



Lancashire
Constabulary

police and communities together

REPORT TO: JOINT AUDIT AND ETHICS COMMITTEE

DATE: 7 DECEMBER 2015

REPORT AUTHOR: STANDARDS AND GOVERNANCE OFFICER

**SUBJECT: CONSTITUTIONAL MATTERS – TERMS OF REFERENCE,
WORKPLAN AND TRAINING PLAN**

Appendices A to C refer

1 Issue for Consideration

1.1 The purpose of this report is to enable Members

- To review draft Terms of Reference for a the Joint Audit and Ethics Committee, which will replace its current Terms of Reference and to advise the Commissioner and the Chief Constable of any further comments to be taken into account by them when determining the final Terms of Reference at the Joint Management Board on the 7 January 2016.
- To consider which areas of scrutiny they wish to prioritise during the coming 12 months
- To consider a future training plan to support Member development.

2 Recommendation

2.1 That the Committee consider

- i) the draft Terms of Reference, draft rules for the conduct of meetings for the Joint Audit and Ethics Committee and offer any final comments thereon to the Police and Crime Commissioner and Chief Constable.
- ii) which areas of scrutiny it wishes to prioritise during the coming 12 months

Agenda Item 2

- iii) its training requirements which will be incorporated within a broader training plan.

3 Background

- 3.1 Members will recall that in July 2014, a new Code of Ethics (“the Code”) across the police service, introduced by the College of Policing, and approved by Parliament came into force. The Code is attached at Appendix A. The Code applies to all police officers and staff; Special Constables in Lancashire Constabulary; staff in the Office of the Police and Crime Commissioner (OPCC); contractors and volunteers. Its objective is to support each individual to deliver the highest professional standards in serving the public.
3. In Lancashire the Police and Crime Commissioner (“the Commissioner”) and the Chief Constable agreed in October 2014 to establish an ethics committee and made an explicit and public commitment to transparent, ethical policing in Lancashire that is subjected to rigorous independent scrutiny.
4. Since then officers have undertaken two public recruitment exercises but have been unable to fulfil the needs of the committee.
5. Therefore, the Commissioner and the Chief Constable at the Joint Management Board on the 30 September 2015 agreed to establish a Joint Audit and Ethics Committee, thereby extending the role of the Joint Audit Committee, given the independent perspective required, some commonality of function and the skills needed. A joint Committee is also less costly. The embedding of the Code of Ethics into the Constabulary is being led by the Deputy Chief Constable, supported by the Head of Professional Standards.
6. Members will recall that they met on 21 September 2015 to give initial consideration to the proposed ethical responsibilities and the comments made have been taken into account by the Commissioner and the Chief Constable. The draft Terms of Reference and draft Rules for the conduct of meetings for the Joint Audit and Ethics Committee are attached at Appendix B and Appendix C respectively, and Members are asked to review the same and make any final comments which will be taken to the Joint Management Board on 7 January 2016.

MEMBERSHIP, ATTENDANCE AND CONDUCT OF MEETINGS

7. The Committee comprises the following five independent Members
 - Clive Portman (Chair)
 - Karol Sanderson (Vice-Chair)
 - Stephen Dobson
 - David Jones
 - Russ Weaver

A minimum of three members must attend for the meeting to be deemed quorate.

8. The Chief Finance Officer, the Director of Resources and the Deputy Monitoring Officer will attend each meeting of the Committee. The Commissioner, Chief

Agenda Item 2

Constable and Director may attend the Committee. The Deputy Chief Constable and Assistant Chief Constables may also attend the Committee in relation to ethical matters as will the Head of Professional Standards. Other relevant officers may also attend if necessary for them to brief the Committee direct on specific items. The Committee should also meet with Internal and External Audit at least annually without officers.

9. The Chair proposes the following private meetings, at the end of the formal agenda:-
 - 7 March 2016 – Committee Members only
 - 13 June 2016 – External Audit
 - 19 September 2016 – Section 151 Officers
 - 12 December 2016 – Internal Audit
 - 6 March 2017 – Committee Members only
10. The Committee is not subject to the Local Government Access to Information legislation but is subject to the Freedom of Information Act 2000. In the interests of transparency it will meet publicly, except when considering restricted information, when it will meet privately.
11. The Committee is to meet at least four times a year, (to be kept under review). Audit and Ethics matters will be considered at the same meeting. The dates of the meetings will be published on the Commissioner's website. Dip sampling of complaints files will be undertaken at separate sessions.
12. Additional meetings can be convened by two or more members or officers, if all are in agreement, if there is urgent business to transact.

