

## **Joint Independent Ethics Committee**

### **Terms of Reference**

#### **Statement of Purpose**

1. The Joint Independent Ethics Committee (the Committee) is an advisory committee, whose purpose is 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. It will act as a 'critical friend' to the CC and/or the PCC on the ethical issues faced. The Committee will promote the highest standards of ethical conduct and provide a forum for structured and rigorous ethical discussions, allowing for different perspectives to be heard and issues to be advised on.
2. Although not a mandated function, the establishment of an ethics committee is a key element of good governance and provides a mechanism to improve and scrutinise ethical decision making.

#### **Independence and Accountability**

3. The Committee have rights of access to other committees, meetings, officers, agencies etc., including any information it considers necessary to fulfil its role, as far as legislation will allow and that is also appropriate and practicable.
4. The minutes of each meeting, once approved, will be presented to the Accountability Board for information.
5. The Committee is accountable to the CC and the PCC, and the Chair will provide a written report on behalf of the Committee, to both the CC and the PCC, on the work of the Committee annually. Feedback will be provided to the Committee on any recommendations that they make.

#### **Membership**

6. The Committee will comprise of 10 suitably qualified members at any given time who will be independent of the CC and the PCC. Additional members may be co-opted onto the Committee if needed to input on specific issues (maximum 3).
7. Members of the Committee shall be recruited by the PCC and the CC, or their nominated representatives. To ensure the independence of the Committee, members shall not be:
  - A standing or ex-PCC or Chief Constable.
  - A member or ex-member of a Police and Crime Panel.

- Serving police officers or have served as a police officer within the last 8 years.
  - Currently serving staff of the Constabulary or the Office the Police and Crime Commissioner (OPCC) or have served within the last 8 years.
  - Individuals who have significant business or personal dealings with the Constabulary or the OPCC.
  - Individuals who have close relationships with any of the above including immediate family members and as such may not have the requisite level of independence required for membership.
  - Individuals removed from a trusteeship of a charity.
  - Individuals under a disqualification order under the Company Directors Disqualification Act.
  - A person who has been adjudged a bankrupt or made a composition or arrangement with his creditors.
  - Convicted in the UK, Channel Islands or the Isle of Man of any offence and have received a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine, within the last five years prior to their appointment.
8. Committee members should have an interest in ethical matters, be from any professional group or specialism with the membership being drawn from, 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.
9. A Chair and Vice Chair will be appointed from within the seven members.
10. The Chair of the Committee will be jointly recruited by the CC and the PCC (or their nominated representatives) and will serve as Chair for one term (4 years) where upon they can be re-appointed, if appropriate and subject to agreement by the CC and PCC (or their representatives), subject to a maximum of 2 terms.
11. All Members will serve for a maximum of 2 terms, each term being a maximum of 4 years.
12. Members will be expected to adhere to the Seven Principles of Public Life (Nolan Principles).
13. Members will be required to be vetted and sign a Confidentiality Agreement in respect of the information shared for the purposes of the discussions.
14. On joining the Committee, each member will attend an induction training course to help them understand the roles of the CC and the PCC, the Police and Crime Panel, the Constabulary and the PCC's office. 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 to develop their skills.

15. Any Committee member missing more than 3 consecutive meetings, unless they have applied for and been granted dispensation from the Chair, will automatically cease to be a member of the Committee.
16. Each member will be required to record any conflicts of interest in a register of pecuniary and non-pecuniary interests. In addition, members will be required to disclose any such interests at the commencement of any meeting where there is a need to do so due to the nature of the Committee agenda, or immediately if they arise unexpectedly in discussion.
17. The Chair of the Committee will receive £5k per annum and other members will receive the daily allowance. This will be met from within existing budget. Committee members will be remunerated and reimbursed for all reasonable expenses incurred in the fulfilment of their duties, roles, and responsibilities in accordance with the allowance and expenses rates agreed by the PCC and Chief Constable.

