



Suffolk Police and Crime Commissioner

Making Suffolk a safer place to live, work, travel and invest

ORIGINATOR: CHIEF EXECUTIVE

DECISION NUMBER: 18 - 2024

REASON FOR SUBMISSION: FOR DECISION

SUBMITTED TO: POLICE AND CRIME COMMISSIONER

SUBJECT: APPOINTMENT AND REAPPOINTMENT OF INDEPENDENT PANEL MEMBERS AND APPOINTMENT OF LEGALLY QUALIFIED PERSONS

SUMMARY:

1. This paper sets out the steps to ensure that the Eastern Region Police (Fire) and Crime Commissioners – Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk as well as the Ministry of Defence Police (MOD) have a list of nominations to serve as Independent Panel Members (IPM) and Legally Qualified Persons (LQP) for misconduct panels under the Police (Conduct) Regulations 2012 and any successor legislation.
2. The steps to fulfil this responsibility fall to Police (Fire) and Crime Commissioners and have been pursued on a collaborative basis by the six Offices of the Police (Fire) and Crime Commissioners within the region since 2014. The Ministry of Defence Police (MOD) entered this collaboration in January 2024.
3. It is proposed that the list of Independent Panel Members (IPM) nominations be formed from those re-appointed as Independent Panel Members and from those who have been newly selected to fulfil the role. This paper describes the processes that has been followed and invites appointment decisions to be made in respect of re-appointments and new appointments respectively.
4. It is proposed that the list of Legally Qualified Persons (LQP) nominations be formed from those individuals currently undertaking the role of Legally Qualified Chair (LQC) who have confirmed they wish to continue with the newly formed role of Legally Qualified Person (LQP) within the misconduct process.

RECOMMENDATIONS:

The Police and Crime Commissioner is requested to:

1. Agree to the recommendation, once appropriate reference checks have been completed, of the appointment of the 18 individuals identified in paragraph 3.3 as new Independent Panel Members for a period of five years on the Terms and Conditions attached as Appendix I. Those IPMs with IPM 2 stated next to their name will be able to sit as either IPM 1s and IPM 2s. Those with IPM 1 next to their name will be able to sit as IPM 1s only.
2. Agree to the recommendation, once appropriate reference checks have been completed, of the re-appointment of the 11 IPM's identified in paragraph 3.7 as existing Independent Panels Members for a further period of two years on the Terms and Conditions attached as Appendix I. These IPMs, because of their experience, will be able to sit as IPM 1s and IPM 2s.
3. Agree to the recommendation to appoint the Legally Qualified Chairs identified in paragraph 3.9 as Legally Qualified Persons. The appointment period will align to their existing appointment terms, as set out in the paper, as a Legally Qualified Chair on the Terms and Conditions attached as Appendix A. The new contract will cover their appointments as both a Legally Qualified Person and Legally Qualified Chair.
4. Agree to the recommendation of the revised appointment selection of Misconduct Panels and Police Appeal Tribunal Policy. See appendix J.

APPROVAL BY: PCC

The recommendation set out above is agreed.



Signature:

Date: 21 June 2024

DETAIL OF THE SUBMISSION

1. INTRODUCTION

- 1.1 The Police and Crime Commissioner is required to maintain a list of independent persons to sit on misconduct hearings under the Police (Conduct) Regulations 2020. The six police and crime commissioners making up the Eastern Region maintain a joint list and have done since 2014.
- 1.2 In 2014 the Eastern Region police and crime commissioners acted together to compile and maintain a list of Independent Panel Members to sit on the misconduct hearings as held across the Region (Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk).
- 1.3 Eighteen Independent Panel Members were selected and appointed to serve across the Region. The term of appointment, commencing on 1 June 2014, was for an initial five-year period, subject to a further period of service, if agreed following review.
- 1.4 During 2018 the Member Misconduct Oversight Panel (MMOP), comprising officers from each of the offices of police and crime commissioners across the Eastern Region, considered the arrangements for the recruitment of further Independent Members and/or the current Independent Members.
- 1.5 Out of the 15 IPMs serving and active, 14 wished to be considered for re-appointment. All 14 IPMs who wished to be re-appointed had attended training, had all sat regularly and no issues had been raised about their service by Professional Standard Departments (PSD).
- 1.6 In the light of these factors, the MMOP took the view that all 14 Independent Members should be recommended for appointment and further that there was no pressing need to progress to a recruitment process to secure further Independent Panel Members.
- 1.7 This second term of service concluded on the 31 May 2024. Following this period all the remaining IPMs will have served for ten years, the recommended maximum number of years that an IPM should serve.

2. CHANGES TO REGULATIONS

- 2.1 In January 2023, the Government launched its review into the process of police officer dismissals. The following August the Government announced substantial changes to the police misconduct, vetting and performance systems.
- 2.2 The first stage of these changes involved changes to police conduct regulations through the Police (Conduct) (Amendment) Regulations 2024. These were laid in parliament on 16 of April and came into force on the 7 of May 2024.
- 2.3 These Regulations were being developed during the IPM recruitment process and primarily amend the composition of misconduct panels, removing the role of Legally Qualified Chair (LQC) and giving responsibility for chairing non-senior misconduct proceedings to chief officers, or their delegate.
- 2.4 The Regulations also introduced a new legal advisor role which will provide misconduct panels with advice on legal and procedural matters. This means that panels for non-senior officers will now consist of a chair and two independent panel members.

2.5 Under the draft Home Office guidance, the Independent Panel Members selected in accordance with Regulation 28(4)(b) will, in addition to the first IPM, be required to have qualifications, experience or be able to demonstrate certain competencies which are relevant for the purposes of disciplinary proceedings. It is stated that this could include, but is not limited to, those who:

- can demonstrate a commitment to setting standards through senior leadership roles in other organisations or sectors,
- hold expertise in Human Resources,
- or have experience of professional disciplinary processes.

2.6 While this guidance is draft it is not anticipated that it will be substantially more prescriptive as the regulations are quite clear. Several of the recommended IPMs have relevant experience and have been identified below with a IPM 2 put next to their name. Once appointed it is recommended that they sit as IPM 2s. This would mean that they are able to sit as either IPM 1s or IPM 2s as required.

3. ACTION BY MEMBER MISCONDUCT OVERSIGHT PANEL (MMOP)

3.1 In preparation of this, the MMOP set out a recruitment process to select a new batch of IPMs. The opportunity was promoted via all six areas with efforts being taken to reach a wide and varied selection of potential candidates. The deadline for applications closed on the 28 January 2024 and 57 people applied.

3.2 Shortlisting was undertaken by the Essex MMOP representative, the Bedfordshire MMOP representative and an HR specialist from Essex Police. Thirty-eight people were interviewed by a panel consisting of the Essex MMOP representative, the Norfolk MMOP representative and the HR specialist from Essex Police. All MMOP members were invited to participate. The interviews took place over five days in person and online. Following this process 18 candidates are being put forward for appointment as set out below.

3.3 New Independent Panel Members for initial term of five years beginning 1 June 2024:

- Jacqui Adams - (IPM 2)
- Clive Manning - (IPM 2)
- David Corbino - (IPM 2)
- Carlene Cornish - (IPM1)
- Susannah Dengate - (IPM 2)
- Stevie Jones - (IPM1)
- Simon Williams - (IPM 2)
- Anne Gibson - (IPM 1)
- Jeremy Webster - (IPM 2)
- Debbie Wootton - (IPM 2)
- Brian McAlley - (IPM 2)
- Jennie Mattin - (IPM1)
- Lubna Hameed - IPM1)
- Dr J Lafferty - (IPM1)
- Hope Osayande - (IPM1)
- Selena Gill - (IPM1)
- Mr Chris Taylor - (IPM 2)
- Kevin Rogers - (IPM 2)

3.4 The amended regulations are not retrospective so parallel regulatory systems need to be maintained for up to two years while existing cases work their way through the system. The increase in the number of IPMs on each panel also increases the anticipated demand for IPMs. To mitigate these issues the MMOP recommend that our existing IPMs are offered a further contract of two years. This is allowable under the current regulations, allows resilience within the system and provides sufficient time for the cases under the old regulatory system to conclude. It also avoids the need to train our new IPMs on both the old and the new regulations.

3.5 The MMOP, in considering the reappointment of existing IPMs, considered the following issues:

- the wishes of the current IPMs in being re-appointed,
- the number of hearings undertaken by the IPMs,
- feedback from Professional Standards Departments (PSDs) as to the performance of any of the IPMs from the misconduct hearings.

3.6 Following this consideration, it is recommended that 11 of the existing 12 IPMs (set out below) be reappointed for a further two years. These IPMs, once trained in the new regulations, will be able to sit as either IPM 1s or IPM 2s.

3.7 Reappointment of existing Independent Panel Members for a further two years beginning 1 June 2024:

- Diane Carter
- William Couves
- Peter Gratton
- Richard Gutowski
- Shirley Hurdle
- John Jones
- Elizabeth McEwan
- Victoria Miller
- Simon Paley
- Rebecca Stephens
- Margaret Walsh

3.8 Further to the recommended reappointment of the IPMs, the MMOP also considered the appointment of Legally Qualified Chairs as Legally Qualified Persons. Given the recent decision in December 2023 by the PCC to appoint and reappoint Legally Qualified Chairs, as set out in Decision Report 33-2023, the MMOP approached the current LQCs for indications of interest in sitting as Legally Qualified Persons. Twenty-nine have indicated that they would like to be appointed as Legally Qualified Persons under the new Terms and Conditions set out in Appendix A and these are identified below.

3.9 Legally Qualified Advisors all recruited on a five year term beginning 1 June 2024

- Mr John Bassett
- Mr Trevor Jones
- Ms Monica Daley-Campbell
- Mr Neil Dalton

- Miss Francesca Del Mese
- Mrs Lyndsey De Mestre KC
- Mr Stephen Gowland
- Mr Andrew Hearn
- Mr Harry Ireland
- Mrs Jane Jones
- Mrs Sharmistha Michaels
- Mr David Tyme
- Mr Timothy Bradbury
- Mr Stephen Chappell
- Mr Kamran Choudhry
- Mrs Jennifer Ferrario
- Mrs Zeenat Islam
- Mrs Francesca Keen
- Mr Alesdair King
- Mr Graham King
- Mr Christopher Lester
- Mr Gregor McGill
- Mr Matthew McNiff
- Mr Adrian Phillips
- Ms Morag Rae
- Mrs Kathryn Seward
- Mrs Caroline Sellars
- Mrs Su Sharma
- Judge Alexander Wilson

4. PROPOSAL AND ASSOCIATED BENEFITS

- 4.1 The proposed appointment and reappointments set out in the recommended decisions will provide the PCC with reassurance that there are sufficient Legally Qualified Persons and Independent Panel Members to deliver an effective Police Misconduct Hearing process.
- 4.2 This is important to ensure that cases of police misconduct are heard appropriately and in a timely manner, that officers who should not be in the force are removed and those who are on restricted duties awaiting a hearing are heard quickly and where appropriate are able to return to their duties.
- 4.3 The recommendations around adoption of the new selection policy will ensure the PCC is fulfilling their duty to publicly demonstrate how IPMs and LQPs are selected.

5. OPTIONS ANALYSIS

- 5.1 The PCC has the option not to accept these recommendations, however, given that they have a statutory responsibility to recruit and provide both Legally Qualified Persons and Independent Panel Members for Police Misconduct Hearing this option is not recommended.
- 5.2.1 The PCC could decide to exit the regional arrangements and recruit and appoint LQPs and IPMs independently however this would be more costly and provide less resilience. Given the system has worked well for ten years this approach is not recommended.

6. CONSULTATION AND ENGAGEMENT

- 6.1 Throughout the process the MMOP has stayed in close contact with the Association of Police and Crime Commissioner's Chief Executive's Association complaints network, they have sought input from LQCs and in the recruitment of IPMs have also liaised with the Magistrates' Association.
- 6.2 The MMOP through their respective members have also liaised with each PSD in the area.

7. STRATEGIC LINKS

- 7.1 The handling of police complaints has a direct impact on confidence in policing which is fundamental to the police and crime plan. Supporting an effective and efficient complaints system is also important to ensure the force is properly resourced and staffed.

8. POLICE OPERATIONAL IMPLICATIONS

- 8.1 The decisions in this report will support an effective police misconduct complaint system which in turn will support operational policing.

9. FINANCIAL IMPLICATIONS

- 9.1 The revised Police (Conduct) (Amendment) Regulations 2024 have changed the members of a police misconduct hearing panel so each hearing will have two IPMs and an LQP. This means the cost for each hearing will increase. The nationally recommended level of remuneration for IPMs is also going up after no change for ten years. This is reflected in the new Terms and Conditions for IPMs with their daily rate increasing from £211 to £357. These fees are paid from the Suffolk Constabulary budget and the changes to them have been flagged with PSD for appropriate planning to take place.

10. LEGAL IMPLICATIONS

- 10.1 The revised Police (Conduct) (Amendment) Regulations 2024 have been laid in parliament and came into force on the 7th of May. As such the PCC has a legal obligation to comply with them. As set out above the recommendations set out above align to the new regulatory system and ensure the PCC complies with them.

11. STAFFING IMPLICATIONS

- 11.1 There are no direct staff implications from this decision.

