysis

It is not accepted as best practice	8.3%	4
It is accepted in principle, but not put into practice	22.9%	11
Other (please specify):	52.1%	25
Comments:	0.0%	0

The majority of respondents gave an 'other response' to this, however 11 respondents perceived that PSDs accepted the cab rank in principle yet not in practice. 8 respondents indicated that they believed it was accepted as best practice by PSDs.

4 respondents stated that they thought the cab rank principle was not being used as they had noticed that other chairs were asked to chair meetings more than others; one of these respondents stated that they believed that PSDs used the first come first served system as the process was less resource intensive; another respondent observed that the cab rank principle had been endorsed on training days but did not seem to be put into practice.

**11. Please describe below any other examples of good practice which may be used by other regulatory bodies or tribunals to appoint Chairs of meetings.**

Several respondents indicated other examples of best practice:

- a. The **Medical Practitioners Tribunal** – the administration of the disciplinary process and the selection of Tribunal members is done independently of the General Practitioners Council.
- b. A respondent who works as a **Deputy District Judge** stated that they receive regular emails listing the dates and courts requiring cover, judges are asked to indicate if they can help then the Chief Magistrates office allocates them. This is done to favour low sitters first.
- c. A respondent who had been on the regulatory board of the **ACCA (Association of Chartered Certified Accountants)** said that they used an appointments system, where reasons for somebody not being appointed as chair had to be recorded.
- d. A respondent who had sat on the **Bar Disciplinary** panel said that the coordinator for that programme had worked her way down through a list, phoning individuals.
- e. A respondent who had sat in the **Employment Tribunal** mentioned that the listing department would send out a request for sittings and responders had to indicate how many sittings they had done in the past 12 months, so that those with fewer sittings are given priority.

A common theme cited as a concern in responses is the need for more consideration to be given to the availability of LQCs: three respondents suggested that a date for a hearing should be set once the chair has been appointed.

**12. Please describe your experience of how Professional Standards Departments engage with you on making decisions about the management of the misconduct process. You may wish to refer to the**

**following in your description: The use of fast-track mechanisms. The level of contact with you in relation to managing misconduct processes. the level of flexibility you are given to manage hearings.**

Many respondents described their experience positively: **Avon and Somerset, Derbyshire, Cleveland, West Yorkshire, Thames Valley, Kent and Sussex** were places where experiences were described in positive terms.

However, seven separate respondents mentioned that papers are provided too late. Several respondents indicated that there had been issues relating to process and procedure: one respondent stated that they believed that some forces are less familiar with the independence of the Chairs position, another respondent cited an instance involving **Sussex** police, where the police continued to hold a meeting in private, despite the LQC not having given permission for this.

Interestingly, despite being prompted in the question, no respondent mentioned the use of fast-track mechanism: 6 respondents *specifically* said they were either unaware of such mechanisms, or have not needed to use as such.

The following example of good practice in Avon & Somerset was provided by a respondent:

*“My only experience to date is with Avon and Somerset (I am about to chair my first hearing for Wiltshire). They are very good. [...] I am given a Hearing, it is mine to manage as I see fit within the regulations. I deal with the PCC, who employ the Hearings Officer who co-ordinates hearings which I feel helps me maintain independence. When I correspond with the PSD it is as a party, and the officer's representatives are always copied in to ensure transparency and fairness. It seems to work well. Certainly I do not feel that if I were to make a finding adverse to the PSD there would be any consequences for me as a Chair. The PSD has asked for feedback after complex hearings and that has been helpful to us all in the early stages of this new regime.”*

**13. Please describe the involvement that you have in ensuring the transparency of proceedings both before and during hearings? You may wish to refer to the following points: How hearings are publicised. How journalists are informed. The accessibility of the venues where the panel is held. Restrictions placed on the evidence heard in public. Information published following hearings.**

12 respondents mentioned that they played some role publicising hearings; one respondent reported overall not being involved in the publication of information.

No respondents mentioned informing journalists; 6 specifically said they were not involved in this.

On accessibility:

- 3 separate respondents cited that hearings taking place in police stations could be daunting, or deter some members of the public.

#### LQC Survey LQC analysis

- Three respondents cited the fact hearings take place in secure locations slow down access, whilst two respondents criticised the remote location of hearing venues.
- Two respondents referred to the fact that the Force in their areas do not allow the public to enter the room, and instead watch via video link – one LQC specifically criticised this for not being in the ‘spirit of public access’.

Five respondents referred to restricting access to evidence heard in meetings: one respondent described asking for written submission followed by oral arguments when an application for privacy is made. Another reported having issued interim decisions refusing requests for hearings to be in private; two respondents reported placing restrictions on how matters are reported.

#### **14. How do you believe that LQCs could take better control of the transparency of proceedings?**

3 respondents cited that there should be greater powers for LQCs on decisions relating to publicity for cases: one of these respondents mentioned that Forces should publish written decisions on websites if the LQC thinks appropriate, another mentioned that LQCs should have the power to control reporting of cases by journalists. Another respondent said that there was no guidance available to support chairs when faced with objections from the media when they have placed restrictions on the identification of an officer.

This respondent described the below:

*“There is no power for chairs to hold the media in contempt (as could be done in criminal proceedings) if they go on to publish information that we have as chairs, withheld. In my case, not only did the press carry out their own investigations to identify the Officer in question, they threatened to publish the details that I had withheld [...] I was powerless to stop the media reporting the information.”*

Meanwhile, two other respondents stated the opposite: that the LQC should have **no** involvement in publishing details related to cases.

A reoccurring theme was that **LQCs should be involved in the case at a much earlier stage**: 15 respondents said it would be beneficial to either be involved in the case at an earlier stage (or be involved to a greater extent), or be provided with papers further in advance: one respondent cited a case where the hearing took place two years after the alleged misconduct, yet they were only given the papers eight days before the hearing.

**Governance issues** were also raised: 4 respondents raised the fact that PSDs have too much control over proceedings: one saying that the practice of PSDs “control[ling] everything needs to be addressed”. The issue of greater powers for LQCs was raised by some respondents: one stated that the LQC should be able to make “adverse costs orders against a party who causes unnecessary costs of the other side, or who does not comply with the directions of the LQC”.

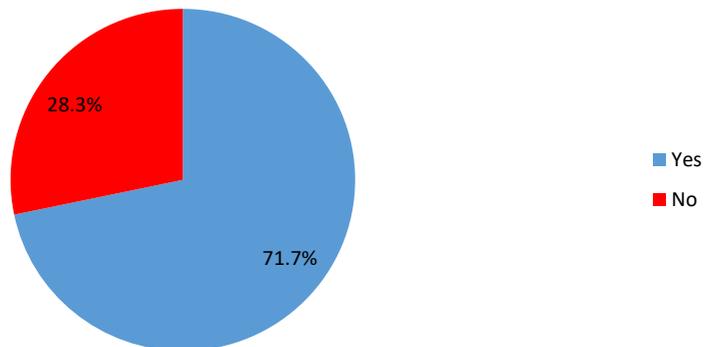
4 respondents stated that they didn’t think the LQC should do anything in this regard.

**15. Would you support an approach in which OPCCs, as a transparency measure, published more details about your role, fee structure, expenses, outcomes and other such information on the website for their OPCC? Please note, this would not include details which might identify you, such as names or addresses. Please use the space below to provide any further comment.**

**15. Would you support an approach in which OPCCs, as a transparency measure, published more details about your role, fee structure, expenses, outcomes and other such information on the website for their OPCC? Please note, this would not include details which might identify you, such as names or addresses. Please use the space below to provide any further comment.**

							Response Percent	Response Total
1	Yes						71.74%	33
2	No						28.26%	13
<b>Analysis</b>	Mean:	1.28	Std. Deviation:	0.45	Satisfaction Rate:	28.26	answered	46
	Variance:	0.2	Std. Error:	0.07			skipped	7

Would you support an approach in which OPCCs, as a transparency measure, published more details about your role, fee structure, expenses, outcomes and other such information on the website for their OPCC?



LQC Survey LQC analysis

46 answered, 33 yes, 13 no. 29 gave further comment.

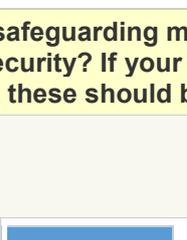
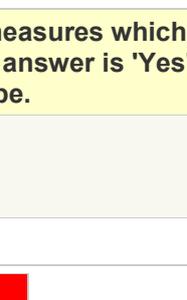
3 respondents stated that they did not think it would be necessary for specific expenses to be included in published information.

Several mentioned that rather than information on individual LQCs be published, general information on the process used to appoint and train LQCs should be made public.

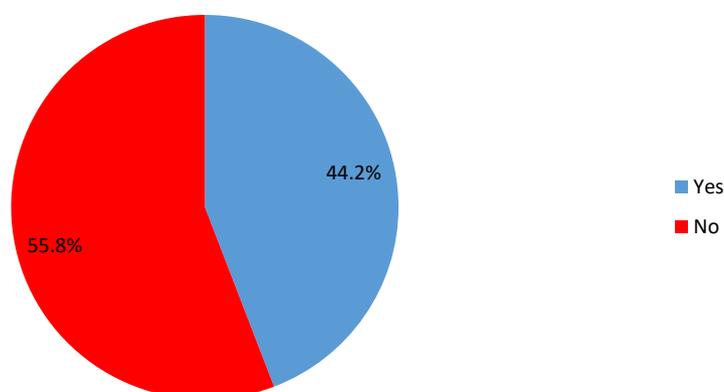
One respondent made the point that it would be unfair to list outcomes by chair, as this would “unfairly create a perception that some are soft and others are tough”. The same respondent highlighted that decisions are ultimately made by the panel as a whole, not just the LQC, so if outcome decisions were made public, LQCs could be “tagged” with a decision that they didn’t necessarily agree with.

Four respondents took the opportunity to point out here that LQCs fees are considerably lower than chairs of other tribunals: the word “derisory” was used in reference to fees paid to LQCs by two separate respondents.

**16. Do you believe there are safeguarding measures which should be considered to protect LQC security?**

16. Do you believe there are safeguarding measures which should be considered to protect LQC security? If your answer is 'Yes', please provide further details below on what these should be.							Response Percent	Response Total
1	Yes						44.19%	19
2	No						55.81%	24
<b>Analysis</b>	Mean:	1.56	Std. Deviation:	0.5	Satisfaction Rate:	55.81	answered	43
	Variance:	0.25	Std. Error:	0.08			skipped	10

Do you believe there are safeguarding measures which should be considered to protect LQC security? If your answer is 'Yes', please provide further details below on what these should be.



