

# INDEPENDENT COMMUNITY SCRUTINY PANEL (ICSP) – TERMS OF REFERENCE (TOR)

DRAFT 005 –1 December 2020

## 1. INTRODUCTION

- 1.1 References to 'Panel' in these terms of references mean 'The Independent Community Scrutiny Panel (ICSP)'.
- 1.2 The ICSP has been established to scrutinise police practices in order to identify and explain inequalities and disproportionalities at key points in the BAME policing experience and to make recommendations addressing such inequalities that cannot be objectively justified. The scrutineers and Chair will bring their knowledge, perspectives, insights and understanding gathered through both their lived experience and professional training and/or academic study.
- 1.3 A separate BAME Engagement and Scrutiny briefing report details the new BAME Consultation & Scrutiny Cycle (see **Appendix A**) and how the ICPS is integrated with other BAME consultative groups and the PCC assurance structures.
- 1.4 The ICSP will be supported by a Listening Group and the OPCC Equality Diversity and Project Support Officer to ensure that the work and meetings run smoothly.
- 1.5 The Police and Crime Commissioner may amend these ToR at any time but after consulting with the Community Listening Group or that group's representatives.

## 2. PANEL COMPOSITION

- 2.1 The Panel will be made up of 6 independent people who either work or live in Nottinghamshire Police Force area including a Chair and have the relevant lived experience and possess the necessary skills and abilities to perform the role as identified in the job description and person specification.

## 3. CHAIRING THE MEETING

- 3.1 The Chair of the Panel will be appointed annually in June or at the first meeting of the Panel following its establishment. The Chair will be drawn from amongst the members of the Panel.
- 3.2 In the event of the written resignation of the Chair a new appointment will be made from amongst the members of the Panel.
- 3.3 The Panel will elect a person to chair a meeting if the Chair is not present.

## **4. FREQUENCY OF MEETINGS**

- 4.1 Meetings will normally take place 4 times a year. The Commissioner or Chair may call an additional meeting if they consider it appropriate. In between the meetings, the scrutineers may conduct investigations or data gathering exercises to fulfil a particular request or priority relevant to policing, discrimination or other BAME experience.

## **5. NOTICE OF MEETINGS**

- 5.1 At least five clear working days' notice of all meetings will be given unless an item of business is considered sufficiently urgent to justify shorter notice.

## **6. ATTENDANCE**

- 6.1 A meeting of the Panel cannot take place unless at least 2 members are present.
- 6.2 The Panel may invite any other person to participate in the meeting, for example the Police and Crime Commissioner his Deputy or Nottinghamshire's Chief Constable or Deputy or representatives of community groups and subject experts but only vetted attendees will be present when information marked sensitive is being shared.
- 6.3 Any member of the public and press may attend a meeting to observe the meeting but cannot take part in discussions or be exposed to any information marked sensitive.
- 6.4 Questions from the CLG should be sent to the Chair of the Panel via the PCC office at least 5 days prior to the meeting. The Chair will decide whether it is appropriate to investigate a matter and have regard to these general ToR before deciding.

## **7. WORK PROGRAMME**

- 7.1 The Commissioner will be responsible for setting the Panel's work programme which should incorporate, but not necessarily be limited to, matters set out in the Panel's terms of reference. The Commissioner will have regard to the issues raised through the Community Listening Group when setting the Panel's work programme.
- 7.2 The work programme will only cover topics and issues relevant to the role of the Commissioner. Such topics should focus on matters impacting BAME community trust and confidence with the Police such as:
- Inequalities and disproportionalities at key points in the policing experience of BAME people that cannot be objectively justified
  - Police interaction with BAME public, particularly victims of crime
  - Stop and Search (including body worn video and section 60 powers)

- Use of Force (including handcuffs and use of Taser)
- Issues of Employment discrimination (legal requirements Equality Act 2010)
- Police Custody of BAME detainees
- Handling and types of Police Discrimination Complaints (including sanctions)
- Ethics and integrity issues impacting BAME communities
- Use of Police coercive powers e.g. fixed penalty notices, prosecutions and other outcomes

7.3 Any person with a right to speak at a meeting may suggest an item for inclusion in the work programme but these must be in keeping with the above parameters.

7.4 The Chief Constable will ensure that a member of the Force, if required, attends each Panel meeting to speak and be able to answer questions with authority on each item of the meeting agenda.

## **8. SCRUTINY AND ANALYSIS OF INFORMATION**

8.1 The Force will provide all information relevant and available (re section 6.2 above) requested by the Chair of the Panel in sufficient detail and format to enable effective scrutiny to take place.

