

**AVON AND SOMERSET POLICE AND CRIME PANEL**

**10<sup>th</sup> DECEMBER 2012**

**Title:** Police and Crime Panel and Police and Crime Commissioner Working Protocol

**Report of:** Lead Officer for the Police and Crime Panel, Bristol City Council

**RECOMMENDATION**

It is recommended that the Panel agrees the proposed Working Protocol attached as Appendix A to the report, as a framework for an effective working relationship with the Commissioner.

**SUMMARY**

The Lead Officer seeks agreement on working principles between the Panel and the Commissioner and for this purpose the Panel is invited to consider the proposed Working Protocol, intended to support both the Commissioner and the Panel in the early months of operation and the delivery of key tasks during that period. The protocol sets out the respective functions of the Panel and the Commissioner and aims to establish a set of principles and processes to ensure an effective and constructive working relationship.

Whilst recognising the common aims and the need for closer working, it is important to remember that the Commissioner and the Panel are independent bodies and have autonomy over their work programmes, methods of working and any views or conclusions they may reach. The principles outlined may be revisited in 12 months time to assess how these are working and to consider whether the scope now identified is appropriate.

**AVON AND SOMERSET  
POLICE AND CRIME COMMISSIONER AND POLICE AND CRIME DRAFT  
PANEL WORKING PROTOCOL**

**Introduction**

The Police Reform and Social Responsibility Act 2011 establishes new structural arrangements for police governance and accountability. Principal among these changes is the election of the Police and Crime Commissioner (the Commissioner) and the appointment of the Police and Crime Panel (the Panel).

The primary role of the Panel is to **support** and **scrutinise** the Commissioner in the discharge of their functions. This Working Protocol is designed to support effective working relationships between the Commissioner and the Panel. The Working Protocol is underpinned by the key principles of being **open** and **transparent** with the aim of ensuring meaningful dialogue and a commitment to early consultation and information sharing to enable each body to effectively carry out their respective roles.

The Working Protocol is intended to support the Commissioner and the Panel through the early months of operation and delivery of key tasks during that period. The Working Protocol will be kept under review and developed as required.

**Summary of Statutory Roles and Responsibilities**

A summary of key statutory roles and responsibilities relating to the Commissioner and the Panel is set out below:

Police and Crime Commissioner:

- Set Police and Crime Plan priorities and budget
- Hold the Chief Constable to account
- Commissioning: community safety, victims
- Duty to consult, specifically with victims of crime
- Duty to cooperate with Community Safety Partnerships and criminal justice agencies

Police and Crime Panel:

- Support and scrutinise the Commissioner in the discharge of their functions
- Review the Police and Crime Plan, budget and Annual Report
- Veto powers: Chief Constable appointment, precept level
- Confirmatory hearings: specific senior posts
- Non-criminal complaints against the Commissioner (and Deputy)

## **Working Arrangements**

Panel Arrangements and Procedural Rules have been agreed by the Panel (subject to modification in light of outstanding Secondary Legislation and Guidance). This protocol is intended to support practical working arrangements to ensure the effective operation of the Panel and effective working relationships between the Commissioner and the Panel. Effective working relationships will be maintained through open dialogue and regular meetings between Lead Officers of the Panel and the Office of the Police and Crime Commissioner (OPCC) Lead Officer.

## **Panel Work Plan and Meeting Cycle**

The Panel has agreed a work plan for the current municipal year. The work plan was developed in consultation with the Panel Chair and Members, Lead Officers of the Panel and OPCC officers. The work plan has been agreed on the basis of delivering core business of the Panel to support and scrutinise key tasks of the Commissioner to June 2013, and in light of limited resources. Agenda setting meetings are held with the Panel Chair and Panel Lead Officers in advance of each meeting.

It is proposed to continue with an open and cooperative approach to work planning and agenda setting as follows:

### PCP Work Plan

- To develop an annual Panel work plan in consultation with the Panel Chair and Members, Panel Lead Officers, the Commissioner and OPCC officers to ensure alignment of the Panel work plan and OPCC business cycle
- For ongoing dialogue between Panel Lead Officers and the OPCC Lead Officer to keep the work plan under review to ensure that the Panel is able to be effective in carrying out its role
- For steps to be taken to coordinate the Panel work plan with partner work plans including Local Authority scrutiny of crime and disorder to keep partners informed and avoid duplication of effort

### Meeting Dates and Attendance

- For an annual cycle of Panel dates to be set in advance in consultation with the Panel Chair and Members, and the Commissioner
- Where additional meetings or changes in meeting dates are required, for the Commissioner to be consulted on the proposed new date

## **Agenda Setting and Requests for Information / Attendance**

### Agenda Setting

- For Panel Lead Officers to share the draft agenda with the OPCC Lead

Officer in advance of agenda setting to ensure that the draft agenda reflects key items of business / current issues

- For Panel Lead Officers to meet with Panel Chair at earliest opportunity in advance of the meeting to agree draft agenda, requests for information / attendance and proposed focus / key lines of questioning. For the OPCC Lead Officer to attend the agenda setting meeting to ensure a shared understanding of proposed agenda items/meeting content [pending discussion with the Panel] .
- For Panel Lead Officers to advise the OPCC Lead Officer of items for public forum in advance of the meeting to ensure that the Commissioner is appropriately briefed
- For Panel Lead Officers to liaise with the OPCC Lead Officer following agenda setting to confirm agenda items and scope, specific information requests, key lines of questioning and attendance requests. Confirmation of the agenda and requests for information / attendance must be made with the OPCC Lead Officer at the earliest opportunity in advance of the meeting and at least 15 working days in advance as per Panel Procedures to ensure that the Panel is provided with appropriate information and representatives to effectively carry out their role.
- For Panel Lead Officers and the OPCC Lead Officer to share draft reports in advance of publication to ensure that the Panel is presented with relevant information to enable them to effectively carry out their role.
- The Panel may request that the Chief Constable attends alongside the Commissioner in order to offer factual accounts and clarification, however the primary role of the Panel is to scrutinise the Commissioner. Responsibility for holding the Chief Constable to account rests with the Commissioner.
- For Panel Lead Officers to inform the OPCC Lead Officer in advance of any Panel meeting on engagement of other stakeholders in Panel business, for example Local Authority / Community Safety Partnership / criminal justice representatives or expert witnesses.