43 answered, 19 yes, 24 no, 25 gave further comment.

In the further comments section, 4 respondents detailed how they didn't think any other issues needed to be taken into consideration, one of these respondents saying "other than car parking space" and ID for police stations (the latter was mentioned by a couple of other respondents).

In further comments, three responds mentioned that LQCs should be provided with secure email addresses. One respondent provided the account below:

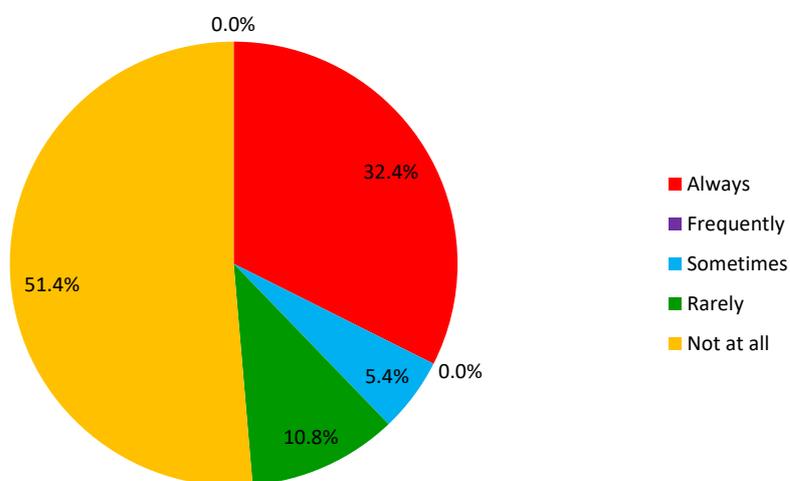
*"I was left in an incredibly vulnerable position when I had an email from a media organisation accusing me of withholding information about an officer that the media believed, wrongly, that they had a right to know. I had no idea who to call for assistance. In fact as I later discovered, there was nobody to whom I could direct this matter."*

The idea that there should be a protocol in place if an LQC does encounter an issue in relation to chairing a hearing was mentioned by several respondents; further suggestions included an emergency button, a number to contact for security purposes, and assessment of potentially violent witnesses.

**Indemnity** for LQCs was suggested by three separate respondents.

**17. Are you notified of the outcomes of cases which you chair? Please use the space below to make any other comments.**

Are you notified of the outcomes of cases which you chair? Please use the space below to make any other comments.



37 answered

Always		32.43%	12
Frequently		0.00%	0
Sometimes		5.41%	2
Rarely		10.81%	4
Not at all		51.35%	19

In the further comments section, 15 respondents indicated that they did not understand the question, or that they were unable to comment at present (e.g. due to limited experience).

7 respondents in further comments detailed how they were not informed regarding the appeal proceedings of cases they have chaired. Two mentioned that they would like to be notified of appeals, as this would provide “learning opportunities”.

2 stated that they were notified if someone wishes to appeal, however one of these respondents said that this had only happened once.

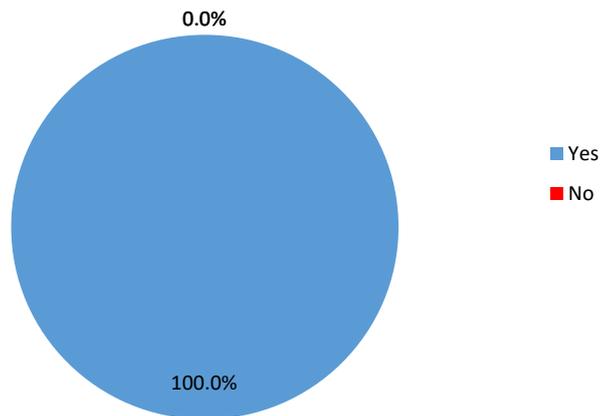
**18. If your answer to Q16 was 'No', would you like to be notified of the outcomes of cases which you chair? Please use the space below to make any other comments.**

LQC Survey LQC analysis

**18. If your answer to Q16 was 'No', would you like to be notified of the outcomes of cases which you chair? Please use the space below to make any other comments.**

		Response Percent	Response Total
1	Yes	100.00%	29
2	No	0.00%	0
<b>Analysis</b>	Mean: 1	Std. Deviation: 0	Satisfaction Rate: 0
	Variance: 0	Std. Error: 0	
			answered
			skipped
			29
			24

If your answer to Q16 was 'No', would you like to be notified of the outcomes of cases which you chair? Please use the space below to make any other comments.



29 answered.

6 respondents stated it would be a good “learning” tool and/or “feedback” mechanism.

The Medical Practitioners tribunal was cited as having good practice in this regard.

**19. Do you think that additional guidance would help to improve the process of managing the misconduct process/hearings? If your answer**

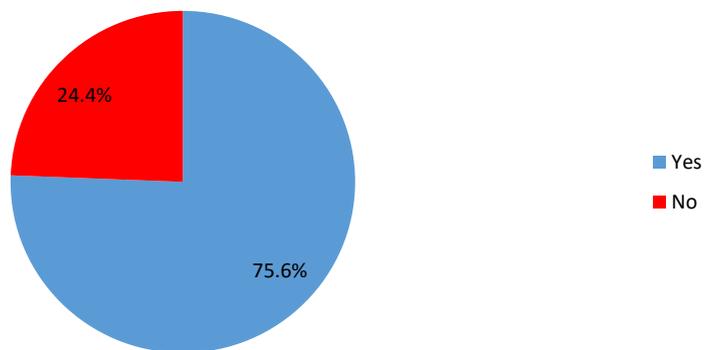
LQC Survey LQC analysis

is 'Yes', please describe below what you believe the additional guidance should cover.

19. Do you think that additional guidance would help to improve the process of managing the misconduct process/hearings? If your answer is 'Yes', please describe below what you believe the additional guidance should cover.

							Response Percent	Response Total
1	Yes						75.61%	31
2	No						24.39%	10
<b>Analysis</b>	Mean:	1.24	Std. Deviation:	0.43	Satisfaction Rate:	24.39	answered	41
	Variance:	0.18	Std. Error:	0.07			skipped	12

Do you think that additional guidance would help to improve the process of managing the misconduct process/hearings? If your answer is 'Yes', please describe below what you believe the additional guidance should cover.



41 answered, 31 yes, 10 no, 35 gave further comment.

In the further comments section, many respondents felt that **there should be improved procedural guidance**: suggestions included guidance on how to write decisions, guidance on remit of the LQC, and a “bench book” to cover procedural matters.

LQC Survey LQC analysis

2 respondents specified there should be a set procedure for sending papers out.

4 separate respondents mentioned improved training.

2 respondents suggested having a central record of all hearings/accessible library of previous decisions and good practice, another respondent similarly suggested there being “consistent precedents and proformas”.

One respondent opined that the current guidance is comprehensive but just needs to be followed.

**20. Please describe any suggestions you may have for improving engagement between Professional Standards Departments (PSDs) and Legally Qualified Chairs (LQCs)**

32 answered.

Responses to this were mixed.

2 respondents felt that there should **not** be further engagement between LQCs and PSDs.

2 respondents felt that they were **happy with the level of engagement** they currently have with PSDs.

2 mentioned it would be beneficial for LQCs to be able to provide feedback following hearings to PSDs.

6 respondents mentioned having regular or **more formal meetings between LQCs and PSDs**, one further respondent suggested having a “proper hearings officer” to keep them informed, whilst a further respondent cited that “communication from early stages” would be useful.

Another respondent suggested that officers’ legal teams are copied into all correspondence with the Chair.

**21. Please rank your most serious concerns about your role as an LQC in order of priority, ranking the most important as 1 and the least important as 5.**

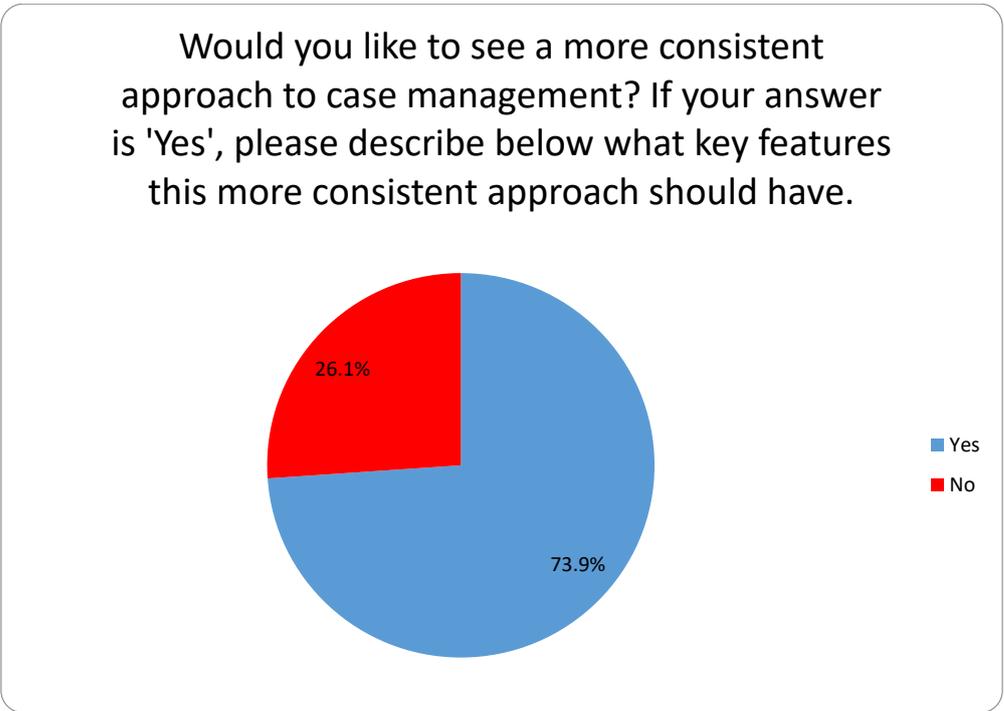
Please rank your most serious concerns about your role as an LQC in order of priority, ranking the most important as 1 and the least important as 5.			
Answer Choice		Total Score	Overall Rank
1	Indemnity	190	1
2	Hearing management	178	2
3	Process of nominating chairs	174	3
4	Data protection	110	4
5	Other	83	5
		<b>answered</b>	<b>49</b>

**skipped 4**

**22. Would you like to see a more consistent approach to case management? If your answer is 'Yes', please describe below what key features this more consistent approach should have.**

**22. Would you like to see a more consistent approach to case management? If your answer is 'Yes', please describe below what key features this more consistent approach should have.**

							Response Percent	Response Total
1	Yes						73.91%	34
2	No						26.09%	12
<b>Analysis</b>	Mean:	1.26	Std. Deviation:	0.44	Satisfaction Rate:	26.09	answered	46
	Variance:	0.19	Std. Error:	0.06			skipped	7



46 answered, 34 yes, 12 no, 31 gave further comment.

