



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

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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:

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