## **Making and Responding to Recommendations**

The Panel has a specific power to make recommendations to the Commissioner.

- Recommendations to the Commissioner will be made in writing and agreed by the Full Panel.
- The Commissioner will respond to recommendations in writing within one month of being notified of them, unless the Panel has agreed to a longer timescale.
- The Panel should not make recommendations to partners (in the context of s10 responsibilities), but may consult them so they are informed of recommendations made to the Commissioner that may affect the way they work with the Commissioner and/or to ensure that recommendations have been drafted appropriately.

- The response will clearly state whether the recommendation has been accepted or rejected.
  - Where a recommendation has been rejected, the Commissioner will provide reasons
  - Where recommendations have been accepted, the Panel will monitor implementation through the Panel work plan.

## **Good Governance**

The Working Protocol is underpinned by the key principles of being open and transparent with the aim of ensuring meaningful dialogue and a commitment to early consultation and information sharing to enable the Commissioner and Panel to effectively carry out their respective roles. In addition to a constructive approach to work planning and agenda setting, the OPCC will prepare a standing report to the Panel as follows:

### Report of the Commissioner

- Report progress in development of / against implementation of the Police and Crime Plan and consultation arrangements
- Report key issues for the attention of the Panel
- Provide formal response to recommendations made by the Panel at the last meeting

### Report of the OPCC Monitoring Officer

- Report on complaints received since the last meeting and outcomes
- Respond to findings/recommendations of Panel dip-sampling of complaints
- Provide a summary of key decisions since the last meeting
- Provide a Forward Plan of key issues / decisions where appropriate

## **Publication of Agenda, Reports, Recommendations and Minutes**

- Information relating to the business of the Panel will be published on the website of the host authority (currently Bristol City Council). The Commissioner will publish a link to the Panel website on the OPCC website.
- For the OPCC Lead Officer to have sight of draft minutes for comment

## **Scrutiny of PCC Partnership Duties: Statement of Roles and Responsibilities**

The Panel is responsible for supporting and scrutinising the Commissioner in the discharge of their functions. There is potential for overlap between the Panel and existing Local Authority scrutiny arrangements including scrutiny of crime and disorder (under the Police and Justice Act 2006). Consideration will need to be given to how the Panel will support and scrutinise the Commissioner's duty to cooperate with Community Safety Partnerships and

criminal justice agencies and the Commissioner's commissioning responsibilities. In scrutinising partnership and commissioning activities, care should be taken to avoid potential conflicts of interest where Panel members also sit on Community Safety Partnerships or provider organisations.

The Working Protocol is intended to support effective working relationships during early months of operation and beyond as partners establish new roles, responsibilities and relationships. To assist in effective partnership working during this period, it is proposed to develop and agree a **Statement of Roles and Responsibilities** among partners. The purpose of this is to:

- Bring clarity and mutual understanding of roles and responsibilities in the changing landscape
- Enable effective partnership working to maximise roles
- Reduce duplication of effort.

The Working Protocol will be kept under review and developed as required. Future areas for consideration include:

- Development of a Partnership Protocol
- Development of joint work planning arrangements to incorporate the Avon and Somerset Criminal Justice Board, Community Safety Partnerships, Health & Wellbeing Boards and Local Authority scrutiny
- Potential for referral arrangements to enable appropriate use of Local Government scrutiny to test/investigate thematic/local issues

## **Complaints Handling**

The Panel is responsible for handling non-criminal complaints against the Commissioner and Deputy Commissioner and criminal complaints and conduct matters that are referred back to the Panel by the Independent Police Complaints Commission (IPCC). Arrangements for the Panel's role in complaints handling are set out in the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 and accompanying Home Office Guidance.

The Panel has agreed to delegate responsibility for initial handling and recording functions to the OPCC Chief Executive and Monitoring Officer, as allowed under Regulation 7.

The OPCC Chief Executive will maintain records of all complaints and these will be available to be inspected by the Panel. There will also be standing reports on all complaints to each meeting of the Panel (as set out above). A protocol for complaints handling has been developed.

## **Confirmatory Hearings**

Practical arrangements in relation to the Panel's role in confirmatory hearings are in development. It is proposed that the Working Protocol be developed to

include practical arrangements relating to confirmatory hearings as appropriate.

### **Communications / Media Protocol**

A protocol for communications and information sharing between the Panel and the Commissioner has been developed. The protocol will be kept under review by the OPCC Head of Communications and the nominated communications representative from the host authority.

### **Resolving Differences**

The Working Protocol is underpinned by the key principles of being open and transparent with the aim of ensuring meaningful dialogue and a commitment to early consultation and information sharing to enable the Commissioner and the Panel to effectively carry out their respective roles. A positive and constructive approach will be taken to resolve differences should they arise in accordance with Panel Arrangements and Procedures and the Working Protocol. In the first instance, Lead Officers for the Panel and the Lead Officer for the OPCC will attempt to resolve any issue in consultation with the Panel Chair and the Commissioner before referring the matter to the Full Panel for consideration. Monitoring Officers for the OPCC and Host Authority will act as mediators if necessary.