



**ORIGINATOR:**  
Amanda Segelov

**DECISION NUMBER:** D01/2018  
*(to be completed on approval)*

**SUBMITTED TO:** Extraordinary Governance Board

**SUBJECT:** Revised Terms of Reference for Commissioner's Forum and Ethics Panel

**EXECUTIVE SUMMARY:**

The Terms of Reference for the Forum and the Panel have been reviewed with a specific consideration as to whether they should be held in a private or public forum.

**RECOMMENDATIONS:**

1. The Commissioner's Forum Terms of Reference should be updated to reflect that it is a private meeting
2. That a summary of each Forum meeting be published on the Office of the Police and Crime Commissioner's (OPCC) website
3. That the Ethics Panel remains a public meeting and steps are taken for this to be actioned

**OUTCOME/APPROVAL BY:**

Signature:

Date: 16 October 2017

**Public Access to Information**

*Information in this form and associated reports is subject to the Freedom of Information Act 2000 and the Elected Local Policing Bodies (Specified Information) Order 2011. Where it has been indicated that this is a decision of significant public interest, all of this form except Part Two will be made available on the website of the OPCC.*

*Any information that should not be automatically available on request should not be included in Part One but instead on a separate Part Two form.*

<p><b>Is this a decision of significant public interest?</b></p> <p><i>This includes a decision with any impact on the community, expenditure in excess of £50,000, or any decision that would be of obvious interest to the media or the general public</i></p>	<p><b>Yes</b></p>
<p><b>Is there a Part Two form?</b></p> <p><i>This section should only include information that, if published:</i></p> <ul style="list-style-type: none"> <li>a) <i>would, in the view of the chief officer of the police, be against the interests of national security;</i></li> <li>b) <i>might, in the view of the chief officer of police, jeopardise the safety of any person;</i></li> <li>c) <i>might, in the view of the chief officer of police, prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, or the administration of justice;</i> <i>or</i></li> <li>d) <i>is prohibited by any enactment.</i></li> <li>e) <i>breaches commercial sensitivity</i></li> </ul>	

<b>ORIGINATOR CHECKLIST (MUST BE COMPLETED)</b>	<b>Comments including who has approved the report if applicable</b>
Has legal advice been sought on this submission if required?	N/A
Has the Chief Finance Officer been consulted, if required?	No financial cost implication as existing meetings
Have equality, diversity and human rights implications been considered, as appropriate?	N/A
Is the recommendation consistent with the objectives of the Police and Crime Plan?	Yes, continues to support the manifesto pledge of the Police and Crime Commissioner (PCC)
Has consultation been undertaken with people or agencies likely to be affected by the recommendation?	N/A
Has communications advice been sought on areas of likely media, community, staff or partner interest and how they might be managed?	Yes – register of public interest in attendance will be sought, as well as publicising dates on the OPCC website
Have all relevant implications and risks been considered?	Yes

## **PART ONE – For publication**

### **1. Purpose of the report**

To review the terms of reference for both the Commissioner's Forum and the Ethics Panel and determine whether they should be open to the public, as previously agreed at the PCC's Governance Board and published on the OPCC website.

## 2. Background

It has recently come to light through a query from a member of the public that published decisions on the OPCC website (D006 and D009) state in the terms of reference for both the Commissioner's Forum and the Ethics Panel that the meetings will be held in public.

The Terms of Reference for both have been reviewed in light of this and as part of an annual review.

Commissioner's Forum:

The forum was established as a method of community consultation for the PCC with the aim of providing a source of information, advice and ideas to the PCC and Gloucestershire Constabulary by providing feedback on the Police and Crime Plan and its implementation within the county. The terms of reference from January 2016 state that its objectives are:

- To comment on the Police and Crime Plan, its implementation and future development
- To comment on any issues on which the PCC and/or the Constabulary might seek to consult the communities of Gloucestershire
- To consider and comment upon any reviews undertaken of policing activities affecting the count
- To provide a pool of potential members of the Ethics Panel.

As the meetings of the Forum have occurred, its purpose has matured and developed with sound, challenging relationships being formed and the remit of the group has evolved into more of an independent advisory group for the PCC. Much of its focus is on providing direction, feedback and independent advice from the perspective of the public of Gloucestershire to the PCC and his policies/ideas for the county.

