

Warwickshire Police and Crime Panel

27 September 2013

Joint Working Protocols

Recommendation

That the Panel approves the Joint Working Protocols attached as an Appendix

1.0 Key Issues

Discussions have taken place between officers supporting the Panel and those supporting the Police and Crime Commissioner. It was felt that some joint working protocols would assist the smooth transaction of the Panels business and draft protocols are attached for the Panels consideration.

2.0 Timescales associated with the decision and next steps

None

3.0 Background papers

None

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Warwickshire Joint Protocol for governing dealings between the Police & Crime Commissioner (PCC) and the Police & Crime Panel (PCP)

1. Police and Crime Panel (PCP)

1.1 In broad terms the role of the Police and Crime Panel is to hold the Police and Crime Commissioner to account, promote openness in the transaction of police business and support the Police and Crime Commissioner in the effective exercise of his/her functions. It mainly does this through

- Reviewing and making recommendations on the Police and Crime Plan and the annual report prepared by the Commissioner
- Reviewing proposals put forward by the Commissioner for senior appointments or dismissals including that of the Chief Constable through holding confirmation or scrutiny hearings
- Informal resolution of complaints about the conduct of the Commissioner and Deputy Commissioner. The Panel has delegated the initial handling of such complaints to the Chief Executive of the Office of the PCC.

1.2 The PCP also provides a check and balance on the powers of the PCC. The Panel may scrutinise and make recommendations relating to any area of activity undertaken by the PCC and has the power to:

- require the Commissioner or a member of their staff to attend the panel to answer questions
- request the Chief Constable attends the panel to answer questions where it has already required the Commissioner to appear before the panel
- appoint an acting Commissioner from amongst the Commissioner's staff if the Commissioner has resigned, has been disqualified from office, or is incapacitated or suspended
- veto the Commissioner's proposed level of council tax if two-thirds of the members of the panel vote in favour of doing so
- veto the Commissioner's proposed appointment of a Chief Constable if two-thirds of the members of the panel vote in favour of doing so.

2. Police and Crime Commissioner (PCC)

2.1 In many ways the Police and Crime Commissioner has the same role as the old police authorities. His main responsibilities are to:

- secure an efficient and effective police force for the area
- appoint the Chief Constable, hold them to account for the running of the force and if necessary dismiss them

- set the Police and Crime objectives for the area by producing a five year Police and Crime Plan (in consultation with the Chief Constable)
- set the annual force budget and police precept, and produce an annual report setting out their progress against the objectives in the Police and Crime Plan
- contribute to the national and international policing capabilities set out by the Home Secretary in the Strategic Policing Requirement
- co-operate with the criminal justice system in their area
- work with partners and fund community safety activity to tackle crime and disorder.

2.2 It is up to the PCC to decide what support is needed to fulfil the role, although he has to appoint a chief of paid staff (Chief Executive who is also the Monitoring Officer) and a chief finance officer. The appointment of a Deputy Police and Crime Commissioner is optional. Other staff can be appointed as appropriate on merit, but the PCC will have to publish details of the function and cost of the staff supporting them. Initially existing police authority staff will have been transferred to support PCCs.

2.3 Although the PCC sets the local objectives for the force and holds the police to account, operational responsibility for the day-to-day work of the police remains with the Chief Constable.

3. Aim and Scope

3.1 This protocol seeks to support and assist the working relationships between the PCC and the PCP by setting out the mutual expectations and responsibilities that are likely to promote and enhance the reputation and standing of the PCC, the Office of the PCC (OPCC), the PCP and Warwickshire County Council (as lead authority for the PCP).

3.2 This protocol covers those officers that support the PCC and who are line managed by the Chief Executive in the OPCC. The PCP is administered by Warwickshire County Council. The County Council's Strategic Director for Resources is responsible for the staff that will administer and support the PCP.

3.3 Members should consult the Strategic Director for Resources about matters involving questions about legality, maladministration, financial impropriety and probity or where they have any doubt as to whether a particular decision of the PCC or the PCP was or is likely to be contrary to law, any policy framework or budget.

3.4 Support officers should consult the Chief Executive of the OPCC or the Strategic Director for Resources (as appropriate) about matters involving questions about legality, maladministration, financial impropriety and probity or where they have any doubt as to whether a particular decision

of the PCC or the PCP was or is likely to be contrary to law, any policy framework or budget.

4. PCC and PCP Conduct

4.1. The PCC must:-

- (a) be guided by the seven Nolan Principles of Public Life;
- (b) comply with the OPCC local policies and procedures
- (c) ensure that any facilities provided for their use are used strictly for the intended purpose and for no other purpose;
- (d) comply with any relevant statutory provisions;
- (e) consult the OPCC Chief Executive on matters of law, general propriety, conflicts of interest.