### **Frequency and Notice of Meetings**

18. The Committee will be scheduled to meet at least four times a year.
19. The CC and/or the PCC may ask the Committee to convene further meetings to discuss issues on which they want the Committee's advice.
20. Meetings will be held in person with the Chair able to exercise discretion to hold virtual meetings if required. By exception the Chair can approve a member submitting their written views on a given matter if unable to attend a meeting at short notice.
21. Unless otherwise agreed, formal notice of each meeting confirming the venue, time, and date together with the agenda of items to be discussed, will be forwarded to each member of the Committee, any other person required to attend and all other appropriate persons determined by the Chair, no later than five working days before the date of the meeting.
22. Any meetings held outside the normal cycle of meetings should be convened with a minimum notice of five working days where possible. Extraordinary or urgent meetings may be held with less notice but should be for exceptional matters only, subject to the Chair's agreement and quorum requirements. In this case the agenda and any supporting papers will be sent Committee members and other attendees at the same time as the meeting notice is sent out, recognising that if the matter is so

urgent that there may only be an oral report. If this is the case, then this will be identified on the agenda.

23. Members are expected to respond in a timely manner to ad hoc requests for views or to attend extraordinary or urgent meetings regarding matters that need to be considered at pace.
24. The agenda, reports and minutes of all Committee meetings will be published on the PCC website once approved.

### **Attendance at meetings and Quorum**

25. To help maintain independence, the Chair of the Constabulary Tactical Ethics Committee<sup>1</sup> (TEC), or their nominated representative, will be invited to attend every meeting to provide an update report on the issues discussed at the TEC and recommendations made. This will be in addition to the appointed members.
26. The PCCs Chief Executive, or their nominated representative, will attend every meeting.
27. The CCs Chief Operating Officer or their nominated representative will attend every meeting.
28. Other officers will be invited to attend to present reports and /or answer any questions the Committee may have as considered appropriate to these terms of reference
29. A minimum of four appointed members of the Committee must be present for the meeting to be deemed quorate, this must include either the Chair or Vice-Chair.
30. Committee meetings will be held in private.
31. The Committee may hold private informal meetings e.g., for briefing and training purposes without any non-members present if they so decide.

### **Minutes**

32. The Governance Officer for the PCC, or their nominated representative, will record the names of those present at the meeting, write minutes, including the key points and decisions of all meetings, along with any actions stemming from discussion that need to be taken before the next meeting. At the start of each meeting, the minutes

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<sup>1</sup> The Vice Chair of the Constabulary's TEC attends quarterly Northern Region Ethics Group meetings (also referred to as the Northern Ethics Committee), which brings together professional standards and anti-corruption police representatives to discuss ethical dilemmas affecting Northern forces. This acts as a 'temperature check' to see what dilemmas are raised by Professional Standards Departments in other forces and helps to inform the TEC agenda.

of the previous meeting must be approved by the Committee and signed by the Chair as a true record.

33. The Chair of the Committee will establish, at the beginning of each meeting the existence of any conflicts of interest and minute them accordingly.
34. The unsigned and unapproved minutes of the most recent Committee meeting will be circulated promptly and no later than ten working days after the meeting to all committee members, to the Chief Executive of the PCC and the Chief Operating Officer.
35. The minutes of the Committee will be placed in the public domain (via the OPCC web-site) as soon as these have been approved at the next meeting and signed by the Chair, with exclusion to any matter deemed private and confidential.
36. The minutes of the Committee, once approved, will be presented to the next Accountability Board for information.

## **Performance and Review**

37. The Committee will, having regard to best governance practice, review these terms of reference annually and recommend any changes deemed necessary to the CC and PCC.
38. The Committee will annually review its own performance to ensure it is fulfilling its terms of reference and operating effectively. In doing so it will make any recommendations for change to the CC and PCC.

## **Responsibilities**

### **Ethics**

39. The Committee will:

- a) Consider, discuss and advise on a variety of ethical issues (internal or external) and / or dilemmas facing the CC and/or the PCC and influence change to policy.
- b) Scrutinise the ethical governance and complaints arrangements to ensure that issues are being handled expeditiously and following due process.
- c) Support the CC and the PCC in implementing the College of Policing Code of Ethics into the Constabulary and the OPCC and advise them on the progression of a transparent ethical framework.
- d) Consider and monitor the management and performance of ethics and advise on the extent to which ethics and ethical practice is embedded into practice and its on-going influence on service delivery.