Give this change, robust and open conversations are held that are likely to be diminished if these were held in a public forum, especially considering that the core membership is made up of volunteers from various communities in the county who do not represent their organisation or workplace, but rather the wider community/area of expertise they can provide. It is likely that, should these meetings be held in public, there would be some reticence in the conversations had and ideas discussed that would stifle the current level of debate.

It is therefore recommended that 1) the terms of reference are updated to reflect that this is a private meeting, but in order to provide transparency and openness, 2) publish a summary of each meeting on the OPCC website for members of the public to view.

Ethics Panel:

This was established at a similar time to the Forum and the original terms of reference date from January 2016. The purpose of the panel is to enhance public trust and confidence in the ethical governance and actions of the Constabulary and ensure that they have clear ethical standards and aspires to, and achieves, the highest levels of integrity and service delivery. Its objectives are:

- To provide advice to those engaged in the development or review of the Constabulary's policies and procedures
- To ensure the Constabulary's policies and procedures reflect its stated value and those of the police service generally and that such values are applied consistently across the organisation

- To support and, if necessary, challenge the ethical conduct of leaders within the Constabulary and the OPCC
- To ensure misconduct investigations are conducted ethically, proportionately and in compliance with the Constabulary's stated values
- To produce an annual report of the work of the Panel within three months of the end of each financial year.

The decision was taken that these meetings would be open to the public except when the meeting decides, by a simple majority, to discuss a particular item in closed session.

Unfortunately this has not taken into account in the Panel meetings that have happened in the intervening time due to omission when setting it up. The matter has been discussed with the independent chair of the Panel, and the management team in the OPCC and agreed that to ensure openness and transparency, the meetings should be held in public from now on.

This will not extend to members of the public participating but rather being able to observe what is happening during those meetings. The dates of future meetings will be published on the OPCC website and, in order to comply with security requirements, members of the public will be required to register their intention to attend 7 days before the event. Those who have not registered will not be permitted entry to the meeting.

It is therefore recommended that 3) the Ethics Panel meetings convened henceforth are held in a publically accessible location, 4) updated terms of reference for both meetings are published on the website.

### **3. Recommendation(s)**

- 1) The Commissioner's Forum Terms of Reference should be updated to reflect that it will now be held as a private meeting and not publically accessible
- 2) That a summary of each Forum meeting be published on the OPCC website
- 3) That the Ethics Panel remains a public meeting and steps are taken for this to be actioned
- 4) An updated terms of reference for each meeting is agreed (as per attached) and published on the OPCC website.

### **4. Financial and resource implications**

There are no particular finance implications as they are both existing meetings.

With regards to resource, the only implication is the use of a more publically accessible room with the HQ campus.

### **5. Risk assessment**

There are some risks in allowing the public to attend and observe a meeting however, there is precedence for this and asking interested parties to register a week beforehand will allow some management of risk and for action to be taken on any required safeguarding.

### **6. Equality & Diversity impact assessment**

None.

### **7. Environmental impact assessment**

None

**8. Consultation**

Discussions have been held at the Commissioner's Management Team meeting and with the independent Chair of the Panel. The Chair has undertaken to have conversations with the wider panel members

**9. Discussed with Communications & Engagement**

N/A – head of department was consulted during CMT.

**10. Conclusion**

**ORIGINATOR APPROVAL**

**Name:** Amanda Segelov

**Job title:** Criminal Justice Policy Officer

**Signature:** A. Segelov

**Date:** 11 October 2017

**CHIEF EXECUTIVE APPROVAL**

I am satisfied that relevant advice has been taken into account in the preparation of the report and that this is an appropriate request to be submitted to the PCC.