12. EQUALITY, DIVERSITY AND INCLUSION IMPLICATIONS

- 12.1 As with the recruitment of Legally Qualified Chairs in 2023 (Decision 33-2023), significant effort was put into raising awareness of the IPM posts to a wide range of communities. Each area shared it through their local networks, partners and wider stakeholder groups. Local diversity groups were also used to spread this to communities that aren't always as well represented as they should be. Areas also used newsletters and social media to encourage recruitment.

13. RISKS AND MITIGATIONS

- 13.1 There is the risk that the reference checks for some of the new IPMs will not be adequate and appointment will not be able to proceed. To mitigate this risk the recommended decision specifically states that the appointment is only to be made after these have been completed adequately.
- 13.2 As with any new regulatory system there is the chance that unknown problems will arise through the process. The MMOP has taken a proactive approach to recruitment to minimise the potential impact of any unforeseen changes and ensure there are sufficiently qualified and trained people to manage any additional workload or issues.
- 13.3 Some areas have adopted a wait and see approach to the regulatory changes which means they are only just starting their recruitment now. To avoid this risk, MMOP continued with our existing recruitment process and adapted this process to deliver an effective system that works within the old and new regulatory system.

14. LINKS TO FUTURE PLANS

- 14.1 This is not linked to any specific future plans but will inform the development of the Police and Crime Plan 2024-2028, and the PSD scrutiny process.

15. RECOMMENDATIONS

- 15.1 The Police and Crime Commissioner is requested to:
1. Agree to the recommendation, once appropriate reference checks have been completed, of the appointment of the 18 individuals identified in paragraph 3.3 as new Independent Panel Members for a period of five years on the Terms and Conditions attached as Appendix I. Those IPMs with IPM 2 stated next to their name will be able to sit as either IPM 1s and IPM 2s. Those with IPM 1 next to their name will be able to sit as IPM 1s only.
 2. Agree to the recommendation, once appropriate reference checks have been completed, of the re-appointment of the 11 IPM's identified in paragraph 3.7 as existing Independent Panels Members for a further period of two years on the Terms and Conditions attached as Appendix I. These IPMs, because of their experience, will be able to sit as IPM 1s and IPM 2s.
 3. Agree to the recommendation to appoint the Legally Qualified Chairs identified in paragraph 3.9 as Legally Qualified Persons. The appointment period will align to their existing appointment terms, as set out in the paper, as a Legally Qualified Chair on the Terms and Conditions attached as Appendix A. The new contract will cover their appointments as both a Legally Qualified Person and Legally Qualified Chair.
 4. Agree to the recommendation of the revised appointment selection of Misconduct Panels and Police Appeal Tribunal Policy. See appendix J.

16. Background Papers and Appendices

- Appendix A – Legally Qualified Person - Terms of Appointment – June 2024
Appendix B – Legally Qualified Person – Job Description – June 2024
Appendix C – Legally Qualified Person – Judicial Eligibility Condition – June 2024
Appendix D – Legally Qualified Person – Eligibility Clauses – June 2024

- Appendix E – Legally Qualified Person – Fee and Expenses – June 2024
- Appendix F – Legally Qualified Person – GDPR Privacy Notice – June 2024
- Appendix G – Easter Region – IPM – GDPR Privacy Notice – June 2024
- Appendix H – Easter Region – IPM – Memorandum of Understanding – June 2024
- Appendix I – Eastern Region – IPM – Terms of Appointment – June 2024
- Appendix J – Selection of Misconduct Panels and Police Appeal Tribunals – May 2024
- Appendix K – Section 22a agreement – June 2024

ORIGINATOR CHECKLIST (MUST BE COMPLETED)	PLEASE STATE 'YES' OR 'NO'
Has legal advice been sought on this submission?	Yes
Has the PCC's Chief Finance Officer been consulted?	Not applicable
Have equality, diversity and human rights implications been considered including equality analysis, as appropriate?	Yes
Have human resource implications been considered?	Yes
Is the recommendation consistent with the objectives in the Police and Crime Plan?	Yes
Has consultation been undertaken with people or agencies likely to be affected by the recommendation?	Not applicable
Has communications advice been sought on areas of likely media interest and how they might be managed?	Yes
Have all relevant ethical factors been taken into consideration in developing this submission?	Yes

In relation to the above, please ensure that all relevant issues have been highlighted in the 'other implications and risks' section of the submission.

APPROVAL TO SUBMIT TO THE DECISION-MAKER

Chief Executive

I am satisfied that relevant advice has been taken into account in the preparation of the report and that this is an appropriate request to be submitted to the PCC.



Signature:

Date: 21 June 2024



**EASTERN REGION POLICE AND CRIME COMMISSIONERS (BEDFORDSHIRE,
CAMBRIDGESHIRE, ESSEX, HERTFORDSHIRE, NORFOLK AND SUFFOLK) AND THE
SECRETARY OF STATE FOR DEFENCE
LEGALLY QUALIFIED CHAIR AND LEGALLY QUALIFIED ADVISOR TO THE CHAIR OF POLICE
MISCONDUCT PANELS**

TERMS AND CONDITIONS OF APPOINTMENT

**TERMS OF APPOINTMENT TO POLICE MISCONDUCT
PANEL**

1. The Police and Crime Commissioners for Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk, collectively the Eastern Region Police and Crime Commissioners (ERPCCs) and the Secretary of State for Defence (the Secretary of State) (“the Parties”) have agreed to act together to appoint persons to a list of legally qualified persons (LQPs) for the purposes of the Police (Conduct) Regulations 2020 (“the 2020 Regulations), as amended and the Ministry of Defence Police (Conduct, Performance and Appeals Tribunals) Regulations 2020 (“the 2020 MDP Regulations”), as amended, to enable the ERPCCs and the relevant authority (as defined in the MDP Regulations) to appoint an LQP as Chair or advisor to the Chair depending on the Regulations that apply, for a police misconduct panel or police misconduct meeting for senior officers (“misconduct panel”).
2. The Job Description, Person Specification, Fees and Expenses payable for the LQP are attached.
3. Appointments for new LQPs are set initially for five years commencing on the 7th May 2024, subject to paragraphs 15 and 16 below, with a full review of continuing suitability at the end of that time. Subject to that review, a further period of service may be agreed at the discretion of the ERPCCs and the Secretary of State for a possible term of a further five years.
4. LQPs are selected to sit on a cab rank basis. All parties have agreed to work together to carry out this administrative function so one office holds the list and makes a recommendation for appointment, in line with the agreed selection procedure.
5. LQPs are expected to serve on Panels convened in any of the Eastern Region police areas.
6. LQPs must consider their availability to prepare for and attend hearings before a firm commitment is made to take on a case including the ability to meet the regulatory requirement for cases to start not more than 100 days after notice is given.
7. Once appointed to a case an LQP must take appropriate action to ensure the efficient and effective bringing of the proceedings and that they are conducted in a timely, fair and transparent manner as well as ensuring that other relevant statutory requirements are discharged. For a case concerning an MDP officer (or former officer) this includes compliance with any national security direction given by the Secretary of State for Defence
8. Any matters mentioned in these Terms of Appointment requiring the attention of the Chief Executive or the Chair of the Ministry of Defence Police Committee (MDPC), should be referred in the first instance to the Chief Executive of the Hertfordshire OPCC which is responsible for maintaining the list of LQPs on a day-to-day basis. The Chief Executive will then refer the matter to either all the ERPCC’s

Chief Executives and the Chair of the MDPC, or the relevant Chief Executive/Chair of Police Committee for the force area where the misconduct case has arisen.

9. The independence and impartiality of an LQP is a fundamental requirement of the Misconduct Panel process. Ongoing independence is essential, and LQPs must immediately inform the Chief Executive (as above) if there is any change in their circumstances that may affect their eligibility to continue as LQP.

Exclusions:

- Serving Police Officers.
 - Serving Police staff.
 - Serving Special Constables.
 - Qualified lawyers employed by any Constabulary, Police Force or local policing body in England and Wales.
 - Cease to meet the judicial appointment eligibility condition on a five-year basis.
10. In order to maintain confidence in the process, the ERPCCs and the Secretary of State will not normally appoint someone with unspent criminal convictions (with the exception of fixed penalties). Each case will be considered on its merits. LQPs must immediately notify the Chief Executive (as above) if they are reported for, or arrested for, or charged with a criminal offence.
 11. The ERPCCs and the Secretary of State may also consider it to be inappropriate if there is perceived conflict of interest through relationships (e.g., family, or close friends) with a Police and Crime Commissioner or officer of any of the ERPCCs or the MDP, or a police officer or member of police staff or special constable. LQPs are required to declare any such relationships at any time during their term of appointment. LQPs must immediately notify the Chief Executive of any subsequent relationships that may give rise to a perceived conflict of interest with their role as LQP.
 12. Whilst there will be no formal appraisal of their performance in the role of LQP, ERPCCs and the Secretary of State will consider any concerns received relating to a LQP's performance and discuss these with the LQP.
 13. Any concerns about an LQP or their performance and/or conduct will be discussed by the ERPCC Chief Executives and the Chair of the MDPC. Should the matter remain unresolved the procedures for considering removal would be invoked.
 14. Misconduct may include such matters as a conviction for a criminal offence or abusing the position as LQP by failing to act in accordance with the agreed Job Description/Person Specification.
 15. An LQP's appointment may be suspended at any time by the ERPCC Chief Executives and the Chief Operating Officer of the Ministry of Defence upon receiving a report of misconduct or poor performance.
 16. The ERPCC Chief Executives and the Secretary of State may terminate the appointment of an LQP to the list of LQPs having considered a report of

misconduct or poor performance providing that before a decision to terminate or not is taken an opportunity is given to the LQP in question to make oral and/or written representations. The LQP will be notified of the grounds on which removal is being considered in advance of their being given the opportunity to make representations. An appeal lies from this decision to the ERPCCs and the Secretary of State.

17. Similarly, the ERPCCs and the Secretary of State will welcome feedback from LQPs on their experiences including any concerns. Any feedback should in the first instance be referred to the Chief Executive of the Hertfordshire OPCC.
18. LQPs who have not previously served as an LQP in police misconduct cases will not be able to sit on or advise a Panel until they have completed training to the satisfaction of the ERPCCs and the Secretary of State. Refresher training will be provided as deemed necessary.
19. LQPs and Panel Members are data controllers for the purposes of the Data Protection Act 2018 and the General Data Protection Regulation 2018. They will therefore need to ensure compliance with the data protection principles when receiving and handling personal data and special category data in connection with their role. In particular, data must be kept securely and confidentially, and for no longer than necessary. All information divulged to the LQP for the purpose of this appointment must be kept confidential. LQPs will need to advise the panel of these requirements.
20. In the absence of any other applicable indemnity or insurance, in respect of misconduct panels to which LQPs are appointed the Police and Crime Commissioner for the area of the force concerned and the Secretary of State in respect of an appointment to an MDP misconduct panel agrees to indemnify the LQP in respect of any liabilities arising (including reasonable costs) in connection with responding to or engaging with any legal proceedings or matters arising from the discharge of the functions of an LQP for anything done or omitted to be done by the LQP in the discharge of those functions unless, having received representations or submissions by or on behalf of the LQP, the LQP is proved in a court of law or other tribunal with appropriate jurisdiction to have acted in bad faith. Furthermore, in the event of the LQP being held to have any liability for anything done or omitted to be done by another member of the Panel of which the LQP is part, the appointing PCC and the Secretary of State agrees to indemnify the LQP 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 an LQP 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 the LQP immediately, no costs to which this indemnity applies should be incurred before the LQP has notified the Chief Executive of the appointing PCC or the Head of the MDP Professional Standards Department of the nature and extent of the issue/matter giving rise to a claim under it.

21. In this document, the following definitions/explanation apply:

Definitions

- (1) “the appointing Police and Crime Commissioner (PCC)” means the PCC for the police area from where the panel hearing arises.

I accept the terms and conditions outlined above

Signed by LQP:

Print Name:

Dated:

Signed on behalf of the Eastern Region Police and Crime Commissioners

Signed:

Print Name:

Dated:

Signed on behalf of the Secretary of State

Signed:

Print Name:

Dated:

Version: 7th May 2024

EASTERN REGION POLICE AND CRIME COMMISSIONERS

LEGALLY QUALIFIED PERSONS OF POLICE MISCONDUCT PANELS

JOB DESCRIPTION

INTRODUCTION

In January 2023, the then Home Secretary launched a review into the process of police officer dismissals, designed to ensure that the system is fair and effective at removing those officers who are not fit to serve. Following completion of this, the Government announced a series of reforms to strengthen the disciplinary system on 31 August 2023 and published the final report on 18 September 2023

The report outlined a number of reforms that would be delivered in three tranches:

- Tranche 1 – Changes to the composition of misconduct panels.
- Tranche 2 – Wider changes to police misconduct, vetting and performance.
- Tranche 3 – Enabling chief officers to appeal to the Police Appeals Tribunal (as well as Police and Crime Commissioners (PCCs) where the officer concerned is the chief officer).

This document details the changes implemented under Tranche 1 which were laid on the 7th May 2024 and new role of a Legally Qualified Person.

