



Leicester
City Council

SECOND DESPATCH

**MEETING OF THE LEICESTER, LEICESTERSHIRE AND RUTLAND
POLICE AND CRIME PANEL**

THURSDAY, 30 SEPTEMBER 2021

Further to the agenda for the above meeting which has already been circulated, please find attached the following:-

ITEM 11 OPCC ETHICS COMMITTEE ANNUAL REPORT

Members to receive the attached additional information providing an update on the Ethics, Integrity and Complaints Committee Annual Report.

Officer contacts

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POLICE AND CRIME COMMISSIONER FOR LEICESTERSHIRE

POLICE AND CRIME PANEL

Report Of	THE POLICE AND CRIME COMMISSIONER FOR LEICESTERSHIRE
Subject	ETHICS, INTEGRITY AND COMPLAINTS COMMITTEE – ANNUAL REPORT
Date	THURSDAY 30 SEPTEMBER, 2021 – 1:00 p.m.
Author	SIMON DOWN – ACTING CHIEF EXECUTIVE

Purpose of Report

1. To provide an update to panel on the Ethics, Integrity and Complaints Committee (EICC) Annual report.

Recommendation

2. The Panel are recommended to note the contents of the report.

Background

3. The EICC was set up under the inaugural PCC to scrutinise Leicestershire Police in an independent fashion from an ethics and integrity perspective.
4. The EICC has been in the habit of producing an annual report which has been prepared by the OPCC. This has been contrary to the terms of reference which expect the panel to produce a Biannual report.

Annual Report

5. In seeking to produce an annual report to satisfy the expectations of the panel (expectations set by the habit set out above) it has become apparent that the understanding of the panel chair is that biannual (meaning twice within a year) should have in fact been biennial (meaning every other year). The chair has therefore not had the capacity to undertake the report.
6. It is not appropriate for the OPCC to produce the annual report themselves as this undermines the independent nature of the panel.
7. The emails covering the above have been made available for the panel at appendix 1.
8. The PCC will be meeting with the chair and vice chair of the EICC imminently to review the terms of reference and to ensure that we have a fit for purpose EICC for the years ahead which will enable reporting to the Panel as may be required.

Implications

Financial: None

Legal: None

Equality: The EICC supports equality and diversity

Risks: None

Link to Police and Crime Plan: The EICC supports the delivery of the plan

Person to Contact

Simon Down – Acting Chief Executive – simon.down@leics.pcc.pnn.gov.uk

Appendix 1

The below is an excerpt of the emails exchanged with the panel chair. The full email trail is available for panel members on request but hopefully the excerpts provide easier reading especially for those with accessibility issues.

6th September 2021

Hi Karen,

I hope you are well.

Further to my email below, whilst I was on leave the PCC has given further consideration to the ethics panel and how it operates. He has considered the terms of reference (attached) which set out that the “*The Committee will report biannually on its work and setting out its findings*”. We are not clear why Angela was in the habit of writing these reports when the ToR state that the Committee should be writing them. We presume that the financial recompense for panel members were calculated on basis of the ToR and so feel that as part of the PCC’s role in ensuring best value for the taxpayer we should be insisting that the panel write the report rather than our office.

I am conscious that this change of heart comes very close to the paper deadline for the next meeting (5pm on Wednesday). I could go as far as extending that deadline to 3pm on Friday so as to allow time to pull it together. I do appreciate that this is still something of a tall order given the timescales involved but would be grateful if you could advise how that might be achieved.

Naturally happy to discuss this through with you if that would be helpful.

Kind regards

Simon Down

Acting Chief Executive OPCC

7th September 2021

Hi Simon,

Actually, I've checked and the last report took us up to March 2020. Given the passage you quote from the ToR I make it that the next report is due in March 2022.

In the meantime, I'd like the committee to review the terms of reference with you or a representative from the office. It would be good to talk as there are several points you make which we would like to discuss including the production of the biannual report.

I'm happy to set up a time with you and one or two committee members after our next meeting on the 17th September.

best wishes

Karen

13th September

Hi Karen,

Yes a meeting to discuss the ToR and the way forward with the committee would be useful. I know that Rupert will want to be involved with that directly so perhaps yourself, Dr Mark Peel as vice chair, Rupert and myself could meet after the 17th. I've cc'd Teresa in who can help to arrange.

Many thanks

Simon Down

22nd September 2021

Hi Karen,

Further to our discussion below, the chair of the Police and Crime Panel is fully determined to have a paper on the Ethics committee annual report so we therefore need a report for the meeting. Given the deadline for panel papers has already passed we intend to table this on the day of the meeting (Thursday 30th September) so can I ask you to prepare a report for the Ethic's Committee and have that to us by 9am on 30th September.

I must also point out that you would appear to have misunderstood the ToR. In your email of 7 September you wrote "*Actually, I've checked and the last report took us up to March 2020. Given the passage you quote from the ToR I make it that the next report is due in March 2022.*" However the ToR refers to a biannual report – meaning twice a year – while you seem to have read this as "biennial", which means once every two years.

I appreciate this is a reversal of our intention to remove from the agenda but I do hope it is doable as it is important from a public scrutiny perspective for us to abide by the wishes of the panel. Please do advise if this is going to be an issue. I will obviously do the covering

report in the Police and Crime Panel report format which will append the annual report from yourself as chair of the panel.

Kind regards

Simon Down

23rd September 2021

Hi Simon

I've checked with a few members of the committee, as I was not in role at the very first meetings of the Ethics Committee.

You're right that there is a mistake in the language used, it should be biennial. When the committee first started, an annual report was done by the OPCC, the chair would write the foreword and the committee would agree the report before it was published. A biennial report was only agreed last year. It would not make sense if it was biannual, that is 2 per year, in effect reporting on two meetings and any dip sampling. We are clear that the next report is not due until March 2022.

We should not change the process, without the agreement of the committee and that could only sensibly be put to members after our (agreed) discussion on 18 October, where I hope we can discuss this more and understand what changes are required and why.

There may be an agenda here (picking up from your previous emails) around 'value for money' and I would like to remind you that our fee was agreed in the beginning for four days per year, and we agreed to add in dip sampling pro bono to spare the PCC from having to do this time consuming task personally. The committee attend other meetings, additional training and conferences at the request of the PCC chair with no additional payment. Our remuneration is something of a peppercorn rate, and many of us have never charged any expenses.

To my knowledge the Police and Crimes Panel have not asked for this report before. You could send them the last report from March 20 and minutes of meetings since then.

Best wishes
Karen