



**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