The six local policing bodies ie Police and Crime Commissioners for each of the six police areas comprising the Eastern Region, namely Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk as well as the Ministry of Defence Police (MOD), have appointed legally qualified persons to a list of legally qualified persons for the purposes of Police Misconduct Panels (PMP) held within the Eastern Region.

The PMPs conduct misconduct hearings for officers, other than senior police officers, including special constables and are governed by police conduct regulations.

NATURE OF CASES

A PMP hears cases governed by police conduct regulations. The cases comprise allegations of misconduct by police officers. The severest outcome at a hearing would be dismissal from the police service without notice. Cases could include, for example, allegations of criminal acts, serious road traffic matters such as drink/driving or serious breaches of the standards expected of police officers, such as neglect of duty.

COMPOSITION OF PMPs

Where for the purposes of the Police (Conduct) (Amendment) Regulations 2024 (the 2024 Regulations) a non-senior officer case is referred to a misconduct hearing, that hearing must be conducted by a panel of three persons comprising -

- a chair, appointed by the appropriate authority, who must be a senior officer of the police force concerned.
- a person appointed by the local policing body, who –
 - has qualifications or experience relevant for the purpose of disciplinary proceedings; and
 - is selected on a fair and transparent basis from the list of candidates with such qualifications or experience maintained by the local policing body.
- a person appointed by the local policing body, who need not have such qualifications or experience, selected on a fair and transparent basis from the list of candidates maintained by the local policing body.

In addition to the appointment of the three persons detailed above. A person is to be appointed by the local policing body as an adviser to the chair and panel of persons conducting a misconduct hearing, selected on a fair and transparent basis from a list of legally qualified persons maintained by a local policing body.

The legally qualified person appointed must provide advice to the panel of persons conducting or to the person chairing a misconduct hearing upon request by the chair in respect of any legal or procedural issues relating to the misconduct proceedings. The panel of persons conducting or the person chairing a misconduct hearing must have regard to any advice given by the legally qualified person.

ROLE OF LEGALLY QUALIFIED PERSON

LQPs do not sit in a decision-making capacity. Their role instead is to advise the panel on legal and procedural issues relating to the misconduct proceedings. Whilst the LQP is expected to proactively provide advice where necessary throughout the proceedings, the chair may also require the LQP to provide advice to the panel on specific issues which arise. All panel members must have regard to any advice provided by the LQP.

LQPs should also sit in their advisory capacity during the pre-hearing stage, given that the pre-hearing is ordinarily where matters of law and procedure are discussed.

The chair may also require the LQP to provide advice relating to the outcome report prepared and may delegate responsibility for preparing that report to the LQP. Where the chair does so, the LQP must submit that report to the chair within 5 working days, beginning with the first working day after the hearing concludes. Where required, this period can be extended to 10 working days to enable the chair sufficient time to review the report.

MAIN ACTIVITIES

The primary legislation LQPs will need to be familiar with are The Police Act 1996, The Police Reform Act 2002 and the Policing and Crime Act 2017.

They will also need to be very familiar with The Police (Conduct) Regulations 2020, as amended by the Police (Conduct) (Amendment) Regulations 2024.

Part 3 of the the Police (Conduct) (Amendment) Regulations 2024. describes the role and responsibilities of the Chair of a misconduct hearing (i.e. an LQP).

The main activities of the chair of a PMP include:

- Reviewing papers
 - Reading and assimilating misconduct papers.
- Preparing for a hearing
 - Reading and assimilating misconduct papers before any hearing commences, including on occasions studying complex documentary evidence.
 - Support the PMP to enable hearings to be conducted in accordance with police conduct regulations.
 - Support the PMP during the pre-hearing stage in an advisory capacity.
- Conduct of hearings
 - LQPs do not sit in a decision-making capacity. The LQP will provide advice to the PMP members on legal and procedural issues relating to the misconduct proceedings.
- Determination of misconduct hearing
 - Provide advice to the PMP members so that a decision can be made as whether the conduct of the officer concerned amounts to gross misconduct, misconduct or neither, as well as providing advice on any disciplinary sanction as appropriate.
- Report writing
 - Provide advice relating to the outcome report prepared by the Chair.
 - The Chair may delegate responsibility for preparing the outcome report to the LQP.
 - Where the chair does so, the LQP must submit that report to the chair within 5 working days, beginning with the first working day after the hearing concludes. Where required, this period can be extended to 10 working days to enable the chair sufficient time to review the report.
 - The written report outlining the PMP decision must include –
 - The finding
 - The reasons for the finding
 - Any disciplinary action imposed
 - Any direction that the matter be dealt with under the reflective practice review process.

- The default position is that this report is then published by the Appropriate Authority, though this can be withheld in certain circumstances, or a redacted version may be published.
- Time Commitment
 - The length and complexity of cases is variable as is their frequency. No guarantee of case load can be given.

Updated 01 June 2024

TRIBUNALS, COURTS AND ENFORCEMENT ACT 2007

Sections 50-52:

50 Judicial appointments: “judicial-appointment eligibility condition”

(1) Subsection (2) applies for the purposes of any statutory provision that—

- (a) relates to an office or other position, and
- (b) refers to a person who satisfies the judicial-appointment eligibility condition on an N-year basis (where N is the number stated in the provision).

(2) A person satisfies that condition on an N-year basis if—

- (a) the person has a relevant qualification, and
- (b) the total length of the person's qualifying periods is at least N years.

(3) In subsection (2) “qualifying period”, in relation to a person, means a period during which the person—

- (a) has a relevant qualification, and
- (b) gains experience in law (see section 52).

(4) For the purposes of subsections (2) and (3), a person has a relevant qualification if the person—

- (a) is a solicitor or a barrister (but see section 51), or
- (b) holds a qualification that under section 51(1) is a relevant qualification in relation to the office, or other position, concerned.

(5) In this section—

“barrister” means barrister in England and Wales;

“solicitor” means solicitor of the Senior Courts of England and Wales;

“statutory provision” means—

(a) a provision of an Act, or

(b) a provision of subordinate legislation (within the meaning given by section 21(1) of the Interpretation Act 1978 (c. 30)).

(6) Schedule 10, which makes amendments—

for the purpose of substituting references to satisfying the judicial-appointment eligibility condition in place of references to having a qualification mentioned in section 71 of the Courts and Legal Services Act 1990 (c. 41),

for the purpose of reducing qualifying periods for eligibility for appointment to certain judicial offices from ten and seven years to seven and five years respectively, and for connected purposes, has effect.

(7) At any time before the coming into force of section 59(1) of the Constitutional Reform Act 2005 (c. 4) (renaming of Supreme Court), the reference to the Senior Courts in subsection (5) is to be read as a reference to the Supreme Court.

51 “Relevant qualification” in section 50: further provision

(1) The Lord Chancellor may by order provide for a qualification specified in the order to be a relevant qualification for the purposes of section 50(2) and (3) in relation to an office or other position specified in the order.

(2) [F1awarded by a body which, for the purposes of the Legal Services Act 2007, is an approved regulator in relation to the exercise of a right of audience or the conduct of litigation (within the meaning of that Act).]

(3) An order under subsection (1) may, in relation to a qualification specified in the order, include provision as to when a person who holds the qualification is, for the purposes of section 50, to be taken first to have held it.

(4) Where—

(a) a qualification is specified under subsection (1),

(b) the qualification is one awarded by a body such as is mentioned in subsection [F2(2)], and

(c) [F3, for the purposes of the Legal Services Act 2007, the body—

- (i) is not an approved regulator in relation to the exercise of a right of audience (within the meaning of that Act), and
- (ii) is not an approved regulator in relation to the conduct of litigation (within the meaning of that Act),]

the provision under subsection (1) specifying the qualification ceases to have effect, subject to any provision made under [F4](#)section 46 of the Legal Services Act 2007 (transitional etc. provision in consequence of cancellation of designation as approved regulator).].

(5) For the purposes of section 50 and this section, a person shall be taken first to become a solicitor when the person's name is entered on the roll kept under section 6 of the Solicitors Act 1974 (c. 47) (Law Society to keep list of all solicitors) for the first time after the person's admission as a solicitor.

(6) For the purposes of section 50 and this section, a person shall be taken first to become a barrister—

- (a) when the person completes pupillage in connection with becoming a barrister, or
- (b) in the case of a person not required to undertake pupillage in connection with becoming a barrister, when the person is called to the Bar of England and Wales.

(7) For the purposes of section 50—

- (a) a barrister,
- (b) a solicitor, or
- (c) a person who holds a qualification specified under subsection (1),

shall be taken not to have a relevant qualification at times when, as a result of disciplinary proceedings, he is prevented from practising as a barrister or (as the case may be) as a solicitor or as a holder of the specified qualification.

(8) The Lord Chancellor may by order make provision supplementing or amending subsections (5) to (7).

(9) Before making an order under subsection (1) or (8), the Lord Chancellor must consult—

- (a) the Lord Chief Justice of England and Wales, and
- (b) the Judicial Appointments Commission.

(10) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005 (c. 4)) to exercise his function under subsection

(9)(a).

(11) In this section—

“barrister” means barrister in England and Wales;

“solicitor” means solicitor of the Senior Courts of England and Wales.

(12) Power to make an order under this section is exercisable by statutory instrument.

(13) An order under this section may make different provision for different purposes.

(14) No order may be made under this section unless a draft of the statutory instrument containing it (whether alone or with other provision) has been laid before, and approved by a resolution of, each House of Parliament.

(15) At any time before the coming into force of section 59(1) of the Constitutional Reform Act 2005 (renaming of Supreme Court), the reference to the Senior Courts in subsection (11) is to be read as a reference to the Supreme Court.

52 Meaning of “gain experience in law” in section 50

(1) This section applies for the purposes of section 50.

(2) A person gains experience in law during a period if the period is one during which the person is engaged in law-related activities.

(3) For the purposes of subsection (2), a person's engagement in law-related activities during a period is to be disregarded if the engagement is negligible in terms of the amount of time engaged.

(4) For the purposes of this section, each of the following is a “law-related activity”—

(a) the carrying-out of judicial functions of any court or tribunal;

(b) acting as an arbitrator;

(c) practice or employment as a lawyer;

- (d) advising (whether or not in the course of practice or employment as a lawyer) on the application of the law;
- (e) assisting (whether or not in the course of such practice) persons involved in proceedings for the resolution of issues arising under the law;
- (f) acting (whether or not in the course of such practice) as mediator in connection with attempts to resolve issues that are, or if not resolved could be, the subject of proceedings;
- (g) drafting (whether or not in the course of such practice) documents intended to affect persons' rights or obligations;
- (h) teaching or researching law;
- (i) any activity that, in the relevant decision-maker's opinion, is of a broadly similar nature to an activity within any of paragraphs (a) to (h).

(5) For the purposes of this section, an activity mentioned in subsection (4) is a “law-related activity” whether it—

- (a) is done on a full-time or part-time basis;
- (b) is or is not done for remuneration;
- (c) is done in the United Kingdom or elsewhere.

(6) In subsection (4)(i) “the relevant decision-maker”, in relation to determining whether a person satisfies the judicial-appointment eligibility condition on an N-year basis in a particular case, means—

- (a) where the condition applies in respect of appointment by Her Majesty to an office or other position, the person whose function it is to recommend the exercise of Her Majesty's function of making appointments to that office or position;
- (b) where the condition applies in respect of appointment, by any person other than Her Majesty, to an office or other position, that person.

(7) In subsection (6) “appointment”, in relation to an office or position, includes any form of selection for that office or position (whether called appointment or selection, or not).

STANDARD ELIGIBILITY CLAUSES FOR LEGALLY QUALIFIED PERSONS

AGE

There is no upper or lower age limit for candidates for this post.

LOCATION

Candidates are expected to be able to work across the region.

NATIONALITY

Candidates will need to fulfil one of the following nationality requirements:

- Be a citizen of the United Kingdom;
- Be a citizen of the Republic of Ireland;
- Be a citizen of a commonwealth country; or
- Hold dual nationality, one of which falls in one of the above categories.

DISABILITY

If appointed, reasonable adjustments will also be considered to ensure that a disabled judicial appointee can take up and perform the role.

HEALTH

Candidates must be capable of fulfilling the particular judicial office they have applied for. If a health condition constitutes a disability within the meaning of the Equality Act 2010, reasonable adjustments will be considered on an appointee taking up office and during service.

EXCLUSIONS

- Serving police officers;
- Serving police staff;
- Serving Special Constables;
- Qualified lawyers employed by any Constabulary, Police Force or local policing body in England and Wales

CRIMINAL CONVICTIONS

The Eastern Region Police and Crime Commissioners will not normally appoint someone with unspent criminal convictions (with the exception of fixed penalties). Each case will be considered on its merits.



Police & Crime
Commissioner
FOR HERTFORDSHIRE



PFCC
POLICE, FIRE AND CRIME
COMMISSIONER FOR ESSEX



FEE AND EXPENSES STRUCTURE FOR LEGALLY QUALIFIED PERSONS

FEES

- Full day **£511.56**
- Half day **£255.78**

The fees and allowances are determined by the Police and Crime Commissioners with guidance from the Home Office. The appointment is non-salaried and is not pensionable. The Legally Qualified Person (LQP) receives a fee for each day sat. Sittings of less than 4 hours accrue a half-day fee. Sittings of over 4 hours (excluding meal breaks) accrue a day fee.