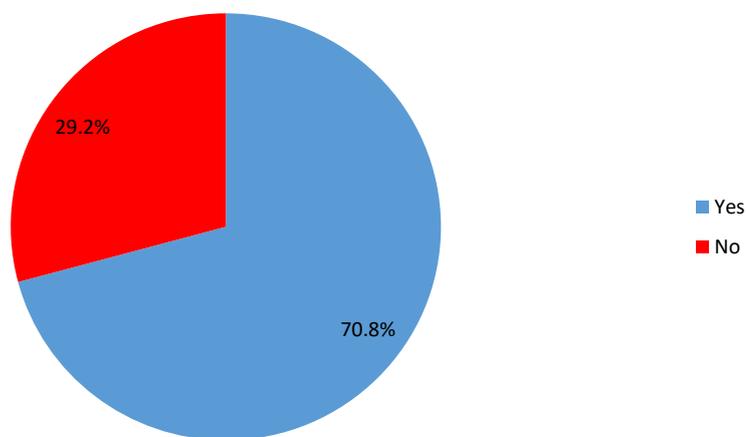
LQC Survey LQC analysis

In further comments, **10 respondents cited the need for improved guidance/directions/procedure/directions/set timetables**; a further respondent stated that a 'bench book' on case management which would ensure consistency.

Three **respondents mentioned that papers should be served earlier**; two further respondents cited the need for earlier engagement/more control at an earlier stage. One respondent cited the Bar Disciplinary, family and criminal courts, and also school admissions appeal process as examples of good practice.

**23. Do you have access to any training, support of learning from other sectors? If your answer is 'Yes', please describe below.**

Do you have access to any training, support of learning from other sectors? If your answer is 'Yes', please describe below.



In further comments, 8 respondents cited the Judicial College.

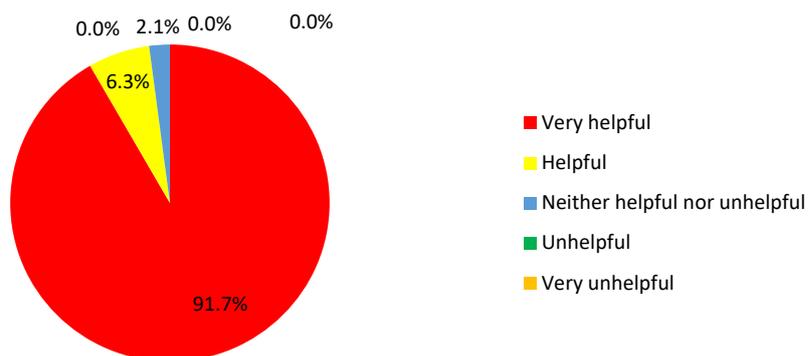
Six respondents cited the Medical Practitioners Tribunal Service. Other training providers included:

- a. CPS
- b. Parole Board
- c. Nursing and Midwifery Council
- d. Bar Standards Board
- e. Solicitors Disciplinary Tribunal
- f. CIPFA (Chartered Institute of Public Finance and Accountancy)

**24. How helpful do you think a knowledge/self-help network or similar amongst the LQCs would be? For example, this could take the form of a**

**centralised electronic knowledge hub, a Dropbox system, or a system to circulate LQC decisions and relevant case law.**

How helpful do you think a knowledge/self-help network or similar amongst the LQCs would be?  
For example, this could take the form of a centralised electronic knowledge hub, a Dropbox system, or a system to circulate LQC decisions and relevant case law.



48 answered

Very helpful		91.67%	44
Helpful		6.25%	3
Neither helpful nor unhelpful		2.08%	1
Unhelpful		0.00%	0
Very unhelpful		0.00%	0

**The overwhelming majority indicated that they would find this very helpful.** One cited how this would be useful as not all LQCs would have access to legal databases such as Westlaw or LexisNexis.

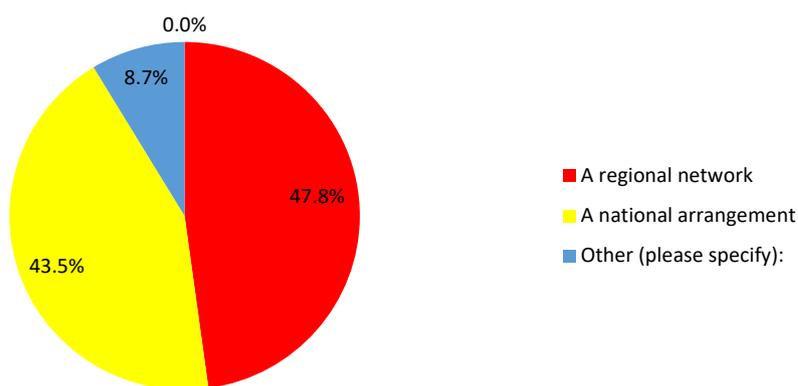
3 respondents mentioned that they already have an informal network in place.

1 respondent stated that a national association of LQCs could be implemented; another pointed out how a self-help network was standard practice at other panels.

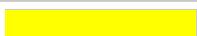
However, 1 respondent pointed out that there could be data protection issues re. sharing judgements.

**25. In relation to engagement about wider issues, which of the following would be most preferable? If you answer is a 'national arrangement', please describe below how you believe LQC representatives should be selected.**

In relation to engagement about wider issues, which of the following would be most preferable? If you answer is a 'national arrangement', please describe below how you believe LQC representatives should be selected.



46 respondents answered.

A regional network		47.83%	22
A national arrangement		43.48%	20
Other (please specify):		8.70%	4

Two respondents indicated that a national association of LQCs has already been established which will comprise of an executive committee constituted of a representative from each of the 10 areas, nominated by their area.

There was consensus that **representatives should volunteer, and there should be an election of there is more than one volunteer**. One respondent specified that the ballot should be secret.

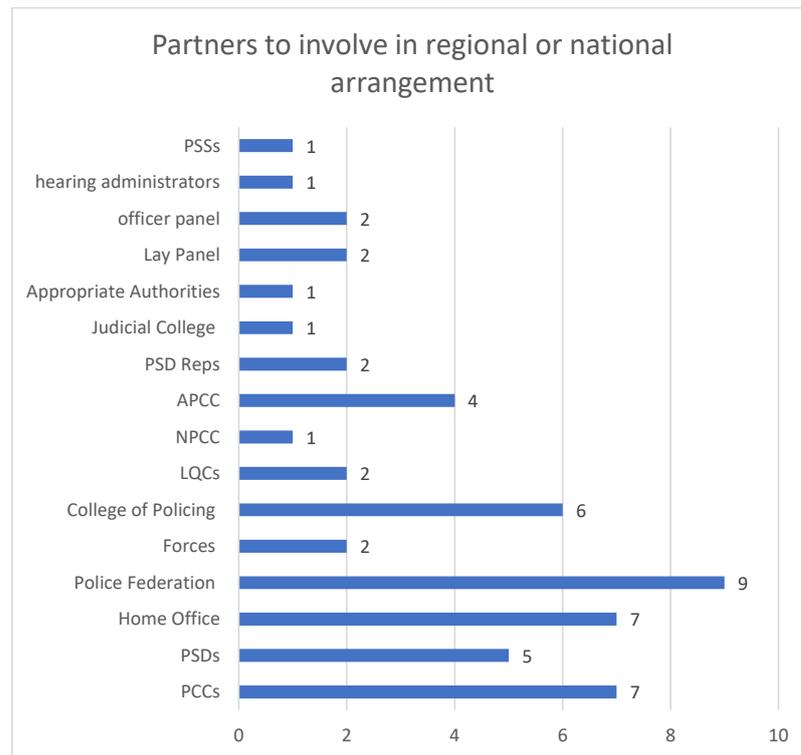
One respondent meanwhile cautioned that a national network could have “too many moving parts” and end up being “unrepresentative”.

**26. In relation to LQC engagement on wider issues, which partners/organisations would need to be involved in either a regional or national arrangement?**

LQC Survey LQC analysis

25 responses.

See table below:



# ► Annex C LQC survey: OPCC results

If you would like the embedded content of this annex as a separate document, please contact the APCC at the address on the back page.

## LQC Survey OPCC results

### Review of Legally Qualified Chairs (LQCs) - Questions to OPCCs

#### 1. Which PCC Area are you employed by?

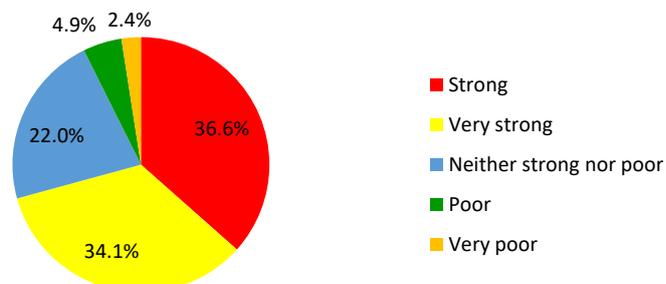
41 responses received. All OPCCs submitted written responses, except two (one are submitted two responses).

#### 1. LQC Nomination Process

#### 2. How would you rate your understanding of how Professional Standards Departments (PSDs) are nominating Legally Qualified Chairs (LQCs) to misconduct hearings?

			Response Percent	Response Total
1	Strong		36.59%	15
2	Very strong		34.15%	14
3	Neither strong nor poor		21.95%	9
4	Poor		4.88%	2
5	Very poor		2.44%	1
<b>Analysis</b>	Mean:	2.02	Std. Deviation:	1
	Variance:	1	Std. Error:	0.16
	Satisfaction Rate:	25.61	answered	41
			skipped	4

How would you rate your understanding of how Professional Standards Departments (PSDs) are nominating Legally Qualified Chairs (LQCs) to misconduct hearings?

