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## **Ethics and Transparency Panel**

### **TERMS OF REFERENCE**

#### **1. INTRODUCTION**

- 1.1. The Ethics and Transparency Panel (ETP) was reconstituted by the Police and Crime Commissioner (PCC) in September 2022 with the intention of providing greater public scrutiny and a public commitment to transparent and ethical policing. The Panel has the potential to improve and strengthen the delivery of policing services to the public by adding value beyond audit and scrutiny.
- 1.2. The purpose of the ETP is to have an advisory role in providing independent assurance that policies, reports and crime sampling are considered and managed in an ethical and proportionate way. The Panel will provide operational independent insight and ensure that the highest level of ethical decision-making is being embedded with regard to the service offer given to victims of crime.
- 1.3. The ETP is responsible for enhancing external and internal trust and confidence in the ethical governance, policing and decision-making of Leicestershire Police and Office of The Police and Crime Commissioner (OPCC). The Panel will seek to do this by:
  - 1.3.1 Promoting high standards of ethical conduct and service standards.
  - 1.3.2 Considering the ethical impact of any planned organisational changes
  - 1.3.3 Providing a focus for reflective learning and understanding on ethical issues
  - 1.3.4 Scrutinising Force values and their application
  - 1.3.5 Encouraging discussion within and outside of the organisation, especially but not exclusively, around issues affecting organisational culture.
- 1.4. The ETP is a non-executive Panel and has no executive powers, other than those specifically delegated in these Terms of Reference.
- 1.5. The ETP will establish effective communication with the PCC and Chief Constable, their nominated representatives and other relevant stakeholders for the purpose of fulfilling these Terms of Reference.

## **2. MEMBERSHIP**

- 2.1. The ETP will have a Chair, vice Chair and a maximum of 8 other members, all of whom must be operationally independent of the PCC, Chief Constable and the Police and Crime Panel.
- 2.2. The role of the Chair, Deputy Chair and the panel members is set out in the role specifications which are available upon request.
- 2.3. Members of the ETP shall be recruited by the OPCC on application and through open competition. They shall be recruited to ensure that the Panel has all of the necessary skills and experience to fulfil its Terms of Reference, in accordance with the job description for members. To ensure operational independence, members shall not be:
  - 2.3.1 Currently serving with or employed by the Police and Crime Commissioner for Leicestershire or the Chief Constable of Leicestershire Police
  - 2.3.2 Ex-members of the previous Police Authority
  - 2.3.3 Currently serving Independent Custody Visitor or Misconduct Panel member
  - 2.3.4 A standing or ex-PCC or ex-Chief Constable
  - 2.3.5 A current member or ex-member of a Police and Crime Panel
  - 2.3.6 Has served as a Police Officer within the last 8 years
  - 2.3.7 Serving Officers of the Special Constabulary or have served as a Special Constable within the last 8 years
  - 2.3.8 Elected councillors, currently serving in that role, or those active in local or national politics
  - 2.3.9 Individuals who have significant business or personal dealings with the Office of the Police and Crime Commissioner or Leicestershire Police
  - 2.3.10 Individuals who are immediate family members of the PCC or the Chief Constable or who have very close relationship with either and as such may not have the requisite level of independence required for Panel membership
  - 2.3.11 Individuals removed from a trusteeship of a charity
  - 2.3.12 Individuals under a disqualification order under the Company Directors Disqualification Act
  - 2.3.13 A person who has been adjudged as bankrupt, or made a composition or arrangement with their creditors
  - 2.3.14 Convicted in the UK, Channel Islands or the Isle of Man of any offence and has passed on a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine, within the last five years prior to their appointment.

