

Police and Crime Commissioner for Leicester, Leicestershire and Rutland

Hate Crime Scrutiny Panel - Terms of Reference

1. The Hate Crime Scrutiny Panel (HCSP) will work with the Police and Crime Commissioner (PCC) and Leicestershire police to improve performance by identifying learnings in the investigation of hate crime cases and the levels of support services offered by Leicestershire Police and relevant partners to support victims of hate crime. The Panel will achieve this by scrutinising non-live cases and making recommendations where appropriate/relevant, using a consistent scoring matrix as outlined in paragraph four.
2. The Panel will select a Chair and Vice Chair to be in post for two years and be reviewed bi-annually, who will be independent from both the PCC and Leicestershire police.
3. While the aim will always be to achieve 100% percent attendance of Panel members, the presence of at least five including the chair, will be required for meetings to be quorate. In the event of insufficient attendance recognised both in advance of and/or realised on the day, the Panel will be cancelled and rescheduled. The Panel will agree to meet three to four times per year on dates agreed in advance by Panel members to minimise the risk of insufficient attendance.
4. The purpose of the Panel is to scrutinise a random selection of cases identified by the PCC office. Whilst the Panel cannot change the outcome of a case, it will, where it is appropriate to do so provide constructive feedback at an organisational level or, where fitting, to individuals involved in a particular case. The aim of providing feedback is to promote best practice, identify potential policy development or identify training needs for consideration by the force or other agencies. In reviewing a case, the Panel will discuss and agree a score against four options;
 - 1) Appropriate and consistent with current policy and practice.
 - 2) Appropriate with observations.
 - 3) Inappropriate and inconsistent with policy and practice.
 - 4) Panel fails to reach a conclusion.

5. The Panel will be governed by the OPCC's Ethics and Transparency Panel (ETP) in the form of an annual report, and attendance by an ETP member at each Hate Crime Scrutiny Panel. Findings will be published on the OPCC website, and shared directly with an identified mailing list of organisations and community groups with a vested interest in the scrutiny of hate crimes.

6. Membership

- a) Membership will be subject to review every 2 years.
- b) Membership is aimed at ensuring a fair and unbiased representation of skills and interests from Leicester, Leicestershire and Rutland. If panel members, public or PCC have concerns about the representation of Panel members, this must be presented to the chair and PCC in writing. This will be reviewed by both the PCC and the chair and if supported, new members will be recruited by inviting applications from underrepresented interests. Recruitment and selection of new members will be conducted by the OPCC and a representative from Leicestershire Police.
- c) All members will be subject to NPPV1 level vetting carried out by Leicestershire Police in order to attend the panel at Police Headquarters and review information relating to Hate Crime cases provided by Leicestershire Police.
- d) No of the hard copies of information provided at the Panel is to be removed from the meeting and panel members will agree to return any such information at the end of each meeting.

7. Leicestershire Police commitments

Leicestershire police will:

- Make information available relating to the journey of a specified number (no more than three) hate crime cases from which the PCC office will select at random to be scrutinised. Leicestershire Police will review the nature of the randomly selected cases to ensure that cases reviewed throughout the year are varied however will aim to not make changes unless necessary. In the event that the cases selected are unsuitable for whatever reason, the representative of the PCC will be asked to select the number of new cases required.
- Note all recommendations made by Panel members and act upon them whenever possible by feeding findings back to the relevant sergeant, or providing reasons when action isn't

possible, and evidence progress of actioned.
recommendations at the following Panel meeting and include in the minutes for the Ethics and Transparency Panel..

- Provide performance data in relation to hate crime investigations at each Panel meeting which is recommended to be noted by the Panel.

8. Leicestershire PCC commitments

The PCC will:

- Reimburse Panel members reasonable travel expenses at 45p per mile for attending Panel meetings upon production of a correctly completed expenses claim form and all required receipts.
- Maintain a schedule of activities for the Panel, recording significant recommendations, actions taken and outcomes.
- Note all recommendations made by Panel members.
- Provide refreshments to panel members.

9. Chair commitments

The chair will:

- Convene Panel meetings three to four times a year on a date convenient to all Panel members or, if this proves impossible within a reasonable timescale, on a date convenient to the majority of Panel members.
- Ensure all meetings are conducted in an effective, efficient, and inclusive manner, respecting the individuality and views of all Panel members.
- Produce an annual report for the Ethics and Transparency Panel (support provided by OPCC) which details findings of the panel for the year including quantitative and qualitative data, themes, trends and reflections.

10. Panel member commitments

Panel members will:

- Attend all Panel meetings in person at stated location, unless good reason for non-attendance is provided to the chair no later than **ten** working days prior to scheduled panel date, in the event of which, reserve members will be offered their position for that occasion on a first come first serve basis.
- Sign a confidentiality agreement provided by a representative of Leicestershire Police at each panel meeting and comply with the agreement in full.