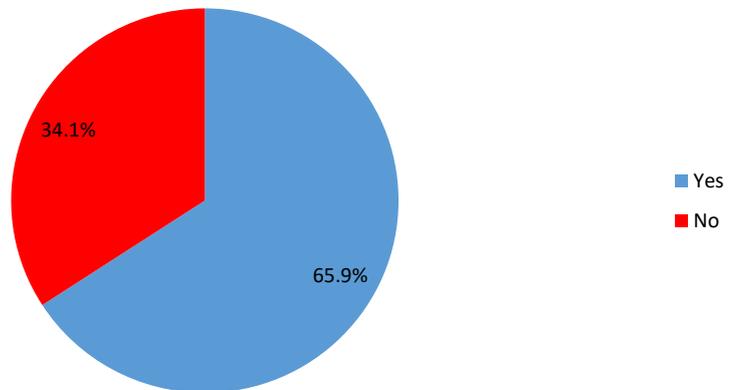


## LQC Survey OPCC results

**3. Do you believe it is part of the PCC's role to oversee the process of appointing LQCs to misconduct panels? Please make any further comments in the box below.**

		Response Percent	Response Total
1	Yes	65.85%	27
2	No	34.15%	14
<b>Analysis</b>	Mean:	1.34	Std. Deviation: 0.47
	Variance:	0.22	Std. Error: 0.07
		Satisfaction Rate: 34.15	answered 41
			skipped 4
Comments: (32)			

Do you believe it is part of the PCC's role to oversee the process of appointing LQCs to misconduct panels? Please make any further comments in the box below.



In Further Comments, some mentioned that having the PCCs appoint would provide separate scrutiny and an extra level of independence. Others thought that PCCs overseeing the process would ensure the process is fair and transparent; 5 respondents cited transparency as a reason for overseeing the process. In a few areas, it would seem the OPCC nominates the LQC.

On the other hand, three respondents specifically mentioned that whilst it was the role of PCC to appoint a list of suitable LQCs, Professional Standards Departments should appoint LQCs to chair misconduct panel. One respondent pointed out that appointing LQCs to an individual misconduct panel is an operational matter which PCCs should not be involved in; another respondent pointed out that PCCs should not be involved in the process as OPCC would administer an appeal if submitted.

## LQC Survey OPCC results

**4. Are you aware of how PSDs are making decisions about the management of the misconduct process, e.g. the use of fast track mechanisms, their engagement with LQCs in relation to the misconduct process, and how much flexibility they give LQCs in managing hearings?**

		Response Percent	Response Total
1	Open-Ended Question	100.00%	42

19 respondents indicated that they had some level of awareness on how PSDs are making decisions about the management of the misconduct process.

8 respondents indicated that they had some sort of formal process in place for reviewing the work of PSDs: one respondent said that this was through PCCs' scrutiny of the Professional Standards data at quarterly governance and integrity meetings; several mentioned regular meetings with PSDs. Meanwhile, 1 respondent reported that they were aware, but were not provided with any formal updates.

Kent OPCC cited that they had a good understanding of the processes in place at Kent Police.

On the other hand, 11 respondents reported having no awareness (2 because LQCs had not been used in their areas). 2 respondents said that PCCs needed to be more proactive in obtaining information from PSDs; one of these respondents added that PSDs also needed to be proactive in sharing information.

4 respondents reported having 'limited' or partial knowledge.

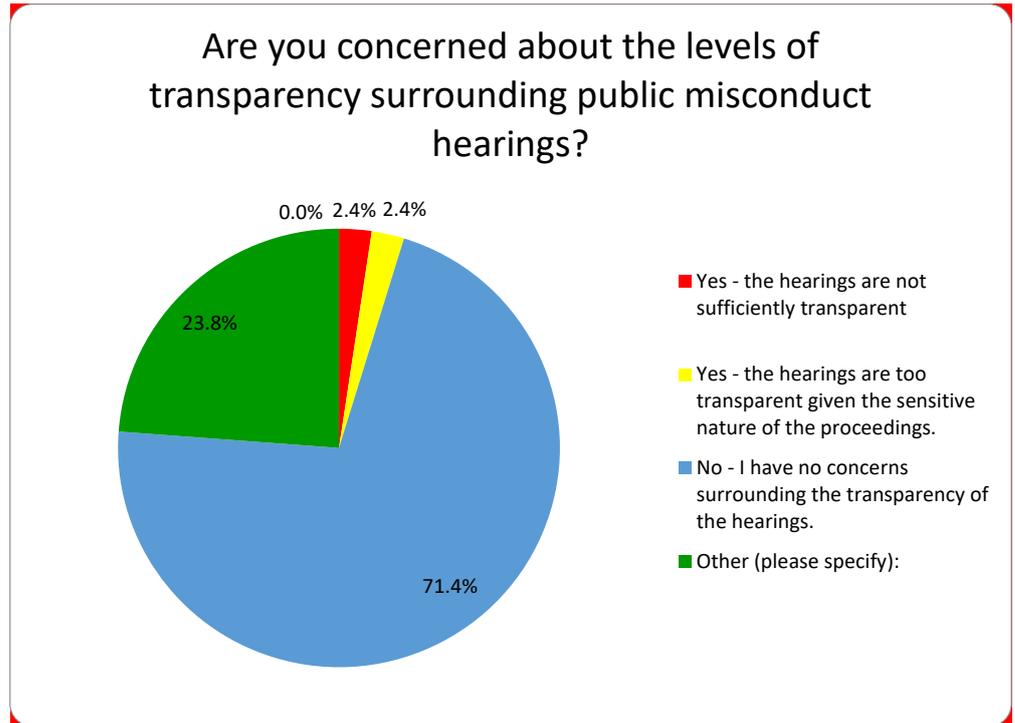
1 respondent reported that there is a variety of processes in operation in their region, and the sharing of information about how PSDs make decisions would help to ensure a level of consistency.

## 2. Transparency of Proceedings

**5. Are you concerned about the levels of transparency surrounding public misconduct hearings?**

		Response Percent	Response Total		
1	Yes - the hearings are not sufficiently transparent	2.38%	1		
2	Yes - the hearings are too transparent given the sensitive nature of the proceedings.	2.38%	1		
3	No - I have no concerns surrounding the transparency of the hearings.	71.43%	30		
4	Other (please specify):	23.81%	10		
<b>Analysis</b>	Mean: 3.17	Std. Deviation: 0.57	Satisfaction Rate: 72.22	answered	42
	Variance: 0.33	Std. Error: 0.09		skipped	3

LQC Survey OPCC results



30 respondents stated they had no concerns surround the transparency of hearings. In further comments, two respondents further said they do not feel it is “right” that the hearings are held in public. Several respondents mentioned that information prior and following hearings is shared on Force websites.

One respondent raised concerns that members of the public do not always understand that they are there only to observe, and therefore not party to all of the paperwork. Two separate respondents said that no other equivalent process exists for other public-sector works (e.g. social workers), one of these respondents specified that no system exists in other organisations where hearings can be carried out in public.

**6. Please describe below any concerns which may have been raised with you about the consistency of the decision-making and the approach taken by LQCs. If no concerns have been raised to you, please leave this space blank.**

		Response Percent	Response Total
1	Open-Ended Question	100.00%	18

5 respondents said that concerns regarding **the consistency – or parity – of decision-making** by LQCs had been raised to them. One respondent said that in Wales, concerns had been raised by LQCs last year that “sanctions may be applied

## LQC Survey OPCC results

inconsistently without clear guidance”; another commented that “some write-ups are more detailed and better quality than others”.

3 respondents cited a **poor understanding amongst LQCs with regard to police process**: one of these respondents mentioned that when making their decisions, LQCs had limited understanding of the CC’s position or policy on certain issues, e.g. zero tolerance on drink driving (although the respondent detailed it was later agreed it was the role of the Force’s legal team to make this clear during proceedings); another respondents said that concerns had been raised to them that Chairs do not fully appreciate the standards to which officers are held.

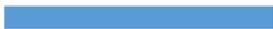
3 respondents raised the issue of LQCs being **too lenient**; two of these respondents stated that LQCs had been more lenient in their decision-making than Chief Officers.

1 respondent stated that concerns had been reported to them regarding LQCs “acting outside of remit” and “seeking information that is not theirs to require”; another respondent had received comments that an LQC had “commented beyond their remit in criticising the Force in the public domain”.

Meanwhile, one respondent stated that LQCs needed to “be given more teeth to be able to manage hearings as they see fit”; another respondent stated that some LQCs are “not robust enough” in terms of taking control of proceedings.

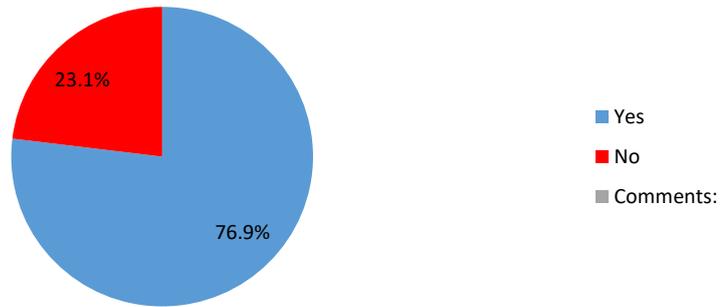
A respondent from Cheshire OPCC reported that feedback from the PSD is that “LQCs are “very balanced and fair”.

### 7. Would your PCC/OPCC be interested in bringing more consistency to the Terms & Conditions surrounding LQCs' appointment, with regard to fee structure (including preparatory work and cancellations), payment for training, expenses for travel, training?

						Response Percent	Response Total	
1	Yes					76.92%	30	
2	No					23.08%	9	
<b>Analysis</b>	Mean:	1.23	Std. Deviation:	0.42	Satisfaction Rate:	23.08	answered	39
	Variance:	0.18	Std. Error:	0.07			skipped	6
Comments: (24)								

LQC Survey OPCC results

Would your PCC/OPCC be interested in bringing more consistency to the Terms & Conditions surrounding LQCs' appointment, with regard to fee structure (including preparatory work and cancellations), payment for training, expenses for travel, training?



39 respondents answered: 30 yes; 9 no.

One respondent stated it would be helpful to have a “set fee structure”; another suggested that the Home Office or the APCC could “undertake a national review so that we all understand what each area is paying its LQCs”. Meanwhile, another suggested that work to bring more consistency could be “led by the LQCs”.