WORK PLAN

13. Members are asked to consider which areas of scrutiny they wish to prioritise during the coming 12 months. From this a 12-months work plan will be formulated to focus the work of the Committee. It must be borne in mind that some issues may arise where the Commissioner, or Chief Constable, may seek the view, advice or observations, of the Committee on matters which cannot be foreseen at this current time. Any such issues arising will either be dealt with by a report to the Committee at one of its scheduled meetings, the calling of an extraordinary meeting, or by members attending an operational policing event to observe proceedings.
14. The Commissioner has a duty to hold the Chief Constable to account on how effectively he discharges his responsibility for responding to complaints and misconduct allegations made against the Force. Currently the OPCC undertakes a limited dip sampling of complaint files however the introduction of this Committee provides for a more robust, independent and transparent approach to this oversight. Following training on the 23 November 2015, it is hoped that Committee members will begin to undertake dip sampling a statistically significant number of closed complaint files (current standing at 16 per quarter) and report on their findings. The wider work around complaints within the Terms of Reference will therefore need to be incorporated within a future work plan.
15. To provide some guidance to members on other areas to prioritise during the first twelve months the following topics are proposed:-

Agenda Item 2

- Dip Sampling of Complaints
 - Reviewing Gifts and Hospitality Register
 - Promotion processes to ensure they are fair and equitable
 - To consider and provide comment on the organisation's values.
 - Review compliance with the National Decision Making Model.
 - Stop and search processes, data and disproportionately.
 - To receive 'Any Questions' from the Force intranet site to identify any ethical or integrity issues arising and responses given. *(This could be a standing item for each meeting)*
 - Arrangements and processes for 'Whistleblowing'.
 - Aspects of police surveillance.
 - Reviewing relevant HMIC reviews e.g. Parva Integrity
 - Oversight and monitoring of the implementation of the Chief Constable and the Commissioner or the delivery plan to enable the Code of Ethics
 - Review report on business interest decisions
 - Oversight and monitoring of use of Taser/Firearms/Dogs/Horses/Parva
16. The above topics are only proposals and Members themselves will direct the work they wish to undertake.
17. A work plan for the Committee will be prepared on an annual basis. Following discussions and decisions made at this meeting a work plan will be presented to the next meeting of the Committee for approval.

TRAINING PLAN

18. Consideration of a member training plan (Appendix D) will be very much linked to the prioritisation of work over the next twelve months and member requirements. However it was foreseen that training in relation to complaints and the work of the Professional Standards Department would be required in the first instance. As such this has been incorporated within the Plan, together with objectives for the sessions. The proposal is for this training to be delivered to Members as the first session of training so members can commence work on this area of business, including the dip sampling of complaint files.
19. A number of other areas of training have been listed to be delivered on future dates depending on the area of business Members wish to address. Members themselves are asked to identify training needs as the work of the Committee progresses.

4 Implications

Financial:	Resource requirements to enable development and implementation of the above can be found from existing budgets.
Legal:	The Terms of Reference for the Joint Committee is required to ensure the areas of responsibilities delegated to it are clear. Further, it is good practice for the Joint Committee to have a set of rules to regulate the conduct of its meetings.
Equality Impact Assessment:	None

Agenda Item 2

Risks and Impact:	Without an effective JAEC, neither the PCC nor the CC will be able to publically demonstrate that they have established a suitably robust risk control framework. Consequently, neither will be able to produce a fair and representative Annual Governance Statement that has been subject to sufficient independent challenge and review for the purposes of ensuring its integrity. This could expose both the PCC and CC to the risk of external audit qualification as well as public criticism.
Link to Police and Crime Plan:	The JAEC provide a mechanism through which assurance can be sought and the public assured with regards to the probity, regularity and value for money of resources deployed in the pursuit of the Police and Crime Plan.

5 List of attachments / appendices

- Appendix A: Code of Ethics
- Appendix B: Terms of Reference
- Appendix C: Conduct of Meetings
- Appendix D: Training Plan

6 Background Papers

- None

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