

POLICE AND CRIME COMMISSIONER FOR LEICESTERSHIRE

ETHICS, INTEGRITY AND COMPLAINTS COMMITTEE

PAPER MARKED

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Report of	POLICE AND CRIME COMMISSIONER
Subject	TERMS OF REFERENCE AND PRIORITISATION OF WORK
Date	FRIDAY 25 SEPTEMBER 2015 – 2.00 P.M.
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Purpose of Report

1. The purpose of this report is for members' consideration of any amendment to working arrangements and proposed terms of reference and to agree the prioritisation of work for the Committee in the next twelve months.

Recommendation

2. It is recommended that the Committee:-
 - (a) approve an amendment to the working arrangements of the Committee to include representation of the Director of Strategic Communications and Engagement at Committee meetings;
 - (b) consider the terms of reference and agree any amendments required: and
 - (c) agree the prioritisation of work for the Committee in the coming twelve months.

Terms of Reference

3. The Terms of Reference for the Committee are attached at Appendix 'A'. The terms include the working arrangements of the Committee. An oversight has been identified in that representation of officers at Committee meetings has not included the Director of Strategic Communications and Engagement. As communication about the work of the Committee is pivotal it is proposed that this office holder be present at all meetings.
4. The terms are very broad and cover a number of areas for scrutiny. The terms were drafted some time ago in advance of the recruitment of members and were based on the areas of scrutiny felt to be appropriate to provide assurance to the Police and Crime Commissioner and the Chief Constable within the boundaries of ethics, integrity and the handling of complaints.

Terms of reference for other ethics committees already in place around the country also provided a guide for areas for inclusion.

5. Members are asked to give their view on the terms of reference for any amendment at this current stage. It should be noted that the terms will be considered by the Committee on an annual basis to ensure they are fit for purpose.

Prioritising Work for Next Twelve Months

6. Members are asked to consider which areas of scrutiny they wish to prioritise during the coming 12 months. From this a 12-month workplan will be formulated to focus the work of the committee. It must be borne in mind that some issues may arise where the Commissioner, or Chief Constable, may seek the view, advice or observations, of the Committee on some matters which cannot be foreseen at this current time. Any such issues arising will either be dealt with by a report to the Committee at one of its scheduled meetings, the calling of an extraordinary meeting, or by members attending an operational policing event to observe proceedings.
6. The Police and Crime Commissioner has a duty to hold the Chief Constable to account on how effectively he discharges his responsibility for responding to complaints and misconduct allegations made against the Force. Currently the Commissioner himself undertakes dip sampling of completed complaint files however the introduction of this Committee provides for a more robust, independent and transparent approach to this oversight. Following training, it is hoped that committee members will be able to dip sample a statistically significant number of closed complaint files (current standing at 25 per quarter) and report on their findings. The wider work around complaints within the terms of reference will therefore need to be incorporated within a future workplan.
7. To provide some guidance to members on other areas to prioritise during the first twelve months the following topics are proposed:-
 - Promotion processes to ensure they are fair and equitable
 - To consider and provide comment on the organisation's values.
 - Review compliance with the National Decision Making Model.
 - Stop and search processes, data and disproportionately.
 - To receive 'Any Questions' from the Force intranet site to identify any ethical or integrity issues arising and responses given. (*This could be a standing item for each meeting*)
 - Arrangements and processes for 'Whistleblowing'.
 - Resource deployment in a time of austerity.
 - Aspects of police surveillance.
8. The above topics are only proposals and members themselves will direct the work they wish to undertake.

Future Workplan

9. A workplan for the Committee will be prepared on an annual basis. Following discussions and decisions made at this meeting a workplan will be presented to the next meeting of the Committee for approval.

Implications

Financial :	Costs in relation to members' allowances and travel expenses to undertake this work will be contained within the OPCC budget.
Legal :	There is no legal requirement to have an Ethics, Integrity and Complaints Committee in place however it is increasingly being seen as best practice. The work of the Committee will provide assurance that compliance with legislation is in place for both corporation soles.
Equality Impact Assessment :	The Committee will scrutinise EIA's relative to the area of work being addressed.
Risks and Impact :	The work of the Committee will ensure compliance with organisational values and promote high ethical standards. Externally the work of the Committee should increase public confidence that the Force maintains high levels of integrity and standards of service delivery.
Link to Police and Crime Plan :	Proposal is in line with the Nolan Principles and Code of Ethics.
Communications :	A communications plan will be drafted and presented to the Committee for approval.