A day fee may be claimed where the sitting is less than 4 hours, but the total sitting and travel time is over 7 hours.

Long sitting fee:

Where a hearing runs late, but not into a further day, then a long sitting allowance may be claimed. The long sitting allowance may be claimed where the length of a sitting exceeds 7 hours (excluding meal breaks). The allowance payable is 1/6 of the normal daily rate for each hour, or part thereof, in excess of 7 hours.

Cancellations:

If a hearing is cancelled more than 2 weeks before the scheduled date, no payment of fees will be made, apart from for preparatory work already undertaken.

If a hearing is cancelled between 7 and 14 days prior to the scheduled hearing date a half day's fee will be paid for each of the scheduled days up to a total of five half days fees.

If a hearing is cancelled less than 7 days before the scheduled date daily fees will be paid for each scheduled day up to 5 days.

PREPARATION AND REPORT WRITING FEES

A fee may be claimed at the rate of £85 for each hour necessarily spent in preparatory work or report writing. This fee, may, however only be claimed where it is necessary for the work to be undertaken on a day other than the day on which the misconduct hearing takes place, (except that a fee may be claimed even in these circumstances if the sitting fee is paid at the half-day rate).

The maximum preparation and report writing fees that may be claimed are £1,050 for each hearing.

TRAINING FEE				
<p>A fee of £255.78 may be claimed for attending training as may be approved by the Eastern Region Police and Crime Commissioners.</p>				
TRAVELLING EXPENSES				
<p>LQPs will be paid their travelling expenses between residence and place of duty. Any necessary travel to a sitting may be undertaken by standard class train travel. If claiming reimbursement of rail fares a receipt or the rail ticket must be provided with the claim.</p> <p>Travel by car may be claimed at HMRC approved rate which is currently 45 pence per mile for the first 10,000 miles and 25 pence per mile after.</p> <p>Incidental travelling expenses e.g. car parking, bus or tube fares, may also be claimed. Taxi fares may be reimbursed only in the following circumstances: for journeys for which there is no other suitable method of public transport, or where heavy luggage has to be transported to or from the place of departure or arrival. A receipt for travel by taxi must be provided and full reasons must be given in writing and included or attached to the claim form. Full details of each step of the journey should be shown. Travelling allowances are designed to meet expenses incurred and are in no sense a form of remuneration. Please note that no liability can be accepted in the event of any accident, damage, injury or death.</p>				
NIGHT SUBSISTENCE				
<p>A night subsistence allowance may be claimed if you are absent from your normal place of residence for a period of 24 hours or more and necessarily incur expenditure on accommodation, meals and incidental travel (see above) which is additional to what would have been incurred at home. This allowance is therefore intended to cover the hotels costs plus <u>all meals and incidental expenses for a period of 24 hours from the time of departure from home.</u></p> <p>The rate payable is up to £100 per night where supported by receipts for accommodation plus a flat rate allowance which need not be evidenced of £26 per night to cover incidental costs such as meals, travel to the hearing location and parking.</p> <p>Where an overnight stay is not necessary, an allowance may be claimed for the necessary costs spent on meals (day subsistence). The allowance is based on the period during which the LQC is absent from home.</p> <p>The rates are:</p> <table data-bbox="146 1877 992 1948"> <tr> <td>Absence of more than 5 hours and less than 10 hours</td> <td>£4.25</td> </tr> <tr> <td>Absence of more than 10 hours</td> <td>£9.30</td> </tr> </table> <p>This is a flat rate allowance which may be claimed whether the cost of meals was more, or less, than the actual amount of expenditure. It is not necessary for receipts to be provided. The allowance should not, of course, be claimed if a meal is provided free of charge.</p> <p>LQPs who stay free of charge with friends or relatives may claim the flat rate allowance of £26 to cover</p>	Absence of more than 5 hours and less than 10 hours	£4.25	Absence of more than 10 hours	£9.30
Absence of more than 5 hours and less than 10 hours	£4.25			
Absence of more than 10 hours	£9.30			

dinner, lunch and local travel.

Where these rates cause particular difficulty in a case, for example because of short notice listing or move of location, contact the relevant OPCC to see if alternative arrangements can be approved.

All claims must be vouched by a receipt for the cost of bed and breakfast which should be attached to your claim form. If they are not, only the flat rate allowance of £26 will be payable.

MISCELLANEOUS EXPENSES

The cost of postage necessarily incurred in conducting the business of the hearing will be reimbursed on provision of receipts. Recorded delivery should be used to safeguard confidentiality.

COMPLETION OF CLAIM FORMS

Blank claim forms are available from the Professional Standards Office of the Constabulary arranging the misconduct hearing. Completed claims should be returned to that office.

It would be helpful if LQPs could clearly separate on the claim forms the actual times spent on travel and on a sitting.

If you have any queries about these expenses, please contact Darren Horsman, Strategic Head of Policy and Public Engagement for Essex PFCC by telephoning 07967 821067 or emailing pfcc@essex.police.uk



EASTERN REGION POLICE AND CRIME COMMISSIONERS

EU GENERAL DATA PROTECTION REGULATION (GDPR) PRIVACY NOTICE

APPLICATIONS FOR APPOINTMENT

The Police and Crime Commissioners (PCCs) for Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk as well as the Ministry of Defence Police (MOD) are data controllers for the purposes of the GDPR. In the discharge of their statutory functions, out of necessity, they collect personal data from data subjects.

The PCCs in pursuance of their statutory functions appoint legally qualified persons. In order to make these appointments they require access to the personal data of applicants. The data collected in the application process will be used to make an appointment decision. In the case of unsuccessful applicants, the data will be retained and disposed of in accordance with the time period specified in the PCCs' respective GDPR Policies. Where an applicant is successful the applicant's data will be retained and disposed of, again in accordance with the time periods in the respective GDPR policies. Personal data obtained from the successful applicant will be used to facilitate the successful delivery of the appointment. It will be shared with the police forces for the PCCs' police areas in order to deliver where appropriate the functions relating to service delivery, payroll, and such other necessary functions.

Your personal data will only be reasonably used to enable the discharge of statutory functions. The PCCs have adopted GDPR Policies which set out their approach to handling personal data. They are available through the PCCs' websites or alternatively copies may be requested by contacting the individual PCCs directly.

A data subject has the following rights under the GDPR:

- The right of access to their personal data;
- The right to require a controller to rectify errors in their personal data;
- The right to require a controller to delete their personal data if the continued processing of those data is not justified;
- The right to restrict the controller in the processing of their personal data;
- The right to transfer their personal data between controllers where appropriate;
- The right to object to the processing of their data in certain circumstances;
- The right not to be evaluated on the basis of automated processing.

These rights are explored in more detail in the PCCs' GDPR Policies.

The contact details for the PCCs are:	
<p>Police and Crime Commissioner for Bedfordshire Bedfordshire Police Headquarters Woburn Road Kempston Bedford MK43 9AX</p>	<p>Tel: 01234 842208 Email: pcc@bedfordshire.police.uk Web: www.bedfordshire.pcc.police.uk</p>
<p>Police and Crime Commissioner for Cambridgeshire Hinchingsbrooke Park Huntingdon Cambridgeshire PW29 6NP</p>	<p>Tel: 0300 333 3456 Email: cambs-pcc@cambs.police.uk Web: www.cambridgeshire-pcc.gov.uk</p>
<p>Police, Fire and Crime Commissioner for Essex Kelvedon Park London Road Rivenhall Essex CM8 3HB</p>	<p>Tel: 01245 291600 Email: pfcc@essex.police.uk Web: www.essex.pfcc.police.uk</p>
<p>Police and Crime Commissioner for Hertfordshire 13 Vaughan Road Harpenden Hertfordshire AL5 4GZ</p>	<p>Tel: 01707 806100 Email: commissioner@herts-pcc.gov.uk Web: www.hertscommissioner.org</p>
<p>Police and Crime Commissioner for Norfolk Building 7, Jubilee House Falconers Chase Wymondham NR18 0WW</p>	<p>Tel: 01953 424455 Email: opccn@norfolk.police.uk Web: www.norfolk-pcc.gov.uk</p>
<p>Police and Crime Commissioner for Suffolk Police Headquarters Martlesham Heath Ipswich Suffolk IP5 3QS</p>	<p>Tel: 01473 782773 Email: spcc@suffolk.police.uk Web: www.suffolk-pcc.gov.uk</p>
<p>MDP Police Headquarters Building 666 Palmer Pavilion RAF Wyton Huntingdon Cambs PE28 2EA</p>	<p>Email MDP-PSD-Group@mod.gov.uk Web: Ministry of Defence Police - GOV.UK (www.gov.uk)</p>



EASTERN REGION POLICE AND CRIME COMMISSIONERS

EU GENERAL DATA PROTECTION REGULATION (GDPR) PRIVACY NOTICE

APPLICATIONS FOR APPOINTMENT

The Police and Crime Commissioners (PCCs) for Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk as well as the Ministry of Defence Police (MOD) are data controllers for the purposes of the GDPR. In the discharge of their statutory functions, out of necessity, they collect personal data from data subjects.

The PCCs in pursuance of their statutory functions appoint Independent Panel Members (IPM). In order to make these appointments they require access to the personal data of applicants. The data collected in the application process will be used to make an appointment decision. In the case of unsuccessful applicants, the data will be retained and disposed of in accordance with the time period specified in the PCCs' respective GDPR Policies. Where an applicant is successful the applicant's data will be retained and disposed of, again in accordance with the time periods in the respective GDPR policies. Personal data obtained from the successful applicant will be used to facilitate the successful delivery of the appointment. It will be shared with the police forces for the PCCs' police areas in order to deliver where appropriate the functions relating to service delivery, payroll, and such other necessary functions.

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<p>Police and Crime Commissioner for Cambridgeshire Hinchingsbrooke Park Huntingdon Cambridgeshire PW29 6NP</p>	<p>Tel: 0300 333 3456 Email: cambs-pcc@cambs.police.uk Web: www.cambridgeshire-pcc.gov.uk</p>
<p>Police, Fire and Crime Commissioner for Essex Kelvedon Park London Road Rivenhall Essex CM8 3HB</p>	<p>Tel: 01245 291600 Email: pfcc@essex.police.uk Web: www.essex.pfcc.police.uk</p>
<p>Police and Crime Commissioner for Hertfordshire 13 Vaughan Road Harpenden Hertfordshire AL5 4GZ</p>	<p>Tel: 01707 806100 Email: commissioner@herts-pcc.gov.uk Web: www.hertscommissioner.org</p>
<p>Police and Crime Commissioner for Norfolk Building 7, Jubilee House Falconers Chase Wymondham NR18 0WW</p>	<p>Tel: 01953 424455 Email: opccn@norfolk.police.uk Web: www.norfolk-pcc.gov.uk</p>
<p>Police and Crime Commissioner for Suffolk Police Headquarters Martlesham Heath Ipswich Suffolk IP5 3QS</p>	<p>Tel: 01473 782773 Email: spcc@suffolk.police.uk Web: www.suffolk-pcc.gov.uk</p>
<p>MDP Police Headquarters Building 666 Palmer Pavilion RAF Wyton Huntingdon Cambs PE28 2EA</p>	<p>Email MDP-PSD-Group@mod.gov.uk Web: Ministry of Defence Police - GOV.UK (www.gov.uk)</p>



EASTERN REGION POLICE AND CRIME COMMISSIONERS

(BEDFORDSHIRE, CAMBRIDGE, ESSEX, HERTFORDSHIRE, NORFOLK AND SUFFOLK) AND THE

SECRETARY OF STATE FOR DEFENCE

INDEPENDENT PANEL MEMBER OF POLICE MISCONDUCT PANELS

TERMS OF APPOINTMENT

TERMS OF APPOINTMENT TO POLICE MISCONDUCT PANELS

1. The Police and Crime Commissioners for Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk, collectively the Eastern Region Police and Crime Commissioners (ERPCCs) and the Secretary of State for Defence (the Secretary of State) (“the Parties”) have acted together to appoint Independent Panel Members (IPM) for Police Misconduct Panels, as required under The Police (Conduct) Regulations 2020 as amended (“the 2020 Regulations”).
2. The Role Description for the IPM is attached.
3. Appointments are set initially for five years commencing on the 1 June 2024 with a full review of continuing suitability at the end of that time. Subject to that review, a further period of service may be agreed at the discretion of the Parties for a possible term of a further five years.
4. IPMs are selected to sit on a cab rank basis. All parties have agreed to work together to carry out this administrative function so one office holds the list and makes a recommendation for appointment, in line with the agreed selection procedure.
5. IPMs are expected to serve on Panels convened in any of the Eastern Region police areas.
6. IPMs must consider their availability to prepare for and attend hearings before a firm commitment is made to becoming a panel member.
7. Once appointed to a case, an IPM must take appropriate action to ensure they contribute to an efficient and effective conduct of the proceedings and that they are conducted in a fair and transparent manner, as well as ensuring that other relevant statutory requirements are discharged. For a case concerning an MDP officer (or former officer) this includes compliance with any national security direction given by the Secretary of State for Defence.
8. Any matters mentioned in these Terms of Appointment requiring the attention of the Chief Executive, or the Chair of the Ministry of Defence Police Committee (MDPC), should be referred in the first instance to the Chief Executive of the Hertfordshire OPCC which is responsible for maintaining the list of IPMs on a day-to-day basis. The Chief Executive will then refer the matter to either all the ERPCCs Chief Executives or the relevant Chief Executive of the OPCC and the Chair of the MDPC, or the relevant Chief Executive/Chair of Police Committee for the force area where the misconduct case has arisen.
9. The independence and impartiality of an IPM is a fundamental requirement of the Misconduct Panel process. Ongoing independence is essential, and IPMs must immediately inform the Chief Executive (as above) if there is any change in their circumstances that may affect their eligibility to continue as an IPM.