- 2.4. Members of the ETP will be vetted to the Recruitment Vetting (RV) level which is consistent with the vetting levels now used for staff and non-police personnel vetting level (NPPV2). Vetting arrangements will be undertaken for ETP members prior to commencement of the role and further review in the event of re-appointment.
- 2.5. All ETP members will be appointed for a period of up to 2 years unless they choose to resign. The 2-year term will commence when the member takes up their role. If a panel member wishes to continue after the initial two-year term then they will be permitted to re-apply for the role. The maximum period of appointment will be 4 years.
- 2.6. All ETP members will be subject to a probationary period of six months on commencement of their appointment. If the PCC deems that a member's conduct, attendance or behaviour is unsatisfactory within this period, on reasonable grounds, the PCC reserves the right to terminate their appointment.
- 2.7. Having a 2-year term will guard against all members finishing their period on the panel at the same time and allows for a phased replacement of panel members. The length of term may be subject to increase or decrease as by the PCC and disbandment of the ETP for any reason will be decided by the PCC.
- 2.8. If the Panel is disbanded at any point, members allowances and expenses will be paid only up until the moment of disbandment of the group. If it is felt that significant work has been carried out by members during that time, allowances and expenses up until the end of the quarter will be paid to cover any expenses. This will be decided by the PCC and in the PCC's absence, the Chief Executive Officer (CEO).
- 2.9. The Chair will be elected by members of the ETP by majority vote and will only assume position of Chair for no more than a period of 2 years unless reappointed. The Chair will be responsible for conducting annual appraisals with all ETP members, a record of these should be held by the OPCC. The Chair will have scheduled bi-monthly meetings with the CEO of the OPCC.
- 2.10. The Deputy Chair will be elected by members of the ETP by a majority vote and will only do so for no more than a period of 2 years unless reappointed. The Deputy Chair will act as Chair at meetings in the absence of the Chair. If the Chair can no longer continue in this role, the Deputy Chair will act as the Chair until the formal appointment of a new Chair.

- 2.11. An annual meeting is to be scheduled between ETP Chair and the lead member for the JARAP to ensure there is a joined-up approach to assurance, transparency and scrutiny where possible.
- 2.12. Training will be provided on specific relevant topics will be provided as necessary. Members of the ETP will be required to attend all training sessions in order to undertake their role as a panel member and to develop their skills in relation to a wide range of topics and areas of scrutiny.

### **3. MEETINGS, ATTENDANCE AND ADMINISTRATION**

- 3.1. The ETP will meet quarterly, approximately four times a year. The schedule of meeting dates shall be agreed at the start of each year. Further meetings outside of the normal cycle of ETP can be convened at the request of the ETP Chair or any of its members, subject to agreement by the Chair.
- 3.2. The location of the meetings will be in person unless there are exceptional circumstances that prevent this, in which case they may proceed virtually online, subject to agreement by the Chair.
- 3.3. Unless otherwise agreed, formal notice of each meeting confirming the venue, time and date together with the agenda of items, will be forwarded to each member of the ETP, any other person required to attend and all other appropriate persons determined by the Chair, no later than five working days before the date of the meeting.
- 3.4. The agreement of the Chair is required to cancel, postpone or amend meeting arrangements with a minimum notice of five working days. If the Chair is unavailable, the agreement of the Deputy Chair will be required.
- 3.5. If meetings are cancelled, it is anticipated that updates to members on non-standing reports will still be circulated unless otherwise agreed with the Chair.
- 3.6. Members of the ETP are expected to attend all meetings. If two or more meetings are missed within a year by a member, this will be discussed by the Chair in the annual appraisal. Regular non-attendance will lead to their removal as a member of ETP on agreement by the Chair and PCC.

- 3.7. A minimum of three members of the ETP must be present for the meeting to be deemed quorate, one of whom should be either the Chair or Deputy Chair.
- 3.8. Attending the ETP meetings from Leicestershire Police and the OPCC will be the Deputy PCC, the CEO of the OPCC and their deputies and the Deputy Chief Constable, their deputies and other representatives from Leicestershire Police.
- 3.9. Meetings will be held in public with the matters being discussed being placed in the public domain. Where items are considered commercially sensitive or contain issues which are deemed to be confidential, the ETP may sit privately, excluding members of the public or press and will record their reasons for this in the public domain.
- 3.10. The ETP may hold private informal meetings e.g. for briefing and training purposes without any non-members present if they so decide. Formal decisions cannot be taken at such meetings.
- 3.11. In accordance with the ETP members' Code of Conduct, each member will be required to record any conflicts of interest in the register of pecuniary and non-pecuniary interests. In addition, ETP members will be required to disclose any such interests at the commencement of any meeting where there is a need to do so due to the nature of the ETP agenda or immediately if they arise unexpectedly in discussion.
- 3.12. The OPCC will offer secretarial support for agenda setting, distribution of reports and minute taking. The secretary for ETP will record the names of those present at the meeting, write minutes, including key points and decisions of all ETP meetings, along with any actions to be taken before the next meeting.
- 3.13. The unsigned and unapproved minutes of the most recent ETP meeting will be circulated promptly and no later than ten working days after the meeting to all members of the ETP members, the PCC, Chief Constable along with their nominated representatives. The minutes will be placed in the public domain as soon as these have been approved and signed off by the Chair with the exclusion of any matter discussed and considered in a private session.

