

WILTSHIRE POLICE AND CRIME PANEL (“PCP”)

PROTOCOL FOR JOINT WORKING WITH THE POLICE AND CRIME COMMISSIONER (“PCC”) FINAL DRAFT

1. Introduction

The common aims of the PCC and the PCP are to ensure the effectiveness of measures aimed at reducing crime and disorder and enhancing public safety in Wiltshire.

The aim of this protocol is to summarise and recognise:

1. the key statutory obligations of the PCC and the PCP set out in the Police Reform and Social Responsibility Act 2011 (“the Act”)
2. the broad principles and processes which will guide the PCC’s and the PCP’s work together
3. the collaboration necessary for both the PCP and PCC to fulfil their respective statutory obligations, perform their roles efficiently and effectively and support a positive and constructive relationship

It is important to remember that the office of the PCC and the PCP are independent bodies and have autonomy over their respective work programmes and other working arrangements. Nothing in this protocol overrides or supersedes the provisions of the Act, its Regulations or Orders.

2. Key statutory roles and responsibilities

The PCC:-

- a) sets the strategic direction and objectives of the force through the Police and Crime Plan (“the Plan”)
- b) holds the Chief Constable to account and scrutinises, supports and challenges the overall performance of the force including against the priorities agreed within the Plan
- c) sets the annual budget, and precept subject to ratification by the PCP
- d) appoints and removes the Chief Constable subject to ratification by the PCP
- e) provides the local link between the police, local authorities, partner agencies and communities, working to translate the legitimate desires and aspirations of the public into action
- f) publishes information specified by the Secretary of State and information that the PCC considers necessary to enable the people who live in Wiltshire to assess the performance of the PCC and Chief Constable
- g) prepares and issues an annual report on the PCC’s delivery against the objectives set within the Plan
- h) monitors all complaints made against officers and staff, whilst having responsibility for complaints against the Chief Constable
- i) makes crime and disorder reduction grants, helps deliver community safety and enhances the delivery of criminal justice

- j) consults and engages with members of the public, specifically victims of crime
- k) provides regular confirmation of progress and necessary strategic operational or Plan changes to the PCP

The PCP:-

The role of the PCP is to review and/or scrutinise the decisions and actions of the PCC in the exercise of their functions. The PCP:

- a) scrutinises the performance of the PCC in delivering the Police and Crime Plan("the Plan")
- b) contributes to the development of the Plan
- c) reviews the proposed annual precept and may approve or veto such precept
- d) reviews and ratifies the candidates proposed by the PCC for the positions of Chief Constable ,Deputy Police and Crime Commissioner, Chief Executive and Chief Finance Officer. The Panel may veto the appointment of the Chief Constable via a formal confirmatory hearing.
- e) reviews the PCC's Annual Report
- f) investigates complaints about the non criminal behaviour of the PCC
- g) carries out investigations into decisions made by the PCC
- h) makes recommendations and reports to the PCC as appropriate

3. Principles for a successful working partnership between the PCC and PCP

Both the PCP and PCC recognise and accept the need to:

- a) work in a climate of mutual respect and courtesy
- b) have a shared understanding of respective roles, responsibilities and priorities
- c) promote and foster an open relationship where issues of common interest and concern are shared in a constructive and mutually supportive way
- d) where appropriate share work programmes, information or data to avoid unnecessary duplication of effort
- e) take an evidence based approach
- f) act in the public interest
- g) act ethically
- h) engage in early consultation and information sharing of data and analysis
- i) provide challenge in an open and transparent way
- j) ensure prompt action on matters raised
- k) take a positive and constructive approach to resolving any difference of opinion on issues

4. Working arrangements to ensure respective obligations are met and effective collaboration is achieved

The Secretariat of the PCP will work with the office of the PCC to co-ordinate and align the work of the PCP with the work of the PCC. Where the PCC is required to provide information to the PCP, the PCP will aim to give five working days' notice.

In exceptional circumstances and where there is agreement between the PCC and the PCP alternative days' notice may be mutually agreed

- 4.1 Under the Act the PCP is given powers to review or scrutinise any decisions made or other action taken by the PCC in connection with the discharge of their functions. To undertake these statutory duties effectively and with full possession of the facts the PCP is given powers to require information held by the PCC and their office. The PCC must provide any information to the PCP to enable it to carry out its duties effectively. The PCC may also provide the PCP with any other information which they may think appropriate.
- 4.2 The Act requires that finance reports produced by either the PCC's or Chief Constable's Chief Finance Officer be made available to the PCP
- 4.3 The PCP has the right to request information which it reasonably requires. Whilst "reasonably required" is not defined in the Act the PCC and their office recognize that the PCP may require wide ranging information from the PCC on an ad-hoc basis
- 4.4 The Act requires the PCC or members of his office to attend meetings of the PCP. The PCP may also request the attendance of the Chief Constable and other stakeholders (e.g. Community Safety Partnerships)
- 4.5 **Specific obligations:**
 - a) The PCP is a statutory consultee on the Plan. A draft should be submitted formally by the PCC for comments and recommendations and the PCC will also seek to engage the PCP on its development. The PCC will attend the meeting of the PCP to present the Plan and answer any questions. The PCP will be consulted before any Plan is used or revised by the PCC. The PCC will provide regular quarterly reports on performance against objectives.
 - b) Details of the proposed precept and underlying assumptions must be submitted by the PCC to the PCP by 1 February each year. The PCC should also provide additional information and analysis on why the proposed precept has been selected and the outcomes of any budgetary consultation. The PCP will make a report to the PCC on its deliberations and may veto the precept
 - c) The PCC will provide a draft copy of the Annual Report for the PCP's consideration and attend a meeting of the PCP to present the report and answer questions
 - d) The PCC will comply with statutory regulations relative to the notification of senior appointments so that the PCP may hold confirmatory hearings. The PCP will make a report to the PCC on its deliberations
 - e) The PCC will ensure that any non criminal complaints made against the PCC are properly recorded and passed to the PCP to deal with
 - f) The PCP may require the PCC to respond in writing within fifteen working days to any report or recommendation made by the PCP
 - g) The PCC may request that information provided to the PCP is not published or is exempt from public disclosure. Subject to the necessary

regulations being complied with, PCP meetings may include a closed session during which any sensitive information and material may be discussed

- h) Any refusal by the PCC to release information will include full reasons as to why the refusal falls within the legislative provision
- i) The PCP will share PCP agendas, minutes, dates of meetings media statements with the PCC.

All formal meetings between the PCC and PCP officers and members will be minuted.

It is recommended that at least two members of the PCP (Chair or Vice Chair, plus one other) be present at any informal meetings with the PCC and/or the PCC's office.

5. PCP supportive role

- a) The PCP will support the PCC in the effective discharge of their statutory obligations, and the format of meetings will be agreed to that end.
- b) The PCP will work with the PCC to coordinate and align its respective work programmes
- c) The PCP may undertake pieces of work at the PCC's request
- d) The format and style of "set piece" events and meetings will be agreed with the PCC to ensure that the outcomes of these sessions add value

6. Summary

This protocol reflects work in progress and recognises that these are new and different arrangements and going forward there will be issues to work through and resolve. It may be necessary over time to develop and agree additional protocols and procedures to deal with specific issues The PCP and PCC are committed to working together in a constructive and positive way, remembering always that our shared priority and the reason why we exist is to serve the people of Wiltshire by creating safer communities.

01 March 2013