

Cambridgeshire and Peterborough Community Scrutiny Panel Terms of Reference

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1. Purpose of the Community Scrutiny Panel

- 1.1 The Police and Crime Commissioner (the “Commissioner”) has a statutory duty to hold the Chief Constable to account for the operation of Cambridgeshire Constabulary (the “Constabulary”). The Commissioner does that within a broad governance framework that includes feedback from external bodies, including volunteers in schemes such as the Community Scrutiny Panel.
- 1.2 The Commissioner values the voice and views of the public to inform policing within Cambridgeshire and Peterborough. In the context of building trust and confidence, the Commissioner encourages a teamed and collaborative approach between the Constabulary and the public where feedback and recommendations have been made.
- 1.3 The purpose of the Cambridgeshire and Peterborough Community Scrutiny Panel (the “Panel”) is to provide independent, objective scrutiny of the Constabulary’s Stop and Search, Use of Force and Custody Detention functions, reporting back to the Commissioner and Constabulary on findings, actions, and recommendations within the context of the current legislation, statutory guidance, and other associated frameworks.
- 1.4 The Panel runs each topic session (Stop and Search, Use of Force and Custody Detention) with a risk-based approach. This means that identified themes and perceived risks will be used to determine the content of each Panel session. The Office of the Police and Crime Commissioner (OPCC) and the Constabulary have the responsibility of raising

any such themes with the Panel Chairs (the “Chairs”), to be brought before the Panel for scrutiny.

2. Aims and Objectives of the Panel

2.1 For the Panel to, within the remit of its purpose:

- provide constructive feedback through the panel meeting process regarding the Constabulary’s use of their powers, to identify and share best practice, suggest actions, and make recommendations for improvements to the Constabulary to influence change in learning, policies and practices where necessary.
- provide the Commissioner with a community viewpoint regarding the trust and confidence the public have in the Constabulary’s use of these powers

3. Applicability of Terms of Reference

3.1 All parties subject to these Terms of Reference – Panel members, the Commissioner, the OPCC, officers and staff of the Constabulary – are expected to act within these agreed Terms of Reference.

3.2 Non-compliance with the Terms of Reference could undermine public confidence in the work of the Panel and concerns regarding any person’s ability to comply should be raised with the Chair or the Panel Vice Chair (the “Vice Chair”) and the OPCC.

3.3 The Terms of Reference will be reviewed on an annual basis in line with the Annual General Meeting (AGM).

4. Accountability and Governance

4.1 The Panel is independent in its scrutiny regarding Custody Detention, and the Constabulary’s use of Stop and Search and Use of Force powers. However, the OPCC shall retain overall ownership and management of the Panel, on behalf of the Commissioner, taking responsibility for providing formal Community Scrutiny Panel branded documentation, arranging and minuting all meetings, and capturing actions and recommendations derived from the Panel’s scrutiny, submitting these to the Constabulary for their response.

- 4.2 The Panel will deliver its findings and make recommendations to the Constabulary and the Commissioner, within the scrutiny meetings via the OPCC.
- 4.3 It is not the role of the OPCC to filter or amend Panel feedback or recommendations, but to ensure that they form one part of the overall process of holding the Constabulary to account within the broader governance framework.

5. Panel Membership

- 5.1 For each panel, one panel member will act as the Chair and one as Vice Chair. The Chair of the Custody Detention Panel must be an active Independent Custody Visitor (ICV).
- 5.2 Members of the Panel can serve a term of up to ten consecutive years, and no more than ten years in total. Interest from new panel members will be accepted year-round with training and onboarding to the panel at the end of each quarter, facilitated by the OPCC and Constabulary.
- 5.3 The Chairs and Vice Chairs will be elected for a period of two years at the AGM. If there is a requirement for a Chair to be appointed in between AGMs, the Panels will elect an interim chair for individual meetings. Alternately, the OPCC will temporarily chair the meeting.
- 5.4 The OPCC will seek nominations from Panel members for Chairs and Vice Chairs, with a closing date of at least one week before the election date. Elections will take place over email in advance of the Panel's AGM, unless there is a requirement to do so sooner, such as in the event of a Chair resigning. A voting system will be used to elect the Chair and Vice Chairs the outcome of which will be announced and formalised during the AGM.
- 5.5 In addition to chairing meetings, the Chairs and/or Vice Chairs will assist the OPCC in planning themes for scrutiny based on local and national priorities reviewing Panel minutes and shall act as a single point of contact for the Panel between meetings for the OPCC.

