

ACCOUNTABILITY BOARD

Meeting to be held on 23 May 2023

JOINT INDEPENDENT ETHICS COMMITTEE CONSTITUTION AND TERMS OF REFERENCE

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EXECUTIVE SUMMARY

This report recommends a new approach to a Joint Independent Ethics Committee which supersedes the decision made by the Commissioner and Chief Constable in September 2015.

RECOMMENDATION

The Police and Crime Commissioner and the Chief Constable are asked to

- 1) Revoke the decision made in September 2015 to set up a Joint Audit and Ethics Committee. (Decision 42/2015)
- 2) Approve the establishment of a Joint Independent Ethics Committee
- 3) Approve the Terms of Reference for the Joint Independent Ethics Committee.

1. Background

- 1.1. The Police and Crime Commissioner and the Chief Constable will recall that in July 2022, they agreed to extend the appointment of the three Members of the Joint Audit and Ethics Committee for a further 12 months, to facilitate a review of the committee and any transition to new arrangements to take place.
- 1.2. Since then, officers have undertaken a review of the arrangements currently in place and recommend the Police and Crime Commissioner and Chief Constable detach the ethics function and establish a new Joint Independent Ethics Committee to provide independent assurance to the Police and Crime Commissioner (PCC) and the Chief Constable in accordance with the Financial Management Code of Practice.

The proposal

- 1.3. The proposal is to establish a new Joint Ethics Committee.
- 1.4. The new Joint Independent Ethics Committee (the Committee) will meet at regular intervals during the year to provide independent and timely opinion on moral and ethical considerations facing the Chief Constable (CC) and the Police and Crime Commissioner (PCC), or both.

- 1.5. The Committee will comprise of a chair and six members appointed jointly by the PCC and the Chief Constable, but who are independent of the PCC and Chief Constable.
- 1.6. Members of the Committee shall be recruited through open competition, in conjunction with the Police and Crime Commissioner and Chief Constable or their representatives. They shall be recruited to ensure that the Committee has all the necessary skills and experience to fulfil its terms of reference, in accordance with the job description. They will also be subject to vetting.
- 1.7. The Chair of the Committee will be jointly recruited by the PCC and the Chief Constable and will serve for one term (4 years) in the role as Chair where upon they can be re-appointed, if appropriate and subject to agreement by the PCC and Chief Constable. Subject to a maximum of 2 terms.
- 1.8. All Members will serve for a maximum of 2 terms, each term being a maximum of 4 years.
- 1.9. On joining the Committee, each member will attend an induction training course to help them understand the roles of the PCC and the Chief Constable, the Police and Crime Panel and the organisations pertaining to the PCC and Chief Constable. Further training on specific relevant topics will be provided as necessary, according to the members' own relevant experience and emerging business needs of the Committee. Members will be expected to attend all such training and to develop their skills as part of a member development programme. Training needs will be considered during the annual appraisal process and a training & development programme established both for the Committee and its individual members as appropriate.
- 1.10. The Committee will meet at least four times a year.
- 1.11. Accordingly, officers have now developed a new Terms of Reference which was considered by the Joint Audit and Ethics Committee at their meeting in March 2023 and is set out at Appendix A. The then Audit and Ethics Committee members suggested that it was appropriate for the membership to be drawn from professional group or specialisms, for example, ethical representatives from academia, the legal profession, health or clinical sectors, faith or secular representatives, social/behavioural science experts, the media, minority ethnic communities or from other protected characteristic groups.
- 1.12. The then Chair of the Audit and Ethics Committee also helpfully reminded officers of the restrictions for members around insolvency procedures which were adopted for the Joint Audit Committee and suggested a similar approach should be followed for the Joint Ethics Committee. This has been done and has been incorporated in the recruitment pack moving forward.

Links to the Police and Crime Plan

2. The Joint Independent Ethics Committee provides a mechanism to enable the Police and Crime Commissioner and the Chief Constable to receive independent

and timely opinion on the moral and ethical considerations they face in delivering the Police and Crime Plan.

3. Consultations

None

4. Implications

a. Legal

There are no legal comments associated with this paper.

b. Financial

All costs associated with this paper can be met from within the existing budget.

The Chair will be paid the remuneration rate of £5,035 per annum.

The recommended rate of pay for an ordinary member of the Committee is currently set at £211.50 per day for a full day (4+ hours, excluding meals breaks) and £104.50 per half day (under 4 hours).

All members will be able to claim travel expenses.

c. Equality considerations

There are no direct Equality implications in the making of this decision.

d. Data Protection Impact Assessment

There are no direct Data protection implications in the making of this decision.

5. Risk Management

None

6. Background Papers

Decision 42/2015 – Joint Audit and Ethics Committee

7. Public access to information

Information in this form is subject to the Freedom of Information Act 2000 and other legislation.

Part 1 of this form will be made available on the PCC website within 3 working days of approval. Any facts/advice/recommendations that should not be made available on request should not be included in Part 1 but instead on the separate Part 2 form.