#### **4. RESPONSIBILITIES AND REPORTING**

- 4.1. The ETP has a responsibility to promote high standards of ethical conduct and service standards through the scrutiny of Force values and their application. This is to be done

through confidently scrutinising and challenging to make balanced, reasonable and proportionate judgements.

- 4.2. Where the ETP or an individual member considers there may be evidence of improper acts, issues of concern or any other important matters that they wish to raise, it will be the responsibility of ETP members to bring this to the attention of the Chair. The Chair of the ETP must initially take advice from the Chief Executive Officer before raising the matter with the PCC.
- 4.3. To assist with individual effectiveness, all members of the ETP must agree to be subject to an appraisal process operated by the Chair of the ETP. An appraisal of the Chair will be undertaken annually by the PCC/CEO from appointment. In addition to the Chair's appraisal, bi-monthly meetings between the Chair and the CEO will take place to assist the Chair in being effective and efficient in their role.
- 4.4. There is a requirement for members to produce reports, undertake crime sampling and on occasion attend training between meeting dates to produce the assurances outlined in this Terms of Reference. This includes supporting and providing recommendations to the PCC and Chief Constable on a variety of matters; including the anticipation of ethical challenges facing the police service, scrutinising a range of areas through dip-sampling and advise and influence on change and learning in Leicestershire Policies.
- 4.5. There are four sub-scrutiny functions that report into the ETP by way of dip-sampling and review:
  - a. *Out of Court Resolutions (OOCR)* – involves the scrutiny of adult cases and the review of a paper provided by the Youth Offending Service (YOS) which were dealt with by OOCR with 30% being domestic cases. There will be a requirement to review whether the handling was classified as appropriate or inappropriate. The Lead Member will be required to sit on the independent panel and report to ETP.
  - b. *Custody Records* – involves the scrutiny of custody records selected at random to review the detainee's journey through custody and provide assurance that they have been managed in an appropriate, ethical and proportionate manner. This will supplement the work of the Independent Custody Visitors (ICVs) and will be done with the support of the OPCC.
  - c. *Hate Crime* – involves the scrutiny of closed hate crime cases selected at random, reviewed by an independent Hate Crime Panel. The Lead Member will be required to sit on the independent panel and report back to the ETP on themes and update

on any immediate actions (learning for individual officers) to be handled following the meeting.

- d. *Complaints* – involves the scrutiny of closed complaint cases selected at random and reviewed to assess how well the complaint was handled, whether the outcome was appropriate and identifying any themes or trends both for individual and organisational learning. There is also an opportunity to review themes with regard to misconduct cases and have oversight over Professional Standards performance.
- 4.6. These four scrutiny sub-panels will run on an annual reporting cycle, with one being the focus per quarter and a lead member(s) being appointed for each one. The Chair and Deputy Chair will be required to sit on either the complaints or custody record review sessions. Both of these sessions should be covered by either the Chair or the Deputy Chair along with another member of the panel given they are led by the OPCC.
  - 4.7. All feedback from the above will sub-scrutiny boards will be recorded on respective Feedback Forms and then returned back to Force for their comment before being shared at the ETP meetings. The process for the review of Body-Worn Video (BWV) footage is similar to the above but will be a standing item on the ETP agenda and will be undertaken by all members in a closed session at each meeting. The Terms of Reference and/or Process Flows for each of these functions are Appendix 1-4.
  - 4.8. Each of the respective sub-scrutiny panels will be required to produce annual reports (template at Appendix 5) in accordance with their respective annual reporting cycles to allow for one scrutiny sub-board to be focused on in detail per quarter.
  - 4.9. The Chair of the ETP will provide the PCC with an Annual Report in the name of the ETP, summarising its conclusions from the scrutiny work it has undertaken over the year and drawing attention to any significant emerging issues with recommendations and feedback as appropriate. This report will be placed in the public domain following its discussion with the PCC along with their responses. The Chair will be responsible for dealing with any public or media questions to that report.
  - 4.10. In light of best governance practice, the ETP will review these Terms of Reference annually and make any changes deemed necessary in consultation with the PCC.