- Feedback agreed messages from the Panel to their communities about the work of the PCC, the Police and the work of the Panel with a view to building community confidence.
- Treat all Panel members, police staff and guest speakers with respect.
- Value diversity, and avoid any comments, statements or actions which may be subjective or offensive to other Panel members.
- All Panel members are expected to comply with any and all professional standards relating to any professional bodies or organisations of which they may be members of, as part of their professional role outside of the work of their Panel.
- All Panel members agree not to take any materials provided to them during the Panel off site.

11. Conflict of interest

It is accepted that Panel members may have personal experience of some of the processes under scrutiny and issues raised. However, it is expected that all cases will be scrutinised in an objective and unbiased manner. Equally, it is understood that, through the nature of their work and/or community contacts, Panel members may have knowledge of individuals affected by the cases the Panel is scrutinising – whether victims, witnesses, or defendants. The following applies whenever a victim, witness, or defendant in a case to be scrutinised is known to a Panel member:

- The Panel member must notify the Panel Chair as soon as they realise that an individual involved in the case is known to them and must not then participate in scrutiny until a decision has been made.
- The Panel will consider whether there is a conflict of interest for that Panel member in discussing that case and whether the member's ability to take an objective view of the case has been compromised. If deemed appropriate by the Panel, the member will absent themselves from the discussion of that case.
- If the Panel member takes the view that there is a conflict of interest or their objectivity is compromised, then they should immediately stop participating and notify the Chair that they cannot be involved in the discussion of that case.
- If a Panel member finds discussion of a case too distressing, then it is agreed that the Panel member may leave the room until that discussion is concluded.

12. Confidentiality and vetting:

All Panel members will be subject to NPPV1 level vetting in line with the 2023 Home Office guidance on community scrutiny panels¹. Members will also sign a confidentiality agreement at each meeting, confirming that they will comply with Data Protection Act and Official Secrets Act requirements where appropriate. It is important that Panel members do not discuss with anyone outside of the Panel the personal details of any victim, witness, or defendant in any of the cases scrutinised. At the end of each Panel meeting key messages will be agreed by the Panel for dissemination. At this point, any doubts as to information to be disseminated can be discussed and resolved. If Panel members are in any doubt as to what information they should and should not disclose, they should seek advice from the Chair.

13. Police participation

Police representatives (Officer in the case, Supervising officers, hate crime points of contact, Detectives, etc) may be invited to attend the sessions in which files from their own investigations or having oversight of investigations are to be scrutinised. It is on the clear understanding that any such attendees are treated with respect and fairness regarding decisions made during the investigation.

12. Member De-selection

A member may be de-selected from the Panel if they are reasonably believed to be in breach of the commitments set out above. A Panel member who fails to attend two consecutive meetings without offering an explanation and apologies will also be liable for de-selection. The following procedure will be followed in any instance where there is cause for concern in relation to a Panel members' conduct:

- 1) Any complaint about the conduct of a Panel member should be made in writing to the Chair of the Panel. Complaints may be made by another Panel member, by any member of PCC staff or Police staff, or by any member of the community who is concerned about the conduct of a Panel member. The Chair may also instigate this process if they have concerns of their own.
- 2) On receiving a complaint, the Chair will discuss it with a representative from the Office of the PCC to consider how best to ensure that the complainant and the Panel member concerned may be supported throughout the process.

¹ [National guidance for community scrutiny panels - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/national-guidance-for-community-scrutiny-panels)

- 3) The Chair will have a discussion with the complainant to ensure that the nature of the complaint is fully understood, and that the complainant is aware that the complaint is receiving full consideration.
- 4) The Chair will then meet with the Panel member who is the subject of the complaint to explain the nature of the complaint and invite the Panel member to respond.
- 5) The Chair and a representative from the Office of the PCC will then discuss how to resolve the matter. If it is the view of this group that the Panel member concerned has breached the Code of Conduct (as outlined in sections 9, 10 11) and that their continued membership of the Panel will be damaging to the effective working of the Panel or to the Panel's reputation, they may require the Panel member to leave the Panel. Any such decision will be explained to the Panel member and confirmed in writing.
- 6) Any Panel member required to leave the Panel under this process who is dissatisfied with that decision, may contact the PCC to request a review of the decision.

14. Panel member concerns

Any Panel member who has concerns about the running of the Panel should raise their concerns with the Chair or OPCC representative. The Chair and OPCC representative will then meet to discuss how best to address the concerns raised and will provide a full response to the Panel member raising the concerns. If the Panel member remains dissatisfied, then he or she should follow the complaints procedure as per the PCC office.

Panel membership

- Chairperson – Independent from PCC and Police
- Vice Chair – Independent from PCC and Police
- OPCC representation/facilitator
- Leicestershire Police – Representatives from Hate Crime, Crime Registrar, Guest Officers and/or detective Sgts/Inspectors
- Member of the Ethics and Transparency Panel
- Core panel members

Date Reviewed: February 2024