

**DECISION NOTICE**

**Decision author and proposer: Lucy Phelan – Indemnity of Legally Qualified Chairs & Independent Panel Members for GMP Misconduct Hearings.**

<b>Subject/ Title:</b>
<b>Indemnity for LQC's as Chair of Police Misconduct Hearings and Independent Panel Members.</b>

<b>Type of decision:</b>			
<b>Deputy Mayor's decision</b>	<b>X</b>	<b>Chief Officer's decision</b>	

**In all cases this will need to be approved by the Director Police, Crime, Criminal Justice and Fire.**

<p><b>The decision is that:</b></p> <p>To provide indemnity to Legally Qualified Chairs and Independent Panel Members of Police Misconduct Hearings arranged thus far for 2022/23 in accordance with the wording negotiated by APCC, APACE, and the National Association of LQCs as follows: -</p> <p><i>In respect of the case of ..... which is to be held on ..... Greater Manchester Combined Authority (the legal entity in which the property, rights and liabilities of Police and Crime Commissioner for the Greater Manchester Area are vested) agrees to indemnify you as the Legally Qualified Chair/ Independent Panel Member in respect of any liabilities arising (including reasonable costs in connection with responding to legal proceedings) for anything done or omitted to be done by you in the discharge of your functions unless, having received representations or submissions by or on your behalf, you are proved in a court of law or other tribunal with appropriate jurisdiction to have acted in bad faith. Furthermore, in the event of your being held to have any liability for anything done or omitted to be done by another member of the Panel of which you are part, the Greater Manchester Combined Authority agrees to indemnify you in full in respect of any such liability.</i></p>
<p><b>The reasons for the decision are:</b></p> <p>At the Annual General Meeting of the National Association of Legally Qualified Chairs (NALQC) a resolution was passed that all members would</p>

be advised not to sit as chairs unless indemnity was strengthened by PCC's.

It has been the view of most LQCs that the previous wording provided does not give adequate protection and they have sought to take out of the indemnity the words *unless the act or omission is shown to have been in bad faith, reckless or is the product of gross and obvious irregularity for which panel members are responsible*.

The NALQC Chair and others met with the Home Office on 10 November 2020 to raise the issue. The concerns of the NALQC have also been relayed to other interested parties, such as the APCC, the APACE and the Police Superintendents' Association. The Home Office is considering legislative change to "cure" the problem, but this will take time. Pending any legislative change, the NALQC has given the advice as described above to its members.

APCC has worked with APACE, Home Office and the National Association of LQCs to develop a pragmatic solution and a form of wording for the indemnity which offers both LQCs and PCCs some reassurance. It offers LQCs assurance that they are covered for damages unless it is shown in a court or similar that they have acted in bad faith (this is similar to the wording of the magistrates' indemnity set out in the Courts Act 2003). It provides PCCs with a backstop to ensure that LQCs act professionally in their role as panel chair. The agreed wording is set out above.

**This decision will contribute to priorities of the Greater Manchester strategy in the following ways:**

To ensure that GMP are able to implement agreed national standards for the execution of force disciplinary procedures.

**Financial comments:**

This is an interim solution until such time that judicial immunity will be sought for misconduct panels in legislation to put the matter beyond doubt and protect misconduct panel members from civil claims.

The GMCA insurance manager is also in discussion with the CA insurer to explore whether an insurance can be purchased to mitigate the risk to the GMCA.

**Legal comments:**

Advice has been provided through GMCA and the Deputy Monitoring officer.

**Risk Assessment:**

To ensure that GMP are able to implement agreed national standards for the execution of force disciplinary procedures.

**Is safeguarding of children relevant and has this been considered:**

N/A

**Is safeguarding of vulnerable adults relevant and has this been considered:**

N/A

**Scheme of Delegation:**

The Mayor's Scheme of Delegation says that the Chief Executive of the Greater Manchester Combined Authority has authority to sign indemnities.

*8.3.7 To sign, on behalf of the Mayor, any indemnity needed to enable him/her to perform any legal duties. However, if giving an indemnity could have significant financial implications, that indemnity can only be signed with the approval of the Treasurer to the GMCA.*

**Agreed by Director – Police, Crime and Fire Team:**

Signed:  Clare Monaghan

Date: 1<sup>st</sup> July 2022

**Agreed by Treasurer - GMCA:**

Signed: 

Date: 05/07/2022

**Agreed by Deputy Mayor:**

Signed: 

Date: 14<sup>th</sup> July 2022