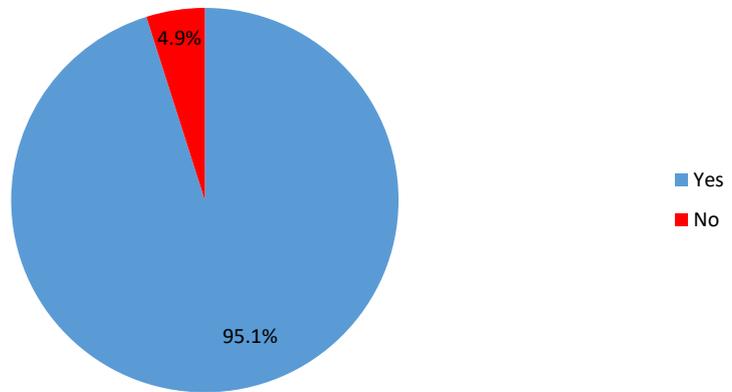
Three separate respondents cited the arrangement in **Thames Valley, Kent, Sussex, and Hampshire**, whereby LQCs are appointed in partnership to bring greater consistency; one of these respondents stated that this had been set up to avoid “a postcode lottery situation”.

**8. Would your PCC/OPCC consider publishing information relating to Terms & Conditions surrounding LQCs' employment on the OPCC website as a transparency measure?**

						Response Percent	Response Total	
1	Yes					95.12%	39	
2	No					4.88%	2	
<b>Analysis</b>	Mean:	1.05	Std. Deviation:	0.22	Satisfaction Rate:	4.88	answered	41
	Variance:	0.05	Std. Error:	0.03			skipped	4

LQC Survey OPCC results

Would your PCC/OPCC consider publishing information relating to Terms & Conditions surrounding LQCs' employment on the OPCC website as a transparency measure?



41 answered, 39 yes, 2 no.

In further comments, 6 respondents stated that they **already publish this information on the OPCC website**.

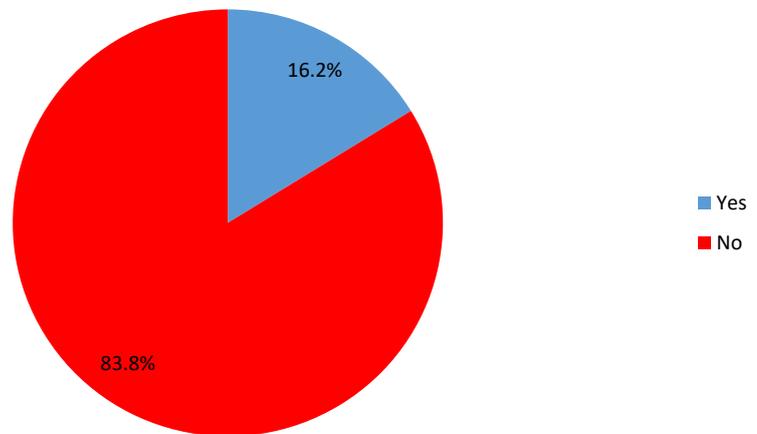
One respondent mentioned regarding fee structure, that they would be confident to publish these if there were “nationally agreed rates”, as it could be “potentially contentious if PCCs paid vastly different rates”.

**3.Equality & Diversity**

9. Has your OPCC, or Force, prepared equality impact statements in relation to the role and appointment/selection of LQCs?							Response Percent	Response Total
1	Yes						16.22%	6
2	No						83.78%	31
<b>Analysis</b>	Mean:	1.84	Std. Deviation:	0.37	Satisfaction Rate:	83.78	answered	37
	Variance:	0.14	Std. Error:	0.06			skipped	8
Comments: (17)								

LQC Survey OPCC results

Has your OPCC, or Force, prepared equality impact statements in relation to the role and appointment/selection of LQCs?



37 answered, 6 yes, 31 no.

In further comments, 5 respondents said that they couldn't be sure whether or not this took place, as selection of LQCs took place outside of their PCC area at the regional level.

3 respondents cited that they considered the needs of the Public Sector Equality Duty during recruitment; two of these detailed that this involved seeking HR advice and having an external assessor from the College of Policing on the panel; one of the 3 cited that following this process meant that an impact statement was not considered necessary.

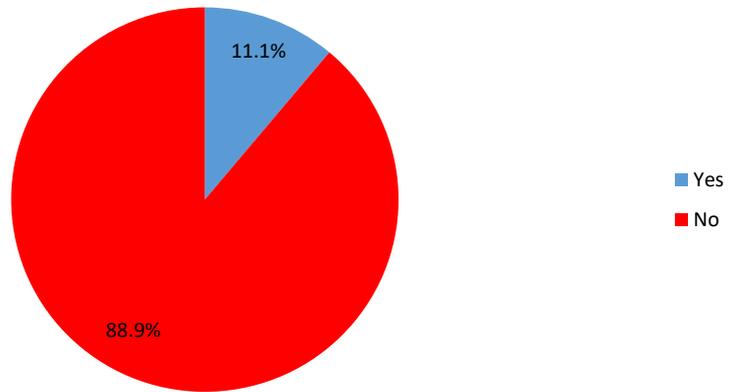
2 respondents stated that their OPCC would look to produce equality impact statements in future.

**10. Have you used any other means to assess the diversity of LQCs locally or of their selection to hear cases? If your answer is 'Yes', please provide further details of means used below.**

					Response Percent	Response Total	
1	Yes				11.11%	4	
2	No				88.89%	32	
<b>Analysis</b>	Mean:	1.89	Std. Deviation:	0.31	Satisfaction Rate:	88.89	
	Variance:	0.1	Std. Error:	0.05			
						answered	36
						skipped	9

LQC Survey OPCC results

Have you used any other means to assess the diversity of LQCs locally or of their selection to hear cases? If your answer is 'Yes', please provide further details of means used below.



Answered by 36, 4 yes, 32 no.

In further comments, two respondents mentioned that “the selection criteria of LQCs was set out by the Home Office and this was used to get a shortlist and to interview”.

3 respondents mentioned that **Equality and Diversity questionnaires** were used as part of the recruitment process.

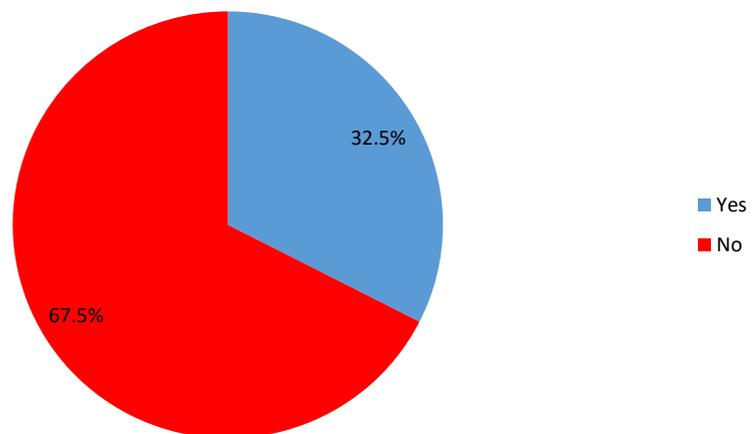
**5. PCCs and LQCs**

11. Would your PCC/OPCC want a stronger role in the future development of LQCs and misconduct panels? If your answer to the question is 'Yes', please detail below what this stronger role would involve, and whether your OPCC currently has the capacity to provide this.

		Response Percent	Response Total
1	Yes	32.50%	13
2	No	67.50%	27
<b>Analysis</b>	Mean:	1.68	Std. Deviation: 0.47
	Variance:	0.22	Std. Error: 0.07
		Satisfaction Rate: 67.5	answered 40
			skipped 5
Comments: (20)			

## LQC Survey OPCC results

Would your PCC/OPCC want a stronger role in the future development of LQCs and misconduct panels?



40 answered: 13 yes, 27 no.

In further comments, one respondent stated that the Police Federation have suggested that “it is inappropriate for the chief officer to appoint the LQC”, and suggested that the OPCC could do this. Another respondent foresaw work for the PCC over the “next 10 years or so” in relation to harmonising the appointment process.

2 respondents mentioned an interest in **training**: one stated that it would be good for an OPCC staff members to attend LQC training as an observer, another suggested that the OPCC could do “further training with all LQCs” and also develop a “regional conference”.

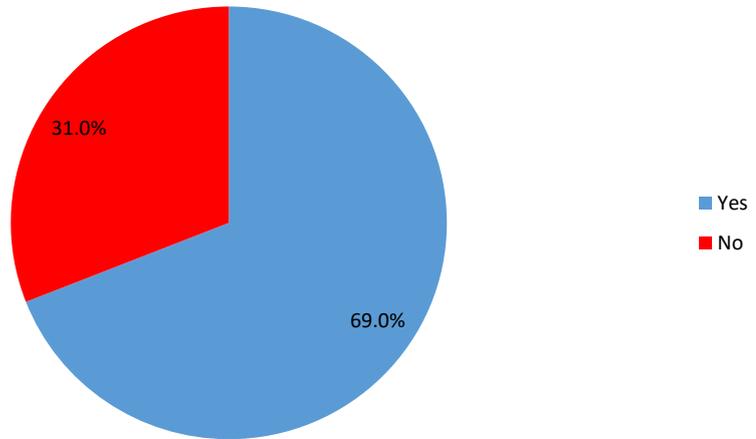
On the other hand, one respondent stated that “it is not the role of the OPCC to be involved in police misconduct hearings”; another cautioned that OPCCs should be mindful of “not fettering the operational independence of the Chief Constable”. Another said that the current level of input of PCCs in the future development of LQCs was “sufficient”, whilst another stated that it is “a little early to change the current role”, and that a review could take place in 3 years or so when “clearer patterns and trends” have begun to emerge. Another respondent suggested that PCCs “don’t need the long-term responsibility of managing LQCs”, but should work with the Home Office to make clear what areas of LQC work are the responsibility of PCCs, and what areas the responsibility of CCs.

LQC Survey OPCC results

**12. Would you be interested in setting up arrangements to engage with your local LQCs on a regular basis?**

		Response Percent	Response Total	
1	Yes	69.05%	29	
2	No	30.95%	13	
<b>Analysis</b>	Mean: 1.31	Std. Deviation: 0.46	Satisfaction Rate: 30.95	
	Variance: 0.21	Std. Error: 0.07		
			answered	42
			skipped	3

Would you be interested in setting up arrangements to engage with your local LQCs on a regular basis?

