

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: MPCC215

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 and MPCC192) 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 Independent Members 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 (Nov22) agreement reached by the NALQC, the Association of Police and Crime Chief Executives and the Association of Police and Crime Commissioners, when requested, the Mayor or her office will provide the following assurance to LQCs 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 ("LQC")/Independent Panel Member ("IPM") in respect of any liabilities arising (including reasonable costs as agreed with you in connection with responding to or engaging with any legal proceedings or matters arising from the discharge of your functions as an LQC/IPM) for anything done or omitted to be done by you in the discharge of those 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.

In addition and/or for the avoidance of doubt, it is confirmed that 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.

However, save where the issue/matter needs to be addressed by you immediately, no costs to which this indemnity applies should be incurred by you before you have notified the Chief Executive of my Office of the nature and extent of the issue/matter giving rise to a claim under it”

Decision:

Approved

Signature:



Title: Deputy Mayor for Policing & Crime

Date: 24.11.22

Publication

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| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No – ‘Sensitive’ under the GSC Scheme |
| | <input type="checkbox"/> No - Exempt under 2(2) of The Elected Local Policing Bodies (Specified Information) Order 2011. |

Execution of legal documents (please list documents)

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| <input type="checkbox"/> Seal of the Combined Authority | <input type="checkbox"/> Signature ¹ |
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¹ The Head of Legal Services in West Yorkshire Police has delegated authority from the Head of Legal and Governance Services to apply the seal of West Yorkshire Combined Authority