CUSTODY DETENTION SCRUTINY PANEL

Terms of Reference

These Terms of Reference provide a generic framework designed to support the involvement of volunteers, community representatives, and key stakeholders in police scrutiny activity. They set out shared expectations, roles, and processes to ensure that all participants - regardless of background, experience, or organisational affiliation - can contribute effectively, confidently, and consistently to the panel's work. The framework is intended to be flexible and applicable across a range of scrutiny functions, promoting transparency, accountability and meaningful engagement.

Applicability of Terms of Reference

1. Panel members, officers and staff members of the Force and the Office of the Police and Crime Commissioner (OPCC) are expected to operate in full accordance with these Terms of Reference.
2. Non-compliance may undermine public confidence in the panel's work. Any concerns about an individual's ability to adhere to the Terms of Reference should be reported to the Chair and the OPCC.
3. Panel members must declare any actual or potential breaches of the Terms of Reference as soon as they become aware of them.
4. Any breach will prompt a formal review by the OPCC.
5. The Terms of Reference will be reviewed, considered, and agreed annually by the panel.

Purpose and Remit

Purpose of the Scrutiny Panel

6. The Custody Detention Scrutiny Panel exists to provide independent oversight of police actions, decisions, and case handling. Its central aim is to ensure that policing is fair, proportionate, accountable, and aligned with relevant policies and standards. By offering an impartial view of decision-making, the panel helps strengthen public confidence and demonstrates that police activity is subject to meaningful external scrutiny.

Panel Remit and Areas of Focus

7. The panel's remit is to review selected cases to assess whether they were handled appropriately and in accordance with legislation, policy, and ethical expectations. It focuses on the quality, rationale, and proportionality of police decisions, considering their impact on individuals and communities. Through this work, the panel provides assurances to the public and supports transparency in policing.

Core Activities

8. The panel undertakes the following activities:
    - Reviewing case materials provided by the Force, including decision-making rationales, actions taken, and outcomes reached.
    - Assessing adherence to policy, procedure, and ethical standards, including fairness, proportionality, and respect for individual rights.
    - Identifying good practice and highlighting examples of effective, proportionate, or innovative policing.
    - Providing constructive feedback to support organisational learning, professional development, and service improvement.
    - Highlighting matters of concern that may require further review or action by the Force.
    - Supporting transparency and public confidence by demonstrating that police decisions are subject to independent scrutiny.

Panel Membership

Panel Size and Composition

9. To support efficient and constructive meetings, the panel will consist of 10-12 participants drawn from the Independent Custody Visitors (ICVs), Tees, Esk and Wear Valley NHS Foundation Trust's Liaison and Diversion Team, the Youth Justice Service, Custody Navigators and representatives from MIND Appropriate Adults Scheme. This size provides enough diversity of experience to ensure balanced scrutiny, while remaining small enough to enable focused discussion, effective facilitation and meaningful contributions from all members.

Membership Term and Continuity

10. Panel members will be expected to commit to an initial two-year term. A defined period of membership supports continuity, allowing individuals to build knowledge, develop confidence in the scrutiny process, and contribute more effectively over time.

Ongoing Recruitment and Representation

11. Recruitment of new panel members may take place at any time to ensure the panel remains diverse and representative.

Local Eligibility and Demographic Representation

12. The panel will comprise individuals who live, work, or study within Cleveland, and will aim, as far as possible, to reflect the demographics of the county.

Rights and Responsibilities of Panel Members

Professional Conduct

13. Individuals will only be appointed to the panel if they commit to behaving in a respectful and inclusive manner. This expectation helps ensure that discussions remain constructive, that every member feels able to participate, and that scrutiny is carried out fairly and objectively. Maintaining a respectful environment also protects the integrity of the panel's work, supports sound decision-making, and upholds the values of transparency and public accountability that underpin the scrutiny process.
14. Panel members must not make personal or subjective judgements about fellow members or about any individuals mentioned in police records. All members are expected to treat one another with courtesy and to handle disagreements with professionalism and dignity. If a dispute cannot be resolved informally, the Panel Chair (supported by the OPCC) will step in to facilitate a resolution.

Confidentiality (see additional guidance in the Protecting Privacy and Confidentiality section)

15. All panel members are required to sign confidentiality agreements. Any breach of these agreements will result in an investigation by the Force.

Vetting Requirements

16. All panel members must successfully complete the required vetting checks prior to appointment. Key stakeholders participating through their organisations will be subject to the vetting standards and clearance processes set by their respective organisations.

Media Contact

17. Panel members must not engage with the media regarding any matters relating to the panel or the Force. Members must not comment publicly in their capacity as panel members or represent the panel outside of meetings unless prior approval has been granted by the Chair, the Force and the OPCC.