5.6 The OPCC will act as a conduit for communications between the panel and the Constabulary.

6. **Panel Members** – *including the Chairs and Vice Chairs*

- 6.1 The Panel will consist of dedicated people who live, work or study within Cambridgeshire, and aims to represent the demographics within the county and people most affected by Stop and Search, Use of Force, and Custody Detention. This is inclusive of 16–17-year-olds with parental or guardian consent, who will be invited to attend online meetings only for safeguarding purposes.
- 6.2 The minimum number of panel members for a meeting to be quorate will be 5, including the Chair and Vice Chair. In exceptional circumstances, the meeting may continue if less than quorate at the discretion of the OPCC. The maximum number of members to ensure an efficient and constructive meeting in a face-to-face setting will be a total of 15 including Chair and Vice Chair. The maximum number of members at an online meeting will be 20.
- 6.3 There is no requirement for any panel member to be vetted as no member has unfettered access to force systems.
- 6.4 Panel members are expected to partake in relevant training as required by the OPCC and attend meetings regularly, at least once per quarter, to ensure consistency in representation and updated knowledge.
- 6.5 As the role is voluntary, members can leave the Panel at any time but are asked to inform the OPCC directly when they leave.
- 6.6 The scrutiny work by the Panel must not compromise the political independence of the police. This recognises that members may choose to take part in political activity, but OPCC must be notified beforehand to discuss any potential issues. The OPCC's Chief Executive (CEO) retains the right to suspend or remove a panel member if they feel political activity may compromise the independent scrutiny of the panel.

- 6.7 Panel members are expected to advise the OPCC as soon as reasonably possible of any personal issues such as previous criminal charges or ongoing criminal investigations. Similarly, any matter regarding conduct in carrying out Panel duties must be referred in the same way. The OPCC's CEO will then decide if the Panel member's tenure on the Panel needs to be reassessed.
- 6.8 Panel members will not have any contact with the media, including on social media, in relation to matters relating to the Panel, the Constabulary, the Commissioner, or the OPCC. Panel members, including Chairs and Vice Chairs are not to comment to the media (including social media) in their capacity as a Panel member. Panel members are not to represent the Panel in any capacity outside of meetings unless agreed with the OPCC in advance.
- 6.9 Panel Members will be expected to adhere to the Code of Conduct. The CEO reserves the right to remove any panel member from the panel who breaches the Code.

7. OPCC Support

- 7.1 The OPCC will ensure that the Panel is properly supported in their role by:
- providing a contact within the OPCC for the Chairs, Vice Chairs and Panel members.
 - providing clerical support to the Panel inclusive of, but not limited to, booking and hosting meetings, providing Community Scrutiny Panel branded templates, minute taking, reporting on meeting findings, distributing briefings and paperwork as necessary, organising and processing payment of travel expenses; and
 - managing web presence, social media and all external community-facing communications.

8. Cambridgeshire Constabulary Support

- 8.1 The Constabulary will:
- provide a liaison officer to assist the Chairs in providing all data and footage for use in scrutiny sessions.
 - commit to attending scrutiny meetings.
 - facilitate appropriate data sharing.

- respond to suggested actions and recommendations made by the Panel (whilst recognising that the Constabulary is under no obligation to implement these).
- prepare and present agreed material for scrutiny purposes e.g. data reports and body worn video for scrutiny; and
- work alongside the OPCC to support efficiency of the meetings.

9. Scrutiny Meetings

- 9.1 The Panel will meet a minimum of twelve times per year, and meetings will rotate topics between Custody Detention, Stop and Search and Use of Force. In addition, there will be an Annual General Meeting (AGM).
- 9.2 Within all scrutiny sessions, it is appropriate to hold thematic sessions in which certain areas of policing can be scrutinised. The Chairs and Vice Chairs have the authority to set the theme in these instances, but the Constabulary and Commissioner can also request themes where issues have been identified for the Panel to explore on their behalf.
- 9.3 Additional scrutiny requests that come from external sources, such as other Boards, members of the Constabulary, or panel members, should be submitted in writing to the OPCC who can then discuss the associated risk with the relevant Panel Chair and come to a decision.
- 9.4 The frequency of the scrutiny meetings may increase or decrease over time in response to urgent or exceptional concerns. In such circumstances, this will be agreed between the OPCC, the Constabulary, and the Chair.
- 9.5 If the number of members wanting to attend a session exceeds the limits in point 6.2. Members will be selected on a first come first served basis.
- 9.6 All scrutiny meetings are expected to last around two hours, unless agreed by the Chairs, the OPCC and the Constabulary in advance.