4.2 The PCP is comprised of ten elected members and two independent members. All members of the PCP are guided by the seven Nolan Principles of Public Life and their appropriate member Code of Conduct. Members of the PCP should consult the Strategic Director for Resources in relation to matters of law, general propriety, or conflicts of interest.

5. Officer Conduct

5.1 All support officers (officers from the Office of the PCC and those supporting the PCP) are required to be politically neutral in their dealings with both the PCC and the PCP. All are expected to uphold the highest standards of conduct and integrity in relation to:-

- (a) official conduct;
- (b) sensitivity over disclosure of information and confidentiality;
- (c) relationships with members, associates, officers in other authorities, other local policing bodies and contractors;
- (d) outside commitments, personal business interests, interests in contracts and any other situation in which personal interests, could create a potential conflict.
- (e) equality issues;
- (f) hospitality and gifts;
- (g) use of financial resources; and
- (h) sponsorship.

6. Respect and Courtesy

6.1. For the conduct of the PCC and the PCP to be effective there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal. It is very important that both the PCC and PCP remember their respective obligations to maintain public trust and confidence.

6.2. It is important that in any dealings between the PCC and the PCP neither should seek to take unfair advantage of their position by applying undue

pressure on the other, their members or officers to do anything they are not empowered to do.

- 6.3 A member of the PCC's staff is not required to give any evidence or produce any document to the Panel, which discloses advice given to the PCC by that person.

7. Familiarity

- 7.1 Close personal familiarity between the PCC, the PCP and support officers could damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them.
- 7.2 In public meetings when the public or persons who are not officers or members are present, it would be usual for the PCC and the PCP members and support officers to address each other in a formal manner.

8. Declarations of Interest

- 8.1 The PCC and PCP members must declare any personal or prejudicial interests in any item under consideration during meetings. They will be required to have made such declarations in the Register of Interests held by either the OPCC or in the case of members of the PCP, their responsible authority.
- 8.2 Support officers should declare to the Chief Executive of the OPCC or to the Strategic Director for Resources, as appropriate, any outside commitments, personal business interests, interests in contracts and any other situation in which personal interests, including those of the officer's family or close associates, are, or could bring about, conflict with the interests of the PCC or PCP.

9 Redress

- 9.1 If the PCC or the PCP consider that they have not been treated with proper respect or courtesy, they may raise it with the Chief Executive of the OPCC (in the case of the PCC) or the Strategic Director for Resources (in the case of the PCP) if it is not possible or practicable to resolve it through direct discussion.
- 9.2 If a support officer feels the same way about the PCC or a member of the PCP and a direct discussion is impractical or fails to resolve the matter, they should raise the matter with the Chief Executive of the OPCC or the Strategic Director for Resources, as appropriate, without delay.
- 9.3 The prompt use of informal resolution procedures should be pursued wherever possible.

10 Service Standards

- 10.1 These Service Standards have been established to ensure the effective and efficient running of the Police and Crime Panel and ensure that the Police and Crime Commissioner is fully aware of the obligations with regard to the provision of reports etc.

Action	Responsible Body
Requirements on the PCC, and members of his staff, to attend meetings of the PCP to answer any questions to enable the Panel to carry out its functions,	<p>Democratic Services will notify the Office of the PCC in writing of the scheduled dates for the PCP, as soon as the Calendar is agreed.</p> <p>Democratic Services will give at least 10 days' written notice to the OPCC of those ad hoc meetings required to be held within a 3 week period.</p> <p>Democratic Services will give at least 14 days' written notice of any other ad hoc meetings to the OPCC</p>
Requests by the PCC for additional meetings with the PCP over and above the agreed work programme.	<p>The OPCC will give written notification of the request to Democratic Services at least 1 month before the desired date for the meeting.</p> <p>Democratic Services will establish whether the request can be accommodated and will notify the OPCC of the result in writing.</p> <p>Where a statutory timescale applies the OPCC must notify Democratic Services in writing immediately they are aware that decisions will be required by the PCP.</p>
Request to the Chief Constable, or his representative, to attend meetings of the PCP where the PCC will also be present	<p>Democratic Services to notify the Office of the PCC in writing of dates on which the Chief Constable is requested to attend as soon as is practicably possible.</p>
Requirement on the PCC to produce reports, or respond in writing, to any report or recommendation made by the PCP to the PCC.	<p>Democratic Services to advise in writing what reports or other information are required at each of its meetings as soon as practicable.</p> <p>Office of the PCC to send any reports and accompanying information to Democratic Services no later than 7 working days before the meeting date.</p> <p>Office of the PCC will provide a written response to questions within the agreed time frame set by the PCP or if none, normally within 15 working days or sooner wherever possible.</p> <p>Where a statutory timescale applies the Office of the PCC shall comply with that timescale.</p>

11 Complaint Handling

- 11.1 The PCP has delegated the initial handling of complaints about the conduct of the PCC or the DPCC to the Chief Executive of the Office of the PCC. The chart annexed sets out the expectations for when notification and consultation with the Chair of the PCP should take place following receipt of a complaint. The chart should be read together with the more detailed description of the division of duties which was covered in the delegation.