Personal Circumstances and Conflicts of Interest

18. Panel members must inform the Chair and the OPCC as soon as possible of any changes in personal circumstances - such as a change of address - or any conflicts of interest that may affect their membership. Any complaint made against a panel member must also be reported to the OPCC.

Independence

19. Panel members must avoid any activity that could compromise the independence of the panel. The work of the panel must not undermine the political neutrality of the police. Members may engage in political activity, but they must notify the Chair and OPCC in advance so that any potential issues can be discussed.

Attendance

20. Panel members are expected to attend meetings regularly to maintain continuity and awareness of current issues. Members who cannot attend, must send apologies to the OPCC. Failure to attend two consecutive meetings without satisfactory reason will result in a review of the member's position by the OPCC.

Resignation

21. As the role is voluntary, panel members may leave the panel at any time. Members are asked to inform the Chair and OPCC in advance.

Notifiable Personal Issues

22. Panel members must inform the Chair and the OPCC as soon as possible of any personal matters - such as being arrested, charged with a criminal offence, or any issue that could have, or be perceived to have, an impact on their suitability for membership. Any concerns regarding a member's conduct in carrying out panel duties must also be reported. The Chair and the OPCC will then determine whether the member's continued tenure requires reassessment.

Protecting Privacy and Confidentiality

Confidentiality of Panel Proceedings

23. The proceedings of all panel meetings are sensitive. To operate effectively, panel members will have sight of restricted material that must be treated as strictly private and confidential. Information submitted in support of the meetings, or other information provided within the remit of the panel, may also be sensitive or confidential.

Confidentiality and Conduct Requirements for Panel Members

24. Panel members must:
    - maintain confidentiality and impartiality in relation to all parties involved and must not reveal any information about police records or personal data of police officers, staff, and members of the public, that could identify any individual;
    - advise the Chair if, during the course of the meeting, they recognise an individual from a case and/or have a conflict of interest;
    - not involve themselves in any of the individual cases reviewed; and
    - not disclose any aspect of discussions which the panel undertakes during the course of the meeting, apart from the points recorded in the published notes from panel meetings.

Managing Conflicts of Interest

25. Should a panel member recognise an individual from a case being scrutinised, and/or have a conflict of interest, the panel member may still take part in any resulting discussion for that case but are requested to make the Chair aware as soon as possible. The Chair may ask the panel member to leave the meeting temporarily to enable the Chair, the Force and the OPCC to discuss if continued attendance is appropriate.

Consequences of Breaching Confidentiality

26. Any breaches of confidentiality, or failure to comply with confidentiality arrangements, will result in an investigation by the Force. Depending on the circumstances, such breaches may lead to the member's removal from the panel or could constitute a criminal offence.

Data-Protection Responsibilities

27. The requirements of the General Data Protection Regulation (GDPR) will apply to all work undertaken by panel members.

Core Security Principles for Scrutiny Panels

28. All scrutiny panels - regardless of whether they review case files, footage, or both - will operate under the same core security principles:
    - Redaction: Case files provided will be fully redacted, with identifying details removed to protect officers, members of the public, and locations.
    - Controlled access: While panel members may need to review case material in advance to support effective scrutiny, any documents shared prior to the meeting will be transmitted only through secure channels, and all copies must be deleted immediately and not retained once the meeting has concluded. Wherever feasible, materials will instead be accessed solely during the session itself.
    - Confidentiality agreements: All members will sign clear non-disclosure commitments to reinforce their responsibility to protect sensitive information.
29. These measures ensure compliance with data-protection requirements and maintain public confidence in the scrutiny process.

Role of Independent Chair

Leadership Responsibilities of the Chair

30. The Chair is expected to provide confident, effective leadership, ensuring the panel fulfils its purpose. This includes guiding discussion, keeping the Panel focused on its objectives, and fostering an environment where members contribute constructively and independently.

Summarising Feedback and Formulating Recommendations

31. The Chair is responsible for summarising the Panel's feedback and formulating draft recommendations for the Panel's agreement, supported by the OPCC's Standards, Scrutiny & Accountability Team.