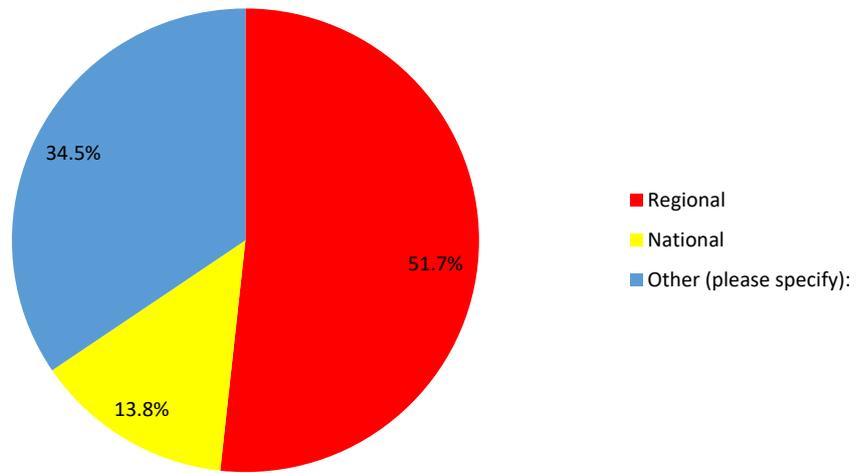


**13. If your answer to Q11 was 'Yes', what form should this engagement take?**

		Response Percent	Response Total	
1	Regional	51.72%	15	
2	National	13.79%	4	
3	Other (please specify):	34.48%	10	
<b>Analysis</b>	Mean: 1.83	Std. Deviation: 0.91	Satisfaction Rate: 41.38	
	Variance: 0.83	Std. Error: 0.17		
			answered	29
			skipped	16

LQC Survey OPCC results

If your answer to Q11 was 'Yes', what form should this engagement take?



In further comments, 4 stated that **engagement should be both regional and national**.

A respondent from Cleveland OPCC mentioned that the PCC there “would be supportive of an LQC network as developed by them as independent practitioners”.

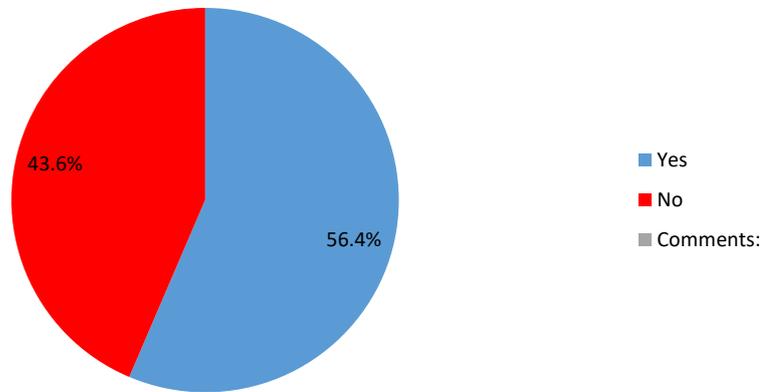
## 6. Support for LQCs

14. Have you made any monetary provision for the training or support of your LQCs locally or regionally? If your answer is 'Yes', please describe further below.

		Response Percent	Response Total
1	Yes	56.41%	22
2	No	43.59%	17
<b>Analysis</b>	Mean:	1.44	Std. Deviation: 0.5
	Variance:	0.25	Std. Error: 0.08
			Satisfaction Rate: 43.59
			answered 39
			skipped 6
Comments: (27)			

LQC Survey OPCC results

Have you made any monetary provision for the training or support of your LQCs locally or regionally? If your answer is 'Yes', please describe further below.



22 yes, 17 no.

10 respondents referred to **regional arrangements** being in place for this. 9 respondents referenced the OPCC meeting the training costs for LQCs to travel to training events; 2 respondents mentioned the mandatory training arranged via the College of Policing.

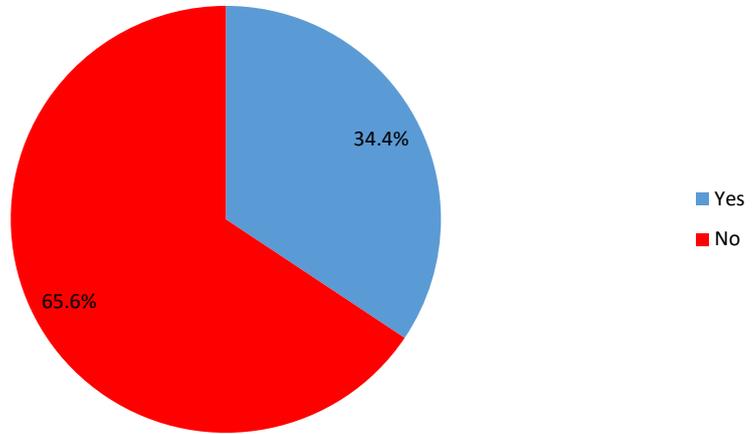
On the other hand, one respondent stated that nothing specific had been put in place for the monetary provision of training, stating that any needs would “be met from the contingency line of the corporate budget”; another stated that whilst the OPCC paid for the mandatory regional training organised provided by the CoP, the OPCC doesn’t pay for the LQC to attend APCC training/engagement events, as this is paid for by the PSD.

15. Would your PCC/OPCC be prepared to support a self-help network or similar for LQCs paid for by a small financial contribution from each area?

						Response Percent	Response Total
1	Yes					34.38%	11
2	No					65.63%	21
Analysis	Mean:	1.66	Std. Deviation:	0.47	Satisfaction Rate:	65.62	answered
	Variance:	0.23	Std. Error:	0.08			skipped
							13

LQC Survey OPCC results

Would your PCC/OPCC be prepared to support a self-help network or similar for LQCs paid for by a small financial contribution from each area?



32 answered: 11 Yes, 21 No

In further comments, 6 respondents stated that they would need further detail before committing to providing any support. 3 respondents specifically mentioned the issue costs: one of these explicitly stated that whilst supportive of a “self-help network”, this “should not be paid for by PCCs”.

One respondent mentioned that this is something which should be established by LQCs themselves; another stated that in their experience, LQCs are already keeping in touch with each other and providing “a supportive network”.

One respondent cited the arrangement that exists in Avon & Somerset, Gloucestershire and Wiltshire as good practice.

**8. Public Feedback**

**16. Have you had feedback from the public regarding public misconduct hearings? If your answer is 'Yes' please summarise this feedback below.**

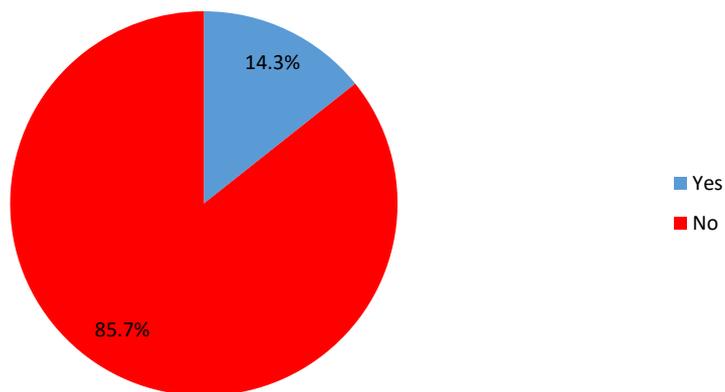
			Response Percent	Response Total
1	Yes		14.29%	6
2	No		85.71%	36
			answered	42

LQC Survey OPCC results

**16. Have you had feedback from the public regarding public misconduct hearings? If your answer is 'Yes' please summarise this feedback below.**

						Response Percent	Response Total	
<b>Analysis</b>	Mean:	1.86	Std. Deviation:	0.35	Satisfaction Rate:	85.71	skipped	
	Variance:	0.12	Std. Error:	0.05				
								3

Have you had feedback from the public regarding public misconduct hearings? If your answer is 'Yes' please summarise this feedback below.



42 answered: 6 yes 36 no.

In further comments, one respondent described how a member of the public contacted the OPCC wanting to complain to the Commissioner, on behalf of an officer concerned, regarding the outcome of the officer’s hearing.

One reported that there was a feeling that “decisions are too lenient” and that hearings “are too difficult to attend”. Consequently, another respondent reported that despite the public being able to attend, this rarely happens.

One respondent reported receiving FOI request on the amount of money spent on hearings.

One respondent reported receiving positive responses regarding the openness and accessibility of the process, and that it was “transparency in action” (Staffordshire).

**9. Any Other Comments**

## LQC Survey OPCC results

**17. Please use the space below to let us know any other comments you have regarding this survey or the issues raised in it.**

			Response Percent	Response Total
1	Open-Ended Question		100.00%	8
1	17/08/17 1:00PM ID: 62652955	The issues raised in this survey echo those raised by NW LQCs. Other issues raised by NW LQCs includes:- accommodation should this be paid for and booked by PCC, government rates Provision of text books Judge Craft Secure email address/issue of laptops Indemnity It would be helpful if APCC could provide an 'advice/guidance' document to guide PCCs through this responsibility. IPMs have not been mentioned, do you have any plans to conduct a review? It would be helpful if this could also form part of this document.		
2	22/08/17 2:56PM ID: 62878375	The Avon & Somerset process works very well. We receive feedback from each hearing (and via feedback from the Independent Persons sitting on the Misconduct Hearing Panel). We have good PSD engagement and communication.		
3	25/08/17 10:08AM ID: 63011420	We support the decision to circulate this survey as it seems a timely juncture to review. In terms of advocating change we would suggest that a further survey towards the end of 2018 would be helpful as the reforms would have had more time to bed in and it will be clearer if there are problems emerging as to what they are.		
4	29/08/17 9:21AM ID: 63148231	The main issue raised by LQCs was the indemnity issue. Initially this was a problem as 2 LQCs almost withdrew from the hearing at short notice. This now appears to have been resolved. However, we do believe guidance in relation to fees, expenses and particularly hotel accommodation is required.		
5	06/09/17 2:57PM ID: 63562104	LQCs provide an effective method of progressing misconduct hearings, further refinement should now be progressed		
6	06/09/17 5:14PM ID: 63565095	It would be extremely beneficial if there were national guidelines to guide PCCs through the process of the appointment of LQCs, particularly around payment, expenses, accommodation. This can also be said for IPMs.		
7	08/09/17 11:35AM ID: 63642536	Some up to date statutory guidance for ease of reference may be helpful.		
8	11/09/17 1:41PM ID: 63767240	This is difficult for us to respond to as arrangements for LQCs are managed at a regional level and so the PSD team contact them via a regional list which we do not manage.		
			answered	8
			skipped	37

# ► Annex D LQC survey: PSD analysis

If you would like the embedded content of this annex as a separate document, please contact the APCC at the address on the back page.