Definitions:

A serious complaint involves the potential commission of a criminal offence.

A conduct matter for the purposes of this protocol are non-criminal complaint matters.

Grounds for rejecting informal resolution process:

Relates to staff member of PCC/DPCC

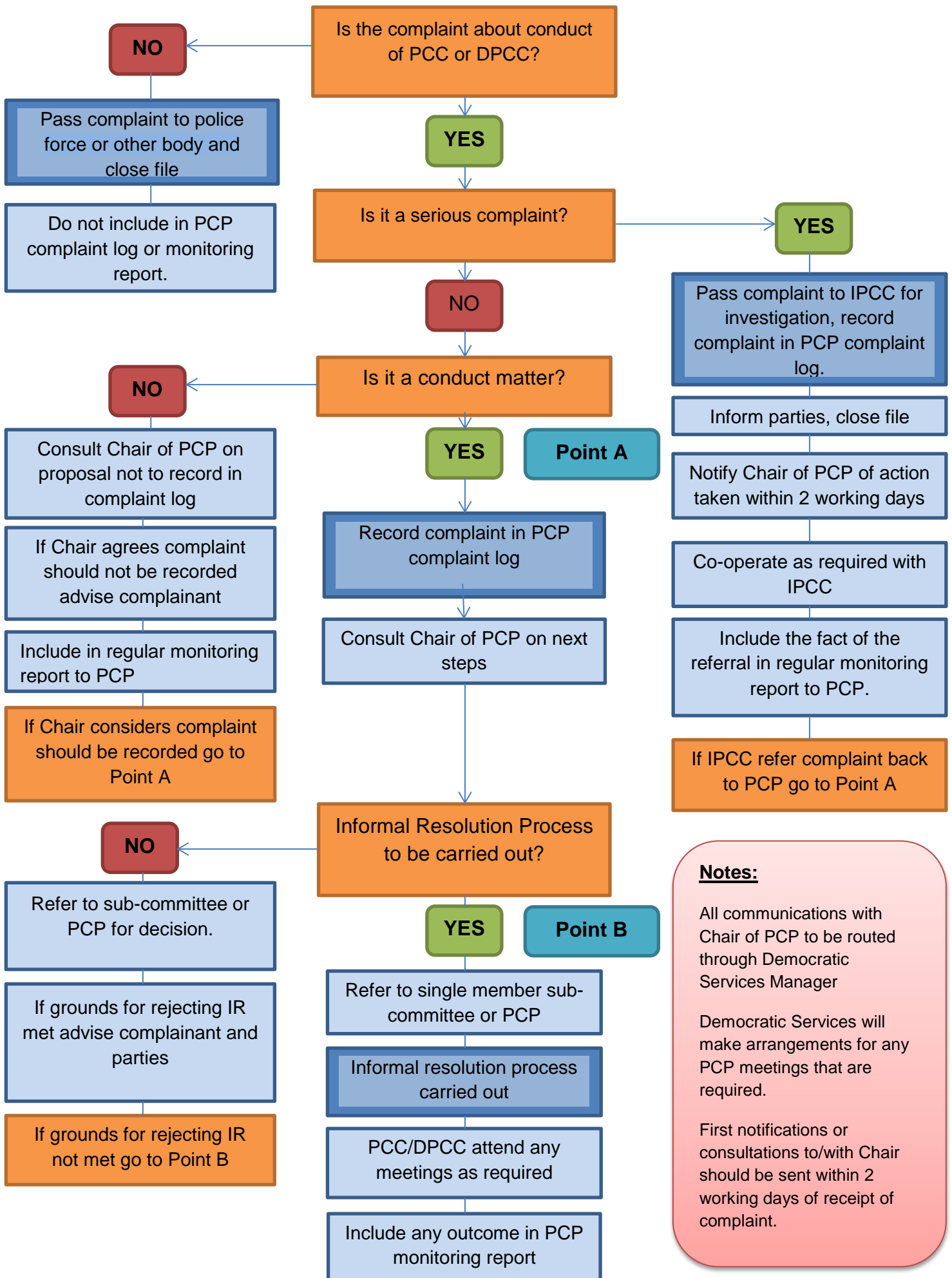
Unjustified delay of 12 months or more in making complaint

Anonymous and unable to investigate

Vexatious, oppressive, or other abuse of process.

Repetitious or already subject to a complaint

Warwickshire Police and Crime Panel Complaints Protocol



Notes:

- All communications with Chair of PCP to be routed through Democratic Services Manager
- Democratic Services will make arrangements for any PCP meetings that are required.
- First notifications or consultations to/with Chair should be sent within 2 working days of receipt of complaint.