

**POLICE AND CRIME COMMISSIONER (PCC) FOR LINCOLNSHIRE
REQUEST FOR DECISION**

REF: 029 / 2014

DATE: 13 November 2014

SUBJECT	INDEPENDENT MEMBERS SITTING ON POLICE MISCONDUCT PANELS – REVISED SCHEME OF ALLOWANCES
REPORT BY	CHIEF EXECUTIVE
CONTACT OFFICER	John King, Corporate Administration Officer Telephone 01522 947227
EXECUTIVE SUMMARY AND PURPOSE OF REPORT	
To recommend that the Scheme of Allowances for independent members sitting on police misconduct panels be revised to include an entitlement to claim compensation within specified limitations for loss of earnings or other financial loss suffered as a consequence of being notified that a misconduct hearing has been cancelled / deferred.	
RECOMMENDATION	<i>That the revised Scheme of Allowances attached at Appendix A be approved.</i>

POLICE AND CRIME COMMISSIONER FOR LINCOLNSHIRE

I hereby approve the recommendation above, having considered the content of this report.

Signature:



Date: 13/11/14

A. NON-CONFIDENTIAL FACTS AND ADVICE TO THE PCC

A1. INTRODUCTION AND BACKGROUND

1. On 1 April 2004 a new complaints system for the police came into effect with the establishment of the Independent Police Complaints Commission. The new system was introduced because there was a general consensus that the system that existed at the time did not enjoy public confidence.
2. The introduction of the new complaints system also led to a change in the composition of misconduct panels so that in disciplinary cases arising from a complaint or some other cases of misconduct, one of the three members of the panel would be independent of the police. Police and Crime Commissioners (PCCs) have a statutory obligation to compile and maintain lists of independent people to sit on misconduct panels.

3. The main role of independent members is to provide an impartial voice on misconduct panels and to assist panels in coming to fair and evidenced based judgements about a police officer's conduct and to decide on an appropriate sanction.

Scheme of Allowances

4. Misconduct hearings are usually conducted over 3 to 5 days. Under the PCC's Scheme of Allowances for independent members, claimants are paid £205.20 per day and £102.60 per half day for attending hearings. In addition, they are entitled to claim travel / subsistence allowances.
5. Occasionally it is necessary for a misconduct hearing to be cancelled or postponed at short notice. For independent members this can result in loss of earnings or other financial loss being suffered as a consequence, for example, of taking unpaid leave or in turning work down.
6. It is proposed that a mechanism be put in place to enable independent members to claim compensation within specified limits for time reserved but not used as a result of late cancellation or postponement of misconduct hearings. The level of payment that can be claimed (based on the day and half day attendance rates) reflects the period of notice given.

The following single fixed payments are proposed:

- Less than 14 days notice would entitle the independent member to claim a single fixed payment of £205.20
- Between 15 - 28 days notice would entitle the independent member to claim a single fixed payment of £102.60

If 29 days or more notice is provided then independent members would not be entitled to claim compensation.

7. Lincolnshire Police Professional Standards department (PSD) maintains the budget for the payment of allowances to independent members. The Head of PSD has been consulted and endorsed the proposed revision to the Scheme of Allowances provided at Appendix A.

A2. LINKS TO POLICE AND CRIME PLAN AND PCC'S STRATEGIES/PRIORITIES

None.

B. FINANCIAL CONSIDERATIONS

Lincolnshire Police Professional Standards department has budgeted for the additional cost of providing compensatory payments to independent members.

C. LEGAL AND HUMAN RIGHTS CONSIDERATIONS

[This should include the legal powers the PCC has for making the decision]

None.

D. PERSONNEL AND EQUALITIES ISSUES

None.

E. REVIEW ARRANGEMENTS

None planned.

F. RISK MANAGEMENT

The provision of compensatory payments to independent members will assist the PCC in continuing to attract high quality applicants for the role.

H. PUBLIC ACCESS TO INFORMATION

Information in this form along with any supporting material is subject to the Freedom of Information Act 2000 and other legislation. Part 1 of this form will be made available on the PCC's website within one working day of approval. However, if release by that date would compromise the implementation of the decision being approved, publication may be deferred. An explanation for any deferment must be provided below, together with a date for publication.

Is the publication of this form to be deferred? No

If Yes, for what reason:

Until what date:

Any facts/advice/recommendations that should not be made automatically available on request should not be included in Part 1 but instead on the separate part 2 form.

Is there a part 2 form? No

If Yes, for what reason:

ORIGINATING OFFICER DECLARATION

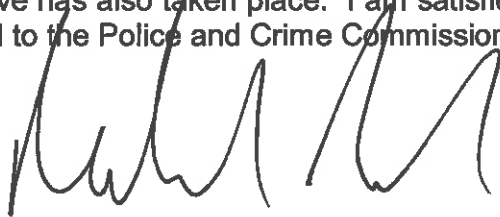
Originating Officer: The Corporate Administration Officer recommends this proposal for the reasons outlined above.	✓
Financial advice: The CC's Chief Finance Officer has been consulted on this proposal.	✓
Deputy Chief Constable: The Deputy Chief Constable has been consulted on this proposal	✓

OFFICER APPROVAL

Chief Executive

I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. Consultation outlined above has also taken place. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner for Lincolnshire.

Signature:



Date: 13/11/14

The Police and Crime Commissioner for Lincolnshire

INDEPENDENT MEMBER OF POLICE MISCONDUCT PANELS

SCHEME OF ALLOWANCES

DAILY ALLOWANCE

For the purposes of this section, "per day" means any period of more than four hours in one day (excluding meal breaks) and "half day" means a period of four hours or less (excluding meal breaks).

Independent Members will be paid £205.20 per day and £102.60 per half day for attending Misconduct Panel hearings.

An Independent Member appointed to a Misconduct Panel is entitled to claim compensation for loss of earnings or other financial loss suffered as a consequence of being notified that a hearing has been cancelled or postponed.

The amount that can be claimed is subject to the following limitations:

- Less than 14 days notice – single fixed payment of £205.20
- Between 15 - 28 days notice – single fixed payment of £102.60

If 29 days or more notice is provided then the Independent Member will not be entitled to claim compensation.

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TRAVEL EXPENSES

(a) Public Transport

Actual travel expenses incurred when using public transport will be reimbursed.

Notes:

- Rail tickets will have an equivalent value up to and including the cost of a Standard class open return on the route booked. Tickets will normally be booked and paid for in advance to minimise costs.
- Taxis will only be used when public transport is not a reasonable or practical alternative.

(b) Mileage Allowance

Independent Members will claim Her Majesty's Revenue and Customs (HMRC) approved mileage allowances when using their own private motor vehicle / motor cycle / bicycle.

Current mileage rates:

Motor Vehicle	- up to 10,000 miles a year 45p/mile - over 10,000 miles a year 25p/mile
Motor Cycle	24p/mile
Bicycle	20p/mile

Notes:

- Rates of mileage allowance are PAYE tax and national insurance contributions (NIC) free.
- Rates are set nationally and are subject to periodic review by HMRC.

SUBSISTENCE

(a) Overnight Accommodation

Overnight accommodation will normally be booked in advance by the host force, where applicable.

(b) Meals/Refreshments

Appropriate refreshments will normally be provided by the host force.