

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: MPCC192

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 March 2024 (see decision record MPCC105) 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 March 2024. However, in order to reflect the updated (Oct22) agreement reached by the NALQC and the APACE, 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:



"Following your appointment as the Legally Qualified Chair/Independent Panel Member in respect of the case of which is to be held on or about, I (in my role as Police and Crime Commissioner or equivalent) agree to indemnify you as the Legally Qualified Chair/Independent Panel Member in respect of any costs you may incur as a consequence of your being in receipt of a witness summons/order (or an application therefor) to give evidence in any court or tribunal of whatever nature concerning and/or relating to your and/or the Panel's conducting of those proceedings and/or the decisions of the Panel in those proceedings. For the avoidance of doubt, this indemnity includes, but is not limited to, any costs you may incur:

- In seeking legal advice in relation to the receipt of a witness summons/order or an application therefor;
- In relation to the preparation of any representations and/or witness statements in relation to an application for a witness summons/order and/or in relation to an application to set aside the issuing of a witness summons/order;
- In relation to securing legal representation at any hearing of an application for a witness summons/order and/or the hearing of any application to set aside the issuing of a witness

summons/order;

· In relation to the costs (including costs of legal representation) of participating in any appeal and/or application for judicial review (and any appeal therefrom) arising as a consequence of your being in receipt of an application for a witness summons/order or an application therefor; and

· In relation to attending a hearing or hearings, including the time spent thereat”

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

Decision:

Approved

Signature:



Title: Deputy Mayor for Policing & Crime

Date: 12.10.22