- 9.7 In addition to Panel members, meetings will also be attended by a member of the OPCC and a member of the Constabulary, as a minimum. Other representatives may attend as agreed by the Constabulary, the OPCC, and the Chair in advance.
- 9.8 Dates on which meetings take place are to be decided and agreed between the OPCC and Constabulary and circulated to panel members. Changes to meeting dates are to be made with a minimum of four weeks' notice to all parties, with the understanding that there may need to be changes at a shorter notice in exceptional circumstances.
- 9.9 The OPCC will send out a calling notice to Panel members a minimum of two weeks prior to a meeting, with the minutes of the previous meeting attached. Joining instructions will then be sent out to Panel members who have confirmed their attendance one week prior to the meeting. Joining instructions, particularly for online meetings, must not be shared between panel members. The OPCC is responsible for monitoring attendance of meetings and therefore needs to be aware of all members wishing to attend prior to the meeting.

10. Reporting and Monitoring of Recommendations and Actions

- 10.1 The OPCC will capture the Panel's discussions and feedback on the cases that have been scrutinised, including any resulting recommendations and actions. The Constabulary shall also capture any actions or recommendations for the Constabulary to prevent any delay in them being progressed.

11. Annual General Meeting

- 11.1 An Annual General Meeting will be held at the end of every financial year, the purpose of which will, at a minimum, be:
- to review the work conducted and achieved by the Panel over the previous calendar year.
 - to agree any potential changes to the working of the Panel for the forthcoming year.
 - to sign an annual Confidentially Agreement;
 - to agree the Terms of Reference and Code of Conduct; and
 - to elect Chairs and Vice Chairs every two years.

11.2 Panel members will not be able to attend the next Panel meeting until the above documentation has been signed.

12. Confidentiality and Impartiality

12.1 The proceedings of all Panel meetings are sensitive. To operate effectively, Panel members may on occasion have sight of restricted material that must be treated as strictly private and confidential. Information submitted in support of the meetings, or other information provided within the remit of the Panel, may also be sensitive or confidential.

12.2 Panel members must:

- maintain confidentiality and impartiality in relation to all parties involved in the scrutiny data and must not reveal any information about police records or personal data of police officers, staff, and members of the public, that could identify any individual.
- advise the Chair, of the meeting if, during the course of scrutiny, they recognise an individual from a case and/or have a conflict of interest.
- not involve themselves in any of the individual cases reviewed; and
- not disclose any aspect of discussions which the Panel undertakes during scrutiny, apart from the points recorded in the published notes from Panel meetings.

12.3 Should a Panel member recognise/or is affiliated with the subject of any case being scrutinised, they must notify the Chair and remove themselves for the scrutiny of that incident, as to not create a conflict of interest.

12.4 Any breaches of confidentiality and confidentiality arrangements will lead to an investigation by the OPCC (and the Constabulary if required), and the possible exclusion of a member from the Panel. This decision will be made by the OPCC CEO, and their decision is final.

12.5 The requirements of the General Data Protection Regulation (GDPR) will apply to all work undertaken by Panel members. Reference should be made to the Commissioner's website for information about the GDPR.

13. Training

13.1 The Constabulary and the OPCC will be responsible for organising and/or providing induction training and any ongoing learning for Panel members. The need for any additional training to enable the Panel to fulfil its role will be agreed between the OPCC, Chairs, Vice Chairs and Constabulary.

14. Expenses

14.1 Being a Panel member is entirely voluntary, but reasonably incurred travel expenses may be claimed. Travel expenses can be claimed for attendance at meetings and training events, to cover only the return distance between the Panel member's normal residence and the meeting location including mileage, bus or train fares and parking fees (but not taxis) as a maximum. Any other expenses incurred need the prior authorisation of the OPCC and will not be paid without this.

14.2 Expense claims made on the appropriate form should wherever possible be submitted within one month after the time of the journey with supporting receipts where appropriate. Any travel expense remuneration will be made public, as required.

15. Publishing of Information

15.1 Information regarding the Panel, such as scrutiny report findings, minutes of meetings and actions taken by the Constabulary, will be published on the Commissioner's website.

15.2 The Panel's media and social media presence will be facilitated by the OPCC and Constabulary and shall only be promoted through the corporate accounts of the OPCC and Constabulary.

15.3 Consent will be sought from all Panel members for their names and photos to be used on the website, as necessary. This is not compulsory, and members can therefore decline.