8.2 Panel members will objectively analyse and scrutinise the data to identify any areas of concern. This may include (not an exhaustive list):

- Dip sampling stop and search files
- Viewing footage from a selection of police body worn video cameras
- Dip sample of complaints files
- Dip sample of police custody files
- Review and analyse of information as directed by the Commissioner's Equality Group (CEG)

8.3 Panel members will question Police and other professional meeting attendees in order to obtain greater insight into any concerns identified. This level of scrutiny will be undertaken professionally without bias and will be independent of political influence in line with the job description and person specification.

## **9. AGENDA**

9.1 The ICSP will determine whether a meeting is for data and information analysis or presenting or debating the outcome or reports from analysis. In the latter, the ICSP will hold such meeting in public in consultation with the OPCC.

9.2 Any member of the Panel will be entitled to give notice to the Commissioner's Chief Executive (CEO) that they wish an item relevant to the functions of the Panel to be

included on the agenda for the next available public meeting. The CEO will decide if the item fits with the key functions of the Panel.

- 9.3 The agenda for the public meeting will be published at least five clear working days before the meeting unless the provisions of the urgency procedure apply.

## **10. ORDER OF BUSINESS**

- 10.1 The order of business can be varied at the discretion of the Chair of the meeting.

## **11. DECLARATIONS OF INTEREST**

- 11.1 Where the Commissioner and/or the Deputy Commissioner attend a meeting where they have an interest in any matter to be discussed or decided, they must, in accordance with their code of conduct declare the existence and nature of that interest and whether the interest is a Disclosable Pecuniary Interest. Any declaration of interest will be recorded in the minutes of the meeting.

- 11.2 Any Panel Member, person or member of staff who is appointed to do anything in connection with the Panel which enables them to speak at meetings, will make the same disclosures of interests. They should withdraw from the room in which the meeting is being held if their interest would be defined as a Disclosable Pecuniary Interest under the Commissioner's code of conduct.

## **12. SPEAKING AT MEETINGS**

- 12.1 The Chair may ask any person who has been invited to the meeting specifically to speak on the subject, to do so.
- 12.2 Any Panel member who wishes to speak will be given the opportunity to do so. If necessary the Chair will determine the order of speaking and how long each person may speak.
- 12.3 Any Panel member may at any time during a meeting request that the meeting is adjourned for up to one hour. The Chair of the meeting has discretion to decide whether to agree the request and, if agreed, to determine the length of any such adjournment.
- 12.4 The Chair will decide when the matter has been sufficiently discussed and will proceed to taking a vote on the agenda item if required.

## **13. VOTING**

- 13.1 All Panel members may vote in proceedings of the Panel. Voting will be by show of hands and by simple majority unless otherwise required.

13.2 Where there is an equal number of votes for and against a motion the Chair can exercise a second or casting vote.

13.3 Any Panel member can require that the minutes of the meeting record how they voted on any decision taken.

## **14. GIVING ACCOUNT**

14.1 In fulfilling its scrutiny role the Panel may request Nottinghamshire's Chief Constable or Deputy or any other member of the Chief Officer team to attend before the Panel to answer any questions which appear to the Panel to be necessary in order to carry out its functions.

14.2 Where this is the case the Chair will inform them in writing. The notice will state the nature of the item and whether any items are required for production to the Panel. Where it is necessary for a report to be submitted, sufficient time will be given to allow preparation.

14.3 Where, in exceptional circumstances the person invited is unable to attend on the required date, then an alternative date may be arranged following consultation with the Chair of the Panel.

## **15. RECOMMENDATIONS**

15.1 Where issues of concern have been identified, but answers to questions by Panel members have failed to provide sufficient assurance, the Chair of the Panel will make recommendations to the Police and Crime Commissioner in order to bring about improvements in support of section 6.2 above.

15.2 The Commissioner will consider the recommendations made and decide how best to deal with such issues. Issues requiring medium to longer term implementation may be included in the Commissioner's annual Police and Crime Delivery Plan.

## **16. RECORD-KEEPING**

16.1 The minutes of all meetings and decisions taken will be published on the Police and Crime Commissioner's website prior to the next meeting, and the minutes will be presented for approval at the next meeting.

## **17. VETTING**

17.1 All members of the Panel will be management level police vetted.

## **18. FINANCIAL MANAGEMENT**

18.1 Payments of the Panel's expenses including financial remuneration will met and processed through the Office of Police and Crime Commissioner.

## **19. DISCIPLINARY**

19.1 Any member of Panel who, after a complaint is found to be in breach of any part of these terms, will face disciplinary action which may result in disqualification from the Panel.

19.2 The Panel will determine its disciplinary and grievance procedures in consultation with the Community Listening Group and the PCC

**February 2021**

## Appendix A – PCC’s BAME Engagement and Scrutiny Cycle

