
Q&A – Independent Panel Members

Who are the Independent Panel Members and what is their role?

Independent panel members are persons who have no relationship with the police service and who sit on panels that preside over cases of very serious police misconduct. A panel will meet in a 'misconduct hearing', which represents the final stage in the disciplinary procedures for police officers. Hearings need to be arranged when an officer faces an allegation of very serious misconduct (what is known as gross misconduct) or cases where an officer has accumulated a history of misconduct.

Why are Independent Panel Members so important?

By having no relationship with police forces, independent panel members guarantee a high degree of impartiality in decisions over police misconduct. They provide the assurance to the general public that the police disciplinary procedures are transparent. Defendants too can be confident that panels will consider their cases in a fair and non-prejudiced manner.

Who else sits on Misconduct Panels?

A panel is made up of 3 individuals; 2 are members of the same Force as the defendant (who may be police officers or civilian HR staff) and 1 independent panel member. The panel's chair is usually a Senior Police Officer (although the chair could be a Senior HR staff) who has had prior training and experience in conducting these misconduct hearings. (The make-up of a panel is different where the defendant is above the rank of Chief Superintendent).

What sort of decisions do Misconduct Panels make?

Panels have a very important job, which is to examine relevant facts and evidence, and establish whether serious misconduct allegations against a police officer are proven. Where proven, the panel will also need to determine what form of outcome should be given to the case – in other words, decide the sanction against the officer. Because misconduct hearings are reserved for the most serious disciplinary cases, the highest sanction which panels could impose on an officer is dismissal from the service.

What are hearings like?

Hearings are formal proceedings. The panel's chair decides the format, but in general both parties are given a chance to present their cases orally. The panel will have previously read papers such as the Force's report into the allegations as well as the defendant's response. Witness statements could be part of the papers presented to the panel, and witnesses could be called to give oral evidence too. Both the Force and the defendant can, and often do, bring legal representation to the hearings.

How long do hearings last?

That will of course depend on the complexity of the case, but they are usually heard within one day. Sometimes they may need to be adjourned and continued on a second day. There are, occasionally, long sittings where panel members are required to sit up to 7 days but this is far less common. The hearings take place during working hours, on weekdays.

How much prior preparation is needed for the hearings?

Again, that will depend on the complexity of the case, but panel members should expect around 4 or 5 hours of reading ahead of a hearing, on average.

Panel members will be shared among four different Police Forces – how will this work in practice?

If selected and successfully appointed to the role, panel members become part of a pool of independent members working for four different police forces – the Metropolitan Police, the British Transport Police, the City of London Police and the Ministry of Defence Police. A contact person in each of these Forces will get in touch if a hearing comes up. If members are available and accept to sit on the panel, they will be given full instructions by each individual force, including information on time, venues and how to claim back expenses etc.

Why four different police forces, and could this affect the ability of panel members to do their job?

Each police area in the country needs to have its own pool of independent members to sit on misconduct panels. For geographical and practical reasons, the Metropolitan Police, the British Transport Police, the City of London Police and the Ministry of Defence Police all work together to recruit and maintain a pool of trained independent members. The four forces are different in many ways – their sizes, roles and priorities – but the disciplinary processes in all four are largely the same, so the knowledge and competency of panel members will be transferable.

What are the qualities and behaviours sought for the role of independent panel member?

The work of panel members contributes to increasing the public confidence in the police. For this reason, members must fully understand what high standards of conduct are expected of police officers. The decisions taken by panels can affect the livelihood of police officers and therefore acting - and being seen to act - with fairness and impartiality is paramount. As individuals, members are expected to abide by the strictest levels of integrity, honesty and good conduct in public life, and security clearance (vetting) is a pre-requisite to perform the role. Members must provide timely declaration of any circumstances which may prevent them from making fair decisions, for example, having a connection with a person involved in the case. A strong commitment to equality and diversity is absolutely essential.

What sort of allowances and expenses are panel members entitled to as part of this role?

Panel members are paid fees for attending misconduct hearings at a rate of £211.50 per full day, and £105.75 for half a day. Preparation time is paid at a rate of £15 an hour. Panel members can claim back any travelling costs made on public transport (receipts need to be shown and usually a maximum of £25 can be claimed). Members will also be entitled to claim back day subsistence (in other words, meals, assuming that these are not provided), which is paid at a rate of £4.25 when members have spent over 5 hours away from home, and £9.30 when this is over 10. If members need to spend the night away from home, they will be paid £96 to cover for hotel and meals (again, where these are not provided). The arrangements for panels involving the MOD Police are different, and the MOD will reimburse all reasonable receipted travel, accommodation and subsistence costs.