16. Data Protection

16.1 Information used for the purposes of scrutiny is generally anonymised of personal (or other identifiable) information, unless there is a justified, proportionate, and legal reason for sharing more detailed information (and on such occasions this must be clearly recorded).

Appendices

Appendix 1

How we will work

- a. Prior to the meeting for Stop and Search and Use of Force the Chair and Vice Chair will receive a monthly data report from the Constabulary for the month prior to the scrutiny meeting, from which the Chair and Vice Chair will identify up to eight records. The Constabulary will then assess and confirm the availability of the body worn videos and from these, the Chair and Vice Chair will prioritise five cases for the scrutiny meeting.
- b. For Custody Detention, the theme for each meeting will be decided between the Constabulary, the OPCC and Chair, using a risk-based approach and the Chair will then make the selection from cases and footage where available.
- c. For the Panels to fulfil their purpose, at each scrutiny meeting they will be presented with anonymised forms and/or body worn video footage, where available and appropriate.
- d. At the scrutiny meetings the Panel will review and assess the documentation and/or the body worn video footage, based on the assessment sheets provided. Panel members' views and comments are to be captured on the assessment form. Where meetings are held online, the OPCC will capture all comments made and written in the chat function and members will not be required to complete paperwork.
- e. Panel members will provide each case viewed with a red, amber, green (RAG) rating. The ratings will be recorded and published in the minutes.
- f. The OPCC will complete minutes which will include a summary of the meeting and panel members findings.

- g. Understanding that the timeframe for completing minutes is subject to change when required, all parties should look to complete minutes within the timeframes below when possible:
 - i. Minutes from the meeting shall be written up by the OPCC and shared with the Panel Chair and Constabulary as soon as practicable post meeting.
 - ii. The Constabulary shall provide their comments and return the minutes to the OPCC as soon as practicable.
 - iii. The OPCC will finalise the minutes and share these with the panel members via email ahead of the next scrutiny meeting of the same function (Stop and Search, Use of Force or Custody Detention) and publish them on the Commissioner's website.
- h. Cases that are reviewed as red within the RAG review summary will be submitted to the Professional Standards Department (PSD) by the OPCC without exception and in accordance with the process maps agreed with PSD, the Constabulary and the OPCC.
- i. The Commissioner shall use the actions and recommendations made by the Panel as part of his holding the Chief Constable to account, by tracking the Constabulary's response to the Panel's feedback via meetings such as the Business Coordination Board.
- j. Positive actions taken by the Constabulary in relation to the feedback provided by the Panel shall be published on the Commissioner's website, (excluding any personal or sensitive information).

Appendix 2

Role of the Chair and Panel

Working together and bringing their voices, experience and perspectives to the Panel, members will actively participate in the scrutiny of cases.

The Panel Chair will;

1. Develop and manage the theme of the scrutiny panel with the OPCC.
2. Select the records for scrutiny from data provided by the constabulary.
3. Ensure meetings are well-timed and effective.
4. Check the minutes for accuracy and to ensure minutes are agreed at the beginning of each Panel meeting by the Panel and documented in the minutes being taken
5. Facilitate discussions at the meetings, particularly where there may be conflicting views between members
6. Meet with the OPCC as required to set scrutiny themes.
7. Ensure that the OPCC has sight of all correspondence/views/feedback so it can be logged and monitored.
8. Ensure Panel members at the meeting are engaged and empowered to contribute in a meaningful way and that an environment is created whereby they feel safe and enabled to do so and that attendees are "heard".
9. Encourage Panel members to focus scrutiny solely on the documentation/body worn footage/CCTV they have been presented with.

The Vice Chair will support the Chair and deputise when the Chair is unable to attend meetings.

Appendix 3

Code of Conduct

Purpose

This Code of Conduct sets out the standards of behaviour expected from all members of the Community Scrutiny Panel. Members agree:

- Treat all individuals including fellow panel members, constabulary and OPCC representatives with courtesy and dignity.
- Avoid discriminatory, inflammatory or disrespectful language.
- Not to be aggressive or use exclusionary language.
- Not to conduct themselves in a manner that could reasonably be regarded as bringing the panel into disrepute.
- Raise concerns and comments appropriately and respectfully within the scrutiny meetings via the OPCC.
- Not to disclose information to outside bodies or individuals that is subject to the terms of the confidentiality agreement.
- Disclose to the OPCC any matter outside of the panel that may impact on the effective discharge of responsibilities.
- Attend at least one panel meeting per quarter (failure to do so without reasonable excuse, could cause membership to be paused).