Independence of the Chair

32. The Panel will appoint an Independent Chair who is fully separate from both the Force and the OPCC. This independence is essential to ensuring integrity, objectivity, and public trust in the scrutiny process. The Chair will be elected from outside both organisations to support transparency and confidence.
33. The Chair is responsible for guiding the Panel's work and ensuring scrutiny is carried out effectively, impartially, and in a way that supports learning and improvement. Key responsibilities include:
    - Maintaining impartiality and objectivity - Remaining independent of the Force and the OPCC to ensure scrutiny is free from bias or conflicts of interest.
    - Building public confidence - Providing visible assurance that issues are examined fairly, transparently, and without organisational influence.
    - Enabling credible challenge - Asking difficult or probing questions to support robust oversight and constructive scrutiny.
    - Protecting the integrity of the process - Safeguarding the Panel's credibility by ensuring scrutiny is not influenced by operational, political, or organisational pressures.
    - Ensuring balanced discussion - Facilitating inclusive, respectful debate where all perspectives are heard and no single viewpoint dominates.
    - Strengthening transparency and accountability - Demonstrating that oversight is meaningful, evidence-based, and focused on improvement.
    - Avoiding real or perceived conflicts of interest - Upholding trust by ensuring decisions and discussions remain independent and free from undue influence.

Term of Appointment

34. The Chair will be appointed for a one-year term, with the option of extension where appropriate. This term length balances continuity with accountability, enabling the Chair to develop a strong understanding of the Panel's work while ensuring regular review of independence, capability, and impartiality.

Appointment and Selection Process

35. The OPCC will support the Panel in selecting and appointing the Chair, ensuring the process is transparent, objective, and free from conflicts of interest.

Planning and Preparation for Meetings

36. Beyond chairing meetings, the Chair will be asked to work with the Force Lead and OPCC to plan and prepare for forthcoming meetings.

Arrangements for Chair Absence

37. If the Chair is unable to attend a scheduled meeting, the OPCC will support the Panel in identifying an appropriate substitute. The substitute will assume all responsibilities and authority of the Chair for the duration of the meeting, ensuring continuity and the effective conduct of business.

Role of Force Lead

38. The key responsibilities of the Force Lead are to:
    - Coordinate and prepare all required material, ensuring it is accurate, relevant, and complete.
    - Provide all documentation to the OPCC for timely circulation to panel members.
    - Attend each meeting to offer clear operational context, specialist insight, and any clarification needed to support effective scrutiny.
    - Present relevant cases, ensuring compliance with information-handling requirements.
    - Communicate agreed information clearly and confidently, enabling the Panel to challenge constructively and reach well-informed conclusions.
    - Propose actions to address issues raised, oversee their implementation, monitor progress, and report updates to the OPCC and relevant internal governance structures.

- Demonstrate the impact of the scrutiny panel's work by evidencing how its findings and recommendations have resulted in tangible improvements to policing practice and organisational learning.

Role of OPCC

39. The OPCC will ensure the Panel is fully supported in carrying out its role by providing comprehensive administrative and organisational support. This includes coordinating meeting arrangements and managing the circulation of papers. The OPCC will also help ensure that the Panel is able to scrutinise effectively, operate efficiently, and maintain high standards of transparency and accountability.

Training

40. The Force will provide training for all panel members, ensuring they have the knowledge and skills required to carry out their role effectively. This will include familiarisation with all relevant policies, procedures and legislation.
41. The OPCC will administratively support the coordination and delivery of training and development sessions, working alongside the Force to ensure panel members receive appropriate and timely learning opportunities.
42. The OPCC will offer ongoing support to panel members, helping them develop the confidence and capability needed to act as effective and informed scrutineers.

Expenses (for volunteers)

43. Participation on the Panel is entirely voluntary. Panel members may claim reimbursement for reasonable travel expenses when attending in-person meetings or training events. Claims will be limited to the distance between the Panel member's normal residence and the meeting location. Any additional expenses must be authorised in advance by the OPCC and will not be reimbursed without prior approval.
44. Expense claims should be submitted on the appropriate form, ideally within one month of the journey, and must be supported by receipts where applicable. The OPCC will aim to process claims as promptly as possible.

Case Selection

Case Selection Process

45. The Independent Chair will conduct a blind selection of cases for review by the Panel. In the Chair's absence, a member of the OPCC's Standards, Scrutiny & Accountability Team will undertake the selection process. This will involve randomly selecting case file numbers provided by the Force, without any prior knowledge of the content or circumstances of those cases.
46. The Panel will aim to review 10 custody cases.

Timing and Eligibility of Cases for Review

47. The Panel will only scrutinise cases retrospectively and once all associated proceedings - including appeals - have been fully concluded. This ensures that the Panel's work does not interfere with operational policing or legal processes and maintains the highest ethical standards of independence and non-intervention.

Preparation and Presentation of Case Materials

48. The Force is responsible for securing and sanitising (via redaction or pixelation) and presenting case materials in a manner that protects confidentiality and complies with data protection requirements. While the Force manages case preparation, the Panel may request particular types of cases for review, guided by local crime trends, community concerns, and policing priorities. This approach ensures that scrutiny remains relevant, balanced, and reflective of public interest.

