

## TERMS OF ENGAGEMENT

### INDEPENDENT MEMBERS FOR POLICE MISCONDUCT HEARINGS FOR SOUTH EAST REGION FORCE AREAS

#### **Introduction**

Following your appointment as an Independent Member for misconduct hearings, this document sets out the terms of engagement.

The public expect police officers to be dealt with fairly but thoroughly, in accordance with relevant regulations, guidance and due process, and you will be expected to bring your independent perspective and experience to help make sure this happens.

#### **Purpose**

You will be required to sit on a panel for Misconduct Hearings where it has been determined that a police officer has a case to answer in respect of gross misconduct and or in respect of misconduct if the officer has a live written warning. The panel will be chaired by a Legally Qualified Chair.

#### **Main duties and responsibilities**

1. Attend Misconduct Hearings when required to do so by the appointing PCC office.
2. Understand the legal framework and requirements for Police Misconduct hearings and ensure these are taken into account and properly applied during misconduct proceedings.
3. Receive copies of all relevant documentation in advance of the Misconduct Hearing. The documentation may include:
  - copies of the notice served upon the officer
  - a report from the investigator
  - all other relevant witness statements and documents
  - officer response to the allegations alleged
4. To read and digest these documents and be familiar with them before the start of the Misconduct Hearing, and to ensure their safekeeping at all times.
5. During the Misconduct Hearing, to work with the other members of the Panel to reach a majority view based on the balance of probabilities.
6. At the conclusion of the Misconduct Hearing, to support the Legally Qualified Chair in drafting the panel decision with reasons.
7. Attend training as required.

## **Length of appointment**

Appointments are for a four year term. This may be extended by a further two terms of four years, by mutual consent and following a review every four years. Any extension beyond this time will be with the consent of the relevant OPCC Chief Executive.

## **Allowances and expenses**

Allowances and expenses payable are at the rates set out at Appendix 1.

Claims should be submitted in the format advised by the instructing OPCC.

## **Conduct or standards**

At all times, all panel members must maintain the highest standards of conduct and ethics. For example, when carrying out Misconduct Hearing work you must not:

- bring the Police and Crime Commissioner or police into disrepute;
- use your position improperly to advantage yourself, your family or friends;
- disclose confidential information.

## **Instructions**

All instructions to sit on any Misconduct Hearings will be received from the Office of the Police and Crime Commissioner. Instructions will be issued at least 7 weeks in advance of a hearing, although in certain cases, such instructions may be received 3 weeks in advance.

Naturally we hope that all appointees will be provided with appropriate opportunities to sit and develop experience, however, being appointed does not guarantee that you will receive instructions.

Following notification that a hearing needs to be convened, all members will be emailed to ask about availability. Members must respond within 24 hours to indicate if they are willing to accept the instruction. Should more than one member indicate they are available, the case will be allocated using the following criteria:

- Number of hearings previously attended;
- Any potential conflict of interest with a specific case (or perceived conflict of interest);  
*You are responsible for making the instructing officer aware of any conflict or potential conflict immediately on receipt of initial instructions or as soon as you become aware of any reasonable grounds for a conflict (or perceived conflict) occurring.*
- Members must not sit on a hearing if they have any personal knowledge of the case;
- The frequency with which certain members have sat together;
- Nature, location and complexity of case.

## **APPENDIX 1: FEES GUIDANCE FOR INDEPENDENT MEMBERS OF POLICE MISCONDUCT PANELS**

### Hearings

Fixed daily sitting rate (for sittings up to 7 hours): £212.50

Hourly rate for additional time spent (1/7 of daily rate): £30ph

Preparatory reading: £15ph, unless alternative fixed fee agreed in exceptional circumstances in writing with the relevant instructing officer in advance.

There is no provision for payment of travelling time.

### Cancellation allowance

A cancellation allowance is available to be claimed where there are losses incurred by the member as a result of a hearing being cancelled and these cannot be mitigated:

More than two weeks' notice: no claim.

Less than two weeks' notice: one day's rate and any preparation undertaken. (Based upon a standard three-day hearing. The allowance will be increased on a pro rata basis for longer hearings by agreement with the instructing officer)

Shortened hearings (Eg. three-day hearing completed in two): Full rate for all booked days.

Claims for payment of the cancellation allowance should be submitted to the instruction officer through the standard claims form.

### Travelling expenses

Members may be paid reasonable travelling expenses between residence and location of hearing. If claiming reimbursement of rail fares you must either provide a photocopy of receipt or enter on the claim the rail ticket number and date and place of issue. Rail travel must be by standard class only. Travel by car may be claimed at 45p per mile.

Incidental travelling expenses e.g. bus/tube fares, may also be claimed. Taxi fares may be reimbursed only 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 photocopy of the receipt for travel by taxi must be provided and full reasons must be given in writing and included on the claim form.

### Subsistence and accommodation

If there are subsistence and accommodation requirements these will ordinarily be arranged by the instructing officer in advance. In the event this is not possible, personal claims for subsistence and accommodations expenses will not be reimbursed unless agreed in writing in advance.