

**HAMPSHIRE AND ISLE OF WIGHT POLICE AND CRIME PANEL – 27 JANUARY
2023**

**PUBLIC QUESTIONS SUBMITTED IN ACCORDANCE WITH RULE 31A OF THE
RULES OF PROCEDURE**

Question 1:

“I have reviewed the process for misconduct hearings and believe that cases should be heard in public unless there is a compelling reason not to ... When an officer is dismissed, the details of the case should be published after the hearing,”

Ms Jones apparently put this forward as a remedy for lack of public confidence that “the process is fair and robust”. She refers to national press coverage reporting “the public’s desire for information to be available,” and stresses her own responsibility in the matter as “the Association of Police and Crime Commissioners’ national lead for victims.”

As “part of a review panel looking at misconduct hearings”, Ms Jones states that it is the duty of herself and other PCCs “to ensure there is a due process in place that is both fair and robust which includes ensuring that ... hearings are held in public and/or the identity of the police officer is published.”

At the above mentioned PCP meeting some members of the Panel endorsed Ms Jones’s professed intentions in regard to this issue.

Can the Panel inform us as to what progress has been made with the necessary and appropriate reforms in Hampshire Constabulary?

Response:

The OPCC have advised that they have not been asked about the progress of Hampshire Constabulary in misconduct hearings, but also note that the progress if any, would not be that of the police force, but of the LQC – Locally Qualified Chair. It is the LQC’s decision whether to hold a hearing in open or closed session and whether to publish the detail and name of the officer post the hearing.

I am however able to advise that misconduct proceedings for Police Officers are dealt with through various Statutory Instruments but the hearing itself is predominantly catered for through, The Police (Conduct) Regulations 2020.

This compliments;

- The Police Act 1996
- The Police Reform Act 2002
- The Police (Complaints and Misconduct Regulations) 2020
- The Police (Performance) Regulations 2020

- The Police Regulations 2003

The 2020 regulations are clear through Regulation 39. – (1) Subject to paragraph (3), a misconduct hearing must be in public.

This, and the process for attendance is fully explained on the Constabulary website [About misconduct hearings | Hampshire and Isle of Wight Constabulary](#)

Misconduct hearings are chaired by a 'Legally Qualified Chair' (LQC) who is not a police officer and is independent from the Police. This role is a legal requirement of a Police and Crime Commissioner to provide LQC's but they make decisions independent from the Commissioner.

Access to hearings and restrictions on reporting are set out in regulation 39 (3) and are the remit of the LQC to consider.

The panel is aware that In April 2022 the Commissioner wrote to all Hampshire Constabulary LQC's to reiterate the above and her position in their considerations.

She wrote:

'As Police and Crime Commissioners it is our duty to ensure there is a due process in place that is both fair and robust which includes ensuring that in all cases possible, hearings are held in public and/or the identity of the police officer is published at the conclusion of the hearing in accordance with your agreed processes. I would be grateful if you could take this into consideration when delivering on cases referred by the Chief Constable of Hampshire Constabulary.'

As part of a regional approach to recruitment and training, the PCC is supporting a programme of work which will ensure LQC's are provided not only legislative training. This will include areas such as victim and public confidence through open hearings.