- e) Provide a mechanism by which the PCCs office and Constabulary practices and behaviours can be reviewed and amended where necessary, in line with the Code of Ethics.
- f) Consider referral of issues from/to the Constabulary's TEC, review the minutes from the TEC, consider the summaries and opinion of specific TEC reports and receive the annual report. Where relevant, draw on the conclusions and discussions of the TEC to further develop and provide different perspectives to inform recommendations, or suggested changes to policy, procedure or established practices.
- g) Consider thematic issues and day-to-day ethical issues e.g.. leadership, body worn cameras or influencing culture. Also, as required to evaluate structured reviews of business areas such as:
  - i. the handling of public complaints (in line with the Dip Sampling Protocol), misconduct and grievances to commend best practice and/or identify organisational learning.
  - ii. anti-fraud and corruption arrangements, including whistleblowing policies and their operation in the Constabulary and the OPCC.
  - iii. registers of interests, gifts and hospitality, expenses and scheduled information as required by Government under the transparency agenda and ensure that due diligence is applied and proper systems are in place providing the opportunity for rigour and challenge, for example in relation to the authorising of Chief Officer expenses/mileage claims.
- h) Provide a network of members who can be called upon to support the CC and/or the PCC with quicker time advice and different perspectives.
- i) Outside of formal meetings members of the Committee will undertake work within the remit of the Committee's terms of reference. This will include the dip sampling of complaint files and other areas of work as identified.
- j) Provide a forum where professional practice can be reflected upon, and organisational learning can be identified and promulgated to the PCC/CC/wider organisations.
- k) Receive reports on Chief Officer standards of integrity, prior to consideration by the PCC (i.e.. the Chief Constable, Deputy Chief Constable, Assistant Chief Constables, Chief Executives, and Chief Finance Officers).
- l) Oversee and ensure compliance with the Code of Conduct, standards and policies that guide the OPCC and Lancashire Constabulary and ensure ongoing development in this area.
- m) Monitor external developments and relevant guidelines to identify best practice and offer an ethical view as appropriate.
- n) Promote and maintain an ethical approach to policing across Lancashire, including promoting the highest standards of ethical conduct.
- o) Anticipate and discuss future ethical challenges facing the police service, providing advice, different perspectives, suggestions and guidance.
- p) Receive and/or consider reports which emanate from the monitoring of complaints around lessons learnt, to provide assurance that lessons learnt are appropriately dealt with.

## **Risk Management and Governance**

39. The Committee will:

- a) Support the CC and the PCC to ensure effective governance and enhance trust and confidence by providing assurance that the CC and the PCC have adequate and robust policies in place with appropriate systems and processes to implement them, that they are understood by those who need to use them, are used and their effectiveness in producing the required results. If an officer falls below the standards expected to ensure that there are processes in place to deal with them in a proportionate manner.
- b) Oversee and advise the CC and the PCC on the effectiveness of the embedding of the College of Policing's Code of Ethics and its ongoing influence on service delivery.
- c) Support the implementation of the Code of Ethics by creating a mechanism to discuss ethical issues and identify potential problems in an open and unthreatening manner.
- d) Ensure appropriate education and promotion of high standards of integrity, ethical conduct and decisions.
- e) Assist in the preparation of the Joint Annual Ethics Report for the Constabulary and the PCC and review strategic ethical processes and arrangements.
- f) Receive and review the findings of any inspections by regulatory bodies (e.g. HMICFRS, IOPC, ICO), which include ethical issues relevant to the CC and/or the PCC, to ensure full consideration has been given to appropriate action arising from the recommendations and to monitor implementation.
- g) Improve transparency and accountability by encouraging greater scrutiny, reviewing, challenging, and giving opinion as required on issues of integrity, ethics and ethical decision making, to increase public trust and confidence.