Exclusions:

- Serving Police Officers.

- Serving Police staff.
- Serving Special Constables.
- Cease to meet the judicial appointment eligibility condition on a five-year basis.
- Current and former PCC staff (from any Force area).
- Former police authority members and officers (from any police authority).
- Undischarged bankrupts.
- Anyone whose estate has been sequestrated and the sequestration has not been recalled or reduced or a discharge has not been obtained.
- Anyone who has made a composition or arrangement with, or granted a trust deed for their creditors and has not paid off the debts in full or five years have not yet passed since the terms of the deed of composition or arrangement, or trust deed were fulfilled.
- Anyone who is subject to a disqualification order under the Company Directors Disqualification Act 1986, or to an order made under Section 429(2)(b) of the Insolvency Act 1986 (failure to pay under County Court Administration Order).

10. In order to maintain confidence in the process, the ERPCCs and the Secretary of State will not normally appoint someone with unspent criminal convictions (with the exception of fixed penalties). Each case will be considered on its merits. IPMs must immediately notify the Chief Executive (as above) if they are reported for, or arrested for, or charged with a criminal offence.

11. The ERPCCs and the Secretary of State may also consider it to be inappropriate if there is perceived conflict of interest through relationships (e.g. family or close friends) with a Police and Crime Commissioner or officer of any of the ERPCCs or the MDP, or a police officer or member of police staff or special constable. IPMs are required to declare any such relationships at any time during their term of appointment. IPMs must immediately notify the Chief Executive of any subsequent relationships that may give rise to a perceived conflict of interest with their role as an IPM.

12. Whilst there will be no formal appraisal of their performance in the role of IPM, ERPCCs and the Secretary of State will consider any concerns received relating to a IPMs performance and discuss these with the IPM.

13. Any concerns about an IPM or their performance and/or conduct will be discussed by the Chief Executives for the ERPCCs and the Chair of the MDPC. Should the matter remain unresolved the procedures for considering removal would be invoked.

14. Misconduct may include such matters as a conviction for a criminal offence or abusing the position as IPM by failing to act in accordance with the Memorandum of Understanding.

15. An IPMs appointment may be suspended at any time by the Chief Executives of the ERPCCs and the Chief Operating Officer of the MDPC upon receiving a report of misconduct or poor performance.

16. The Chief Executives of the ERPCCs and the Secretary of State may terminate the appointment of an IPM having considered a report of misconduct or poor performance providing that before a decision to terminate or not is taken, an opportunity is given to the IPM in question to make oral and/or written representations. The IPM will be notified of the grounds on which removal is being considered in advance of them being

given the opportunity to make representations. An appeal lies of the decision outcome lies with the ERPCCs and the Secretary of State.

17. Similarly, the ERPCCs and the Secretary of State will welcome feedback from IPMs on their experiences including any concerns. Any feedback should in the first instance be referred to the Chief Executive of the Hertfordshire OPCC.
18. IPMs who have not previously served as an Independent Panel Member in police misconduct cases will not be able to sit on a Panel until they have completed training to the satisfaction of the ERPCCs and the Secretary of State. Refresher training will be provided as deemed necessary by the ERPCCs and the Secretary of State.
19. Panel Members are data controllers for the purposes of the Data Protection Act 2018 and the General Data Protection Regulation 2018. They will therefore need to ensure compliance with the data protection principles when receiving and handling personal data and special category data in connection with their role. In particular, data must be kept securely and confidentially, and for no longer than necessary and all information divulged to the IPM for the purpose of this appointment must be kept confidential.
20. In the absence of any other applicable indemnity or insurance, in respect of misconduct panels to which IPMs are appointed the Police and Crime Commissioner for the area of the force concerned and the Secretary of State in respect of an appointment to an MDP misconduct panel agrees to indemnify the Independent Panel Member ("IPM") in respect of any liabilities arising (including reasonable costs) as agreed with IPMs in connection with responding to or engaging with any legal proceedings or matters arising from the discharge of your functions as an 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 you 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, the appointing PCC and the Secretary of State in respect of an appointment to an MDP misconduct panel agrees 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 IPMs 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 the appointing PCC or the Head of the MDP Professional Standards Department in respect of an appointment to an MDP misconduct panel of the nature and extent of the issue/matter giving rise to a claim under it.

21. In this document, the following definitions/explanation apply:

Definitions

(1) “the appointing Police and Crime Commissioner (PCC)” means the PCC for the police area from where the panel hearing arises.

I accept the terms and conditions outlined above

Signed by IPM:

Print Name:

Dated:

Signed on behalf of the Eastern Region Police and Crime Commissioners

Signed:

Print Name:

Dated:

Signed on behalf of the Secretary of State

Signed:

Print Name:

Dated:

Version: 1st June 2024

INDEPENDENT PANEL MEMBER OF POLICE MISCONDUCT PANELS

MEMORANDUM OF UNDERSTANDING

INTRODUCTION

In January 2023, the then Home Secretary launched a review into the process of police officer dismissals, designed to ensure that the system is fair and effective at removing those officers who are not fit to serve. Following completion of this, the Government announced a series of reforms to strengthen the disciplinary system on 31 August 2023 and published the final report on 18 September 2023

The report outlined a number of reforms that would be delivered in three tranches:

- Tranche 1 – Changes to the composition of misconduct panels.
- Tranche 2 – Wider changes to police misconduct, vetting and performance.
- Tranche 3 – Enabling chief officers to appeal to the Police Appeals Tribunal (as well as Police and Crime Commissioners (PCCs) where the officer concerned is the chief officer).

This document details the changes implemented under Tranche 1 which were laid on the 7th May 2024 and the role of an Independent Panel Member (IPM).

The six local policing bodies ie Police and Crime Commissioners for each of the six police areas comprising the Eastern Region, namely Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk as well as the Ministry of Defence Police (MOD), have appointed IPMs to a list of IPMs for the purposes of Police Misconduct Panels (PMP) held within the Eastern Region.

The PMPs conduct misconduct hearings for officers, other than senior police officers, including special constables and are governed by police conduct regulations.

NATURE OF CASES

A PMP hears cases governed by police conduct regulations. The cases comprise allegations of misconduct by police officers. The severest outcome at a hearing would be dismissal from the police service without notice. Cases could include, for example, allegations of criminal acts, serious road traffic matters such as drink/driving or serious breaches of the standards expected of police officers, such as neglect of duty.

PURPOSE OF A MISCONDUCT HEARING

1. To give the police officer a fair opportunity to make his or her case having considered the investigation report including supporting documents and to put forward any factors the police officer wishes to be considered in mitigation (in addition to the submission which must be sent in advance to the person(s) conducting or chairing the meeting/hearing for his, her or their consideration).
2. To decide if the conduct of the police officer fell below the standards set out in the Standards of Professional Behaviour based on the balance of probabilities and having regard to all of the evidence and circumstances.
3. To consider what the outcome should be if misconduct is proven or admitted. Consideration will be given to any live written warnings or final written warnings (and any previous disciplinary outcomes that have not expired and any early admission of the conduct by the police officer).

COMPOSITION OF PMPs

Where for the purposes of the Police (Conduct) (Amendment) Regulations 2024 (the 2024 Regulations) a non-senior officer case is referred to a misconduct hearing, that hearing must be conducted by a panel of three persons comprising -

- a chair, appointed by the appropriate authority, who must be a senior officer of the police force concerned.
- a person appointed by the local policing body, who –
 - has qualifications or experience relevant for the purpose of disciplinary proceedings; and
 - is selected on a fair and transparent basis from the list of candidates with such qualifications or experience maintained by the local policing body.
- a person appointed by the local policing body, who need not have such qualifications or experience, selected on a fair and transparent basis from the list of candidates maintained by the local policing body.

In addition to the appointment of the three persons detailed above. A person is to be appointed by the local policing body as an adviser to the chair and panel of persons conducting a misconduct hearing, selected on a fair and transparent basis from a list of legally qualified persons maintained by a local policing body.

The legally qualified person appointed must provide advice to the panel of persons conducting or to the person chairing a misconduct hearing upon request by the chair in respect of any legal or procedural issues relating to the misconduct proceedings. The panel of persons conducting or the person chairing a misconduct hearing must have regard to any advice given by the legally qualified person.

THE MISCONDUCT PROCESS

4. Misconduct allegations against Police Officers are investigated by the Professional Standards Department (PSD) on behalf of the relevant Chief Constable, in accordance with legislation and guidance from the Home Office and Independent Office for Police Conduct (IOPC).
5. A PMP will commence if it is assessed that there is sufficient evidence to take the case forward as an allegation of “misconduct” or “gross misconduct”.
6. Hearings are conducted in two parts. Firstly, the PMP decides (by a majority if necessary) whether the misconduct allegations presented amount to ‘misconduct’ or to ‘gross misconduct’ if the disputed facts are proved.
7. Misconduct is defined in the [Police \(Conduct\) Regulations 2020](#) as: ‘a breach of the Standards of Professional Behaviour’, and gross misconduct is defined as: ‘a breach of the Standards of Professional Behaviour so serious that dismissal would be justified’.
8. In making their decisions, the PMP may have regard to the Code of Ethics published by the College of Policing, their local Force values and behaviours policy, as well as Home Office Guidance. When the decision has been made and announced at the first stage, unless it is found that there is no misconduct, the panel then proceeds to the second stage. It listens to submissions, and decides what sanction, if any, it is fair and proportionate to impose, in order:
 - to protect the public
 - to maintain public confidence in the police service, and
 - to uphold high standards in policing and deter misconduct.
9. If gross misconduct has been proven, the PMP can dismiss the officer, impose a final written warning or a written warning, direct that the officer must receive management advice, or take no further action. If only misconduct is proven, there is no power of dismissal, unless the officer is in breach of an earlier final written warning. In deciding upon sanctions, panels are assisted by Guidance on Outcomes in Police Misconduct Proceedings published by the [College of Policing](#).
10. Following the outcome, the officer may appeal to the Police Appeals Tribunal (PAT).

POLICE APPEAL TRIBUNALS

11. A police officer of a rank up to and including Chief Superintendent has a right of appeal to a Police Appeals Tribunal (PAT) against any disciplinary finding and/or disciplinary outcome imposed at a misconduct hearing held under the relevant Police Conduct Regulations. Senior police officers, in addition, have the right to appeal to a PAT against any disciplinary finding and/or outcome imposed at a misconduct meeting.
12. A police officer may not appeal to a tribunal against a finding of misconduct or gross misconduct where that finding was made following acceptance by the officer that his or her conduct amounted to misconduct or gross misconduct (as the case may be).
13. The composition of a PAT is set out in Schedule 6 to the Police Act 1996 (as amended). Where the appeal is made by a police officer who is not a senior officer, the PAT appointed by the local policing body will consist of: -
 - An LQC drawn from a list maintained by the Home Office
 - a serving senior officer; and
 - A lay person
14. The 'layperson' is someone who is not, and has never been, a member of a police force, special constable, civilian police staff, Local Policing Body or other policing body as identified within the Police Act 1996. The inclusion of a lay person allows a further independent and impartial view on the tribunal from outside policing.
15. The ERPCCs have taken the decision to use the appointed IPMs for both Police Misconduct hearings and Police Appeals Tribunals.
16. The appointment of an IPM to a PAT will be carried out in the same way IPMs are appointed to police misconduct hearings.
17. An IPM cannot be appointed to a PAT if they have sat on the misconduct hearing which dealt with the matter initially.

ROLES AND RESPONSIBILITIES OF THE INDEPENDENT MEMBER

18. Local policing bodies appoint persons as IPMs for Police Misconduct Hearing Panels as required under The Police Reform Act 2002 (as amended).
19. IPMs are people who have no relationship with the police service.
20. The role of an IPM is to assist other members of the Police Misconduct Hearing Panel in reaching a fair and evidence-based judgement about a particular officer's conduct and deciding on an appropriate sanction. They also ensure that there is an independent and impartial voice on such panels and provide assurance to the community that conduct matters are treated seriously and that misconduct proceedings are being properly investigated and adjudicated.
21. Some of the key responsibilities include:
 - attending and participating effectively in misconduct hearings as required.
 - preparing for hearings by considering in advance relevant papers, reports and background information.
 - constructively challenging accepted facts and views in these hearings where appropriate.

- attending training offered that is relevant to the role and taking a proactive approach to considering what additional development would be appropriate.
- maintaining high standards of professional conduct and ethics.

22. IPMs are available for appointment onto Police Appeals Tribunal (PAT) panels as detailed within paragraphs 12 to 18.

INDEPENDENT PANEL MEMBERS CRITERIA

23. The qualities required of an IPM will include strong analytical abilities in order to properly evaluate the evidence being put to them. In addition, self-confidence is essential to bring the required level of independence to the process and engage constructively with the Chair and other panel members.