List of Appendices

Terms of reference for the Ethics, Integrity and Complaints Committee

Background Papers

None.

Person to Contact

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ETHICS, INTEGRITY AND COMPLAINTS COMMITTEE

Terms of Reference

Purpose

The Ethics, Integrity and Complaints Committee will be responsible for enhancing trust and confidence in the ethical governance and actions of Leicestershire Police. The Committee will provide reassurance to the Police and Crime Commissioner that ethics and integrity are embedded within Leicestershire Police and that complaints against the police are dealt with expeditiously and follow due process. Through its work the Committee will provide assurance to both the Police and Crime Commissioner, and the Chief Constable, that the Force aspires to, and achieves, the highest levels of integrity and standards of service delivery.

The Committee will be overtly unbiased and independent and will discharge its responsibilities by:

- Promoting the highest standards of ethical conduct in all its dealings
- Providing a focus for education into ethical issues
- Ensuring compliance with organisational values
- Identifying good practices and opportunities for improvement.

Working Arrangements

The working arrangements of the Committee will be as follows:-

- (a) The Committee will meet quarterly with dates of meetings being advertised on the Police and Crime Commissioner's website. The Committee will be subject to the Freedom of Information Act and in the interests of transparency it will meet in public except when considering restricted information when it will meet in private. Agendas will be published five working days prior to the meeting date. Reports and minutes will be published on the Police and Crime Commissioner website.
- (b) A quorum for all meetings will be 3 members, one of whom must be either the Chair or Deputy Chair.
- (c) Meeting dates will be scheduled at least 12 months in advance and a forward plan of work agreed.
- (d) Outside of formal meetings members of the Committee will undertake work within the remit of the Committee's terms of reference. This will include the dip sampling of complaint files and other areas of work as identified.
- (e) Representation at formal meetings will be the Chief Executive and Head of Governance and Assurance from the OPCC and the Deputy Chief Constable and Head of Professional Standards from the Force.
- (f) Secretarial support for agenda setting, collation and distribution of reports, attendance at meetings to take minutes will be provided by through the SLA in place with the Force for the provision of executive support services.

Committee Responsibilities

The Committee will articulate and promote the influence of professional ethics in all aspects of policing. It will support the PCC and the Senior Command Team in their business portfolios from the perspective of the ethical dilemmas of their work by considering any ethical matters referred by the Commissioner or the Chief Constable.

The Committee will anticipate ethical challenges facing the police service and the correct response. It will advise and influence changes in Leicestershire Police policy.

The Committee will advise the Commissioner, and Chief Constable, on the effectiveness of the embedding of the Code of Ethics within the Force and its on-going influence on service delivery.

The Committee will report biannually on its work and setting out its findings.

The Committee will regularly scrutinise:-

- Expenses paid to officers both within the Force and the OPCC, including the Commissioner and Chief Constable.
- Information published as required by government under the transparency agenda.
- Stop and search data and outcomes including any disproportionality identified.
- 'Any Questions' on the Force intranet site to identify any ethical or integrity issues arising and the responses given.
- Promotion processes to ensure they are fair and equitable.
- Resource deployment in a time of austerity.
- The implementation of force policy and procedure to ensure it is adhered to.

In addition the Ethics, Integrity and Complaints Committee will consider and may make recommendations regarding the following:-

Policy and Procedure

- Providing advice to those engaged in the development or review of force policy and procedure;
- Ensuring policy and procedure reflects the stated values of the force and police service

Decision Making/Transparency

- Review the decision making of others
- Review compliance with the agreed Decision Making Model
- Transparency around performance against strategic plans
- Review compliance with declarations of interest, gifts and hospitality
- Review chief officers' diaries and cross check gifts and hospitality against the procurement register to ensure transparency.
- Review the communications to staff on the requirement to complete the hospitality and gifts register, particularly in respect of declined gifts.
- Review compliance with the Publication Scheme
- Review compliance with the Equality Scheme

Leadership

- Review the ethical standards expected of all leaders
- Supporting and if necessary challenging the ethical conduct of leaders

Culture

- Review organisational values
- Promoting the purpose and adoption of value based action and decision making throughout the force
- Ensuring the Code of Ethics and force values are applied consistently across all activities of the force.

