



## **Independent Members for Misconduct Hearings and Police Appeals Tribunals**

The Office of the Police and Crime Commissioner is seeking to appoint people who live, work or study in Cleveland to fulfil the role of Independent Member for both Police Misconduct Hearings and Police Appeals Tribunal.

Cleveland Police serves diverse communities and to truly reflect this, we are keen to recruit people from Black, Asian and other minority backgrounds. We value the knowledge and experiences that individuals bring from different cultures and welcome any contributions that can enhance the services we deliver to the public.

### **Introduction**

Police officers are governed and protected by terms and conditions known as Police Regulations which are set out in law by Parliament. Under the Police (Conduct) Regulations 2020, the Police and Crime Commissioner (PCC) for Cleveland is required to hold and maintain a list of Independent Members, i.e. lay people, to sit on police misconduct panels in order to provide independent and impartial assurance that decisions made during the proceedings are objective, reasonable, proportionate and fair.

### **What is a Police Misconduct Hearing?**

A police misconduct hearing panel is likely to be arranged to hear allegations of serious cases of misconduct by police officers or special constables. The maximum outcome at a hearing would be dismissal from the police service without notice. Cases would include for example, allegations of criminal acts, serious road traffic matters such as drink driving and other serious breaches of the standards of professional behaviour expected of police officers, such as neglect of duty.

A misconduct hearing is heard by a panel consisting of a Legally Qualified Chair, a Police Officer of at least superintendent rank (unless the officer in question is a senior officer in which case the role of second panel member will be fulfilled by an HM Chief Inspector of Constabularies) and an Independent Member.

At the hearing, the facts of the case will be presented and the individual involved will have the opportunity to explain their conduct and the circumstances surrounding the allegation or allegations.

The hearing will then reach its outcome, which may result in the individual being dismissed, reduced in rank, given a written warning, receiving management advice or the individual being cleared of the allegations made against them.

Cleveland Police's Department of Standards and Ethics facilitates Misconduct Hearings. The Office of the Police and Crime Commissioner is responsible for appointing Legally Qualified Chairs and Independent Members in to their roles and is also responsible for appointing them to individual Misconduct Hearings.

### **What is a Police Appeal Tribunal?**

Police Officers have a right of appeal to a Police Appeal Tribunal against findings made under the Police (Conduct) Regulations 2020 or the Police (Performance) Regulations 2020. Under Police Appeals Tribunal Rules 2020, the role of Independent Member replaces the role of a retired police officer on panels in order to bring more independence to the proceedings.

The Office of the Police and Crime Commissioner is the 'local policing body' responsible for administering the Police Appeals Tribunal. (Expenses and Claims are the responsibility of the Department of Standards and Ethics, Cleveland Police)

### **What is an Independent Member?**

Independent Members allow further independent and impartial views at the meetings from outside of policing. They help Misconduct Hearings to reach fair and evidence based judgements about a police officer's conduct and deciding on an appropriate sanction. At Police Appeals Tribunals, Independent Members help the panel to reach a decision about whether the original sanction was fair, reasonable and evidence based.

Independent Members attend both Misconduct Panels and Police Appeals Tribunals. They cannot sit on both Misconduct Hearings and Police Appeals Tribunals for the same case.

The Office of the Police and Crime Commissioner (OPCC) for Cleveland operates a joint list of Independent Members with other OPCCs across the north of England and Independent Members may have the opportunity to sit on panels outside of Cleveland. This ensures a greater consistency in decisions made and brings about wider shared learning opportunities.

### **Are Independent Members paid?**

Independent Members can claim fees and expenses as set out in the policy included within this recruitment pack. Members are entitled to claim for travel and expenses costs incurred on Independent Member business.

### **How much time is required for me to fulfill the role successfully?**

As well as being supported through training and development sessions, Independent Members will be invited to sit on approximately three panel hearings per year in the  
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Cleveland area although there may be opportunities to sit on panels in other regions across the north of England.

Hearings are often concluded in one day but this will depend on the complexity of the case. You will be required to undertake preparatory work e.g. reading relevant papers, reports and background information. The work is a zero hour contract and is part-time, flexible and can fit around other commitments. You will be asked for your availability in advance and can choose which days you work.

The initial term of office will be five years.

### **What will be expected of me?**

- ✓ make yourself available to attend hearings;
- ✓ prepare for hearings by reading papers in advance;
- ✓ attend and participate effectively in hearings;
- ✓ constructively challenge accepted facts and views;
- ✓ undergo training for the role as required;
- ✓ maintain the highest standards of professional conduct and ethics;
- ✓ have good analytical and communications skills, good judgement and a commitment to fairness and equality;

### **Is there an eligibility requirement?**

There are certain requirements for this role:

#### Applicants must:

- ✓ Be over 18 years of age (at the time of appointment)
- ✓ Complete a personal information questionnaire and provide proof of identity and two means of establishing residence. Appointment is subject to satisfactory vetting clearance. Convictions will not necessarily exclude individuals from appointment.
- ✓ Be available to attend a training session, date to be announced.

#### Applications will not be considered from:

- ✗ Serving and former police officers;
- ✗ Serving and former police staff;
- ✗ Serving and former special constables;
- ✗ Current and former Police and Crime Commissioners (from any Force area);
- ✗ Current and former Police and Crime Commissioner or Police Authority staff (from any Force area);

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- ✘ A person who is currently, or has previously received contact restriction under the OPCC's Unreasonable Behaviour policy.
- ✘ Undischarged bankrupts;
- ✘ Anyone whose estate has been sequestrated and the sequestration has not been recalled or reduced or a discharge has not been obtained;
- ✘ Anyone who has made a composition or arrangement with, or granted a trust deed for their creditors and has not paid off the debts in full or five years have not yet passed since the terms of the deed of composition or arrangement or trust deed were fulfilled;
- ✘ Anyone who is subject to a disqualification order under the Company Directors Disqualification Act 1986, or to an order made under Section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order);

If you have any concerns about your eligibility, please contact the Office of the Police and Crime Commissioner.

### **What will you do with my information?**

The Office of the Police and Crime Commissioner for Cleveland is the Data Controller for the information you provide. The information will be used for the purpose of assessing your suitability and recruiting to the role of Independent Member. Under the General Data Protection Regulations, you have a number of rights over your own personal data; these include a right of access, right of erasure, right to rectification, and a right to object. To use any of these rights please contact our Data Protection Officer [pcc.office@cleveland.police.uk](mailto:pcc.office@cleveland.police.uk) You can view our full privacy notice here: <https://www.cleveland.pcc.police.uk/publications/privacy-notice/>

### **How to apply:**

After reading the application pack, complete the application form, giving a full description of why you wish to become an Independent Member and your relevant skills and experience. The application can be emailed or posted to:

Standards and Scrutiny Manager  
Office of the Police and Crime Commissioner  
St Mark's House  
St Mark's Court  
STOCKTON ON TEES  
TS17 6QW

Or email it to [pcc.office@cleveland.police.uk](mailto:pcc.office@cleveland.police.uk) and mark it Confidential.

**The closing date for the return of applications is 1 August 2022.**

**Interviews will be held week beginning 8 August 2022**

**Successful applicants must be available to attend a training event (which will be paid).**

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