24. Ideally, an applicant for the role of IPM will have experience of professional regulations, tribunals, or other legal processes, and of working with disciplinary procedures.

25. Other attributes include the ability to take a balanced, open minded and objective approach to the issues and to reach evidence-based decisions that are robust and will withstand challenge, and the ability to clearly and cogently articulate views, while being receptive to other people's opinions. IPMs will have high standards of conduct and ethics and a commitment to fairness and equality. They must be committed to the process and be willing to set aside sufficient time to prepare for and attend hearings.

APPOINTMENTS

26. The ERPCCs are responsible for maintaining and administering a list of persons to be appointed as IPMs.

27. The ERPCCs have collectively decided to maintain a list on a regional basis, with IPMs required to be able to cover any force area within that region.

28. Individual IPMs are able to sit on the lists for more than one policing region.

29. Appointments are made for an initial period of five years.

30. The independence and impartiality of an IPM is a fundamental requirement and IPMs must immediately inform the Local Policing Body Chief Executive (or equivalent) if there is any change in their circumstances, such as those exclusions given but not exhaustively in the list below, that may affect their eligibility to continue as an IPM.

31. Exclusions from sitting as an IPM:

- Serving and retired police officers.
- Serving and retired police staff.
- Serving and retired special constables.
- Current and former Police and Crime Commissioners (from any Force area).
- Current and former PCC staff (from any Force area).
- Former police authority members and officers (from any police authority).
- Undischarged bankrupts.
- Anyone whose estate has been sequestrated and the sequestration has not been recalled or reduced or a discharge has not been obtained.
- Anyone who has made a composition or arrangement with, or granted a trust deed for their creditors and has not paid off the debts in full or five years have not yet passed since the terms of

the deed of composition or arrangement, or trust deed were fulfilled.

- Anyone who is subject to a disqualification order under the Company Directors Disqualification Act 1986, or to an order made under Section 429(2)(b) of the Insolvency Act 1986 (failure to pay under County Court Administration Order).

32. To maintain confidence in the process, the ERPCCs will not appoint someone with unspent criminal convictions (with the exception of fixed penalties). Each case will be considered on its merits. IPMs appointed must immediately notify the ERPCCs if they are arrested for or charged with a criminal offence.

33. The ERPCCs will also consider it to be inappropriate if there is perceived conflict of interest through relationships (e.g., family or close friends) with a Police and Crime Commissioner or officer of any of the ERPCCs, or a police officer or member of police staff or special constable. IPMs are required to declare any such relationships at any time during their term of appointment. IPMs must immediately notify the ERPCCs any subsequent relationships that may give rise to a perceived conflict of interest with their role as an IPM.

CODE OF CONDUCT

34. Members of Police Misconduct Hearing Panels must maintain the highest standards of conduct and ethics and uphold the Committee on Standards in Public Life's seven principles of Public Life (see below). For example, when carrying out misconduct proceedings, panel members must not:

- Bring the Office into disrepute.
- Use the position improperly to advantage themselves, family or friends.
- Disclose confidential information.
- Breach of the Code of Conduct or The Principles of Standards in Public Life may lead to suspension or removal from the list of panel members.

35. IPMs must be committed to:

- Treating everyone with respect.
- Upholding human rights.
- Promoting equality of opportunity.
- Eliminating unlawful discrimination.

36. The Principles of Standards in Public Life ([The Nolan Principles](#)) are;

- **Selflessness:** Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.
- **Integrity:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
- **Objectivity:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- **Accountability:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- **Openness:** Holders of public office should be as open as possible about all the decisions and actions

that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

- **Honesty:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- **Leadership:** Holders of public office should promote and support these principles by leadership and example.

IMPARTIALITY

37. Fairness and impartiality are the cornerstones of procedural justice and important for the achievement of legitimacy.
38. As an IPM, individuals must show impartiality throughout all their dealings with colleagues, the officer, their representatives, and representatives of PSD or Counsel.
39. This is achieved by being unprejudiced, fair, and objective. IPMs must consider different sides of a situation and ensure that each side is given equal consideration. IPMs must not favour one person or another and must not allow personal feelings, beliefs, or opinions to unfairly influence their actions in any situation thereby ensuring their decisions are clear and evidence based.

CONFIDENTIALITY

40. Security is a paramount and essential element to ensure that the information contained within the hearing bundle and any related correspondence is retained and secure. The relevant PSD or OPCC will liaise with the IPM as to how the information will be provided (i.e., electronically or physically). It is incumbent upon the IPM to ensure that this information is not lost, stolen, or disclosed to others.
41. Should the IPM discover that such information is lost or stolen this should be reported immediately to the relevant PSD and OPCC. The IPM will need to provide them with full details of what has happened. The IPM will then be advised of the next steps and whether the matter needs to be reported to the Information Commissioner's Office (ICO)/ the Police.
42. During their role, the IPM may acquire considerable personal information about persons connected with police misconduct proceedings. That information must be protected against improper or unnecessary disclosure. The IPM should be aware that improper disclosure of information acquired during the role of IPM may attract civil or criminal proceedings.
43. Additionally, unauthorised disclosure of facts concerning police operations or security may constitute an offence under the Official Secrets Act 1911 and 1989, the Data Protection legislation including the General Data Protection Regulation (UK GDPR) and the Computer Misuse Act 1990.
44. At the end of a hearing, the IPM should not retain any physical papers as these should be handed back to the relevant PSD officers on the final day of the hearing. If, however, further discussions or deliberations are due to take place, the papers should be returned at the earliest opportunity by the most secure method. Where papers are provided electronically via a portal, the IPMs access will be removed. If they are provided via email, then the IPM should delete all records and send a confirmation email to the relevant Local Policing Body Office/PSD to confirm that deletion has taken place.

SELECTION OF AN INDEPENDENT PANEL MEMBER FOR A MISCONDUCT CASE

45. The agreed method of selecting an IPM is the use of a 'cab rank' system. The ERPCCs selection policy is published on each individual OPCC's website. [Selection of Misconduct Panels and Police Appeals Tribunals](#).

HEARING LENGTH

46. It is not always possible to accurately predict the length of time required to hear a case.

47. If a case does not take as long as estimated, the ERPCC has discretion to authorise payment in respect of the "over-estimated" days at the current half day rate for each of those days, up to a maximum of five days. The expectation is that the ERPCC Chief Executive will exercise his/her discretion in favour of authorising such payment. If he/she does not, full reasons therefore will be provided to the IPM.

CANCELLATIONS

48. Whilst every effort will be made not to cancel hearings, there may be occasions when this is unavoidable.

49. The ERPCCs recognise that IPMs may have declined other work in order to participate at a hearing and have adopted the following approach to paying for cancelled days.

- a. If a hearing is cancelled over two weeks in advance of the proposed date there will be no payment made, but the IPM's named will, with their agreement, be put back at the top of the regional list of available IPMs.
- b. Where a hearing is cancelled 7-14 days prior to the commencement date the current half day rate will be payable for each of the days the hearing was expected to last, up to a maximum of five days. They will go the bottom of the regional list.
- c. Where less than seven days' notice is given, the full day rate will be payable for each of the days the hearing was expected to last, up to a maximum of five days.
- d. Cancellations without good reason by IPMs, especially if made to undertake other paid work, may result in an IPM being removed from the ERPCC list following discussions with the ERPCC Chief Executives. (For the avoidance of doubt, cancellation due to an existing professional commitment "overrunning" will be regarded as being with good reason).

FEES AND EXPENSES

50. The rate of pay for an IPM is currently set at £357 per day for a full day (4+ hours, excluding meals breaks) and £175 per half day (under 4 hours).

51. These rates are payable for days when IPMs are sitting on Misconduct panels or on PATs. They are not applicable for preparation work as this is covered separately.

52. It is recognised that a sitting of less than 4 hours, and when taking travelling time into account on the same day, may cause an IPM to give up a whole day for a half day's session. IPMs may claim for a full

day's sitting where the sitting is less than 4 hours (excluding meal breaks) and where hearing time and travel on the same day as the hearing together total over 7 hours.

53. A fee may be claimed at the rate of £25.00 for each hour necessarily spent in preparatory work.
54. Where a hearing runs late, but not into a further day, then a long sitting allowance may be claimed. The long sitting allowance may be claimed where the length of a tribunal sitting exceeds 7 hours (excluding meal breaks). The allowance payable is 1/6 of the normal daily rate for each hour, or part thereof, in excess of 7 hours.
55. IPMs attending training will be able to claim the current half day rate to cover attendance at training days. This approach recognises the time commitment in attending, but also recognises the value of the training IPMs will receive as part of their continuous professional development. IPMs would also be able to claim travel expenses.

TRAVEL EXPENSES

56. Where public transport costs are incurred at the standard rate, these will be reimbursed in full on providing the relevant receipts.
57. Mileage will be reimbursed for mileage incurred travelling to and from any venue in relation to the work being undertaken. Mileage will be reimbursed at the HMRC vehicle rate, currently 45p per mile.
58. The vehicle, for which mileage is being claimed must be taxed, have appropriate insurance for business use and a valid MOT certificate (where applicable) at the time the journeys were made. Evidence of this may be requested for audit purposes.
59. Costs incurred for rail travel will be reimbursed at the standard rate. Any costs incurred for first class rail travel will not be reimbursed.
60. Travelling allowances are designed to meet expenses incurred and are in no sense a form of remuneration. Please note that no liability can be accepted in the event of any accident, damage, injury, or death whilst travelling or whilst undertaking hearing duties.
61. There is no provision for payment of travelling time.

ACCOMMODATION AND SUBSISTENCE

62. Wherever possible hearings will be timed to avoid the necessity for overnight stays. If a hearing runs to two or more days, then IPM may, if travel to the hearing venue is likely to take more than an hour, claim reimbursement for the cost of overnight accommodation up to a maximum of **£126 per night**. This rate is made up as follows:
 - Accommodation up to a limit of **£100** per night.
 - Plus, a flat rate allowance of **£26**. This allowance is intended to cover dinner and local travel (for example between hotel and the hearing venue) and to cover miscellaneous expenses. No additional amount is payable.
63. IPMs should arrive at the hearing sufficiently early and refreshed to prepare for the hearing and meeting other panel members. In cases where the IPM has a journey of more than one hour, the ERPCC may agree to meet the cost of overnight accommodation the night prior to the first day of the hearing.

64. Unless the IPMs travel from the hearing venue to his/her home is likely to take more than an hour, an overnight accommodation claim may not be made in respect of the final day of the hearing if a long sitting allowance has been claimed.
65. Where an overnight stay is not necessary, an allowance may be claimed for the necessary costs spent on meals (day subsistence). The allowance is based on the period during which the IPM is absent from home. The rates are: -
- Absence of more than 5 hours and less than 10 hours **£4.25**
 - Absence of more than 10 hours **£9.30**
66. This is a flat rate allowance which may be claimed whether the cost of meals was more, or less, than the actual amount of expenditure. It is not necessary for receipts to be provided. The allowance should not, of course, be claimed if a meal is provided free of charge.
67. It is accepted that in some areas accommodation will be more costly and a higher rate may be agreed locally with the Chief Executive, prior to expenditure being incurred.

OTHER EXPENSES

68. Postage and telephone calls etc necessarily dispensed in respect of the determination of the hearing may be claimed upon provision of documentary evidence. Where it is necessary for papers to be dispatched this should be done by registered post or special delivery to preserve the confidentiality of papers. Evidence of the cost should be provided with any claim.

CLAIMING EXPENSES

69. All claims must be submitted on a completed claim form which must be signed. IPMs who wish to submit an invoice may include a copy of this with the completed claim form but an invoice without a completed and signed claim form does not constitute an eligible claim.
70. Blank claim forms are available from the Professional Standards Department of the Constabulary arranging the misconduct hearing. Completed claims should be returned to that office.
71. VAT may be claimed by those IPMs registered for the purposes of VAT. In these cases, the VAT registration number should be shown on the completed claim form.

INDEMNITY

72. The outcome of a misconduct hearing is based on a joint decision of the Police Misconduct Hearing Panel, though there are certain technical decisions relating to the hearing process that are vested with the Chair.
73. The ERPCC's and their respective officers have worked with the Home Office and the National Association of LQCs (NALQC) and developed a pragmatic solution and a form of wording which covers the LQCs and IPMs. It provides LQCs and IPMs assurance that they are covered for damages unless it is shown in a court or similar that they have acted in bad faith (this is similar to the wording of the magistrates' indemnity set out in the Courts Act 2003). It provides elected local policing bodies with a

backstop to ensure that LQCs and IPMs act professionally in their respective roles.

74. Until such time as a national solution is found the agreed wording (revised in November 2022) is:

“ 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.*

75. *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.”*

76. The liability of Police Misconduct Panels members in legal proceedings other than Judicial Review proceedings (e.g., employment tribunals) is currently the subject of ongoing legal proceedings. The ERPCC’s and the National Association of Legally Qualified Chairs (NALQC) have agreed that the indemnity set out above will be periodically reviewed whilst the legal proceedings continue and at their final conclusion.

