



APPOINTMENT OF INDEPENDENT MEMBERS OF THE ETHICS ADVISORY PANEL

NOVEMBER 2016

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BACKGROUND AND PURPOSE OF THE ETHICS ADVISORY PANEL

1. The Ethics Advisory Panel's key purpose is to provide the Police and Crime Commissioner (the Commissioner) and the Chief Constable with independent assurance on integrity and standards of service in Cheshire policing.
2. There is no statutory requirement to establish an Ethics Committee or Panel. However there are a number of drivers for and benefits of doing so. The Code of Ethics was issued by the College of Policing in 2014, to support every member of the policing profession to deliver the highest standards of service to the public. It sets out nine policing principles, based on the Nolan principles of public life. Policing had not previously adopted all the hallmarks of a profession and the Code of Ethics was seen as a key step in obtaining full professional status for policing. It is an important tool to stress to the policing community the standards of professional behaviour expected and to show to the public and Her Majesty's Inspector of Constabularies how seriously police are taking integrity, given some high profile adverse cases in the media. The former Home Secretary indicated she wished to see Ethics Panels established following the establishment of the Code of Ethics.
3. In 2014 the Association of Police and Crime Commissioners (APCC), established an Integrity Working Group, which considered an Ethics Committee or Panel good practice in helping to embed the Code of Ethics; to foster greater transparency in decision making and to help advise on ethical dilemmas faced by officers in executing their duties. By 2014 half of all forces advised they had created their own Ethics Panels/Committees.
4. A separate Ethics Advisory Panel was established for Cheshire Constabulary on 1 April 2016, there having been a joint Audit and Ethics Committee between 2014 and 2016. The functions were then separated as the roles are fundamentally different and different skills are required.
5. There are currently three independent members of the public on the Panel. One vacancy will arise in December 2016 and the Commissioner and the Chief Constable are looking to fill the vacancy and recruit two additional members giving a Panel of 5 members. The Deputy Chief Constable and two University Professors of Ethics are also on the Panel. We are particularly looking for Members from diverse backgrounds who will be able to offer a wide variety of views on ethical dilemmas facing officers in day to day policing in the communities of Cheshire.

TERMS OF REFERENCE

6. The Terms of Reference of the Panel are:-
 - To discuss ethical matters and offer views to promote good practice in the Constabulary and the Office of the Police & Crime Commissioner, which will include:
 - a. responding to ethical challenges facing the police service.

- b. promoting effective leadership and an appropriate organisational culture which encourages compliance with the Code of Ethics.
 - c. supporting the development of policies and procedures in relation to integrity, ethical issues and confidential reporting.
 - d. considering periodic reviews of:-
 - handling of public complaints and misconduct;
 - anti-fraud and corruption arrangements, including whistleblowing policies and their operation;
 - declaration of interests, gifts and hospitality to ensure compliance with required procedures.
- To discuss any ethical matters referred by the Commissioner or the Chief Constable.

MEMBERSHIP

7. The Ethics Advisory Panel will have five members, at least three of whom shall be independent persons appointed by the Commissioner and Chief Constable for a maximum tenure of 8 years. The Commissioner and Chief Constable shall also be members and may appoint a substitute to attend in their place if required. The Commissioner and the Chief Constable will appoint the Chair. Debate will only take place when a minimum of two Independent Persons are in attendance at the meeting.
8. Officers and staff of the Commissioner and Chief Constable together with other persons who have an interest in the ethical matter being debated may be invited to attend the Ethics Advisory Panel.
9. The Ethics Advisory Panel may from time to time, and as reasonably required to conduct its business, co-opt additional members for a time limited period to provide specialist or expert guidance. Co-opted members shall not usually be appointed for a period exceeding six months.

ARRANGEMENTS FOR MEETINGS

10. The Ethics Advisory Panel will meet three or four times a year or as required by the Commissioner or the Chief Constable.

PERSON SPECIFICATION

11. The overall purpose of the role is to provide assurance advice and comment upon governance and ethical issues. The detailed person specification is set out at Appendix 1.

ELIGIBILITY TO BE A MEMBER OF THE ETHICS ADVISORY PANEL

12. Members must be aged 18 years and over and live in the Cheshire police force area.

13. Members must be independent of both the Constabulary and the Commissioner. As a result, police officers, police staff, volunteers, members of the Police and Crime Panel and supporting officers would wish to consider carefully how they could demonstrate independence in making any application.
14. Before an appointment to the Panel is confirmed, candidates will need to be successfully vetted to non police personnel basic level. (Candidates should note that all arrests, convictions and cautions must be declared on the vetting form whether or not they are “spent” under the terms of the Rehabilitation of Offenders Act).
15. A person who is an un-discharged bankrupt is not eligible for appointment to the Panel.
16. All appointees must sign a declaration that they agree to uphold the Committee on Standards in Public Life’s seven principles of Public Life.
17. All appointees must agree to their name, photo and declarations of interests being made publicly available - including on the Commissioner’s and Constabulary’s websites.
18. To assist with individual effectiveness, all appointees must agree to be the subject of an appraisal process operated by the Chair of the Panel.

