

## **PROCESS TO SELECT AND APPOINT PANEL TO HEARING.**

Under the 2020 regulations, the responsibility for selecting and appointing panel members to hearings will fall to MOPAC.

Home Office guidance states:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/863820/Home\\_Office\\_Statutory\\_Guidance\\_0502.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/863820/Home_Office_Statutory_Guidance_0502.pdf)

*11.35 The misconduct hearing will be chaired by an independent legally qualified person who will be chosen from a pool held by the local policing body. They will be appointed at the point where the appropriate authority determines (under Regulation 23) to refer the case to misconduct hearing, at which stage they will ask for a legally qualified person to be appointed by the local policing body (under Regulation 28).*

*11.36 Appointment should be on a fair and transparent basis by the local policing body following a request from the appropriate authority. Fair and transparent will generally mean that a rota system is established (sometimes referred to as 'first cab off the rank system') so the next available person from the pool is chosen for the hearing. It is good practice for the local policing body to publish how their rota system operates.*

### **THE PROCESS**

At the point that the Misconduct Hearings Unit (MHU), determines to refer a case to a misconduct hearing they will approach MOPAC for a legally qualified chair to be appointed. The MHU will provide as much information as possible to MOPAC about the case covering issues such as number and name of officers concerned, estimate of likely length of hearing, provisional timeframes and general subject matter of case.

MOPAC will utilise a cab rank system to establish with the next available legally qualified chair as to whether they can take the referral of the misconduct hearing. The legally qualified chair will be expected to advise within 2 days whether they can take the case. If they can proceed MOPAC will appoint the person as legally qualified chair for the purposes of the misconduct hearing. MOPAC will then advise MPS as soon as practicably possible of the appointment, this will be within 10 working days.

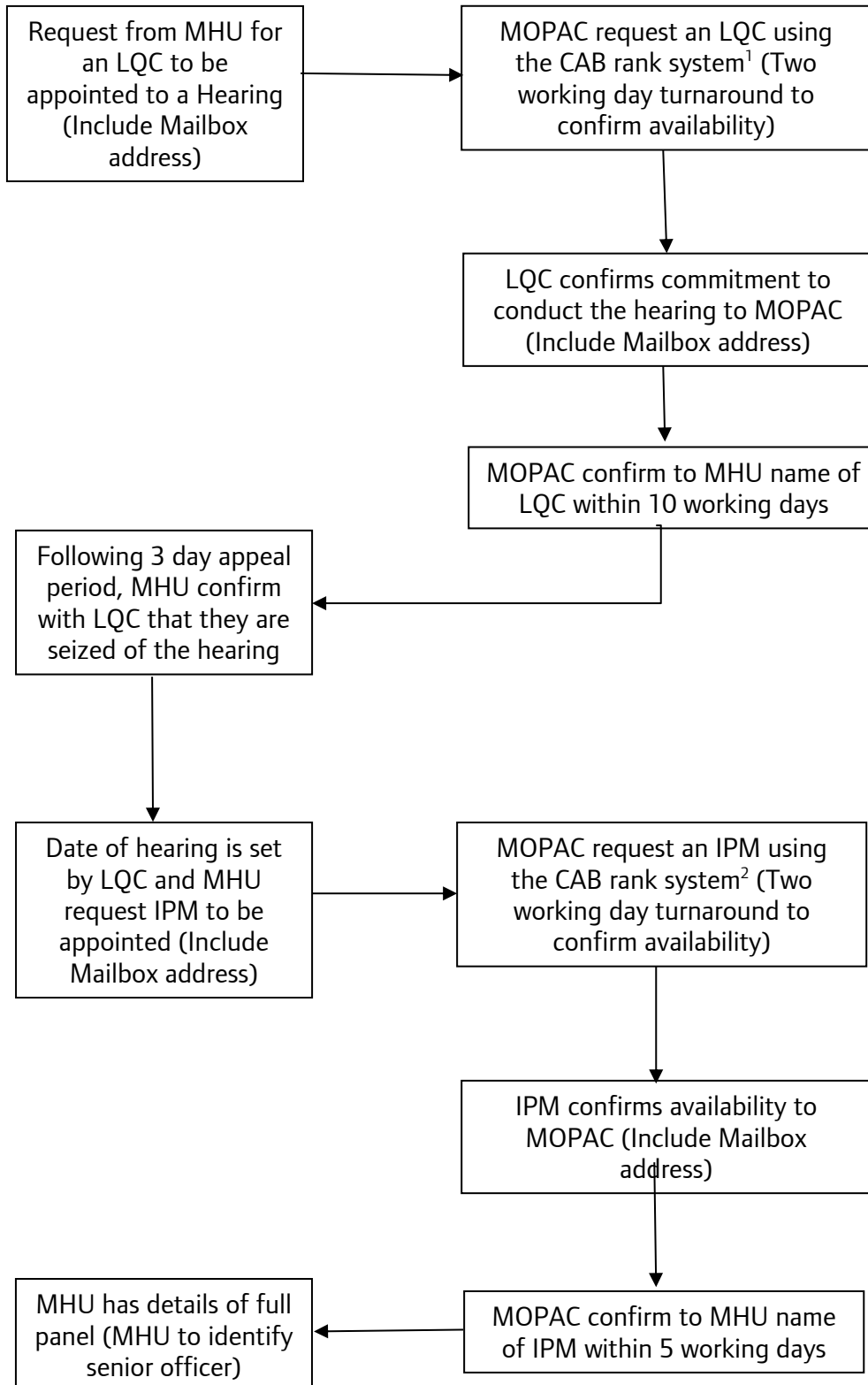
If the legally qualified chair is not able to proceed, MOPAC will seek the name of the next available person. The process is then repeated as necessary. The fact of the refusal and the reason therefore will be recorded by MOPAC on the relevant list and working spreadsheet.

The officer who is subject to the misconduct hearing will be informed as soon as practicable by the MHU of the name of the proposed person to chair their misconduct hearing. They then have the opportunity to object in writing before the end of 3 working days, beginning with the first working day after the officer is given notice of the person's name, setting out their grounds for objection. MHU will advise MOPAC of any outcome to such objection in order to keep the appointment list/spreadsheet up to date.

The date of the hearing will be determined by the LQC. Once the date of the hearing has been set, MHU will approach MOPAC for an independent member to be selected and appointed. This will be done in the same way as for a legally qualified person using the cab rank system. MOPAC will notify MHU of the appointed independent member within 5 working days.

The senior officer member of the misconduct panel will be appointed by the MHU.

## SELECTION AND APPOINTMENT TO HEARING FLOWCHART



<sup>1</sup> MOPAC to devise a spreadsheet which enables tracking of LQCs to provide an audit of contact and appointment (Must be accessible to all of Prof Stds team)

<sup>2</sup> MOPAC to devise a spreadsheet which enables tracking of IPMs to provide an audit of contact and appointment (Must be accessible to all of Prof Stds team)