TRAINING AND DEVELOPMENT

77. IPM’s who have not previously served as an IPM in police misconduct cases will not be able to sit on a Panel until they have completed training to the satisfaction of the ERPCCs. Refresher training will be provided as deemed necessary by the ERPCCs.

78. Should there be changes in regulations or if the ERPCC’s identifies training needs for IPMs to facilitate an efficient discharge of their responsibilities the ERPCC will arrange suitable training to be developed.

79. Fees and expenses arrangements for attendance at training events are dealt with in paragraph 55.

COMPLAINTS, SUSPENSION, IMPOSITION OF CONDITIONS AND TERMINATION

80. Whilst there will be no formal appraisal of their performance in the role of IPM, ERPCCs will consider

any concerns received relating to an IPM's performance and discuss these with the IPM.

81. Any concerns about an IPM or their performance and/or conduct will be discussed by the Chief Executives for the ERPCCs. Should the matter remain unresolved the procedures for considering removal would be invoked.
82. Misconduct may include such matters as a conviction for a criminal offence or abusing the position as an IPM by failing to act in accordance with the standards previously detailed.
83. An IPM's appointment may be suspended at any time by the Chief Executives of the ERPCCs upon receiving a report of misconduct or poor performance.
84. The Chief Executives of the ERPCCs may terminate the appointment of an IPM having considered a report of misconduct or poor performance providing that before a decision to terminate or not is taken, an opportunity is given to the IPM in question to make oral and/or written representations. The IPM will be notified of the grounds on which removal is being considered in advance of them being given the opportunity to make representations. An appeal of this decision lies with the ERPCCs.
85. Similarly, the ERPCCs will welcome feedback from IPMs on their experiences including any concerns. Any feedback should in the first instance be referred to the Chief Executive of the Hertfordshire OPCC.

REVIEWS

86. The ability to assess how an IPM has 'performed' during the process is important to ensure the ERPCCs retain effective IPM's. This can be done in a variety of ways and could enable IPMs to feedback on the service they have received from the ERPCCs and the PSD involved. Some elements could be:
 - The number of hearings that they have attended during a calendar year against the number of hearings that occurred within that force or region.
 - Availability - should an IPM continually or habitually not be available then this does have an impact upon the local policing body/Region and their ability to have hearings in a timely manner.
 - Attendance at any provided training, continued failure to do so may negate them being able to preside over a hearing.
 - Constructive feedback on the case and identify any best practice or learning from the IPM, local policing body, the officer concerned or his/her representatives, PSD/Legal department.
87. These factors will be considered by the ERPCCs when discussing the re-appointment of any IPM.



SELECTION OF MISCONDUCT PANELS AND POLICE APPEALS TRIBUNALS

1 The Appointment of Legally Qualified Persons and Independent Members to Police Misconduct Hearings – The Police (Conduct) (Amendment) Regulations 2024

- 1.1 Where for the purposes of the Police (Conduct) (Amendment) Regulations 2024 (the 2024 Regulations) a non-senior officer case is referred to a misconduct hearing, that hearing must be conducted by a panel of three persons comprising -
- a chair, appointed by the appropriate authority, who must be a senior officer of the police force concerned.
 - a person appointed by the local policing body, who –
 - has qualifications or experience relevant for the purpose of disciplinary proceedings; and
 - is selected on a fair and transparent basis from the list of candidates with such qualifications or experience maintained by the local policing body.
 - a person appointed by the local policing body, who need not have such qualifications or experience, selected on a fair and transparent basis from the list of candidates maintained by the local policing body.
- 1.2 In addition to the appointment of the three persons detailed within paragraph 1.1. A person is to be appointed by the local policing body as an adviser to the chair and panel of persons conducting a misconduct hearing, selected on a fair and transparent basis from a list of legally qualified persons maintained by a local policing body.
- The legally qualified person appointed must provide advice to the panel of persons conducting or to the person chairing a misconduct hearing upon request by the chair in respect of any legal or procedural issues relating to the misconduct proceedings. The panel of persons conducting or the person chairing a misconduct hearing must have regard to any advice given by the legally qualified person.
- 1.3 The six local policing bodies ie Police and Crime Commissioners for each of the six police areas comprising the Eastern Region, namely Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk as well as the Ministry of Defence Police (MOD), have appointed legally qualified persons to a list of legally qualified persons, and persons to a list of independent panel members for the purposes of misconduct hearings held within the Eastern Region.
- 1.4 Selections of legally qualified persons and independent panel members to particular misconduct hearings are required to be made on a fair and transparent basis.
- 1.5 Statutory Guidance on Professional Standards, Performance and Integrity in policing issued by the Home Office states at paragraph 11.36 et seq:

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 will be good practice for the local policing body to publish how their rota system operates."

- 1.6 This document sets out how the six Police and Crime Commissioners for the Region and the MOD will select the legally qualified persons and independent panel members referred to above to particular misconduct hearings.
- 1.7 The Hertfordshire Office of the Police and Crime Commissioner (Hertfordshire Office) holds and administers the lists of legally qualified persons and independent panel members on a day-to-day basis. The Hertfordshire Office will construct these lists in a way that allows the number of hearings to be recorded and assigned to each legally qualified person and independent panel member respectively. The list will be established so that the legally qualified persons and independent panel members with the least hearings to their names are at the top of their respective lists. When requests for legally qualified persons and independent panel members are received, the Hertfordshire Office will provide names by working down the list. It is not expected that legally qualified persons and independent panel members will refuse cases for any other reason than availability. If they are not available for a particular hearing, they will not thereby lose their place on the list. If, however they refuse a case for any other reason than availability then, unless there are exceptional circumstances, their name will be moved to the bottom of the list.
- 1.8 At the point an appropriate authority (acting through their relevant Professional Standards Department [PSD]), determines to refer a case to a misconduct hearing they will approach their relevant Police and Crime Commissioner (ie the Police and Crime Commissioner for the police area from where the misconduct hearing originates) for a legally qualified person and independent panel members to be appointed. The PSD will provide as much information as possible to the relevant Police and Crime Commissioner or MOD 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 the case.
- 1.9 The Police and Crime Commissioner or Secretary of State will, acting through staff within their office of the Police and Crime Commissioner or MOD, then approach the Hertfordshire Office to ascertain the next available person from the list of legally qualified persons and independent panel members. The Police and Crime Commissioner or MOD will then establish with that next available legally qualified person and independent panel members as to whether they are able to take the referral of the misconduct hearing. The legally qualified person and independent panel members will be given a reasonable period to check their availability and will be expected to advise within 48 hours whether they can take the case. If they answer in the affirmative the Police and Crime Commissioner or MOD will proceed to appoint the person as legally qualified person or independent panel member for the purposes of the misconduct hearing. They will then advise the Hertfordshire Office as soon as practicably possible of the appointment in order that the list of hearings taken by legally qualified persons and independent panel members can be kept fully up to date and so that it is possible to establish who the "next" available person is to take hearings. This is essentially a cab rank system of making appointments from the list.
- 1.10 If the answer to the question as above is in the negative the relevant Police and Crime Commissioner or MOD must revert to the Hertfordshire Office to advise them of the refusal and the reason therefore, and to seek the name of the next available persons. The process is then repeated as necessary. The fact of the refusal and the reason therefore will be recorded by the Hertfordshire Office on the relevant list.

- 1.11 Whether there is an acceptance or a refusal by a person to serve, they will not be offered another opportunity to take a hearing until the full list of eligible persons has been worked through (unless the reason for refusal is one of availability or other exceptional circumstances).
- 1.12 The operation of the cab rank system requires Police and Crime Commissioners and MOD to keep the Hertfordshire Office updated in a timely way upon both acceptances and refusal of cases. The appropriate authority should be advised of an appointment at the same time as the Hertfordshire Office is advised of the appointment.
- 1.13 It is not expected that the cab rank system of making appointments from the list will be departed from unless there are exceptional circumstances. If for any reason there is a departure the relevant Police and Crime Commissioner or MOD and the Hertfordshire Office must set out the clear reason.
- 1.14 The officer who is subject to the misconduct hearing will be informed as soon as practicable by the appropriate authority of both the legally qualified person and independent panel members appointed in respect of their misconduct hearing and to whom they can 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. Where the Police and Crime Commissioner or MOD is the relevant body to uphold or reject the objection, they should advise the Hertfordshire Office of any outcome to such objection in order to keep the appointment list up to date.
- 1.15 It is for the relevant Police and Crime Commissioners and MOD to ensure that their formal selection and appointment decisions are made for the purposes of Regulation 28 (4) of the 2019 Regulations in accordance with their own internal decision-making arrangements.
- 1.16 Where the officer subject to the misconduct proceedings is a senior officer the above process should be applied subject to appropriate modification for the purposes of the 2024 Regulations.

2 The Appointment of a Police Appeals Tribunal – Schedule 6 of the Police Act 1996

- 2.3 An officer may appeal from a misconduct hearing held under the Police (Conduct) Regulations 2020 and the Police (Performance) Regulations 2020.
- 2.4 Appeals related to decisions which have been made under the previous versions of these Regulations will be dealt with under the Police Appeals Tribunals Rules 2012.
- 2.5 The Police Appeals Tribunal Rules 2020 and the Home Office – Statutory Guidance on Professional Standards, Performance and Integrity in Policing at Chapter 26 set out clearly the circumstances in which an appeal may be brought and how the appeals should be progressed. A Police and Crime Commissioner has important procedural and administrative functions to discharge to enable the effective and efficient disposal of appeals. In the event of an appeal the Police and Crime Commissioner must ensure that they adhere closely to the legislation and guidance.
- 2.6 The composition of the Police Appeals Tribunals is set out in Schedule 6 to the Police Act 1996 (as amended).
- 2.7 Where the appellant is not a senior officer, the Tribunal shall consist of:
 - 2.5.1 a legally qualified chair taken from the list maintained by the Home Office;
 - 2.5.2 a serving senior police officer; and

2.5.3 a lay person, who is defined at paragraph 10 (aa) of Schedule 6 of the Police Act 1996. It is a person who is not, and never has been, a member of a police force, or special constable, civilian police staff, local policing body or other policing body as per the Act.

2.8 The guidance states at paragraph 26.15 and 26.16:

“The members of the tribunal should be chosen on a fair and transparent basis by the local policing body [ie PCC]. There is a clear need for flexibility within this process but good practice would be for the local policing body to select chairs and laypersons on a random basis to ensure that all members are given the same opportunity for hearing cases. It is also good practice for the local policing body to publish, or be open to publishing, how their system operates.

The method of selection is an important principle of fairness for the officer concerned and ensuring proceedings are conducted in accordance with principles of natural justice in order that the selection itself and any subsequent proceedings cannot be called into question on the basis of any perceived, or actual, unfairness.”

2.9 Where the appellant is a senior officer, the Tribunal shall consist of:

2.7.1 a legally qualified chair taken from the list maintained by the Home Office;

2.7.2 HM Chief Inspector of Constabulary and Fire and Rescue Services or an Inspector nominated by the Chief Inspector; and

2.7.3 the Permanent Secretary to the Home Office or a Home Office Director nominated by the Permanent Secretary.

2.10 The Guidance also states at paragraph 26.18 and 26.19:

“In the interests of fairness, an individual should not sit on a tribunal for any officer if they have already heard the same case at a misconduct meeting or misconduct-hearing.

It is the responsibility of the local policing body to satisfy itself that the members who are sitting on the tribunal are sufficiently independent of the matter so as not to give rise to any suggestion of unfairness.”

2.11 This document sets out the approach of the Police and Crime Commissioners within the Eastern Region to selecting, where they have a discretion, the membership of police appeals tribunals.

2.12 The Police and Crime Commissioners will in selecting such membership take full account of their statutory obligations and the guidance.

2.13 The Police and Crime Commissioners will when selecting the legally qualified chairs as referred to in paragraphs 2.5 and 2.7 above, and having full regard to their obligations and guidance, make their selection on a random basis and with a view to ensuring that those on the Home Office list are given equal opportunity to hear cases.

2.14 In selecting lay persons as referred to at paragraph 2.5.3 above, the Police and Crime Commissioners for the Region have determined that those Independent Members appointed by them for the purpose of Misconduct Panels will form the pool of laypersons from which individuals

may be drawn to serve as appropriate upon a Tribunal, and where full regard will be had to the Guidance referred to above.

- 2.15 The process for selecting a lay person will, as appropriate, follow the same process as for selection of Independent Panel Members for Misconduct Panels, and an approach for a layperson to the Hertfordshire Office will follow the same cab rank principle of asking for the name of the next available Independent Panel Member on the list. The appointing Police and Crime Commissioner will confirm any appointment of an Independent Panel Member as a layperson to the Hertfordshire Office to ensure that the records of sittings for the purpose of applying the cab rank principle is kept fully up to date.
- 2.16 No Independent Panel Member will be appointed as a lay person if they have already heard the same case at a misconduct hearing.
- 2.17 It is for the relevant Police and Crime Commissioners to ensure that their formal selection and appointment decisions are made for the purposes of Schedule 6 to the Police Act 1996 and the Police Appeals Tribunals Rules 2020, in accordance with their own internal decision-making arrangements.

3 **Publication**

- 3.3 The Police and Crime Commissioners for the region have all agreed to publish this document on their websites so that their approach to appointment of misconduct panels and police appeals tribunals can be seen to be fair and transparent.