**Signature:**



**Date:** 11 October 2017



# Terms of Reference

## Commissioner's Forum

October 2017 - OPCC

<b>Name of Meeting:</b>	<b>Commissioner's Forum</b>	
<b>Type of Meeting:</b>	<b>Community Consultation</b>	
<b>Reports to:</b>	<b>Police and Crime Commissioner</b>	
<b>Business area:</b>	<b>Office of the Police and Crime Commissioner (OPCC)</b>	
<b>Description:</b>	To act as a source of information, advice and ideas to the Police and Crime Commissioner (PCC) and to Gloucestershire Constabulary by providing feedback to the Commissioner and the Constabulary regarding the Commissioner's Police and Crime Plan and its implementation in Gloucestershire	
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• To comment on the Police and Crime Plan, its implementation and future development.</li> <li>• To comment on any issues on which the PCC and/or the Constabulary might seek to consult the communities of Gloucestershire.</li> <li>• To consider and comment upon any reviews undertaken of policing activities affecting the county.</li> <li>• To provide a pool of potential members of the Ethics Panel.</li> </ul>	
<b>Standing agenda items:</b>	None	
<b>Chair (position):</b>	To be selected by the Commissioner's Forum members on an annual basis	
<b>Secretariat:</b>	OPCC	
<b>Frequency:</b>	Quarterly	
<b>Deadline for the agenda:</b>	Two weeks before each meeting	
<b>Attendees:</b>	<b>Representing:</b>	<b>Role:</b>
Police and Crime Commissioner		<ul style="list-style-type: none"> <li>• Core</li> <li>• Advisory</li> <li>• Consultative</li> </ul>
Invited members (max. 24)		Core
Police and crime Plan Priority Leads		Advisory
Chief Executive	OPCC	Advisory
Assistant Chief Executive	OPCC	Advisory
Head of Public Affairs	OPCC	Advisory
Police Officer	OPCC	Advisory
Senior Police Officers	Executive Team, Gloucestershire Constabulary	Consultative
<b>Decision making authorities:</b>		
None		
<b>Other considerations:</b>		
To publish a written summary after each meeting on the OPCC website.		



# Terms of Reference

## Ethics Panel

October 2017 - OPCC

<b>Name of Meeting:</b>	<b>Ethics Panel</b>	
<b>Type of Meeting:</b>	<b>Community Consultation</b>	
<b>Reports to:</b>	<b>Police and Crime Commissioner</b>	
<b>Business area:</b>	<b>Office of the Police and Crime Commissioner (OPCC)</b>	
<b>Description:</b>	<p>To enhance the public trust and confidence in the ethical governance and actions of Gloucestershire Constabulary and assure that the Constabulary has clear ethical standards and aspires to the highest levels of integrity and service delivery.</p> <p>To guide and advise the Police and Crime Commissioner in his role of holding to account.</p>	
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>To provide advice to the PCC in respect of the development or review of the OPCC's and the Constabulary's policies and procedures.</li> <li>To support the Commissioner in ensuring that the OPCC's and the Constabulary's policies and procedures reflect its stated values and those of the police service generally and that such values are applied consistently across the organisation.</li> <li>To support and if necessary challenge the implementation of ethical standards within the OPCC and advise and support the PCC in doing the same in relation to the Constabulary.</li> <li>To produce an annual report of the work of the Panel within three months of the end of each financial year to the OPCC Chief Executive (in his role as the Monitoring Officer).</li> </ul>	
<b>Standing agenda items:</b>	<ol style="list-style-type: none"> <li>Review a selection of closed complaints files (to satisfy itself and the PCC that the Constabulary's procedures, investigations and outcomes have addressed the concerns of complainants and the wider community).</li> <li>Consider any issues arising from the Constabulary's Ethics Committee.</li> <li>Review sponsorship, gifts and hospitality registers.</li> </ol>	
<b>Chair (position):</b>	One of the independent members.	
<b>Secretariat:</b>	OPCC.	
<b>Frequency:</b>	Quarterly, after a Forum meeting.	
<b>Deadline for agenda items:</b>	Seven days before each meeting.	
<b>Attendees:</b>	<b>Representing:</b>	<b>Role:</b>
		<ul style="list-style-type: none"> <li>Core</li> <li>Advisory</li> <li>Consultative</li> </ul>
Police and Crime Commissioner		Core
Independent members (max. 7)		Core
Chief Executive	OPCC	Advisory
Head of Public Affairs	OPCC	Advisory
Policy Officer	OPCC	Advisory
Deputy Chief Constable	Executive Team, Gloucestershire Constabulary	Advisory
Head of Professional Standards Department	PSD, Gloucestershire Constabulary	Advisory
<b>Decision making authorities:</b>		
<ul style="list-style-type: none"> <li>None.</li> </ul>		
<b>Other considerations:</b>		

- All meetings will be held in public except when the meeting decides, by a simple majority, to discuss a particular item in closed session.
- As necessary, independent members may need to be vetted to SC level.
- TOR to be reviewed on an annual basis