



**EASTERN REGION POLICE AND CRIME COMMISSIONERS**

**(BEDFORDSHIRE, CAMBRIDGESHIRE, ESSEX, HERTFORDSHIRE, NORFOLK AND SUFFOLK)**

**CHAIRS OF POLICE MISCONDUCT PANELS**

**TERMS OF APPOINTMENT**

## TERMS OF APPOINTMENT TO POLICE MISCONDUCT PANEL

1. The Eastern Region Police and Crime Commissioners (ERPCCs) have acted together to appoint persons as Chairs for Police Misconduct Panels (“Chair(s)”), as required under The Police (Conduct) Regulations 2020 (the “Regulations”).
2. The Job Description, Person Specification, Fees and Expenses payable for the Chair are attached.
3. Appointments are set initially for five years commencing on the 1<sup>st</sup> January 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 ERPCCs for a possible term of a further five years.
4. Chairs are selected to sit on an ad-hoc basis by the PCC for the police area concerned. In the Eastern Region the Offices of the PCCs (OPCCs) have agreed to work together to carry out this function so one office holds the list and seeks appointments on behalf of all the OPCCs in the region.
5. Chairs are expected to serve on Panels convened in any of the Eastern Region police areas.
6. Chairs 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 a Chair 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.
8. Any matters mentioned in these Terms of Appointment requiring the attention of the Chief Executive, should be referred in the first instance to the Chief Executive of the Hertfordshire OPCC which is responsible for maintaining the list of Chairs on a day-to-day basis. The Chief Executive will then refer the matter to either all of the ERPCC’s Chief Executives or the relevant Chief Executive of the OPCC for the force area where the misconduct case has arisen.
9. The independence and impartiality of a Chair is a fundamental requirement of the Misconduct Panel process. Ongoing independence is essential, and Chairs must immediately inform the Chief Executive (as above) if there is any change in their circumstances that may affect their eligibility to continue as a Chair.  
Exclusions:
  - Serving Police Officers;
  - Serving Police staff;
  - Serving Special Constables.
  - Cease to meet the judicial appointment eligibility condition on a five-year basis
10. In order to maintain confidence in the process, the ERPCCs will not normally appoint someone with unspent criminal convictions (with the exception of fixed penalties). Each case will be considered on its merits. Chairs 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 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 a police officer or member of police staff or special constable. Chairs are required to declare any such relationships at any time during their term of appointment. Chairs must immediately notify the Chief Executive of any subsequent relationships that may give rise to a perceived conflict of interest with their role as Chair.
12. Whilst there will be no formal appraisal of their performance in the role of Chair, ERPCCs will consider any concerns received relating to a Chair's performance and discuss these with the Chair.
13. Any concerns about a Chair or their performance and/or conduct will be discussed by the Chief Executives for the ERPCCs. 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 Chair by failing to act in accordance with the agreed Job Description/Person Specification.
15. A Chair's appointment may be suspended at any time by the Chief Executives of the ERPCCs upon receiving a report of misconduct or poor performance.
16. The Chief Executives of the ERPCCs may terminate the appointment of a Chair 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 Chair in question to make oral and/or written representations. The Chair 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.
17. Similarly, the ERPCCs will welcome feedback from Chairs on their experiences including any concerns. Any feedback should in the first instance be referred to the Chief Executive of the Hertfordshire OPCC.
18. Chairs who have not previously served as a legally qualified chair in police misconduct cases will not be able to sit on a Panel until they have completed training to the satisfaction of the ERPCCs. Refresher training will be provided as deemed necessary by the ERPCCs.
19. Chairs 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.
20. In the absence of any other applicable indemnity or insurance, in respect of misconduct panels to which you are appointed the Police and Crime Commissioner for the area of the force concerned agrees to indemnify you as the Legally Qualified Chair ("LQC") in respect of any liabilities arising (including reasonable costs as agreed with you in connection with responding to or engaging with any legal proceedings or matters arising from the discharge of your functions as an LQC 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 your 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 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 you 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 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 Chair: .....

Print Name: .....

Dated: .....

Signed on behalf of the Eastern Region Police and Crime Commissioners