REMUNERATION

19. Current remuneration and travel costs are set out in Appendix 2.

INTRODUCTION TO CHESHIRE POLICING AREA

About the Police & Crime Commissioner for Cheshire

20. David Keane is the second Police and Crime Commissioner for Cheshire, having been elected in the May 2016 elections. His role is to oversee and scrutinise policing in Cheshire, and to collaborate with others in the criminal justice sector to produce an efficient and effective system. Commissioners are a voice for the people, for victims, someone to lead the fight against crime, and someone to hold to account if they don't deliver. They will not run the police force - operational police business is a matter for the Chief Constable. However, the Commissioner holds the Chief Constable to account for the delivery of efficient and effective policing in Cheshire.
21. This is a summary of what Commissioners are required to do:
 - Appoint the Chief Constable. Although the Commissioner has the sole responsibility for hiring or firing the Chief Constable, the Police and Crime

Panel (PCP) have the authority to veto the appointment of a Chief Constable.

- Hold the Chief Constable to account.
- Produce a Police and Crime Plan.
- Attend the Police and Crime Panel.
- Set the Council Tax precept and annual budget. The Commissioner will be required to present his budget to the PCP for scrutiny. The PCP has the authority to veto the proposed precept.
- Play a role in wider community safety issues beyond policing with all local partners and allocate the budget for community safety grants.
- Directly engage with the public.
- Take into account national policing requirements, such as Counter Terrorism, cross-border policing and large scale public disorder. A Strategic Policing Requirement (SPR) is dictated from the Home Secretary.
- Publish an annual report stating how priorities and targets have been met, and other information as specified by the Secretary of State to enable greater public awareness of police and crime performance in the area.
- Collaborate for an efficient and effective Criminal Justice System for Cheshire with partners such as the Youth Offending Team, Crown Prosecution Service and Prison Service.

Further detail is provided on the Office of the Police and Crime Commissioner for Cheshire website: www.cheshire-pcc.gov.uk

About Cheshire Constabulary

22. Cheshire Constabulary was founded in 1857 and is responsible for policing a million people.
23. The Constabulary covers an area of great diversity, with large rural expanses, areas of extensive heavy industry, the areas of Chester and Warrington and also polices more than 200 miles of motorway roads. The international airports at Manchester and Liverpool lie on Cheshire's boundaries as do the counties of Shropshire, Staffordshire, Derbyshire and North Wales.
24. There are approximately 2,050 regular Police Officers, 190 Police Community Support Officers, 1,340 civilian Police Staff and 440 Special Constables.

Further detail is provided on the Cheshire Constabulary website: www.cheshire.police.uk

ETHICS ADVISORY PANEL - PERSON SPECIFICATION

	Essential	Desirable
Experience and Knowledge	Understanding of the integrity and ethical agenda facing the police service.	Knowledge and awareness of policing and crime issues, nationally and locally.
Skills and abilities	<p>Analytical ability; ability and confidence to scrutinise and challenge, and make balanced, reasonable and proportionate judgements</p> <p>Demonstrate ability to debate issues concerning professional standards, integrity and ethics and to challenge and make recommendations about ethical dilemmas facing the organisation.</p> <p>Good communication skills, both written and oral, with the ability to actively contribute to discussion and debate</p> <p>Ability to work as part of a team. Establish and maintain good working relationships with a wide range of people.</p> <p>Capacity to treat people fairly, with respect, to value diversity and respond sensitively and constructively to difference of opinion.</p> <p>High personal integrity; utmost respect for confidentiality.</p>	

SCHEME OF ALLOWANCES AND REMUNERATION

1. Allowances

- 1.1 A flat rate annual allowance is payable. The allowance is £2,000 p.a. for the Chairman and £1,500 p.a. for the other members. However if you are an employee of an organisation and receive payment from your employer for time spent in Ethics Advisory Panel meetings, an allowance will not be paid but expenses will be paid.

2. Business Travel and Other Expenses

- 2.1. The most practical, economic and sustainable method of travel should be used. The Office of the Police and Crime Commissioner (OPCC) will book public transport when requested to do so.