## Review of Legally Qualified Chairs (LQCs) - Questions for Professional Standards Departments

### 1. Police Force Area

#### 1. Which Police Force are you employed by?

We received 19 responses. 2 from Essex, and 1 each from the following:

North Yorkshire	Sussex	Warwickshire
Cleveland	London (MPS)	West Mercia
Leicestershire	Hertfordshire	Cheshire
Norfolk	Surrey	Greater Manchester
Northamptonshire	Avon & Somerset	Derbyshire
Suffolk	Gloucestershire	
Kent	Dyfed-Powys	

### 2. Notifying the public and the media regarding misconduct hearings

6 respondents provided documents they use during this process (attached). *These have not been attached to the draft report but are available on request.*

#### 3. Please describe below your approach for notifying the public and media of misconduct hearings.

		Response Percent	Response Total
1	Open-Ended Question	100.00%	19

Answers to this were largely uniform: respondents answered that the process involves the following:

- The LQC decides if the meeting should be private or public.
- A media notice is placed on the force website.
- Members of the media and the public apply for places.

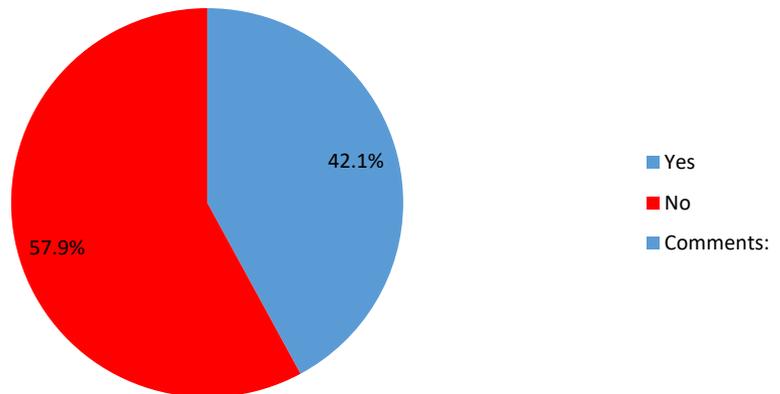
Five respondents specifically referred to the requirement to post hearing details on the website five days prior to the hearing; one respondent said that a media notice was published 10 days before a hearing, and taken down 5 days before. Mostly the process appears to be in the hands of Force Corporate Communications departments.

One respondent mentioned having a form of words which is ratified by the Chair for the hearing.

**4. Do you post the notification for misconduct panels on the home page of the force's website? If you post it elsewhere on the website, please specify below.**

		Response Percent	Response Total
1	Yes	42.11%	8
2	No	57.89%	11
<b>Analysis</b>	Mean:	1.58	Std. Deviation: 0.49
	Variance:	0.24	Std. Error: 0.11
			Satisfaction Rate: 57.89
			answered 19
			skipped 5

Do you post the notification for misconduct panels on the home page of the force's website? If you post it elsewhere on the website, please specify below.



In Further comments, 7 respondents stated that notifications are displayed on either Police Standards Departments or Misconduct Hearings webpages.

2 respondents said that the notifications were displayed on 'About us' or 'Contact Us' pages; one respondent said that it was in the News section of the website.

**5. Please describe below the process by which the media are made away of misconduct hearings.**

		Response Percent	Response Total
1	Open-Ended Question	100.00%	19

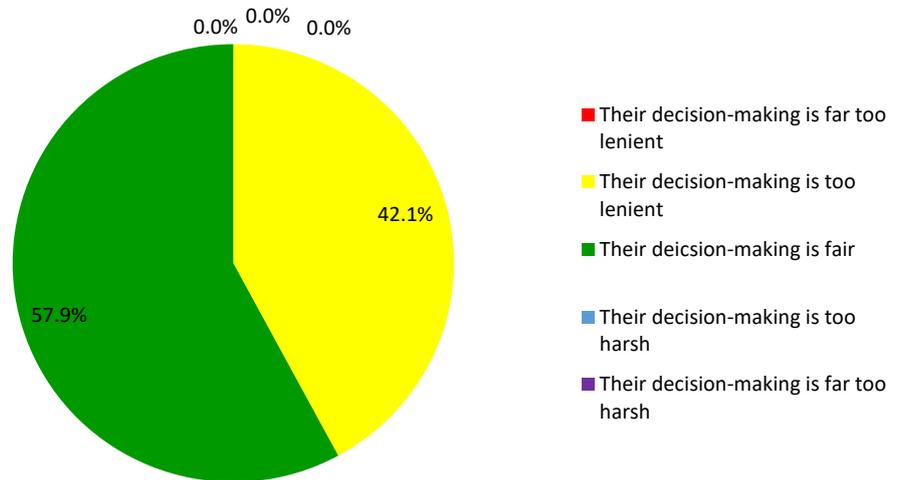
None of the respondents indicated that there was any special procedure in place for notifying the media.

### 3. Processes relating to LQCs

6. Which of the statements below most accurately describe the way that you view the decision-making processes of LQCs?

					Response Percent	Response Total
1	Their decision-making is far too lenient				0.00%	0
2	Their decision-making is too lenient				42.11%	8
3	Their decision-making is fair				57.89%	11
4	Their decision-making is too harsh				0.00%	0
5	Their decision-making is far too harsh				0.00%	0
<b>Analysis</b>	Mean:	2.58	Std. Deviation:	0.49	Satisfaction Rate:	39.47
	Variance:	0.24	Std. Error:	0.11		
					answered	19
					skipped	5

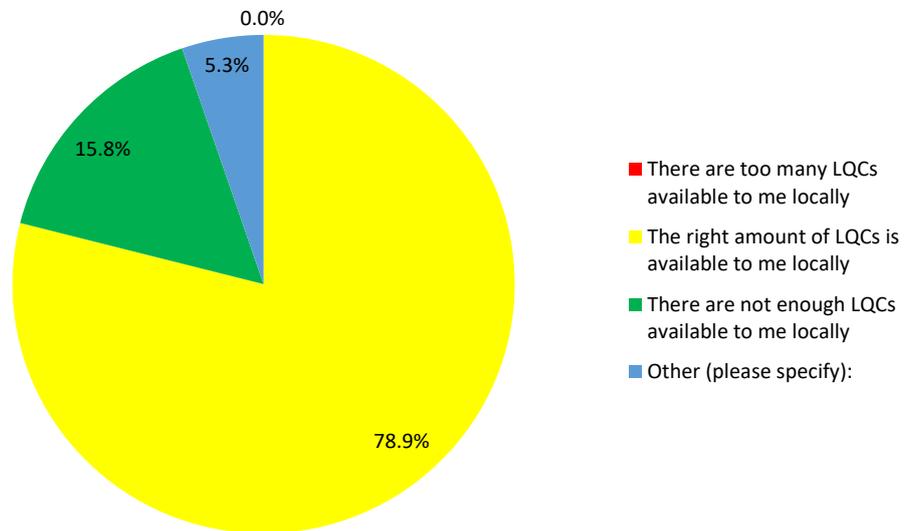
Which of the statements below most accurately describe the way that you view the decision-making processes of LQCs?



**7. Which of the following statements best describes your view on the number of LQCs?**

		Response Percent	Response Total	
1	There are too many LQCs available to me locally	0.00%	0	
2	The right amount of LQCs is available to me locally	78.95%	15	
3	There are not enough LQCs available to me locally	15.79%	3	
4	Other (please specify):	5.26%	1	
<b>Analysis</b>	Mean: 2.26	Std. Deviation: 0.55	Satisfaction Rate: 42.11	
	Variance: 0.3	Std. Error: 0.13		
			answered	19
			skipped	5

Which of the following statements best describes your view on the number of LQCs?



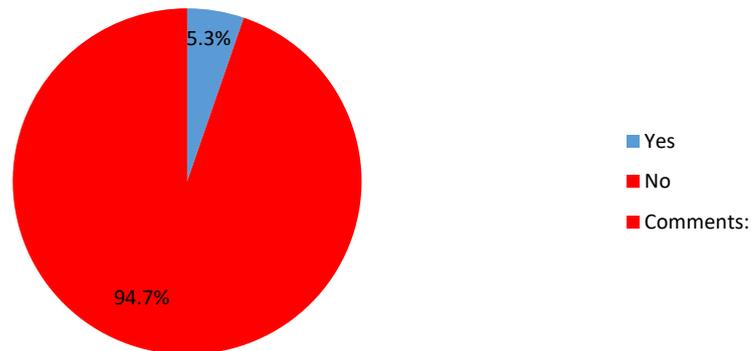
**8. Are you aware of any evidence that the differing Terms & Conditions of appointment relating to LQCs affects their availability or effectiveness? If your answer is 'Yes', please provide further details below.**

		Response Percent	Response Total
1	Yes	5.26%	1
2	No	94.74%	18

8. Are you aware of any evidence that the differing Terms & Conditions of appointment relating to LQCs affects their availability or effectiveness? If your answer is 'Yes', please provide further details below.

						Response Percent	Response Total	
<b>Analysis</b>	Mean:	1.95	Std. Deviation:	0.22	Satisfaction Rate:	94.74	answered	19
	Variance:	0.05	Std. Error:	0.05			skipped	5

Are you aware of any evidence that the differing Terms & Conditions of appointment relating to LQCs affects their availability or effectiveness? If your answer is 'Yes', please provide further details below.



In the further comments, one respondent highlighted the issue of **indemnity** – and that different regions have developed different approaches to this. In this respondent’s experience, an LQC once suggested they would be unable to continue a case until assurances were given regarding indemnity – this put the hearing in jeopardy.

