

West Yorkshire Combined Authority

Record of Decision made in respect of the Mayor's Police and Crime Commissioner functions

Title/Subject: Extension to Indemnity for Legally Qualified Chairs for Police Misconduct Hearings and Independent Members

Serial No: MPCC105

Summary:

The National Association of Legally Qualified Chairs (NALQC) has been seeking to persuade the Home Office to provide a legislative solution to remove the threat to panellists who conduct police misconduct hearings of being held personally liable for claims brought as a consequence of decisions made at such hearings.

Until a long term solution is provided, PCCs nationally have provided indemnity insurance for Legally Qualified Chairs (LQCs) and Independent Members. In West Yorkshire, the agreement is reviewed periodically and the current provision was due to be reviewed before 31 December 2021 (see decision record MPCC066).

Agreement is sought to extend the indemnity to 31 March 2024 in order to align with the agreements made by regional OPCC partners on the Joint LQC list for the North and East Region.

Requested Decision:

The Mayor will continue to provide both LQCs and IMs appointed to hearings by the West Yorkshire Combined Authority with indemnity for all appointments to individual hearings made on or before 31 December 2022 in line with the wording provided by the NALQC. The decision will be reviewed at 31 March 2024 and may be reviewed earlier in light of any legislative changes or other changes identified by the Home Office.

When requested, the Mayor or her office will provide the following assurance to Legally Qualified Chairs and Independent Members appointed to police misconduct hearings and appeals:

"In respect of the case of which is to be held on I (in my role as Police and Crime Commissioner or equivalent) agree to indemnify you as the Legally Qualified Chair (or Independent Member) in respect of any liabilities arising (including reasonable costs in connection with responding to legal proceedings) for anything done or omitted to be done by you in the discharge of your functions unless, having received representations or submissions by or on your behalf, you are proved in a court of law or other tribunal with appropriate jurisdiction to have acted in bad faith. Furthermore, in the event of your being held to have any liability for anything done or omitted to be done by another member of the Panel of which you are part, I agree to indemnify you in full in respect of any such liability.

The Mayor can also provide an assurance of her Office's continuing ability to meet any liability under the indemnities if called upon to do so."

Implications	Details / Comments	Officer Sign Off
Financial		 Director of Corporate and Commercial Services
Legal		 Head of Legal and Governance Services

<p>Decision:</p> <p>Approved</p>
<p>Signature:</p>  <p>Title: Deputy Mayor for Policing & Crime</p> <p>Date: 27.04.22</p>