- Rail – the cost of standard class rail travel will be reimbursed.
- Cars, vans and motorcycles – reimbursement will be at the relevant HM Revenue and Customs approved rates as follows:-

Motor mileage rate	To cover business travel by private motor car	45p per mile for the first 10,000 miles, 25p thereafter
Motorcycle mileage	To cover business travel by private motorcycle	24p per mile

- 2.2. In order to comply with HM Revenue & Customs requirements expenses will only be reimbursed on production of receipts or invoices, except in limited instances for which receipts are not provided e.g. road and bridge toll charges.
- 2.3. All claims for expenses must be made on the claim form provided by the OPCC; no other expense claim form will be accepted. Payment of expenses will be checked by the OPCC and authorised by the Chief Executive.
- 2.4. Payments of expenses will be paid by directly into the claimant's nominated bank account.

Travelling Expenses

- 2.5. Travelling expenses can be claimed in respect of the distance between your place of departure and the place where the approved duty is carried out and the return journey.
- 2.6. You will normally be aware of meetings in advance and so will, in most cases, be claiming for travel from home or place of work. There may however, be occasions when meetings are called at short notice. The question of eligibility for expenses from other points of departure in such circumstances requires careful consideration and, for this reason, you are

advised to seek guidance from the OPCC.

- 2.7. If you travel from your place of work to attend meetings held at a point between the place of work and home, no travelling expense will ordinarily be payable. If, however, the meeting is held at a point, which requires that a detour is made from the normal route, the travelling expenses will be restricted to "additional" mileage. In cases of doubt please seek guidance from the OPCC.
- 2.8. Travel by your own vehicle may be claimed at the rate detailed above. Claimants must ensure that their private car insurance covers the use of the vehicle on OPCC business.
- 2.9. You are able to reclaim any reasonable expenditure incurred during the journey on OPCC business, such as the payment of tolls, fees and charges (e.g. city centre congestion charges). Receipts should be submitted with completed claim forms.
- 2.10. Travel by rail will be reimbursed up to standard class rates.
- 2.11. For those claimants who are eligible, attention is drawn to the potential financial savings to the OPCC through use of a senior railcard, which enables savings of a third on all rail journeys. The cost associated with purchasing the card can also be reimbursed from the OPCC.
- 2.12. Travel by taxi may be claimed only where public transport is not available.
- 2.13. Travel by air requires the prior approval of the Chief Executive and is limited to economy class.

3. **Subsistence Expenses**

- 3.1. Subsistence will only be paid for attendance at meetings of the Audit & Ethics Committee, to which you are appointed and any related training, conferences or seminars arranged by the OPCC where refreshments are not provided. The levels of reimbursement for meals will be:-

Breakfast	£10.00
Dinner	£30.00

- 3.2. Claims for meals and other expenses will be paid on the basis of actual expenditure with a receipt.
- 3.3. The cost of a meal provided at the expense of the OPCC counts against the subsistence expense.

4. **Other expenses**

4.1. All necessary hotel accommodation required for OPCC business will be booked and paid for by the OPCC. Value for money and best use of public funds will be key issues in determining the accommodation.

5. Carers' Allowance

5.1. Any Member who is required to pay a carer in order to attend a meeting may claim a Carers' Allowance. This allowance shall be paid upon the production of a valid signed receipt, and shall be for actual expenditure incurred up to a maximum of the national minimum wage rate per hour.

5.2. Carers' Allowance may be claimed for the total hours it takes to leave home, attend the meeting and return home. The allowance shall not be payable in respect of care provided by a member of the claimant's family or household.

5.3. Payments may be claimed in respect of children aged 16 or under and in respect of other dependants where there is medical or social work evidence that care is required.

6. Income Tax and National Insurance

6.1. Most entitlements to allowances and expenses are subject to deductions for income tax and National Insurance. In respect of mileage expenses, the HM Revenue & Customs approved rates adopted by the OPCC are exempt of payment of income tax and National Insurance.

6.2. PAYE tax will be deducted at the basic rate on tax code BR unless a tax code can be provided/assessed via Form P45/P46 or the tax office can send a Form P6. In these cases deductions will be made in accordance with the tax code issued.

6.3. Flat rate Class 1 National Insurance contributions (Category A) will be deducted on pay when the lower earnings limit is exceeded unless you produce a valid exemption certificate available from your local tax office.

6.4. Claimants, who are self-employed or have full-time employment with another employer, may pay more National Insurance than is needed. If so, a refund will be initiated by the Department of Works and Pensions (DWP) after the year-end and when the total overpayment can be accurately assessed.

6.5. If the claimant is over retirement age they need pay no contributions, regardless of whether they are receiving a pension. The claimant should request a 'certificate of age exception' from HM Revenue & Customs and arrange for this to be forwarded to the OPCC. The OPCC will make the necessary arrangements to stop National Insurance contributions being deducted.

6.6. If the claimant or their spouse is in receipt of benefits they should note that all allowances count as earnings whether or not they are actually being claimed

and paid. Consequently, they should declare their 'earnings' to the DWP in cases where a state benefit is also being received.