7 May 2024

DATE 2024

- (1) THE POLICE AND CRIME COMMISSIONER FOR BEDFORDSHIRE
and
- (2) THE POLICE AND CRIME COMMISSIONER FOR CAMBRIDGESHIRE
and
- (3) THE POLICE FIRE AND CRIME COMMISSIONER FOR ESSEX
and
- (4) THE POLICE AND CRIME COMMISSIONER FOR HERTFORDSHIRE
and
- (5) THE POLICE AND CRIME COMMISSIONER FOR NORFOLK
and
- (6) THE POLICE AND CRIME COMMISSIONER FOR SUFFOLK

COLLABORATION AGREEMENT

In relation to the recruitment and administration of legally qualified persons and independent members for police misconduct panels and senior officers' misconduct meetings.

THIS AGREEMENT is made on the 2024 BETWEEN:

1. The Police and Crime Commissioner for Bedfordshire, Woburn Road, Kempston, Bedfordshire MK43 9AX
2. The Police and Crime Commissioner for Cambridgeshire, Hinchingsbrooke Park, Huntingdon, PE29 6NP
3. The Police, Fire and Crime Commissioner for Essex, 1st Floor, Kelvedon Park, London Road, Rivenhall, Witham, Essex CM8 3HB
4. The Police and Crime Commissioner for Hertfordshire, 15 Vaughan Road, Harpenden, Hertfordshire AL5 4GZ
5. The Police and Crime Commissioner for Norfolk, Jubilee House, Falconers Chase, Wymondham, Norfolk NR18 0WW
6. The Police and Crime Commissioner for Suffolk, Martlesham Heath, Ipswich, Suffolk IP5 3QS

WHEREAS:

- (i) The Parties to this agreement have agreed to work together to maximise the efficiency and effectiveness of identified areas for collaboration and innovation in order to more efficiently and effectively operate the Parties functions with regard to police misconduct panels and misconduct meetings for senior officers.
- (ii) To give effect to the desire the Parties enter into this agreement pursuant to Section 22A of the Police Act 1996 to provide support by a policing body to another policing body.

IT IS NOW AGREED AS FOLLOWS:

1. DEFINITIONS AND INTERPRETATION

- 1.1 In this Agreement, except where the context requires otherwise, the following expressions shall have the meanings respectively ascribed to them:

“Parties” means the Police and Crime Commissioners of Bedfordshire, Cambridgeshire, Hertfordshire, Norfolk and Suffolk, and Police, Fire and Crime Commissioner for Essex, and the term “Party” shall mean any one of them;

“

“Collaborative Functions” means the collaborative functions and services that are referred to in clause 2.3 below;

2. PURPOSE

- 2.1 The Parties have worked together to make the exercise of the Parties functions with regard to police misconduct panels and senior officers misconduct meetings under Schedule 3 of the Police Reform Act 2002 (the Act) and Regulations made thereunder.
- 2.2 The Parties have established a network of officers from each of the Parties offices (OPCCs) to work together to implement the functions.
- 2.3 The functions of the Parties that are subject of this agreement are:
- a. completion of recruitment documentation after the Parties have individually approved appointments of legally qualified persons (LQPs) and independent persons (IPs) as defined in the Regulations made under the Act;
 - b. holding the lists and contact details of LQPs and IPs to be able to recommend an appointment to any one of the Parties requiring LQPs and IMs for a hearing or meeting.

3. GOVERNANCE

- 3.1 The Parties have established a working group network of officers to liaise across the region with respect to their functions relating to misconduct hearings and senior officers' misconduct meetings in the Act.
- 3.2 The working group will carry out the recruitment process and administration of appointments and training of LQPs and IMs using their OPCCs respective decision-making processes where necessary.
- 3.3 The Parties will individually and in accordance with their own decision-making process make appointments of LQPs and IMs.
- 3.4 The Parties will appoint one of their OPCCs to administer the list of LQPs and IMs to assist with appointment of LQPs and IMs to hearings and meetings in accordance with a fair and open process. That OPCC will make recommendations for appointment when requested. The appointment of the OPCC can be changed by agreement of the officer working group in accordance with local decision-making processes.

4. FINANCE

The costs incurred in delivering the functions will be split and recharged between the Parties on the basis of Net Revenue Expenditure as calculated from time to time for national collaboration agreements. The work of employees of the Parties will not be recharged.

5. LENGTH OF AGREEMENT

5.1 This Agreement shall come into force on 2024 and shall continue until terminated by any of the Parties by giving one month's notice in writing or by email to the Chief Executive of the other Parties.

6. DISPUTES

6.1 Any disputes arising from the interpretation of this Agreement shall initially be discussed by the officer working group. If any dispute cannot be resolved to the satisfaction of all, it will be referred to the Chief Executives of the Parties.

Signed on behalf of the Parties:

For The Police and Crime Commissioner for Bedfordshire,

..... Name.....Date.....

For The Police and Crime Commissioner for Cambridgeshire,

..... Name.....Date.....

For The Police, Fire and Crime Commissioner for Essex,

..... Name.....Date.....

For The Police and Crime Commissioner for Hertfordshire,

..... Name.....Date.....

For The Police and Crime Commissioner for Norfolk,

..... Name.....Date.....

For The Police and Crime Commissioner for Suffolk,

..... Name.....Date.....

Schedule A

Eastern Region Summit – Terms of Reference

1. PRINCIPLES

- 1.1 The Meeting shall be a private business meeting and not a public decision-making forum. Appropriate minutes will be kept.
- 1.2 The Meeting shall provide the Parties with a forum to discuss and shape new initiatives and discharge their statutory duties.
- 1.3 The principle of local accountability shall be maintained. Decisions may be made by the Meeting 'in principle' and recommendations may be made but each Party shall retain their executive sovereignty as corporation soles.

2. ROLE OF THE MEETING

- 2.1 To assist the Parties in meeting their statutory obligations, to include keeping collaboration opportunities under review and ensuring collaboration takes place where it is in the interests of the efficiency or effectiveness of their own and other police force areas.
- 2.2 To hold the Chief Constables to account for the operational delivery of the Seven Force Projects, ERIN and the Collaborative Functions.
- 2.3 To ensure the delivery of all functions through collaboration are implemented effectively.
- 2.4 To discharge the functions assigned to it by relevant collaboration agreements as agreed by the Parties.
- 2.5 To consider national and regional police and crime issues.
- 2.6 To share best practice and innovation and facilitate closer working between the Parties.
- 2.7 To receive budget reports and funding requests from the Seven Force Projects, ERIN and Collaborative Functions and agree the funding arrangements for them as appropriate for the following financial year.
- 2.8 When required to do so:
 - to consider proposals for any significant expenditure, overspends or disposal of any significant assets in relation to Collaborative Functions;
 - to resolve any high level strategic service delivery issues or disputes which cannot be resolved through line management arrangements.

2.9 To consider any issue of a financial nature relating to the Seven Force Projects, ERIN and Collaborative Functions.

2.10 To receive reports to the annual meeting on the performance of all Collaborative Functions, including financial and operational performance, in accordance with the terms of the relevant collaboration agreements. This includes the receipt of reports on the financial and operational performance of:

2.10.1 The Eastern Region Special Operations Unit and

2.10.2 The Seven Force Single Procurement Function.

2.11 To receive a report to the annual meeting on the financial and operational performance of ERIN.

2.12 To consider any matter of a policing nature which is of a mutual interest to the Parties.

3. MEMBERSHIP

3.1 The Meeting shall comprise the Parties (and/ or their representatives).

3.2 The Chair shall be appointed as agreed by the Police and Crime Commissioners and Police, Fire and Crime Commissioners who are Parties.

3.3 The ERIN Network Director will have responsibility for all necessary administration in relation to the Meeting.

4. PROCEEDINGS AND MEETINGS

4.1 There shall be an annual meeting to take place in November/ December although meetings can in addition be convened as and when it is felt appropriate by the Parties.

4.2 The Meeting does not have a formal decision-making function and therefore detail concerning voting and quorum is unnecessary.

4.3 The Meeting shall be held in private unless determined otherwise by all the Parties.

4.4 Other operational governance mechanisms will exist in addition to the Eastern Region Summit. These currently consist of the Seven Force Chief Constables meeting, the Seven Force Deputy Chief Constables meeting and the Chief Executives meeting. These meetings are subject to change.

Schedule B

The Eastern Region Innovation Network – Consultation and Strategy Paper

Schedule C

Redundancy Liabilities

Appendix to Seven Force Strategic Collaboration Programme (Fourth Collaboration Agreement), made on 1 December 2019

1. Introduction:

- 1.1 This appendix sets out the principles agreed by all Force's CFOs in relation to the application of [clauses 7 & 13]* of the Collaboration Agreement, in the event of a redundancy cost situation.
- 1.2 The make-up of the 7F Strategic Collaboration Programme (SCP) team is subject to constant review to reflect the programmes/projects being undertaken at any one time. The team could consist of:
- i) Officers and/or police staff seconded to the team for a specified period of time, which at the point of termination, will return back to their home force.
 - ii) Police staff members who have joined the team from one of the home forces, by either redeployment or application, but who have no substantive role to go back to and who will have varying amounts of continuous service.
 - iii) Police staff members who have been directly appointed via one of the forces, on a temporary contract.
- 1.3 In the case of ii) and iii) above, a redundancy situation could arise and as such, the following principles will apply:

2. Principles to be applied in relation to 1.2 ii) and iii) above:

- 2.1 The seven forces will seek to avoid any redundancies from the 7F SCP.
- 2.2 The employing force is responsible for all redundancy costs of their employees up to the point in time at which the employee joined the 7F SCP.
- 2.3 For the period of time during which the employee is engaged on the 7F SCP, the portion of redundancy cost accrued during the time engaged on the 7F SCP and redundancy, will be shared by the forces, by NRE in accordance with the Collaboration Agreement.
- 2.4 If the employee returns to their employing force in a non 7F role, that employing force is then liable for all redundancy costs, including the element accrued during their time on the 7F SCP.

2.5 In the case of 1.2 (iii) above, where 7F SCP staff are directly employed by one of the forces, the full redundancy cost will be shared by the forces, by NRE in accordance with the Collaboration Agreement.

3. Redundancy Costs:

3.1 'Redundancy Costs' include the total severance costs i.e. redundancy payment and pension strain.

3.2 In the event of redundancy whilst on the 7F SCP, 2 calculations will be performed by the employing force;

- i) to calculate the actual redundancy costs, including pension strain, at the point of actual redundancy
- ii) to calculate a notional redundancy cost, including pension strain, at the point at which the employee moved to the 7F SCP.

The difference between i) and ii) above will be deemed to be the portion of redundancy cost to be shared by all 7 forces, by NRE.

3.3 The employing force will obtain and share with all other forces the relevant redundancy cost and pension strain information to ensure a transparent process for agreeing the cost share.

* as now set out in the Fifth Collaboration Agreement

N.B. This schedule has not been amended from when produced at the 1 December 2019, save as marked at paragraph 1.1, for the purposes of the Fifth Collaboration Agreement and is required to be read as a statement of general principles.

SIGNATORIES TO THE COLLABORATION AGREEMENT

In relation to the Seven Force Collaboration

(1)

THE POLICE AND CRIME COMMISSIONER FOR BEDFORDSHIRE

(8)

THE CHIEF CONSTABLE OF THE BEDFORDSHIRE POLICE

SIGNATORIES TO THE COLLABORATION AGREEMENT

In relation to the Seven Force Collaboration

(2)

THE POLICE AND CRIME COMMISSIONER FOR CAMBRIDGESHIRE

(9)

THE CHIEF CONSTABLE OF THE CAMBRIDGESHIRE CONSTABULARY

SIGNATORIES TO THE COLLABORATION AGREEMENT

In relation to the Seven Force Collaboration

(3)

THE POLICE, FIRE AND CRIME COMMISSIONER FOR ESSEX

(10)


THE CHIEF CONSTABLE OF THE ESSEX POLICE

SIGNATORIES TO THE COLLABORATION AGREEMENT

In relation to the Seven Force Collaboration

(4)

THE POLICE AND CRIME COMMISSIONER FOR HERTFORDSHIRE

A handwritten signature in black ink that reads "David Lloyd". The signature is written in a cursive style with a large initial 'D' and 'L'.

DAVID LLOYD

(11)

THE CHIEF CONSTABLE OF THE HERTFORDSHIRE CONSTABULARY

SIGNATORIES TO THE COLLABORATION AGREEMENT

In relation to the Seven Force Collaboration

(5)

THE POLICE AND CRIME COMMISSIONER FOR KENT

(12)

THE CHIEF CONSTABLE OF THE KENT POLICE

SIGNATORIES TO THE COLLABORATION AGREEMENT

In relation to the Seven Force Collaboration

(6)

THE POLICE AND CRIME COMMISSIONER FOR NORFOLK

(13)

THE CHIEF CONSTABLE OF THE NORFOLK CONSTABULARY

SIGNATORIES TO THE COLLABORATION AGREEMENT

In relation to the Seven Force Collaboration

(7)

THE POLICE AND CRIME COMMISSIONER FOR SUFFOLK

(14)

THE CHIEF CONSTABLE OF THE SUFFOLK CONSTABULARY