

Police and Crime Commissioner for Surrey – Decision Making Record

Report Title: Extension of appointment of existing Independent Misconduct Members
Decision number: 037/2013
Author and Job Role: Sam Meyer, Policy Support Officer
Protective Marking: Part One

Executive Summary:

The Surrey Police and Crime Commissioner (PCC) is required to appoint Independent Misconduct Members to sit on the panels held by Surrey Police. Four Independent Members currently hold that position and it is recommended that their appointments be extended to ensure continuity.

Background:

The Police Reform Act 2002 and the Police (conduct) Regulations 2004 provide that in certain circumstances, an Independent Member will sit on police misconduct panels.

In June 2004 Surrey Police Authority appointed its Independent Members for a period of five years. In 2008 four Independent Members were appointed for a further term of five years until 2013.

There is no legal limit to the length of time Independent Members can serve. The Home Office has recently carried out a consultation exercise looking at the process for the discipline of police officers. Maintaining consistency with Independent Members during the implementation of any resulting changes would be essential to ensure consistency of decision making.

Feedback was sought from the Detective Superintendent of the Professional Standards Department on their independence, experience and contribution to the panels, all of which proved satisfactory. Additionally, opinion and advice has been taken from the Association of Police and Crime Commissioners and the Office of the Police and Crime Commissioner for Sussex.

Therefore, the experience these Independent Members bring is invaluable and the Commissioner is recommended to extend their contract until the end of his current term of office.

Recommendation:

The PCC is recommended to extend the appointment of the Independent Misconduct Panel Members until May 2016 or until the end of his term of office, whichever is the sooner.

Police and Crime Commissioner Approval:

I approve the recommendation(s):

Signature: 

Date: 19/11/2013

All decisions must be added to the decision register.

Areas of consideration

Consultation

Consulted with Surrey Police's Professional Standards Department, colleagues from Kent and Sussex police and crime commissioner's offices and the Association of Police and Crime Commissioners.

Financial implications

No implications beyond already established costs.

Legal

The Police and Crime Commissioner is required to maintain a list of Independent Members to sit on police misconduct panels.

Risks

Failure to maintain a list of Independent Members to sit on police misconduct panels will mean the Police and Crime Commissioner is breaching his legal requirements.

Equality and diversity

An independent "public" representative on the misconduct panels plays an important role in countering any potential allegations that Surrey Police has not considered equality and diversity issues in hearing serious disciplinary cases.

Risks to human rights

An independent "public" representative on the misconduct panels plays an important role in countering any potential allegations that Surrey Police has not considered human rights in hearing serious disciplinary cases.