People

- Reviewing staff performance in upholding the values of the force and police service
- Scrutinising inter-personal relations, such as behaviour that may fall short of the conduct threshold or indicate a failure to afford an individual dignity or equality in treatment.
- Review the monitoring undertaken of staff members personal social media
- Review the vetting undertaken to ensure it complies with the national standards.
- Make recommendations in respect of resources allocated to PSD, CCU where it is felt this is not adequate to deliver the assurances required.

- Review of the Business Interests Policy and the business interests held by officers, including those declined.

Performance

- Ensuring operational and organisational performance is measured and delivered ethically, upholding the values of the force and Code of Ethics
- Review expected standards and conduct of staff/officers
- Review the arrangements in place for "Whistleblowing". (*A working protocol will be developed to avoid duplication with JARAP responsibilities in relation to anti-fraud and corruption*).
- Review statistical data in relation to complaints against the police and ensure any issues are identified and acted upon if appropriate.

Conduct

- Ensuring investigations are conducted ethically and in compliance with relevant process and force values.
- Consider potential ethical conflict in relation to matters such as procurement, hospitality, allowances/expenses and personal association.
- Regular reviewing of the IPCC Non-Referral Register held by the Force to ensure decisions are ethical.
- Monitoring of Force and PCC systems for recording and monitoring complaints
- Reviewing complaint cases or misconduct investigations, including appeals, that cause or are likely to cause particular community concern or raise reputational issues
- Monitoring of performance data regarding complaints to ensure that the Force has an effective complaints reporting system in place and is identifying and learning from any recurring patterns or themes

- Monitoring the proportionality of decision making around complaints and misconduct allegations, including the potential discriminatory impact on the community and the officers and staff of the Force
- To provide a forum to debate issues concerning professional standards, integrity and ethics, in accordance with principles and standards set out in the 'Code of Ethics' published by the College of Policing, and to challenge and make recommendations about ethical dilemmas facing the Force (whether brought to the Committee or raised by the Committee) and relevant integrity policies
- To report, on a biannual basis, the summary findings, conclusions and recommendations of the Committee to the Police and Crime Commissioner and Chief Constable
- Reviewing Hospitality Registers maintained by the Force and the Office of the PCC
- Consider the effectiveness of change or improvement programmes
- To receive feedback on formal inspection of the Force from HMIC, IPCC and any other national body where that inspection relates to integrity, transparency or the handling of complaints.
- Ensure reviews of completed complaint files managed by both the Force and the IPCC are undertaken and best practice and exceptions identified and acted upon if appropriate)
- Review compliance with FOI requests for both the Force and the OPCC.
- Review the adequacy of sharing information and agreed Protocols

Complaints/Misconduct

- To review the handling of public complaints, misconduct and grievances to commend best practice, to identify necessary organisational learning and to report any irregularities to the Commissioner and the Chief Constable so they may take appropriate action.
- To dip sample a minimum of 25 files each quarter, on a theme to be determined in advance by the Chair, to provide assurance that the Force's procedures, investigations and outcomes have addressed statutory requirements. To take a risk based approach and completion of a review proforma for each file examined. PSD to provide a mixture of substantiated, unsubstantiated, locally resolved, withdrawn and discontinued cases.
- To review performance management data to show timeliness of completion of complaints, trends and analysis of types of complaints and or geographical police areas of concern.
- To review the progress of live complaint cases or misconduct investigations, including appeals that cause or are likely to cause particular community concern.
- To monitor the proportionality of decision making around complaints and misconduct allegations, including the potential discriminatory impact on the community and the officers and staff of the Force.
- To provide a forum to debate issues concerning professional standards, integrity and ethics, in accordance with the principles and standards set out in the Code of Ethics and to challenge and make recommendations about ethical dilemmas facing the Force ensuring organisational learning is maximised.
- To ensure the Force is identifying and learning from any recurring patterns or themes arising from complaints or misconduct matters.

- To identify overlapping themes between complaints and civil claims.
- To view a selection of misconduct allegations to reassure of the actions being taken against staff through internal procedures as well as those arising from complaints.

These terms of reference will be reviewed annually by the Committee.

TofR – SAB 1.12.14