

# **INDEPENDENT SCRUTINY OF POLICE COMPLAINTS PANEL (ISPCP)**

## **TERMS OF REFERENCE**

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## **1. AIMS AND OBJECTIVES**

### Aims:

To act as a 'critical friend' to the Police and Crime Commissioner (PCC) and to Avon and Somerset Constabulary by providing feedback on completed complaint files to the office of the PCC and to the Constabulary's Professional Standards Department (PSD). The Independent Scrutiny of Police Complaints Panel (ISPCP) will review complaints against the police from a local citizen's viewpoint.

To improve and maintain public satisfaction with Avon and Somerset Constabulary.

### Objectives:

To provide Independent Scrutiny of Police Complaints Panel (ISPCP) feedback to the Constabulary and to scrutinise the Constabulary's handling of completed complaint case files.

To provide support and scrutiny in helping to discharge the PCC's duty to have oversight of complaints against the police.

To give independent, lay-persons' views of the complaints system and approach.

To ensure that Avon and Somerset Constabulary's complaint handling and investigations are operating without bias or discrimination.

To identify best practice in complaints handling and in operational policing where appropriate.

To bring complaint case file handling concerns to the notice of the Constabulary and the PCC's office, so that the concerns can be considered and lessons learnt where appropriate.

To improve the quality of policing provided to members of the public who have made a complaint against the police.

To undertake any related or additional complaints scrutiny work, or other related activity, as requested by the PCC.

## **2. REVIEW METHODOLOGY**

2.1 The panel will review complaints handling through a regular dip-sampling of recently completed complaints files. The approach will usually be qualitative, focusing on a particular theme and looking at the way in which these complaints have been managed. This approach will be reviewed by the ISPCP as it progresses in its work.

## **3. CONFIDENTIALITY**

3.1 The proceedings of all ISPCP meetings are sensitive and members must not reveal information about a complainant, witness or the person complained against that could identify any individual, whether a member of the group or a third party. Any member

who is consulting with other Constabularies, PCC offices or third party organisations should inform the ISPCP Chair who will inform the PCC's office.

3.2 To operate effectively, members may on occasion have sight of restricted material that must be treated as strictly private and confidential. The requirements of the General Data Protection Regulation (GDPR) will apply to all work undertaken by Panel members. Please refer to the PCC's website for information about the GDPR, which are within the [Privacy Notice](#), including the Rights for Panel members.

3.3 Members will be asked to sign a volunteer agreement and uphold this at all times.

3.4 Any breaches of these confidentiality arrangements will lead to an investigation by the office of the PCC (and Constabulary if required), and possible expulsion of a member from the ISPCP, where it is demonstrated that a clear breach of confidentiality has occurred.

#### **4. SELECTION OF CHAIR AND VICE CHAIR**

4.1 Nominations for Chair and Vice Chair will be requested from ISPCP members. A member may nominate themselves or another member (with their prior agreement). Co-opted members may nominate candidates and vote, but may not stand themselves. A paper or electronic ballot voting system will be used to elect the Chair and at least one Vice Chair. A quorum is needed for an election, which is 2/3<sup>rds</sup> of the ISPCP membership. The outcomes will be decided by a simple majority.

4.2 One member of the ISPCP will act as Chair and one or more as Vice Chair. The PCC's facilitator will invite the Vice Chair(s) to take relevant action in the absence of the Chair. The Vice Chair(s) and facilitator will agree the substitute Chair before the meeting.

4.3 The Chair is accountable to the ISPCP.

4.4 ISPCP members may ask the Chair to act on their behalf at meetings, or in other agreed situations. The Chair may also ask a Vice Chair (or another member) to act on the Chair's behalf at meetings.

4.5 The Chair and Vice Chair(s) will each serve for a term of up to one year, and may serve a maximum of three consecutive terms. At the end of his/her term as Chair/Vice Chair, s/he can remain an ISPCP member.

4.6 The Chair can be removed, if at least 2/3<sup>rds</sup> of the ISPCP members agree.

4.7 In addition to chairing meetings, the Chair will assist the PCC's standards officer to plan meetings, review ISPCP feedback reports, and act as a single point of contact between meetings for the office of the PCC.

