

POLICE MISCONDUCT PANEL HEARINGS

Background Information

Under the Police Conduct Regulations 2012 (as amended by Police (Conduct) (Amendment) Regulations 2015), changes were made to the conduct and composition of police misconduct hearings for police officers of Superintendent rank and below.

The purpose of the changes is to bring greater transparency and independence to police misconduct hearings. They include the holding of hearings in public (which was introduced in May 2015) and since January 2016, the chairing of them by legally qualified person appointed by Police and Crime Commissioners (PCCs).

There were further changes in legislation from 1 February 2020, under the Policing and Crime Act 2017 which see legally qualified chairs managing police misconduct hearings from the outset.

Misconduct Process

Public confidence in the police is of the highest importance. To secure it, police officers are expected to demonstrate a high level of personal and professional standards of behaviour.

An allegation of misconduct against a police officer (Superintendent and below) or a special constable may be deemed appropriate for investigation by the force's Professional Standards Department (PSD) or the Independent Office for Police Conduct (IOPC).

The findings of an investigation will be referred to and formally assessed by the Deputy Chief Constable as the 'appropriate authority' in each force. If the Deputy Chief Constable considers the allegation is one of gross misconduct, the matter will be referred to a Police Misconduct Panel for a hearing. The Panel will then make for a determination and, in the event of the allegation being found to be proved, the imposition of sanctions.

Police Misconduct Panel Hearings in Cheshire, Cumbria, Lancashire, Greater Manchester and Merseyside

Hearings will be held in each of the Cheshire, Cumbria, Lancashire, Greater Manchester and Merseyside police force areas (as appropriate).

Hearings will be conducted by a Police Misconduct Panel (the Panel) made up of one legally qualified chair, one police officer of at least the rank of Superintendent and an Independent Panel Member (IPM).

It is the responsibility of the Police and Crime Commissioners to maintain a list of Legally Qualified Chairs and Independent Panel Members and to appoint them.

It is the responsibility of the PCCs to appoint them to be a Chair of a Panel by using the 'cab rank process'. It is the responsibility of the Appropriate Authority to appoint a police officer member of the Panel.

Sanctions

The College of Policing have produced 'Guidance on outcomes in police misconduct proceedings'. The College of Policing is a professional body for the police in England and Wales whose responsibility includes a number of training and development roles. The guidance is intended to assist the panel appointed to conduct misconduct proceedings https://www.app.college.police.uk/wp-content/uploads/2017/10/Misconduct-C62110617_Guidance-on-outcomes-in-police-misconduct-proceedings_12.10.17.pdf

Relevant Legislation

Police (Conduct) Regulations 2012 (amended by Police (Conduct) (Amendment) Regulations 2014 and 2015)
Policing and Crime Act 2017
Police (Conduct) Regulations 2019
Police (Conduct) Regulations 2020