Advisory Role and Limitations of Panel Authority

49. The Panel has no authority to alter the outcome of any case. Its feedback cannot change original decisions unless the Force itself determines that a decision may have been unlawful or unsafe. However, Panel observations may highlight issues requiring further consideration, organisational learning, or remedial action. The Panel's role is advisory, not determinative, and its value lies in promoting transparency, accountability, and improved practice.

Meetings

Frequency and Purpose of Panel Meetings

50. The Panel will convene on a quarterly basis (four times per year). Its core purpose is to provide independent, objective oversight and to review cases presented for scrutiny.

Meeting Format and Arrangements

51. To support an efficient, sustainable, and resilient model of community scrutiny, the Panel will meet either in person or online via Microsoft Teams. This flexible approach ensures accessibility for all members, enables consistent participation, and allows the Panel to continue its work effectively regardless of operational or logistical constraints.

Thematic Scrutiny Sessions

52. The Panel may also convene thematic sessions to examine specific areas of policing in greater depth. These sessions allow for focused exploration of priority issues, emerging risks or areas of public concern. The Chair holds the authority to determine the theme and scope of such sessions.

Meeting Duration and Planning Requirements

53. Meetings are expected to last approximately 2-3 hours. Any variation to this duration must be agreed in advance by the Chair, the Force Lead and the OPCC to ensure appropriate preparation and resource planning.

Circulation of Agendas and Papers

54. Agendas and associated paperwork will be circulated 5 working days in advance of each meeting to support effective preparation, informed discussion and structured decision-making.

Quorum

55. The Panel will not meet unless at least half of the Panel members are present. In exceptional circumstances, the meeting may continue if less than quorate at the joint agreement of the Chair, the Force Lead and the OPCC.

Feedback, Reporting and Outcomes

RAG Rating

56. The Panel will use a Red-Amber-Green (RAG) rating system to assess the quality, appropriateness, and effectiveness of the policing activity under review. This framework provides a consistent and transparent method for identifying good practice, highlighting areas of concern, and prioritising organisational learning. Where case information has been circulated in advance of the meeting, panel members are expected to review the material and complete the RAG scoring matrix prior to the meeting. Completed scoring sheets should be brought to the Panel meeting to enable individual assessments to be considered collectively. This approach ensures that the Panel can review feedback in a structured manner, compare perspectives, and determine an agreed overall RAG rating for each case through informed and evidence-based discussion.
57. The following RAG ratings provide a simple, consistent framework for assessing the quality and effectiveness of the practice reviewed by the Panel:
    - 🟥 **RED - Significant Concerns**
      Indicates serious issues where practice fell well below expected standards. There may be clear policy breaches, poor decision-making, or actions that risk undermining public confidence. Red ratings highlight areas requiring urgent learning or action.
    - 🟧 **AMBER - Some Concerns**
      Shows that practice was generally acceptable but inconsistent. There may be minor gaps in judgement, professionalism, or adherence to policy. Amber ratings signal opportunities for improvement and areas where practice could be strengthened.
    - 🟩 **GREEN - Meets or Exceeds Expectations**
      Reflects strong, professional, and proportionate practice. Actions were lawful, well-reasoned, and aligned with policing values. Green ratings highlight effective performance and examples of good practice.

Publication of Meeting Summaries

58. Following approval at the next meeting, the OPCC will publish a summary of the previous scrutiny session on its website. This summary will outline the Panel's feedback and recommendations, along with the Force's response and the actions it has committed to taking.

Capturing and Embedding Organisational Learning

59. The Force is responsible for ensuring that any learning identified through the Panel is captured, submitted, and considered through its appropriate internal governance structures. This includes ensuring that learning is disseminated effectively across relevant teams and that progress is monitored through established oversight and assurance mechanisms.

Monitoring Implementation and Demonstrating Impact

60. The Force Lead will provide timely updates to the OPCC to support ongoing monitoring of the implementation of actions and recommendations. The Force Lead must also demonstrate the impact of the Panel's work by evidencing how its findings and recommendations have resulted in tangible improvements to policing practice and organisational learning.

Ongoing Progress Updates to the Panel

61. At each meeting, the Panel will receive an update prepared by the OPCC, drawing on information provided by the Force. This update will outline the work undertaken in response to the Panel's previous feedback and recommendations, enabling the Panel to monitor progress, assess the effectiveness of actions taken, and identify any areas requiring further attention.

Annual Reporting and Transparency

62. To strengthen transparency and accountability, the OPCC will produce an annual report summarising the outcomes of each scrutiny panel. This report will highlight key themes, progress made, and the overall impact of scrutiny activity across the year.