#### **5. SELECTION/DE-SELECTION OF PANEL MEMBERS**

5.1 Members of the ISPCP (the Panel membership being between 8 and 15) will be appointed in a transparent way, through open recruitment process, and the terms of their

selection, tenure of ISPCP membership and any expense remuneration should be made public.

5.2 Panel membership will be for an initial 3 year term. A member may choose to continue for a second term at the end of this period. After that the PCC may agree to a member serving further terms of one year at a time.

5.3 Members are expected to disclose to the PCC's office any changes in their material circumstances which may have a bearing on their proper membership of the ISPCP. Such disclosures will be kept confidential, and discussed only with the CEO or PCC. The CEO or PCC will then decide whether the person's membership needs to be re-assessed in light of the disclosure.

5.4 ISPCP members are expected to act within the agreed Terms of Reference and volunteer agreement.

5.5 ISPCP members are expected to attend meetings regularly and to send apologies to the office of the PCC where they are unable to attend.

5.6 ISPCP members who continually fail to attend meetings without satisfactory reason, may have their position on the ISPCP reviewed by the office of the PCC and the Chair. Breach of the Terms of Reference or the volunteer agreement will also trigger a member's review.

5.7 ISPCP members reserve the right to stand down from their role at any point in their tenure should they wish to do so. Where possible this should be supported by a notice period.

## **6. FREQUENCY OF MEETINGS**

6.1 The ISPCP will meet no less than four times a year. The frequency of meetings may increase in response to any urgent concerns, or as agreed between the office of the PCC and the ISPCP.

## **7. SERVICING OF MEETINGS**

7.1 The office of the PCC will provide administrative support to the ISPCP and will be responsible for writing reports of meeting findings and emailing briefings and any relevant paperwork prior to meetings.

7.2 Members will obtain the agreement of the Chair if they wish to propose a dip sampling theme or other work of the ISPCP.

## **8. REIMBURSEMENT OF EXPENSES**

8.1 Reasonable out of pocket travelling expenses will be available for reimbursement from the office of the PCC to ISPCP members for attending meetings related to the panel's work.

8.2 Expenses will not be paid if an ISPCP member represents the ISPCP at other meetings without the prior knowledge of the PCC's office.

Claims are required to be submitted on a quarterly basis within each financial year.

## **9. REPORTING**

9.1 The office of the PCC will publish a feedback report after each ISPCP dip sampling session, on behalf of the ISPCP, on the PCC's website and where requested, in other appropriate formats. PSD will produce a written response to the ISPCP's feedback report.

## **10. TRAINING**

10.1 The office of the PCC and PSD will be responsible for providing induction training, and any ongoing learning, for ISPCP members.

## **11. RIGHTS AND RESPONSIBILITIES OF PANEL MEMBERS**

11.1 ISPCP members should not make subjective judgements about other ISPCP members or complainants. It is imperative that every ISPCP member respects other members, and that any conflicts are negotiated with dignity and professionalism. The Chair will intervene in any disputes which members may not be able to resolve between themselves.

11.2 Members are expected to abide by the Terms of Reference, and where breaches occur or are likely to occur, they are expected to declare this to the Chair.

11.3 Applicants prior to ISPCP membership will be required to submit to NPPV Level 2 vetting checks.

11.4 When representing the ISPCP, all ISPCP members must refrain from any political activity that may cause the ISPCP to compromise its independence.

11.5 No ISPCP members will have any contact with the media in relation to ISPCP matters or comment in their capacity as an ISPCP member without discussing this in advance with the PCC's office. ISPCP members other than the Chair are not expected to comment generally to the media in their capacity as ISPCP members.

11.6 All ISPCP members must give correct and up-to-date definitions of their role/s within the ISPCP if communicating with the public.

11.7 Members must refer any personal issues, such as change of address, or conflicts of interest which could interfere with their membership, to the PCC's office as soon as possible. Likewise, any complaint made against a panel member must be so referred.

11.8 ISPCP member's roles and responsibilities are referred to in the published ISPCP Role Profile.

11.9 The Terms of Reference will be published on the PCC's website.

## **12. REVIEW OF TERMS OF REFERENCE**

12.1 The Terms of Reference will be reviewed annually or amended as necessary.