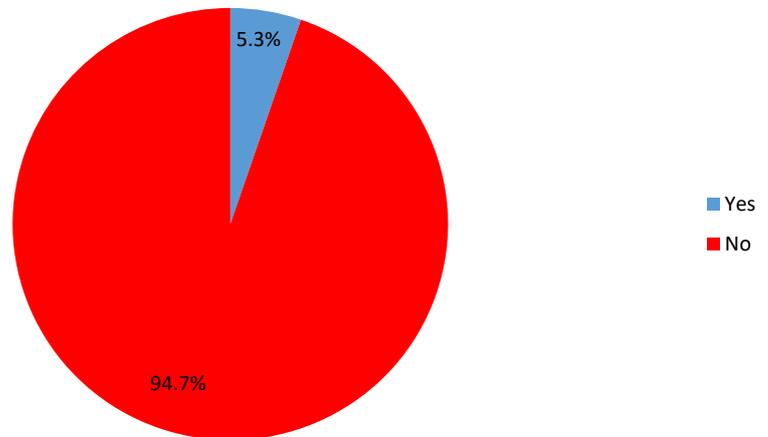
Another respondent used this question as an opportunity to raise the issue of some LQCs being “far less available than others”: the respondent stated that “a couple” of LQCs routinely cancel at late notice, and assumes that this is because they had the offer of paid work elsewhere.

#### 4. Equality & Diversity

9. Have you or your Force/OPCC prepared equality impact statements in relation to the role and appointment/selection of LQCs? Please use the space below to describe any other means you or your Force/OPCC may have used to assess the diversity of LQCs locally or ensure the diversity in their selection.

		Response Percent	Response Total
1	Yes	5.26%	1
2	No	94.74%	18
<b>Analysis</b>	Mean:	1.95	Std. Deviation: 0.22
	Variance:	0.05	Std. Error: 0.05
		Satisfaction Rate: 94.74	answered 19
			skipped 5

Have you or your Force/OPCC prepared equality impact statements in relation to the role and appointment/selection of LQCs?



In further comments, 4 respondents specifically said that **this would come under the responsibility of OPCCs** in the role they play to recruit LQCs. One of these four and an additional respondent referred to the OPCC for comment.

## 5. Notification of appeal

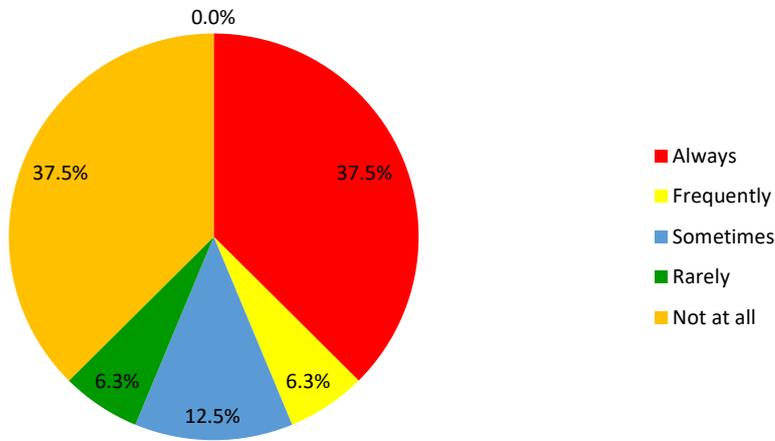
10. How often do you notify the LQC involved of the outcome of the hearing which they chaired? Please use the space below to provide any further comments.

		Response Percent	Response Total
1	Always	37.50%	6
2	Frequently	6.25%	1

**10. How often do you notify the LQC involved of the outcome of the hearing which they chaired? Please use the space below to provide any further comments.**

				Response Percent	Response Total			
3	Sometimes			12.50%	2			
4	Rarely			6.25%	1			
5	Not at all			37.50%	6			
<b>Analysis</b>	Mean:	3	Std. Deviation:	1.77	Satisfaction Rate:	50	answered	16
	Variance:	3.12	Std. Error:	0.44			skipped	8

How often do you notify the LQC involved of the outcome of the hearing which they chaired?  
Please use the space below to provide any further comments.



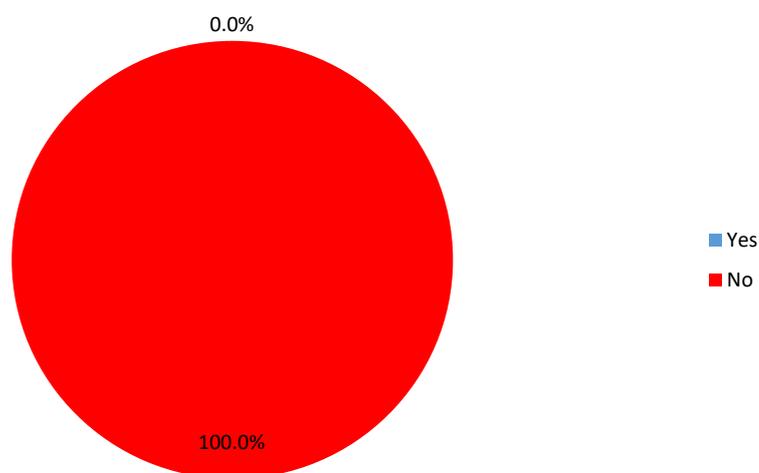
6 respondents made further comments.

One respondent said that his Force is currently in consultation with the OPCC and the defence legal team, to provide an LQC with the PAT Chairs Rule 11 for the determination of feedback.

Another respondent stated that if an appeal is upheld and an officer is reinstated, their Force would inform the LQC.

**6. Rates of appeals**

Are you aware of any evidence that the introduction of LQCs has impacted on the rate of appeals against misconduct panel decisions?



11. Are you aware of any evidence that the introduction of LQCs has impacted on the rate of appeals against misconduct panel decisions?

		Response Percent	Response Total
1	Yes	0.00%	0
2	No	100.00%	19
<b>Analysis</b>	Mean:	2	Std. Deviation: 0
	Variance:	0	Std. Error: 0
		Satisfaction Rate: 100	answered 19
			skipped 5

12. If your answer to Q10 was 'Yes', which of the following statements do you believe to be true with regard to the rate of appeals against misconduct panel decisions? Write any further comments below.

		Response Percent	Response Total
1	The rate of appeals has increased.	0.00%	0
2	The rate of appeals has decreased.	100.00%	1
<b>Analysis</b>	Mean:	2	Std. Deviation: 0
	Variance:	0	Std. Error: 0
		Satisfaction Rate: 100	answered 1
			skipped 23

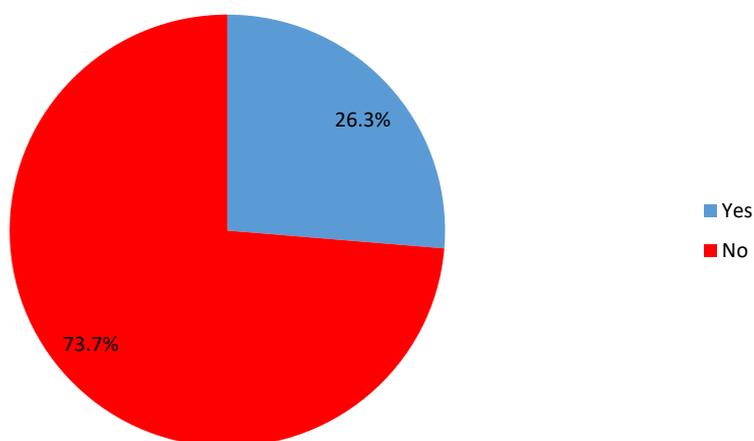
No further comments were made. I assume that the one person who answered question 12 did so in error, seeing as all respondents stated in Q11 that they believe that the introduction of LQCs has not impacted on the rate of appeals.

## 7. Public feedback

13. Have you received any feedback from the public regarding public misconduct hearings? If your answer is 'Yes', please summarise below.

		Response Percent	Response Total
1	Yes	26.32%	5
2	No	73.68%	14
<b>Analysis</b>	Mean:	1.74	Std. Deviation: 0.44
	Variance:	0.19	Std. Error: 0.1
		Satisfaction Rate: 73.68	answered 19
			skipped 5

Have you received any feedback from the public regarding public misconduct hearings? If your answer is 'Yes', please summarise below.



Six respondents made further comment.

Two respondents reported **negative feedback**: one regarding the public nature of the hearings – and how publishing names of individuals before a hearing takes place and allegations have been proven could damage the individual's reputation. Another reported receiving feedback from the press on the sound quality of the video stream (the press presumably sitting in a room separate to the hearing).

One respondent reported receiving **positive comments** around increased transparency.

Another reported receiving feedback on facilities for the media, but didn't specify if this was positive or negative.

One respondent reported there being "little interest from the public" in attending public meetings.

### 8. Any Other Comments

One respondent took the opportunity here to describe problems with the availability of LQCs during peak holiday periods:

*"We attempted to arrange a hearing in August 2017. We had at that time seven LQCs. Six of the seven were unavailable due to holidays; the seventh LQC didn't respond to emails or telephone contact [...] It cannot be acceptable that during peak holiday periods, PSDs have to put off holding hearings."*

Further 'other comments' are available below:

14. Please use the space below to let us know any other comments you have regarding this survey or the issues raised in it.				
			Response Percent	Response Total
1	Open-Ended Question		100.00%	6
1	02/08/17 2:36PM ID: 61890025	Believe you meant Q11 answer Yes not Q 10. ? Our experience of the last 18 months that there is a broad and differing level of experience amongst the LQC's but we have found that the outcomes arrived at are usually fair and well reasoned, which is supported by a lack of successful PAT's.		
2	09/08/17 12:37PM ID: 62234538	Nil		
3	15/08/17 1:23PM ID: 62519924	There has been a distinct lack of procedure and guidance issued with the introduction of public hearings in terms of processes and requirements.  Sourcing suitable venues for access and security reasons has been time consuming and costly and has seen very little interest from the public in attending these hearings.		
4	29/08/17 9:29AM ID: 63148097	Our experience of using LQC's is positive.		
5	30/08/17 11:43AM ID: 63217267	There are a number of LQC's on our list that have never sat on a panel- this reduces the number available to us in practise.		
6	07/09/17 10:39AM ID: 63597416	We attempted to arrange a hearing in August 2017. We had at that time seven LQCs. Six of the seven were unavailable due to holidays; the seventh LQC didn't respond to emails or telephone contact (we have since established he has become a judge and was no longer available as an LQC, he had failed to inform the regional coordinator of this). It cannot be acceptable that during peak holiday periods, PSDs have to put off holding hearings. In an attempt to find an LQC, we had to put an entry on POLKA to use another region. Whilst the Conduct regulations state the AA should appoint the chair, I believe the College of Policing should hold a national register of LQCs and they should appoint the Chair from that list thereby promoting confidence in the selection process both from the Federation's point of view and also that of LQCs themselves.		
			answered	6
			skipped	18



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